

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 11:00 a.m. on March 15, 1995 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Kathy Porter, Legislative Research Department
Eric Milstead, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Senator Rock moved, Senator Karr seconded, that the minutes of the March 9 and March 13 meetings be approved. The motion carried on a voice vote.

HB 2091 **Appropriations for FY 96, occupational and health professional licensing agencies and financial regulatory agencies**

Senator Morris reviewed the FY 95, FY 96, and FY 97 subcommittee reports for the fee boards. Amendments made by the Committee can be found under the heading for the individual fee boards.

Board of Barbering (Attachment 1)
Board of Cosmetology (Attachment 2)
Board of Mortuary Arts (Attachment 3)
Board of Veterinary Examiners (Attachment 4)
Board of Accountancy (Attachment 5)
Board of Examiners in Optometry (Attachment 6)
Board of Nursing (Attachment 7)

In answer to a question regarding the subcommittee's recommendations for the Board to consider changing its license renewal fees (Item 2, Attachment 7-7), staff reviewed information provided by the Kansas State Board of Nursing (Attachment 21).

Abstracters Board of Examiners (Attachment 8)
Real Estate Commission (Attachment 9)
Real Estate Appraisal Board (Attachment 10)
Hearing Aid Examiners (Attachment 11)
Board of Technical Professions (Attachment 12)
Dental Board (Attachment 13)
Board of Pharmacy (Attachment 14)
Board of Healing Arts (Attachment 15)

Senator Morris moved, Senator Salisbury seconded, that the FY 96 subcommittee report be amended by substituting the word "Governor" for the word "House" in the line "The Senate Subcommittee concurs with the recommendations of the House with the following notations:" The motion carried on a voice vote.

Behavioral Sciences Regulatory Board (Attachment 16)
Consumer Credit Commissioner (Attachment 17)
Department of Credit Unions (Attachment 18)
Securities Commissioner (Attachment 19)
Bank Commissioner (Attachment 20)

Item 2, Attachment 20-6 -- Staff indicated that when the Board budgeted for promotions, they didn't allow for merit increases for those reallocated from

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 15, 1995.

Financial Examiners III to Financial Examiners IV. Because monies for the salary plan have been deleted from all appropriations bills, Senator Morris moved, Senator Salisbury seconded, that the FY 96 subcommittee report be amended by deleting \$13,256 to provide for the merit increases for those persons who are reallocated to a Financial Examiners IV position, but that the FY 96 report reflect this budget oversight. The motion carried on a voice vote.

Senator Morris moved, Senator Brady seconded that the FY 95, FY 96, and FY 97 subcommittee reports be adopted. The motion carried on a voice vote.

It was moved by Senator Morris and seconded by Senator Brady that HB 2091 as amended be recommended favorable for passage. The motion carried on a roll call vote.

SB 279 **Purchase or sale of realty by state; appraisal**

The Chairman reviewed information that was submitted in answer to Committee questions regarding "individuals or entities eligible for participation in the federal surplus property program" (Attachment 22). He also distributed to members two options suggested by the Director of Purchases enumerating certain specific circumstances where competitive bids would not be required (Attachment 23). In answer to a question, it was stated that agencies have the ability to take care of emergencies once a determination of emergency or sole source has been made.

Senator Rock moved, Senator Kerr seconded, that SB 279 be amended by inclusion of the balloon illustrating the Department of Administration's second option (Attachment 23, 4-5). The motion carried on a voice vote.

Senator Kerr moved, Senator Petty seconded, that SB 279 be further amended by reinserting language requiring three appraisers in lines 20 and 21. The motion carried on a voice vote.

In answer to concerns regarding the deleted language in lines 2 through 4 of page 5 of the bill, it was stated that it is intended that if an agency wants to pursue the purchase of equipment after receiving bids that are too high, it would again be subject to the bid process.

Senator Rock moved, Senator Morris seconded, that SB 279 as amended be recommended favorable for passage. The motion carried on a roll call vote.

SB 283 **Debts owed to state; debt setoff and collection**

The Chairman requested that the revisor review **SB 283** and provide language that would clarify the intent of the bill. The revisor explained that **SB 283** would allow an agency to withhold issuance or renewal of a license if a person has an unpaid debt to the state. He distributed copies of a balloon (Attachment 24) and called attention to language clarifying the definition of "licensee" and "license." He told members that the scope of those whose licenses which would be affected by **SB 283** number 66 (Attachment 25). However, there are a number of licenses that would not be subject to the provisions of the bill which, if not added, could result in an equal protection problem. Doug Craig, manager of the setoff program, indicated that it is the Department's intent that all occupations in the same class be included. Senator Rock moved, Senator Salisbury seconded, that SB 283 be amended by inclusion of the balloon (Attachment 24) and by the inclusion of licenses that were inadvertently omitted. The motion carried on a voice vote.

Senator Rock offered an amendment to **SB 283** (Attachment 26) which he explained as a technical amendment. He stated that the proposed amendment would authorize the Department of Administration to file a complaint with the Supreme Court regarding an attorney who has an unpaid debt to the state, rather than requiring that the Department make this determination. Senator Rock moved, Senator Moran seconded, that SB 283 be amended by inclusion of the balloon (Attachment 26). The motion carried on a voice vote.

Concern was expressed that the proposed legislation allows for the nonissuance or nonrenewal of a license prior to the determination that a debt is due. Senator Rock moved, Senator Salisbury seconded, that SB 283 be amended by limiting the scope of the bill to debts that have been reduced to judgment. The motion failed on a voice vote.

The Chairman adjourned the meeting at 12:20 P.M. The next meeting is scheduled for March 16, 1995.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: MARCH 15, 1995

NAME	REPRESENTING
Tam Roberts	KSNA
Duane Waterworth	Budget
Scott Alisoglu	Budget
Steve Wasson	Ks. Securities Comm.
Pat Lidebottom	Bd. of Healing Arts
Betty Johnson	✓ ✓ ✓
Larry Bunning	✓ ✓ ✓
Chip Wheelen	KS Medical Society
Doug CRAIG	DEPT ADMIN
Bill Ervin	✓ ✓
Ruth Glover	Bank Commissioner
Pat Johnson	Board of Nsg
Stacey Empson	Hein, abert, weir, chld.
Ken Behr	Ks. Hospital Assn.
Mack Smith	Ks. St. Bd. of Mortuary Arts
Jan Strickler	KAPS
Jim Kraka	KAPS/KEP

Subcommittee Reports

Fee Boards

(order of presentation)

Board of Barbering
Board of Cosmetology
Board of Mortuary Arts
Board of Veterinary Examiners
Board of Accountancy
Board of Examiners in Optometry
Board of Nursing
Abstracters Board of Examiners
Real Estate Commission
Real Estate Appraisal Board
Hearing Aid Examiners
Board of Technical Professions
Dental Board
Board of Pharmacy
Board of Healing Arts
Behavioral Sciences Regulatory Board
Consumer Credit Commissioner
Department of Credit Unions
Securities Commissioner
Bank Commissioner

SWAM
March 15, 1995
Attachment 1

Senate Subcommittee on Fee Boards

Subcommittee Reports on:

Board of Barbering

Board of Cosmetology

Board of Mortuary Arts

Board of Veterinary Examiners

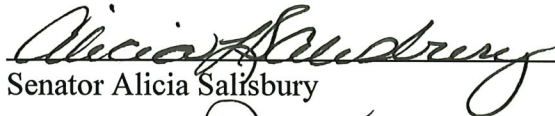


Senator Stephen R. Morris
Subcommittee Chairperson



Senator Dave Kerr

Senator Barbara Lawrence



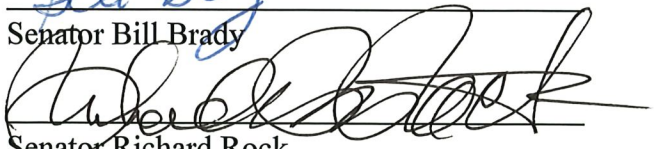
Senator Alicia Salisbury



Senator Marge Petty



Senator Bill Brady



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Board of Barbering

Bill No. --

Bill Sec. --

Analyst: Cawby

Analysis Pg. No. 17

Budget Page No. 585

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 92,511	\$ 92,148	\$ 0
FTE Positions	2.0	2.0	--

Agency Request/Governor's Recommendation

The Board estimates expenditures of \$92,511, the amount approved by the 1994 Legislature as adjusted by State Finance Council action. The Governor recommends expenditures of \$92,148 in FY 1995, a reduction of \$363 in fringe benefits and health insurance rates from the agency's estimate

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation.
2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1995:

<u>Performance Indicators</u>	<u>Actual FY 1994</u>	<u>Estimate FY 1995</u>
Licenses Issued:		
Barber Renewals	1,776	1,790
By Examination	119	130
Shop Inspections	1,083	1,090
Violations	107	87

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>
Beginning Balance	\$ 74,676	\$ 85,940
Projected Receipts	106,262	107,088
Total Available	<u>\$ 180,938</u>	<u>\$ 193,028</u>
Less: Expenditures	<u>94,998</u>	<u>92,148</u>
Ending Balance	<u><u>\$ 85,940</u></u>	<u><u>\$ 100,880</u></u>
Ending Balance as a Percentage of Expenditures	90.5%	109.5%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ 0	\$ 92,148	\$ 0
FTE Positions	--	2.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Barbering

Bill No. 2091

Bill Sec. 5

Analyst: Cawby

Analysis Pg. No. 17

Budget Page No. 585

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 96,534	\$ 95,183	\$ (1,313)
FTE Positions	2.0	2.0	--

Agency Request/Governor's Recommendation

The Board of Barbering's FY 1996 request of \$96,534 is a net increase of \$4,023 (4.3 percent) over the FY 1995 estimate. The request includes an increase of \$2,517 for salaries and wages, including: \$2,167 for salary and fringe benefit adjustments for the agency's 2.0 FTE positions and \$350 for Board members to conduct two on-site exams at the Fort Leavenworth and Hutchinson prisons. The Board requests \$30,955 in contractual services and \$2,000 in commodities for a total of \$32,955, an increase of \$1,506 over the FY 1995 estimate of \$31,449.

The Governor recommends expenditures of \$95,183, a reduction of \$1,351 from the agency request. The Governor does not recommend funding from salaries and wages (\$383) or contractual services (\$260) to provide two on-site exams at the Fort Leavenworth and Hutchinson prisons. The Governor recommends reductions in salaries and wages to reflect downward adjustments for salaries, fringe benefits and health insurance rates. The Governor's recommendation reflects regular step movement, longevity, 3.5 percent unclassified merit pool and a 1.0 percent base salary increase for classified employees.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation, with the following adjustments and observations:

- A. Delete \$1,313 based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,147); classified step movement (\$37); a one percent base adjustment for classified employees (\$129); and the longevity bonus (\$0) from individual agency budgets.
- B. The Subcommittee notes that ending balances for the Barber Shop Fee Fund are high and that there has been a significant increase in the Board of Barbering Fee Fund ending balance since FY 1990. However, the Subcommittee does not recommend any action this year which would reduce the Fee Fund balance. The Subcommittee recommends that this issue be revisited during the 1996 Legislative Session.

2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1996:

<u>Performance Indicators</u>	<u>Actual FY 1994</u>	<u>Agency Estimated FY 1995</u>	<u>Agency Estimated FY 1996</u>
Licenses Issued:			
Barber Renewals	1,776	1,790	1,800
By Examination	119	130	135
Shop Inspections	1,083	1,090	1,100
Violations	107	87	83

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Est.</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>
Beginning Balance	\$ 74,676	\$ 85,940	\$ 100,880
Projected Receipts	<u>106,262</u>	<u>107,088</u>	<u>107,776</u>
Total Available	\$ 180,938	\$ 193,028	\$ 208,656
Less: Expenditures	<u>94,998</u>	<u>92,148</u>	<u>93,870</u>
Ending Balance	<u>\$ 85,940</u>	<u>\$ 100,880</u>	<u>\$ 114,786</u>
Ending Balance as a Percentage of Expenditures	90.5%	109.5%	122.3%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ (1,313)	\$ 93,870	\$ 0
FTE Positions	--	2.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Barbering

Bill No. 2091

Bill Sec. 5

Analyst: Cawby

Analysis Pg. No. 17

Budget Page No. 585

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 97,944	\$ 95,688	\$ 0
FTE Positions	2.0	2.0	--

Agency Request/Governor's Recommendation

In FY 1997, the Board requests \$97,944, an increase of \$1,410 (1.5 percent) over the FY 1996 request. The entire requested increase represents salary and fringe adjustments for FY 1997. The FY 1997 maintains the request for \$350 to conduct exams at the two prisons. For both FY 1997, the Board requests \$30,955 in contractual services and \$2,000 in commodities for a total of \$32,955, an increase of \$1,506 over the FY 1995 estimate of \$31,449. Major items of expenditure include rent (32.3 percent of the total); travel and subsistence (45.0 percent of the total) and communication (16.2 percent of the total).

The Governor recommends FY 1997 expenditures of \$95,688, a reduction of \$2,256 from the agency request. As in FY 1996, the Governor does not recommend requested expenditures for exams at two prisons. The Governor recommends a reduction of \$1,990 in salaries and wages for downward adjustments to salaries, fringe benefits, and health insurance rates. The Governor's FY 1997 recommendation provides for regular step movement and longevity, but does not provide for unclassified merit pay or base salary adjustment for classified employees.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation, with the following observations:

- A. The Subcommittee notes that ending balances for the Barber Shop Fee Fund are high and that there has been a significant increase in the Board of Barbering Fee Fund ending balance since FY 1990. The Subcommittee recommends that the fee fund ending balance be reviewed during the 1996 Legislative Session to determine if the ending balance should be reduced.

2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1997:

<u>Performance Indicators</u>	<u>Actual FY 1994</u>	<u>Agency Estimated FY 1995</u>	<u>Agency Estimated FY 1996</u>	<u>Agency Estimated FY 1997</u>
Licenses Issued:				
Barber Renewals	1,776	1,790	1,800	1,850
By Examination	119	130	135	150
Shop Inspections	1,083	1,090	1,100	1,100
Violations	107	87	83	80

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>	<u>Estimated FY 97</u>
Beginning Balance	\$ 74,676	\$ 85,940	\$ 100,880	\$ 114,786
Projected Receipts	106,262	107,088	107,776	108,708
Total Available	\$ 180,938	\$ 193,028	\$ 208,656	\$ 222,181
Less: Expenditures	94,998	92,148	93,870	95,688
Ending Balance	<u>\$ 85,940</u>	<u>\$ 100,880</u>	<u>\$ 114,786</u>	<u>\$ 126,493</u>
Ending Balance as a Percentage of Expenditures	90.5%	109.5%	122.3%	132.2%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 97</u>	<u>House Rec. FY 97</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ 0	\$ 95,688	\$ 0
FTE Positions	--	2.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Cosmetology

Bill No. --

Bill Sec. --

Analyst: Cawby

Analysis Pg. No. 30

Budget Page No. 591

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 410,715	\$ 409,791	--
FTE Positions	9.0	9.0	--

Agency Request/Governor's Recommendation

The Board estimates FY 1995 expenditures of \$410,715, the amount approved by the 1994 Legislature as adjusted by State Finance Council action. The Governor recommends FY 1995 expenditures of \$409,791, a reduction of \$924 from the agency estimate, for employee health insurance rate adjustments.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation.
2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1995.

<u>Performance Indicators</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>
Inspections:		
Routine	4,527	4,525
Schools	56	56
Complaints	314	324
Facilities with one or more violation:*		
Salons	757	2,025
Tanning Salons	224	312
Schools	6	12
Exams:		
Administered	1,543	1,313
Passed	1,310	1,116
Number of candidates traveling more than 100 miles to the exam site	569	276
* In FY 1995, a new inspection sheet will be used by inspectors with more specific violations, and thus the Board expects an increase in violations.		

*SWAM
March 15, 1995
Attachment 2*

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>
Beginning Balance	\$ 49,744	\$ 88,040
Projected Receipts	<u>430,036</u>	<u>425,925</u>
Total Available	\$ 479,780	\$ 513,965
Less: Expenditures	<u>391,740</u>	<u>409,791</u>
Ending Balance	<u>\$ 88,040</u>	<u>\$ 104,174</u>
 Ending Balance as a Percentage of Expenditures	 22.5%	 25.4%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ 0	\$ 409,791	\$ 0
FTE Positions	--	9.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Cosmetology

Bill No. 2091

Bill Sec. 8

Analyst: Cawby

Analysis Pg. No. 30

Budget Page No. 591

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 445,122	\$ 426,312	\$ (11,559)
FTE Positions	9.0	9.0	--

Agency Request/Governor's Recommendation

The Board of Cosmetology's FY 1996 request of \$445,122 is a \$34,407 (8.4 percent) increase over the FY 1995 estimate. Most of the increase, 66.3 percent, is for salaries and wages. The agency requests \$294,823 in salaries and wages, a \$22,820 (8.4%) increase over the FY 1995 estimate. The salary and wage request provides for step movement, longevity and merit pay, and includes \$1,389 (including merit pay and fringe benefits) to increase the Director's base salary from \$38,990 to \$40,190. In addition, the request includes an increase of \$13,631 in salaries for three temporary employees and one exam coordinator to administer exams in three different areas throughout the state. The temporary employees would the administer most exams with a few conducted by board members. This would allow board members to miss six exams per year and would also provide six days for administrative duties. The FY 1996 request increases contractual services (\$5,220) and commodities (\$4,518). The agency is also requesting \$1,849 to replace a computer printer.

The Governor recommends expenditures of \$426,312 in FY 1996, a reduction of \$18,810 from the agency request. The Governor's FY 1996 recommendation includes \$287,056 in salaries and wages, \$7,767 less than the agency request. The reduction reflects an increase in temporary salaries (\$7,740) and a decrease in Board member salaries (\$2,100) from the FY 1995 estimate, but a decrease in both temporary salaries (\$5,891) and Board member salaries (\$1,050) from the agency's FY 1996 request. The Governor does not recommend the requested base salary increase for the Executive Director in FY 1996. The Governor's recommendation includes downward health insurance rate adjustments and other fringe benefit adjustments, regular step movement, longevity pay, a 3.5 percent unclassified merit pool, a 1.0 percent base salary increase for all employees. For all other expenditures, the Governor recommends reductions of \$9,071 in contractual services, \$123 in commodities, and \$1,849 in capital outlay.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation, with the following adjustment:

- A. Delete \$11,559 based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,548); classified step movement \$(3,766); a one percent base adjustment for classified employees (\$1,996); and the longevity bonus (\$4,248) from individual agency budgets.

2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1996.

Performance Indicators	Actual FY 94	Estimate FY 95	Estimate FY 96
Inspections:			
Routine	4,527	4,525	4,570
Schools	56	56	56
Complaints	314	324	275
Facilities with one or more violation:*			
Salons	757	2,025	1,960
Tanning Salons	224	312	290
Schools	6	12	12
Exams:			
Administered	1,543	1,313	1,535
Passed	1,310	1,116	1,381
Number of candidates traveling more than 100 miles to the exam site	569	276	96
* In FY 1995, a new inspection sheet will be used by inspectors with more specific violations, and thus the Board expects an increase in violations.			

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96
Beginning Balance	\$ 49,744	\$ 88,040	\$ 104,174
Projected Receipts	430,036	425,925	463,696
Total Available	\$ 479,780	\$ 513,965	\$ 567,870
Less: Expenditures	391,740	409,791	414,753
Ending Balance	<u>\$ 88,040</u>	<u>\$ 104,174</u>	<u>\$ 153,117</u>
Ending Balance as a Percentage of Expenditures	22.5%	25.4%	36.9%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ (11,559)	\$ 414,753	\$ 0
FTE Positions	--	9.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Cosmetology

Bill No. 2091

Bill Sec. 8

Analyst: Cawby

Analysis Pg. No. 30

Budget Page No. 591

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 452,223	\$ 438,433	\$ 0
FTE Positions	9.0	9.0	--

Agency Request/Governor's Recommendation

The Board's FY 1997 request of \$452,223 is an increase of \$7,101 (1.6 percent) over the FY 1996 request. The FY 1997 request includes an increase of \$8,627 in salaries and wages. The salaries and wages request provides for step movement, longevity and merit pay; and includes \$1,626 (with fringes and merit) to increase the Director's base salary from the FY 1996 request of \$41,195 to \$42,431. The FY 1997 request decreases contractual services by \$1,498 and increases commodities by \$575. The agency also requests \$1,246 to replace a computer work station. In FY 1997, the agency requests continuation of requested FY 1996 funding for temporary employees, to allow all exams in FY 1997 to be administered by temporary employees exclusively. Exams will be given in at least three different locations within the state.

The Governor recommends FY 1997 expenditures of \$438,433, a reduction of \$13,790 from the agency request. The Governor's recommendation includes \$293,056 in salaries and wages, a reduction of \$10,394 over the agency request. The reduction reflects: the maintenance of expenditures for temporary and Board salaries at the FY 1996 recommended level, no funding for the requested Executive Director's salary increase in FY 1997, downward adjustment for health insurance rates and other fringe benefits, regular step movement, and longevity, but no unclassified merit pay. For all other expenditures, the Governor recommends reductions of \$2,070 in contractual services, \$80 in commodities, and \$1,246 in capital outlay.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation.
2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1997.

Performance Indicators	Actual FY 94	Estimate FY 95	Estimate FY 96	Estimate FY 97
Inspections:				
Routine	4,527	4,525	4,570	4,525
Schools	56	56	56	56
Complaints	314	324	275	225
Facilities with one or more violation:*				
Salons	757	2,025	1,960	1,620
Tanning Salons	224	312	290	250
Schools	6	12	12	10
Exams:				
Administered	1,543	1,313	1,535	1,313
Passed	1,310	1,116	1,381	1,181
Number of candidates traveling more than 100 miles to the exam site	569	276	96	96
* In FY 1995, a new inspection sheet will be used by inspectors with more specific violations, and thus the Board expects an increase in violations.				

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96	Estimated FY 97
Beginning Balance	\$ 49,744	\$ 88,040	\$ 104,174	\$ 153,117
Projected Receipts	430,036	425,925	463,696	439,476
Total Available	\$ 479,780	\$ 513,965	\$ 567,870	\$ 592,593
Less: Expenditures	391,740	409,791	414,753	438,433
Ending Balance	<u>\$ 88,040</u>	<u>\$ 104,174</u>	<u>\$ 153,117</u>	<u>\$ 154,160</u>
Ending Balance as a Per- centage of Expenditures	22.5%	25.4%	36.9%	35.2%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 97</u>	<u>House Rec. FY 97</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ 0	\$ 438,433	\$ 0
FTE Positions	--	9.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Mortuary Arts

Bill No. 2234

Bill Sec. 19

Analyst: Cawby

Analysis Pg. No. 49

Budget Page No. 601

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 156,727	\$ 155,113	\$ 0
FTE Positions	3.0	3.0	3.0

Agency Request/Governor's Recommendation

The Board of Mortuary Arts requests FY 1995 expenditures of \$156,727, an increase of \$2,423 over the amount approved by the 1994 Legislature, as adjusted by Finance Council action. The supplemental request includes: \$1,550 in salaries and wages for four weeks of temporary secretarial employment to assist in entering data as the Board computerizes its licensing, \$775 in contractual services for a printer maintenance contract; and \$98 in capital outlay due to increased computer costs.

The Governor recommends expenditures of \$155,113 in FY 1995, a reduction of \$1,614 from the agency's current year estimate. The Governor recommends reductions of \$434 in salaries and wages to adjust health insurance rates and other fringe benefits and \$1,180 in contractual services. The Governor's recommendation requires an expenditure limit increase of \$809, which reflects funding of temporary salaries (\$1,336) and a computer maintenance contract (\$473) requested by the agency for FY 1995.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation and notes that all of the agency's fees are safely under the statutory limits.

*SWAM
March 15, 1995
Attachment 3*

The House Subcommittee notes the agency's estimated performance levels at the recommended expenditure level for FY 1995:

Performance Indicators	Actual FY 94	Agency Estimate FY 95
Total Licensees	2,079	2,077
Funeral Homes Inspected	619	620
Funeral Director Examinations	26	24
Continuing Education Programs Approved	307	315
Complaints Filed	38	25
Hearings	1	2
Violations	49	50

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>
Beginning Balance	\$ 40,878	\$ 41,699
Projected Receipts	<u>153,005</u>	<u>167,752</u>
Total Available	\$ 193,883	\$ 209,451
Less: Expenditures	<u>152,184</u>	<u>155,113</u>
Ending Balance	<u><u>\$ 41,699</u></u>	<u><u>\$ 54,338</u></u>
 Ending Balance as a Percentage of Expenditures	 27.4%	 35.0%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Subc. Adj.</u>
State Operations: Special Revenue Fund	\$ 0	\$ 155,113	\$ 0
FTE Positions	--	3.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Mortuary Arts

Bill No. 2091

Bill Sec. 11

Analyst: Cawby

Analysis Pg. No. 49

Budget Page No. 601

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 164,827	\$ 161,884	\$ (4,238)
FTE Positions	3.0	3.0	3.0

Agency Request/Governor's Recommendation

The Board requests \$164,827 from the Mortuary Arts Fee Fund in FY 1996, an increase of \$8,100 (5.2 percent) over the revised current year estimate. The request would maintain current operations with the addition of 160 hours of temporary secretarial employment (\$1,509) to aid the office when the full-time Secretary is on annual and/or sick leave and during the peak times when the work load is heavy. Travel and subsistence would also increase in FY 1996 by \$3,568 over the FY 1995 estimate of \$22,432. The requested increase includes \$1,150 for the printing of consumer brochures by the state printer. The requested increase also includes \$800 for additional software to support the Board's new licensing program which increases the Board's ability to issue and administer over 2,000 licenses. All other expenditures increased by \$1,073 over the revised FY 1995 request.

The Governor recommends expenditures of \$161,884 in FY 1996, a reduction of \$2,943 from the agency request. The Governor's recommendation includes a reduction of contractual services by \$2,540 and commodities by \$800. The Governor recommends an increase of \$397 in salaries and wages over the agency request to reflect regular step movement, longevity, a 3.5 percent unclassified merit pool, and a 1.0 percent base salary increase. The recommendation also provides for a downward adjustment of health insurance rates. The Governor's recommendation includes funding for the agency's request of temporary employment (\$1,336) and a computer software upgrade (\$800).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation, with the following adjustments and observations:

1. Delete \$4,238 based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,568); classified step movement (\$994); a one percent base adjustment for classified employees (\$546); and the longevity bonus (\$1,130) from individual agency budgets.
2. The Subcommittee notes that all of the agency's fees are safely under the statutory limits.

3. The Subcommittee also notes that **H.B. 2163** was introduced by the Committee on Health and Human Services, which requires pre-registration and registration of student embalmers, and creates four new categories of fees with the following limits: Duplicate licenses, \$20; Rulebooks, \$20; Continuing education program sponsor applications, \$50; Continuing education program licensee applications, \$50.

The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1996:

Performance Indicators	Actual FY 94	Agency Estimate FY 95	Agency Estimate FY 96
Total Licensees	2,079	2,077	2,080
Funeral Homes Inspected	619	620	620
Funeral Director Examinations	26	24	24
Continuing Education Programs Approved	307	315	325
Complaints Filed	38	25	25
Hearings	1	2	2
Violations	49	50	50

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96
Beginning Balance	\$ 40,878	\$ 41,699	\$ 54,338
Projected Receipts	153,005	167,752	162,088
Total Available	\$ 193,883	\$ 209,451	\$ 216,426
Less: Expenditures	152,184	155,113	157,646
Ending Balance	\$ 41,699	\$ 54,338	\$ 58,780
Ending Balance as a Percentage of Expenditures	27.4%	35.0%	37.3%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Subc. Adj.</u>
State Operations: Special Revenue Fund	\$ (4,238)	\$ 157,646	\$ 0
FTE Positions		3.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Mortuary Arts

Bill No. 2091

Bill Sec. 11

Analyst: Cawby

Analysis Pg. No. 49

Budget Page No. 601

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 174,721	\$ 167,044	\$ 0
FTE Positions	3.0	3.0	3.0

Agency Request/Governor's Recommendation

For FY 1997, the Board requests \$174,721 from the Mortuary Arts Fee Fund, an increase of \$9,894 (6.0 percent) over the FY 1996 request. The request would maintain those operations as requested in FY 1996 with the addition of: \$2,901 for salaries and wages, \$2,380 in rent to cover expenditures associated with a new lease, \$1,890 for travel and subsistence, \$600 in other contractual services, \$200 for additional computer software to support the Board's new licensing program, and \$1,923 in capital outlay for the purchase of a laser printer.

The Governor recommends FY 1997 expenditures of \$167,044, a reduction of \$7,677 over the agency request. The Governor reduces salaries and wages by \$687 to reflect no merit pay and adjustments to health insurance rates. The recommendation provides for regular step movement and longevity. The Governor also recommends a reduction of \$6,060 in contractual services (a \$1,350 or 3.0 percent increase over the previous year's recommendation) and a reduction of \$930 in commodities (a \$70 or 2.6 percent increase over the FY 1996 recommendation). The Governor's recommendation provides funding of the agency's FY 1997 request for temporary salaries (\$1,336), computer software upgrade (\$830), and computer printer (\$1,923).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation and makes the following observations:

1. The Subcommittee notes that all of the agency's fees are safely under the statutory limit.
2. The Subcommittee also notes that **H.B. 2163** was introduced by the Committee on Health and Human Services, which requires pre-registration and registration of student embalmers, and creates four new categories of fees with the following limits: Duplicate licenses, \$20; Rulebooks, \$20; Continuing education program sponsor applications, \$50; Continuing education program licensee applications, \$50.

The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1997:

Performance Indicators	Actual FY 94	Agency Estimate FY 95	Agency Estimate FY 96	Agency Estimate FY 97
Total Licensees	2,079	2,077	2,080	2,081
Funeral Homes Inspected	619	620	620	620
Funeral Director Examinations	26	24	24	24
Continuing Education Programs Approved	307	315	325	330
Complaints Filed	38	25	25	25
Hearings	1	2	2	2
Violations	49	50	50	50

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96	Estimated FY 97
Beginning Balance	\$ 40,878	\$ 41,699	\$ 54,338	\$ 58,780
Projected Receipts	153,005	167,752	162,088	167,752
Total Available	\$ 193,883	\$ 209,451	\$ 216,426	\$ 226,532
Less: Expenditures	152,184	155,113	157,646	167,044
Ending Balance	<u>\$ 41,699</u>	<u>\$ 54,338</u>	<u>\$ 58,780</u>	<u>\$ 59,488</u>
Ending Balance as a Percentage of Expenditures	27.4%	35.0%	37.3%	35.6%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 97</u>	<u>House Rec. FY 97</u>	<u>Senate Subc. Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 0	\$ 167,044	\$ 0
FTE Positions	0.0	3.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Veterinary Examiners

Bill No. --

Bill Sec. --

Analyst: Cawby

Analysis Pg. No. 88

Budget Page No. 617

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 156,132	\$ 150,710	\$ 0
FTE Positions	1.0	1.0	--

Agency Request/Governor's Recommendation

The Board of Veterinary Examiners estimates FY 1995 expenditures in the amount of \$156,132. This is \$5,266 more than \$150,866, the expenditure limitation on the Board of Veterinary Examiners Fee Fund established by the 1994 Legislature, as adjusted by the State Finance Council.

The Governor recommends FY 1995 expenditures of \$150,710, a reduction of \$5,422 from the agency estimate. The Governor does not recommend the agency's requested expenditure limit increase and reduces expenditures an additional \$156 to reflect health insurance rate adjustments.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation.
2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1995:

<u>Performance Indicators</u>	<u>Actual FY 1994</u>	<u>Estimate FY 1995</u>
Number of veterinary student examinations	110	120
License renewals	2,500	3,000
Percent of premises in compliance with minimum standards	0.0%	50.0%
Percent of complaints investigated and acted upon within 120 days	40.0%	80.0%

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

*SWAM
March 15, 1995
Attachment 4*

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>
Beginning Balance	\$ 165,791	\$ 218,938
Projected Receipts	155,692	182,820
Total Available	\$ 321,483	\$ 401,758
Less: Expenditures	102,545	150,710
Ending Balance	<u>\$ 218,938</u>	<u>\$ 251,048</u>
Ending Balance as a Percentage of Expenditures	213.5%	166.6%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
Special Revenue Funds	\$ 0	\$ 150,710	\$ 0
FTE Positions	--	1.0	--

Senate Subcommittee Recommendation

Concur.

SUBCOMMITTEE REPORT

Agency: Board of Veterinary Examiners

Bill No. 2091

Bill Sec. 21

Analyst: Cawby

Analysis Pg. No. 88

Budget Page No. 617

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 165,234	\$ 162,548	\$ 3,193
FTE Positions	1.0	1.0	--

Agency Request/Governor's Recommendation

The Board requests FY 1996 expenditures of \$165,234, a net increase of \$9,102 (5.8 percent) over the current year estimate. The request includes \$81,290 for salaries and wages, \$56,516 for contractual services, and \$27,428 in commodities. The request includes increases of \$12,595 for salaries and wages and \$928 in commodities and a decrease of \$4,421 in contractual services from the current year estimate. Salaries and wages reflect an increase in temporary salaries of \$10,000 over the FY 1995 estimate and \$17,797 over FY 1994 actual expenditures. The Board requests the temporary employment to allow the Board to handle the large volume of correspondence and activity that occurs twice per year during the national examination and each June and July during license renewals, and to assist the Board with the administrative activity associated with premise registration applications and renewals.

The Governor recommends expenditures of \$162,548 in FY 1996, a reduction of \$2,686 from the agency request. The major reductions from the agency request include \$5,000 in temporary salaries and \$643 in fringe benefits. The Governor recommends an increase of \$2,500 for contractual services shifted from the FY 1995 supplemental request to FY 1996. The Governor's recommendation provides for a 3.5 percent unclassified merit pool.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation, with the following adjustments and observations:

- A. Delete \$1,807 based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,807) from individual agency budgets.
- B. Increase the fee fund limit by \$5,000 to reflect funding for temporary salaries in FY 1996 to assist in reducing the expected backlog of veterinary premise registrations and inspections.

2. The House Subcommittee notes the Board's estimated performance levels at the Governor's recommended expenditure level for FY 1996:

Performance Indicators	Actual FY 1994	Estimate FY 1995	Estimate FY 1996
Number of veterinary student examinations	110	120	120
License renewals	2,500	3,000	3,000
Percent of premises in compliance with minimum standards	0.0%	50.0%	75.0%
Percent of complaints investigated and acted upon within 120 days	40.0%	80.0%	90.0%

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96
Beginning Balance	\$ 165,791	\$ 218,938	\$ 251,048
Projected Receipts	155,692	182,820	177,060
Total Available	\$ 321,483	\$ 401,758	\$ 428,108
Less: Expenditures	102,545	150,710	165,741
Ending Balance	<u>\$ 218,938</u>	<u>\$ 251,048</u>	<u>\$ 262,367</u>
Ending Balance as a Percentage of Expenditures	213.5%	166.6%	158.3%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

Expenditure Summary	House Adj. FY 96	House Rec. FY 96	Senate Sub. Adjustments
State Operations:			
Special Revenue Funds	\$ 3,193	\$ 165,741	\$ 0
FTE Positions	--	1.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Recommendation with the following observation:

1. The Subcommittee notes the Board's abnormally high Fee Fund balances. The Subcommittee recommends that the agency monitor the Fee Fund balance and that the Board provide an analysis of the fee structure and trends to the Subcommittee during the 1996 Legislative Session.

SUBCOMMITTEE REPORT

Agency: Board of Veterinary Examiners

Bill No. 2091

Bill Sec. 21

Analyst: Cawby

Analysis Pg. No. 88

Budget Page No. 617

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ 168,387	\$ 161,901	\$ 5,000
FTE Positions	1.0	1.0	--

Agency Request/Governor's Recommendation

The Board requests \$168,387 in FY 1997, an increase of \$3,153 (1.9 percent) over the FY 1996 request. The request reflects maintenance of the services and expenditures requested in FY 1996. The request includes \$82,746 for salaries and wages, \$57,143 for contractual services, and \$28,498 in commodities. The requested increase includes \$1,456 in salaries and wages for merit, \$627 in contractual services, and \$1,070 in commodities.

The Governor recommends FY 1997 expenditures of \$161,901, a reduction of \$6,486 from the agency request. All recommended reductions are in salaries and wages expenditures, including \$5,000 in temporary salaries, \$713 in unclassified salaries and merit pay, and \$773 in health insurance rate adjustments and other fringe benefits. The Governor's FY 1997 recommendation provides no funding for unclassified merit.

House Subcommittee Recommendation

1. The House Subcommittee concurs with the Governor's recommendation and makes the following adjustment:

- A. Increase the fee fund limit by \$5,000 to reflect funding for temporary salaries in FY 1997, to assist in reducing the expected backlog of veterinary premise registrations and inspections.

2. The House Subcommittee notes the Board's estimated performance levels at the recommended expenditure level for FY 1997:

Performance Indicators	Actual FY 1994	Estimate FY 1995	Estimate FY 1996	Estimate FY 1997
Number of veterinary student examinations	110	120	120	120
License renewals	2,500	3,000	3,000	3,000
Percent of premises in compliance with minimum standards	0.0%	50.0%	75.0%	100%
Percent of complaints investigated and acted upon within 120 days	40.0%	80.0%	90.0%	95%

3. The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96	Estimated FY 97
Beginning Balance	\$ 165,791	\$ 218,938	\$ 251,048	\$ 262,367
Projected Receipts	<u>155,692</u>	<u>182,820</u>	<u>177,060</u>	<u>184,800</u>
Total Available	\$ 321,483	\$ 401,758	\$ 428,108	\$ 447,167
Less: Expenditures	<u>102,545</u>	<u>150,710</u>	<u>165,741</u>	<u>166,901</u>
Ending Balance	<u>\$ 218,938</u>	<u>\$ 251,048</u>	<u>\$ 262,367</u>	<u>\$ 280,266</u>
Ending Balance as a Percentage of Expenditures	213.5%	166.6%	158.3%	167.9%

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

Expenditure Summary	House Adj. FY 97	House Rec. FY 97	Senate Sub. Adjustments
State Operations:			
Special Revenue Funds	\$ 5,000	\$ 166,901	\$ 0
FTE Positions	--	1.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Recommendation with the following observation:

1. The Subcommittee notes the Board's abnormally high Fee Fund balances. The Subcommittee recommends that the agency monitor the Fee Fund balance and that the Board provide an analysis of the fee structure and trends to the Subcommittee during the 1996 Legislative Session.


FY 1995, FY 1996, and FY 1997

Senate Subcommittee Report on

Board of Accountancy



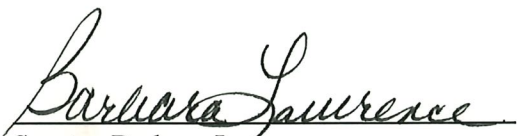
Senator Stephen R. Morris, Chair



Senator Bill Brady




Senator Dave Kerr



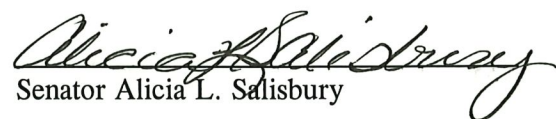
Senator Barbara Lawrence



Senator Marge Petty



Senator Richard R. Rock



Senator Alicia L. Salisbury

SWAM
March 15, 1995
Attachment 5

SUBCOMMITTEE REPORT

Agency: Board of Accountancy

Bill No. --

Bill Sec. --

Analyst: Porter

Analysis Pg. No. 5

Budget Page No. 581

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 205,956	\$ 205,362	\$ 0
FTE Positions	3.0	3.0	0.0
Special Project Appointments	0.0	0.0	0.0
TOTAL	<u>3.0</u>	<u>3.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The agency's FY 1995 estimate of \$205,956 is the amount approved by the 1994 Legislature, as adjusted by State Finance Council action.

The Governor recommends FY 1995 expenditures of \$205,362, a reduction of \$594 from the agency estimate. The recommendation reflects the agency estimate with a downward adjustment for the cost of state employee health insurance.

House Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

The status of the agency fee fund, as recommended by the Governor, is shown on the table below:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>Gov. Rec. FY 1995</u>	<u>Agency Request FY 1996</u>	<u>Gov. Rec. FY 1996</u>	<u>Agency Request FY 1997</u>	<u>Gov. Rec. FY 1997</u>
Beginning Balance	\$ 77,016	\$ 77,004	\$ 77,003	\$ 79,842	\$ 80,435	\$ 62,726	\$ 65,601
Net Receipts	186,386	208,794	208,794	210,182	210,182	217,199	217,199
Total Available	\$ 263,402	\$ 285,798	\$ 285,797	\$ 290,024	\$ 290,617	\$ 279,925	\$ 282,800
Less: Expenditures	186,398	205,956	205,362	227,298	225,016	236,122	225,609
Ending Balance	<u>\$ 77,004</u>	<u>\$ 79,842</u>	<u>\$ 80,435</u>	<u>\$ 62,726</u>	<u>\$ 65,601</u>	<u>\$ 43,803</u>	<u>\$ 57,191</u>
Ending Balance as Per- centage of Expenditures	41.3%	38.8%	39.2%	27.6%	29.2%	18.6%	25.3%

House Committee Recommendation

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

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

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

SUBCOMMITTEE REPORT

Agency: Board of Accountancy

Bill No. 2091

Bill Sec. 3

Analyst: Porter

Analysis Pg. No. 5

Budget Page No. 581

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 227,298	\$ 225,016	\$ (1,598)
FTE Positions	3.0	3.0	0.0
Special Project Appointments	0.0	0.0	0.0
TOTAL	<u>3.0</u>	<u>3.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The FY 1996 request of \$227,298 represents an increase of \$21,342, or 10.4 percent, above the FY 1995 estimate. Of the increase, \$3,280 is for salary and fringe benefit rate increases for the agency's 3.0 FTE positions and \$18,062 is for other operating expenditures.

The Governor recommends FY 1996 expenditures of \$225,016, a reduction of \$2,282 from the agency request. The recommendation reflects an increase of \$257 above the agency request for salaries and wages, which is the net effect of a 1.0 percent base salary increase and a downward adjustment for state employee health insurance rates. The recommendation also includes a reduction of \$2,539 from the agency request for other operating expenditures.

House Subcommittee Recommendation

FY 1996. The Subcommittee concurs with the Governor's recommendation with the following recommendations and observations:

1. Delete \$1,598 based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$946); classified step movement (\$199); a one percent base adjustment for classified employees (\$453); and the longevity bonus (\$0) from individual agency budgets.
2. The Subcommittee notes that individual accountants and accountancy firms bear some costs of maintaining licensure as a CPA or CPA firm that are not reflected in the Board of Accountancy budget. For example, the Board oversees a professional review process. Beginning July 1, 1994, all CPAs who perform financial reporting services must verify that they have undergone a quality or peer review of their public accounting practice within the preceding three-year period. The CPA or CPA firm pay all costs associated with this requirement. The Board of Accountancy no longer makes expenditures for the reviews, and no longer receives corresponding revenues. In addition, individual CPAs renewing their permits to practice must

verify that they have completed at least 40 hours of continuing professional education each fiscal year.

3. The Subcommittee reviewed the agency performance indicators. The Subcommittee notes that the Board is beginning to collect some data that would reflect upon the regulatory and disciplinary functions of the Board. One of the objectives listed by the Board is "to educate, and, where necessary, take disciplinary actions against Certified Public Accountants (CPAs) violating the law, the Board's administrative regulations, or the Code of Ethical Standards for CPAs." The Board includes the following as performance measures of this goal:

Percentage of complaints settled by consent agreement
 Number of hearings held and suspensions or revocations made
 Number of complaints dismissed for lack of grounds
 Number of cease and desist letters sent to non-CPAs

The Subcommittee suggests that an additional performance indicator could be the number of licenses the Board issues on a provisional basis because the individual or firm has not complied with the Board's requirement of a quality or peer review of their public accounting practice within the preceding three-year period or with the continuing professional education requirements, both of which are discussed in Item 2.

4. The Subcommittee reviewed the status of the agency fee fund and notes that the FY 1996 ending balance is estimated to be \$65,601, or 29.2 percent of the recommended expenditures for that year. The Subcommittee notes that the current fees charged by the Board are at the statutory maximum in all categories, with the exception of fees charged for the biennial permit to practice. The current fee charged for the permit to practice is \$90, while the statutory maximum is \$100. The Subcommittee was informed that raising this fee to the statutory maximum would generate an additional \$20,000 of annual revenue for the Board.

The status of the agency fee fund, as recommended by the Governor, is shown on the table below.

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>Gov. Rec. FY 1995</u>	<u>Agency Request FY 1996</u>	<u>Gov. Rec. FY 1996</u>	<u>Agency Request FY 1997</u>	<u>Gov. Rec. FY 1997</u>
Beginning Balance	\$ 77,016	\$ 77,004	\$ 77,003	\$ 79,842	\$ 80,435	\$ 62,726	\$ 65,601
Net Receipts	<u>186,386</u>	<u>208,794</u>	<u>208,794</u>	<u>210,182</u>	<u>210,182</u>	<u>217,199</u>	<u>217,199</u>
Total Available	\$ 263,402	\$ 285,798	\$ 285,797	\$ 290,024	\$ 290,617	\$ 279,925	\$ 282,800
Less: Expenditures	<u>186,398</u>	<u>205,956</u>	<u>205,362</u>	<u>227,298</u>	<u>225,016</u>	<u>236,122</u>	<u>225,609</u>
Ending Balance	<u>\$ 77,004</u>	<u>\$ 79,842</u>	<u>\$ 80,435</u>	<u>\$ 62,726</u>	<u>\$ 65,601</u>	<u>\$ 43,803</u>	<u>\$ 57,191</u>
Ending Balance as Percentage of Expenditures	41.3%	38.8%	39.2%	27.6%	29.2%	18.6%	25.3%

House Committee Recommendation

The House Committee concurs with the recommendation of the House Subcommittee.

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

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

SUBCOMMITTEE REPORT

Agency: Board of Accountancy

Bill No. 2091

Bill Sec. 3

Analyst: Porter

Analysis Pg. No. 5

Budget Page No. 581

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 236,122	\$ 225,609	\$ 0
FTE Positions	3.0	3.0	0.0
Special Project Appointments	0.0	0.0	0.0
TOTAL	<u>3.0</u>	<u>3.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The Board requests FY 1997 expenditures of \$236,122, an increase of \$8,824, or 3.9 percent, above the FY 1996 request. Of the increase, \$4,000 is for salary and fringe benefit rate increases for the agency's 3.0 FTE positions and \$4,824 is for other operating expenditures.

For FY 1997 the Governor recommends total expenditures of \$225,609, a reduction of \$10,513 from the agency request. Reductions are recommended from the agency request for salaries and wages (\$2,150) and other operating expenditures (\$8,363).

House Subcommittee Recommendation

FY 1997. The Subcommittee concurs with the recommendations of the Governor.

The status of the agency fee fund, as recommended by the Governor, is shown on the table:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>Gov. Rec. FY 1995</u>	<u>Agency Request FY 1996</u>	<u>Gov. Rec. FY 1996</u>	<u>Agency Request FY 1997</u>	<u>Gov. Rec. FY 1997</u>
Beginning Balance	\$ 77,016	\$ 77,004	\$ 77,003	\$ 79,842	\$ 80,435	\$ 62,726	\$ 65,601
Net Receipts	186,386	208,794	208,794	210,182	210,182	217,199	217,199
Total Available	\$ 263,402	\$ 285,798	\$ 285,797	\$ 290,024	\$ 290,617	\$ 279,925	\$ 282,800
Less: Expenditures	186,398	205,956	205,362	227,298	225,016	236,122	225,609
Ending Balance	<u>\$ 77,004</u>	<u>\$ 79,842</u>	<u>\$ 80,435</u>	<u>\$ 62,726</u>	<u>\$ 65,601</u>	<u>\$ 43,803</u>	<u>\$ 57,191</u>
Ending Balance as Percentage of Expenditures	41.3%	38.8%	39.2%	27.6%	29.2%	18.6%	25.3%

House Committee Recommendation

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

House Committee of the Whole Recommendation

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

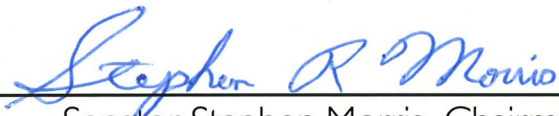
Senate Subcommittee Recommendation

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

Subcommittee Report

Kansas State Board of Optometry Examiners

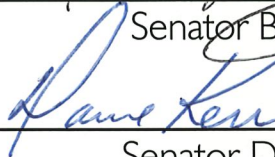
1995 House Bill 2091
§ 15



Senator Stephen Morris, Chairman



Senator Bill Brady



Senator Dave Kerr

Senator Barbara Lawrence



Senator Marge Petty



Senator Richard Rock



Senator Alicia Salisbury

SWAM
March 15, 1995
Attachment 6

SUBCOMMITTEE REPORT

Agency: Board of Optometry Examiners **Bill No.** -- **Bill Sec.** --
Analyst: Colton **Analysis Pg. No.** 56 **Budget Page No.** 605

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 54,845	\$ 53,900	\$ 0
FTE Positions	0.3	0.3	--

Agency Estimate/Governor's Recommendation

The agency requests current year expenditures of \$54,845. This is \$8,995 more than was approved by the 1994 Legislature as adjusted by the State Finance Council. The increase over the approved amount is due to four things: increased salary costs due to the filling of the agency's 0.3 FTE Secretary I position, which had been vacant; a requested increase for expenditures for legal services; travel reimbursement for Board members (Board members have often paid travel costs on their own in the past); and \$2,700 for a laptop computer for use during Board meetings. The Governor concurs with the agency request, with a minor reduction.

House Subcommittee Recommendation

The House Subcommittee concurs.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs.

The status of the Optometry Fee Fund, reflecting the Subcommittee's recommendations, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>Subcomm. Rec. FY 1995</u>
Beginning Balance	\$ 51,007	\$ 47,681	\$ 47,681
Projected Receipts	<u>46,736</u>	<u>46,736</u>	<u>46,736</u>
Total Available	\$ 97,743	\$ 94,417	\$ 94,417
Less: Expenditures	<u>50,062</u>	<u>54,845</u>	<u>53,900</u>
Ending Balance	<u>\$ 47,681</u>	<u>\$ 39,572</u>	<u>\$ 40,517</u>
Ending Balance as a Per- centage of Expenditures	95.2%	72.2%	75.2%

SUBCOMMITTEE REPORT

Agency: Board of Optometry Examiners

Bill No. 2091

Bill Sec. 15

Analyst: Colton

Analysis Pg. No. 56

Budget Page No. 605

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 60,517	\$ 60,064	\$ (176)
FTE Positions	0.3	0.3	--

Agency Request/Governor's Recommendation

The agency requests FY 1996 expenditures of \$60,517. This is an increase of \$5,672, or 10.3 percent, over the amount estimated for the current year. The increase is due mainly to higher requested expenditures for legal services; the Board's request would allow the agency to provide an increase of 6 percent in the rate paid to the Board's attorney (from \$80 per hour to approximately \$85 per hour). Also included in the request is \$2,350 for computer software and a laser printer that would allow the agency to print licenses and renewal cards, rather than contracting for them to be printed. The Governor concurs with the agency request, with a minor reduction.

House Subcommittee Recommendation

Concur, but place moneys for the Governor's salary plan (\$176) in a separate bill. The Subcommittee notes that the agency will not require statutory adjustments to its fee schedule in order to finance expenditures up to and including FY 1997. Its renewals are currently at 100 percent of the statutory maximum.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs.

The status of the Optometry Fee Fund, reflecting the Subcommittee's recommendations, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>Subcomm. Rec. FY 1995</u>	<u>Agency Request FY 1996</u>	<u>Subcomm. Rec. FY 1996</u>
Beginning Balance	\$ 51,007	\$ 47,681	\$ 47,681	\$ 39,572	\$ 40,517
Projected Receipts	46,736	46,736	46,736	62,700	62,700
Total Available	\$ 97,743	\$ 94,417	\$ 94,417	\$ 102,272	\$ 103,217
Less: Expenditures	50,062	54,845	53,900	60,517	60,064
Ending Balance	<u>\$ 47,681</u>	<u>\$ 39,572</u>	<u>\$ 40,517</u>	<u>\$ 41,755</u>	<u>\$ 43,153</u>
Ending Balance as a Percentage of Expenditures	95.2%	72.2%	75.2%	69.0%	71.9%

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SUBCOMMITTEE REPORT

Agency: Board of Optometry Examiners

Bill No. 2091

Bill Sec. 15

Analyst: Colton

Analysis Pg. No. 56

Budget Page No. 605

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>Senate Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ 61,359	\$ 58,574	\$ 2,244
FTE Positions	0.3	0.3	--

Agency Request/Governor's Recommendation

The agency requests FY 1997 expenditures in the amount of \$61,359. This is an increase of \$842, or 1.4 percent, over requested expenditures for FY 1996. The request would allow the Board to increase the fee paid to the Board's attorney by 5 percent (from about \$85 per hour to about \$89 per hour). Also included in the request is \$2,244 for computer software and a hard drive update. The Governor recommends FY 1997 expenditures of \$58,574. The Governor essentially continues services at the FY 1996 level, denying the enhancements for computer equipment requested by the agency.

House Subcommittee Recommendation

Concur. The Subcommittee notes that the agency will not require statutory adjustments to its fee schedule in order to finance expenditures up to and including FY 1997. Its renewals are currently at 100 percent of the statutory maximum.

Senate Subcommittee Recommendation

1. Add \$2,244 for a computer hard drive and software update. The money will allow the Board's databases to be compatible with national board databases.

The status of the Optometry Fee Fund, reflecting the Subcommittee's recommendations, is as follows:

Resource Estimate	Actual FY 1994	Agency Estimate FY 1995	Subcomm. Rec. FY 1995	Agency Request FY 1996	Subcomm. Rec. FY 1996	Agency Request FY 1997	Subcomm. Rec. FY 1997
Beginning Balance	\$ 51,007	\$ 47,681	\$ 47,681	\$ 39,572	\$ 40,517	\$ 41,755	\$ 43,153
Projected Receipts	<u>46,736</u>	<u>46,736</u>	<u>46,736</u>	<u>62,700</u>	<u>62,700</u>	<u>62,700</u>	<u>62,700</u>
Total Available	\$ 97,743	\$ 94,417	\$ 94,417	\$ 102,272	\$ 103,217	\$ 104,455	\$ 105,853
Less: Expenditures	<u>50,062</u>	<u>54,845</u>	<u>53,900</u>	<u>60,517</u>	<u>60,064</u>	<u>61,359</u>	<u>58,574</u>
Ending Balance	<u>\$ 47,681</u>	<u>\$ 39,572</u>	<u>\$ 40,517</u>	<u>\$ 41,755</u>	<u>\$ 43,153</u>	<u>\$ 43,096</u>	<u>\$ 47,279</u>
Ending Balance as a Percentage of Expenditures	95.2%	72.2%	75.2%	69.0%	71.9%	70.2%	80.8%

1995 SENATE SUBCOMMITTEE ON:

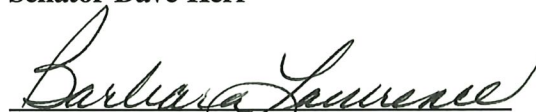
BOARD OF NURSING



Senator Stephen Morris, Chair



Senator Dave Kerr



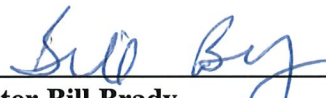
Senator Barbara Lawrence



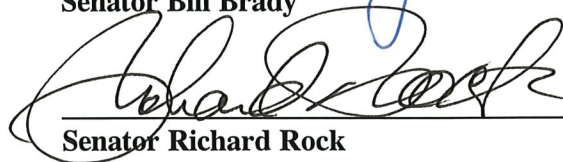
Senator Alicia Salisbury



Senator Marge Petty



Senator Bill Brady



Senator Richard Rock

SWAM
March 15, 1995
Attachment 7

SUBCOMMITTEE REPORT

Agency: Board of Nursing

Bill No. 2234

Bill Sec. 9

Analyst: Milstead

Analysis Pg. No. 53

Budget Page No. 603

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Board of Nursing Fee Fund	\$ 884,726	\$ 899,409	\$ (20,000)
Educ. Conference Fund	500	500	0
TOTAL	<u>\$ 885,226</u>	<u>\$ 899,909</u>	<u>\$ (20,000)</u>
 FTE Positions	 17.0	 17.0	 --

Agency Request/Governor's Recommendation

The Board of Nursing requests FY 1995 expenditures from the Board of Nursing Fee Fund of \$884,726, which is \$4,682 more than was approved by the 1994 Legislature as adjusted by the State Finance Council. The agency requests supplemental authorization to fund a temporary Office Assistant II position at a cost of \$3,081 (including fringe benefits). The agency states that the position is needed to assist with workload during the summer months when office staff is on vacation.

The Governor recommends expenditures from the Board of Nursing Fee Fund of \$899,409 in FY 1995, an increase of \$14,683 over the agency's estimate of \$884,726. The Governor's recommendation includes \$20,000 in funding for a lawsuit filed in FY 1995 (the costs of which were not included in the agency's original budget request) and for an anticipated increase in hearings conducted by the agency.

House Subcommittee Recommendation

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

1. Reduce by \$20,000 recommended expenditures from the fee fund. The Subcommittee does not recommend funding for the lawsuit filed in FY 1995.
2. The Subcommittee requests that the Board of Nursing report to the Senate Ways and Means Subcommittee on Fee Boards (Senate Subcommittee) regarding delays in certification as noted by the conferee before the Subcommittee. The House Subcommittee requests that it be provided a copy of the Board of Nursing's report to the Senate Subcommittee.
3. The Subcommittee requests that the Board of Nursing report to the Senate Subcommittee regarding the number of licensees in the state and their classification,

i.e., RN, LPN, LMHT, etc. The Board should demonstrate that its budgeting efforts have been accurate. The Subcommittee requests that it be provided a copy of the Board's report to the Senate Subcommittee.

4. The Subcommittee recommends a more balanced fee schedule among the various categories of licensees. The Subcommittee requests that the Board report to the Senate Subcommittee (and provide a copy to this Subcommittee) explaining why disparities in fees exist among categories of licensees.

The following table, reflecting the recommendations of the Subcommittee, shows the status of the Board of Nursing Fee Fund.

Resource Estimate	Actual FY 1994	Estimate FY 1995
Beginning Balance	\$ 335,620	\$ 283,422
Projected Receipts	781,488	851,052
Total Available	\$ 1,117,108	\$ 1,134,474
Less: Expenditures	833,686	879,409
Ending Balance	<u>\$ 283,422</u>	<u>\$ 255,065</u>
 Ending Balance as Per- centage of Expenditures	 34.0%	 29.0%

House Committee Recommendation

The House Committee concurs with the recommendation of the Subcommittee.

House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

Expenditure Summary	House Adj. FY 95	House Rec. FY 95	Senate Subc. Adj.
State Operations:			
Board of Nursing Fee Fund	\$ (20,000)	\$ 879,409	\$ 0
Educ. Conference Fund	0	500	0
TOTAL	<u>\$ (20,000)</u>	<u>\$ 879,909</u>	<u>\$ 0</u>
 FTE Positions	 --	 17.0	 --

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendation of the House.

SUBCOMMITTEE REPORT

Agency: Board of Nursing

Bill No. 2091

Bill Sec. 14

Analyst: Milstead

Analysis Pg. No. 53

Budget Page No. 603

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Board of Nursing Fee Fund	\$ 943,635	\$ 890,387	\$ (40,907)
Educ. Conference Fund	350	350	0
TOTAL	<u>\$ 943,985</u>	<u>\$ 890,737</u>	<u>\$ (40,907)</u>
 FTE Positions	 19.0	 17.0	 (1.0)

Agency Request/Governor's Recommendation

The Board of Nursing requests an FY 1996 expenditure limitation on the Board of Nursing Fee Fund in the amount of \$943,635. This represents an increase of 6.7 percent (\$58,909) over the agency's FY 1995 estimate. The requested increase is attributable mainly to two factors:

- ▶ The Board's request for a 1.0 FTE Registered Nurse III at a cost of \$39,272 (including fringe benefits). The individual filling the position would serve as a registered nurse investigator to work on what the agency states is an increasing number of disciplinary cases. The number of investigations regarding disciplinary cases has risen from 645 in FY 1994 to an estimated 722 in FY 1995. The agency predicts 808 investigations in FY 1996 and 904 in FY 1997.
- ▶ The Board's request for a 0.5 FTE Office Assistant II at a cost of \$11,002 (including fringe benefits) and a 0.5 FTE Secretary II at a cost of \$12,955 (including fringe benefits). According to the agency, the persons filling the positions would assist in completing work which is now postponed because of lack of staff. In FY 1995, the agency undertook a new project -- the review of intravenous fluid therapy courses. The agency states that because no additional staffing has been funded for the project, staff has necessarily been stretched to cover the new responsibility.

Of requested FY 1996 funding, \$659,957 is for salaries and wages; \$280,610 is for contractual services and commodities (that \$280,610 is broken down in the following manner:

\$39,000 for communication; \$56,685 for rents; \$37,750 for travel and subsistence; \$100,250 for fees for professional services, including fees for the impaired nurse program and hearing costs; and \$26,500 for stationery and office supplies).

The Governor recommends \$890,387 from the Board of Nursing Fee Fund in FY 1996, a reduction of \$53,248 from the agency's request of \$943,635. According to the Governor, the funding recommendation will allow the Board of Nursing to continue activities at the current service level. The agency's request for 2.0 new FTE positions is not recommended. The Governor's recommendation includes reducing the amount budgeted for health insurance in all three fiscal years -- 1995, 1996, and 1997, a 1.0 percent base salary adjustment for classified employees in FY 1996 and a 3.5 percent unclassified merit pool in FY 1996.

House Subcommittee Recommendation

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

1. Delete \$18,872, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$3,548); classified step movement (\$6,089); a one percent base adjustment for classified employees (\$4,496); and the longevity bonus (\$4,739) from individual agency budgets.
2. Reduce expenditures by \$22,035 to reflect the elimination of 1.0 FTE (Office Assistant III) commencing August 1, 1995. The Subcommittee notes that the newly acquired bar-coding system will make this reduction possible.

The following table, reflecting the recommendations of the Subcommittee, shows the status of the Board of Nursing Fee Fund.

Resource Estimate	Actual FY 1994	Estimate FY 1995	Estimate FY 1996
Beginning Balance	\$ 335,620	\$ 283,422	\$ 255,065
Projected Receipts	781,488	851,052	859,968
Total Available	\$ 1,117,108	\$ 1,134,474	\$ 1,115,033
Less: Expenditures	833,686	879,409	849,480
Ending Balance	<u>\$ 283,422</u>	<u>\$ 255,065</u>	<u>\$ 265,553</u>
Ending Balance as Percentage of Expenditures	34.0%	29.0%	31.3%

House Committee Recommendation

The House Committee concurs with the recommendation of the Subcommittee.

House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Subc. Adj.</u>
State Operations:			
Board of Nursing Fee Fund	\$ (40,907)	\$ 849,480	\$ 22,035
Educ. Conference Fund	0	350	0
TOTAL	<u>\$ (40,907)</u>	<u>\$ 849,830</u>	<u>\$ 22,035</u>
FTE Positions	(1.0)	17.0	1.0

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendation of the House with the following adjustment:

1. Add \$22,035 to reflect the restoration of 1.0 FTE (Office Assistant III) which had been eliminated by the House. The Subcommittee believes the elimination of the 1.0 FTE position would unduly compromise the Board's ability to provide timely licensure services. The loss of the FTE position would likely result in delays in licensing consequently preventing the state's licensed nurses from maintaining their required certification. The restoration of the 1.0 FTE will permit the Board to timely grant permits, licenses, and renewals.
2. The Subcommittee encourages the Board to consider changing its license renewal fees in order to achieve a more equitable fee schedule between RN, LPNs, and LMHTs.

SUBCOMMITTEE REPORT

Agency: Board of Nursing

Bill No. 2091

Bill Sec. 14

Analyst: Milstead

Analysis Pg. No. 53

Budget Page No. 603

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Board of Nursing Fee Fund	\$ 964,817	\$ 910,177	\$ (22,531)
Educ. Conference Fund	350	350	0
TOTAL	<u><u>\$ 965,167</u></u>	<u><u>\$ 910,527</u></u>	<u><u>\$ (22,531)</u></u>
 FTE Positions	 19.0	 17.0	 (1.0)

Agency Request/Governor's Recommendation

The Board of Nursing requests an FY 1997 expenditure limitation on the Board of Nursing Fee Fund in the amount of \$964,817. This is an increase of \$21,182 (2.2 percent) over the FY 1996 request and an increase of \$80,091 (9.1 percent) over the agency's FY 1995 estimate. The requested increase is attributable largely to classified step increases and the continuation of the new 2.0 FTE positions requested for FY 1996.

Of requested FY 1997 funding, \$678,832 is for salaries and wages; \$284,985 is for services and commodities; (communication -- \$38,775, travel and subsistence -- \$38,200, fees-professional services -- \$101,700, and stationery and office supplies -- \$27,500); and \$1,000 for capital outlay.

The Governor recommends fee fund expenditures of \$910,177 for FY 1997, a reduction of \$54,640 from the agency's request of \$964,817. As in FY 1996, the Governor, for FY 1997 does not recommend the requested 2.0 new FTE positions. Of recommended FY 1997 funding, \$623,067 is for salaries, \$258,660 is for contractual services, \$27,800 is for commodities, and \$1,000 is for capital outlay.

House Subcommittee Recommendation

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

1. Reduce expenditures by \$22,531 to reflect the elimination of 1.0 FTE (Office Assistant III) as described in the FY 1996 Subcommittee Report.

The following table, reflecting the recommendations of the Subcommittee, shows the status of the Board of Nursing Fee Fund.

Resource Estimate	Actual FY 1994	Estimate FY 1995	Estimate FY 1996	Estimate FY 1997
Beginning Balance	\$ 335,620	\$ 283,422	\$ 255,065	\$ 265,553
Projected Receipts	781,488	851,052	859,968	901,728
Total Available	\$ 1,117,108	\$ 1,134,474	\$ 1,115,033	\$ 1,167,281
Less: Expenditures	833,686	879,409	849,480	887,646
Ending Balance	<u>\$ 283,422</u>	<u>\$ 255,065</u>	<u>\$ 265,553</u>	<u>\$ 279,635</u>
Ending Balance as Percentage of Expenditures	34.0%	29.0%	31.3%	34.1%

House Committee Recommendation

The House Committee concurs with the recommendation of the Subcommittee.

House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

Expenditure Summary	House Adj. FY 97	House Rec. FY 97	Senate Subc. Adjustments
State Operations:			
Board of Nursing Fee Fund	\$ (22,531)	\$ 887,646	\$ 22,531
Educ. Conference Fund	0	350	0
TOTAL	<u>\$ (22,531)</u>	<u>\$ 887,996</u>	<u>\$ 22,531</u>
FTE Positions	(1.0)	16.0	1.0

Senate Subcommittee Recommendation

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

1. Add \$22,531 to reflect the restoration of 1.0 FTE (Office Assistant III).

FY 1995, FY 1996, and FY 1997

Senate Subcommittee Report on

Abstracters' Board of Examiners



Senator Stephen R. Morris, Chair



Senator Bill Brady



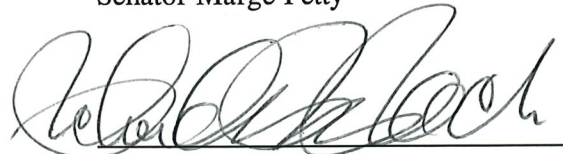
Senator Dave Kerr



Senator Barbara Lawrence



Senator Marge Petty



Senator Richard R. Rock



Senator Alicia L. Salisbury

SWAM
March 15, 1995
Attachment 8

SUBCOMMITTEE REPORT

Agency: Abstracters' Board of Examiners **Bill No. --** **Bill Sec. --**
Analyst: Mah **Analysis Pg. No. 1** **Budget Page No. 579**

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 15,560	\$ 15,827	\$ 0
FTE Positions	0.0	0.0	--
Special Projects Appointments	0.0	0.0	--
Total	<u>0.0</u>	<u>0.0</u>	<u>--</u>

Agency Estimate/Governor's Recommendation

The Board estimates FY 1995 expenditures of \$15,560, a reduction of \$2,566 from the authorized expenditure limitation of \$18,126. The current year revised estimate is a reduction from actual FY 1994 expenditures of \$15,759. One reason is because the agency estimates significantly less communications costs this year. The revised current year estimate for communications is \$10 as compared to last year's actual costs of \$293. Also, the agency did not budget in the current year for all costs related to salary and wage expenditures. No moneys were budgeted to cover the costs of fringe benefits and the \$35 per day per diem for Board members, making the current year estimate understated by approximately \$1,930.

The Governor recommends FY 1995 expenditures of \$15,827, an increase of \$267 from the Board's estimate. Included in the recommendation are additional moneys to cover the costs of fringe benefits and per diem compensation of Board members. The Governor also makes an adjustment to the Board's base salary estimate for its part-time clerical staff, reducing the base salary by \$1,756 because the position has been vacant for three months in FY 1995. The Governor's adjustments net to an increase of \$17 from the Board's estimate for salaries and wages. For all other operating expenditures, the Governor recommends an additional \$250 over the Board's estimate. The recommendation provides more moneys if needed to cover communication costs.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation. Further, the Subcommittee notes the Governor's performance indicators:

Performance Indicators	Actual FY 1994	Estimated FY 1995	Estimated* FY 1996	Estimated* FY 1997
Operative licenses	205	210	210	210
Employee licenses	327	330	330	330
Examinations	33	25	25	25

* Estimated level of performance under Governor's recommendation.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

Resource Estimate	Actual FY 94	Estimated FY 95
Beginning Balance	\$ 13,059	\$ 16,268
Net Receipts	18,968	19,152
Total Funds Available	\$ 32,027	\$ 35,420
Less: Expenditures	15,759	15,827
Ending Balance	<u>\$ 16,268</u>	<u>\$ 19,593</u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole Recommendation

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

Expenditure Summary	Gov. Rec. FY 95	House Rec. FY 95	Senate Subcommittee Adj.
Fee Fund:			
State Operations	\$ 15,827	\$ 15,827	\$ 0
FTE Positions	0.0	0.0	--
Special Projects Appointments	0.0	0.0	--
Total	<u>0.0</u>	<u>0.0</u>	<u>--</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

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SUBCOMMITTEE REPORT

Agency: Abstracters' Board of Examiners **Bill No.** 2091 **Bill Sec.** 2
Analyst: Mah **Analysis Pg. No.** 1 **Budget Page No.** 579

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 15,632	\$ 18,162	\$ (18,161)
FTE Positions	0.0	0.0	--
Special Projects Appointments	0.0	0.0	--
Total	<u>0.0</u>	<u>0.0</u>	<u>--</u>

Agency Request/Governor's Recommendation

The Board requests \$15,632 in FY 1996, an increase of just \$72 from the FY 1995 revised estimate. The request contains no significant changes from the FY 1995 estimate. There is little change partly because no moneys were requested for the usual annual unclassified employee merit increase of 2.5 percent, which would be an additional \$165 in FY 1996. Communication expenditures are requested at the same level as the current year amount of \$10. Also, the Board continues to not budget moneys to cover the costs of fringe benefits and the \$35 per day per diem for Board members. Therefore, the Board's FY 1996 request for salaries and wages is understated by approximately \$2,052, including the \$165 for a 2.5 percent merit pool.

The Governor recommends expenditures of \$18,162 in FY 1996, an increase of \$2,530 from the Board's request. The additional moneys provide for the usual annual employee merit increase of 2.5 percent. There also is an additional 1.0 percent adjustment to provide a net base salary increase of 3.5 percent for classified staff and a merit pool of 3.5 percent for unclassified staff. In addition, moneys are included to cover the costs of fringe benefits and per diem compensation for Board members. With regard to other operating expenditures, the recommendation provides for an additional \$300 over the Board's request.

House Subcommittee Recommendation

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

1. Delete \$18,161 from fee funds for a net appropriation of \$1 for the agency in FY 1996. Included in the recommendation is the a reduction of \$317 based on the House Appropriations Committee's recommendation to delete funding for a 3.5 percent unclassified merit pool (\$238); classified step movement (\$0); a one percent base adjustment for classified employees (\$79); and the longevity bonus (\$0) from individual agency budgets. The remaining moneys are deleted because the Subcommittee questions the need for this state agency. The Subcommittee suggests

the agency provide information to the second house on why it should not be abolished or possibly merged with the Kansas Real Estate Commission.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96
Beginning Balance	\$ 13,059	\$ 16,268	\$ 19,593
Net Receipts	18,968	19,152	19,000
Total Funds Available	\$ 32,027	\$ 35,420	\$ 38,593
Less: Expenditures	15,759	15,827	1
Ending Balance	<u>\$ 16,268</u>	<u>\$ 19,593</u>	<u>\$ 38,592</u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole

The House concurs with the Committee's recommendation with the following exception:

1. Restore \$17,844 from fee funds for a net appropriation of \$17,845 for the agency in FY 1996. The recommendation is the same amount as the Governor recommended minus \$317 included in the Governor's recommendation for salary enhancements.

Expenditure Summary	Gov. Rec. FY 96	House Rec. FY 96	Senate Subcommittee Adjustments
Fee Fund:			
State Operations	\$ 18,162	\$ 17,845	\$ 0
FTE Positions	0.0	0.0	--
Special Projects Appointments	0.0	0.0	--
Total	<u>0.0</u>	<u>0.0</u>	<u>--</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

SUBCOMMITTEE REPORT

Agency: Abstracters' Board of Examiners

Bill No. 2091

Bill Sec. 2

Analyst: Mah

Analysis Pg. No. 1

Budget Page No. 579

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 15,736	\$ 18,266	\$ (18,265)
FTE Positions	0.0	0.0	--
Special Projects Appointment	0.0	0.0	--
Total	<u>0.0</u>	<u>0.0</u>	<u>--</u>

Agency Request/Governor's Recommendation

For FY 1997, the Board requests \$15,736, an increase of \$104 from the FY 1996 request of \$15,632. Almost all of the requested additional moneys (\$100) are for travel expenses. The Board like for prior years did not budget for moneys to cover the costs of fringe benefits, per diem compensation for Board members, or an unclassified merit pool of 2.5 percent, making the request for FY 1997 understated by approximately \$2,221.

The Governor recommends expenditures of \$18,266 in FY 1997, an increase of \$2,530 from the Board's request. The additional moneys reflect only those adjustments necessary to maintain salary expenses at the same level as was recommended for FY 1996 (\$15,230). No moneys are included in the recommendation to provide for base salary adjustments for the Board's staff. For all other operating expenditures, the recommendation includes an additional \$300 over the Board's request.

House Subcommittee Recommendation

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

1. Delete \$18,265 from fee funds for a net appropriation of \$1 for the agency in FY 1997. The rationale for the recommendation is the same as was stated for FY 1996.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

<u>Resource Estimate</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>	<u>Estimated FY 97</u>
Beginning Balance	\$ 16,268	\$ 19,593	\$ 38,592
Net Receipts	19,152	19,000	19,000
Total Funds Available	<u>\$ 35,420</u>	<u>\$ 38,593</u>	<u>\$ 57,592</u>
Less: Expenditures	15,827	1	1
Ending Balance	<u><u>\$ 19,593</u></u>	<u><u>\$ 38,592</u></u>	<u><u>\$ 57,591</u></u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole

The House concurs with the Committee's recommendation with the following exceptions:

1. Restore \$18,265 from fee funds for a net appropriation of \$18,266 for the agency in FY 1997. The recommendation is the same amount as the Governor recommended.

<u>Expenditure Summary</u>	<u>Gov. Rec. FY 97</u>	<u>House Rec. FY 97</u>	<u>Senate Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 18,266	\$ 18,266	\$ 0
FTE Positions	0.0	0.0	--
Special Projects Appointment	0.0	0.0	--
Total	<u>0.0</u>	<u>0.0</u>	<u>--</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

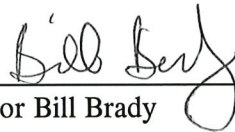
FY 1995, FY 1996, and FY 1997

Senate Subcommittee Report on

Real Estate Commission



Senator Stephen R. Morris, Chair



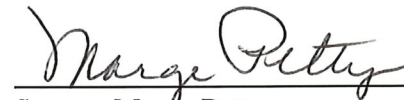
Senator Bill Brady



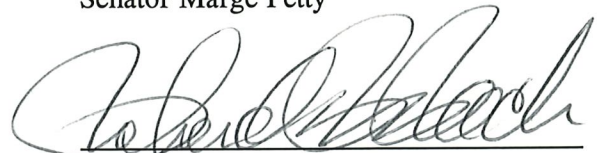
Senator Dave Kerr



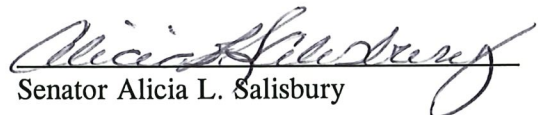
Senator Barbara Lawrence



Senator Marge Petty



Senator Richard R. Rock



Senator Alicia L. Salisbury

SWAM
March 15, 1995
Attachment 9

SUBCOMMITTEE REPORT

Agency: Real Estate Commission

Bill No. --

Bill Sec. --

Analyst: Mah

Analysis Pg. No. 70

Budget Page No. 611

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 595,618	\$ 591,643	\$ 0
Other Assistance	17,000	17,000	0
TOTAL	<u><u>\$ 612,618</u></u>	<u><u>\$ 608,643</u></u>	<u><u>\$ 0</u></u>
FTE Positions	15.0	15.0	0.0
Special Projects Appointments	0.0	0.0	0.0
Total	<u>15.0</u>	<u>15.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The Real Estate Commission estimates expenditures of \$612,618 in FY 1995, of which \$595,618 is for state operations and \$17,000 is for claims against the Real Estate Recovery Revolving Fund to provide for reimbursing persons who suffer monetary damages caused by certain unlawful acts committed during transactions involving the sale of real estate. The current year estimate for expenditures is a reduction of \$3,625 from the \$616,243 approved by the 1994 Legislature. Operating expenditures are expected to increase from actual FY 1994 costs, mostly in salary and wage, printing, and travel expenses.

The Governor recommends \$608,643 in FY 1995, a reduction of \$3,975 from the Board's revised estimate. The reduction is in salaries and wages, mostly due to adjustments to fringe benefit costs. The Governor concurs with the Commission's revised estimate of \$2,362 for capital outlay equipment, \$17,000 for claims from the Revolving Fund, and \$155,788 for all other operating expenditures.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation except for the following change:

1. The Subcommittee concurs with the agency's request to expend \$4,680 for computer equipment and communication costs associated with the new payroll system that will be implemented by the Department of Administration in January, 1996. The Subcommittee understands that the recommended \$4,680 will come from unanticipated savings, meaning that no additional moneys over the Governor's recommendation are necessary to cover the expenditure.
2. The Subcommittee notes the following Governor's performance indicators for past and upcoming fiscal years:

Performance Indicators	Actual FY 1994	Est. FY 1995	Est.* FY 1996	Est.* FY 1997
Number of real estate offices	N/A	2,431	2,400	2,400
Number of offices inspected	823	1,500	900	900
Number of examinations performed	597	722	850	850
Number of days between receipt of completed sales person's application and issuance of license	N/A	3	2	2
Number of days between receipt of completed broker's application and issuance of license	N/A	5	4	4
Number of days between receipt of complaint and completion of investigation	N/A	90	85	80

* Estimated level of performance under Governor's recommendation.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

Resource Estimate	Actual FY 94	Estimated FY 95
Beginning Balance	\$ 479,276	\$ 469,167
Net Receipts	516,330	452,704
Total Funds Available	\$ 995,606	\$ 921,871
Less: Expenditures	526,439	591,643
Ending Balance	<u>\$ 469,167</u>	<u>\$ 330,228</u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation with the following exception:

1. Strike item number 1 of the Subcommittee's recommendations which would have allowed the agency to use unanticipated current year saving of \$4,680 for computer equipment related to the state's new payroll system. Also, reduce the agency's expenditure authority by \$4,680 in the supplemental appropriations bill (H.B. 2234). With \$7,600 in reduced expenditure authority already recommended by the Governor, the bill reflects a net reduction in expenditure authority of \$12,280 (from \$599,243 to \$586,963).

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

SUBCOMMITTEE REPORT

Agency: Real Estate Commission

Bill No. 2091

Bill Sec. 18

Analyst: Mah

Analysis Pg. No. 70

Budget Page No. 611

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 601,652	\$ 606,406	\$ (15,333)
Other Assistance	17,000	17,000	0
TOTAL	<u>\$ 618,652</u>	<u>\$ 623,406</u>	<u>\$ (15,333)</u>
FTE Positions	15.0	15.0	--
Special Projects Appointments	0.0	0.0	--
Total	<u>15.0</u>	<u>15.0</u>	<u>--</u>

Agency Request/Governor's Recommendation

The Real Estate Commission's state operations request for FY 1996 is an increase of \$6,034 from the current year estimate. The request includes \$438,694 for salary and wage expenditures, increasing by just \$1,226 from the current year even though the FY 1996 request includes classified employee step movement and an unclassified employee merit pool of 2.5 percent. Little additional moneys are requested for salaries because employee turnover has lowered the total cost. The FY 1996 request also includes \$162,958 for all other operating expenditures, including \$2,171 for the capital outlay purchase of the agency's first FAX machine. Expenditures especially for communications, travel, and office supplies are expected to rise due to inflation. Claims from the Real Estate Recovery Revolving Fund are estimated to total \$17,000 in FY 1996, the same amount as the current year.

The Governor recommends expenditures of \$623,406 in FY 1996, an increase of \$4,754 from the Commission's request of \$618,652. The increase is all in salaries and wages to provide an additional salary adjustment of 1.0 for the Board's staff. The recommendation provides for a net base salary adjustment of 3.5 percent in FY 1996 for classified employees and a 3.5 percent merit pool for the Board's Executive Director. The additional moneys also provide for the salary upgrade of an Administrative Officer I position that was reclassified after submission of the Commission's budget. In addition, adjustments were made to reflect lower than originally anticipated health insurance rates. For all other operating expenditures, including claims from the Revolving Fund, the Governor concurs with the Commission's request.

House Subcommittee Recommendation

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

1. Delete \$12,921 from fee funds based on the House Appropriation Committee's recommendation to delete funding for a 3.5 percent unclassified merit pool

(\$1,780); classified step movement (\$5,365); a one percent base adjustment for classified employees (\$3,516); and the longevity bonus (\$2,260) from individual agency budgets.

2. Delete \$2,412 for a reduction of 1.5 percent from the \$160,787 recommended by the Governor for operating expenditures other than salaries and capital outlay.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

Resource Estimate	Actual FY 94	Estimated FY 95	Estimated FY 96
Beginning Balance	\$ 479,276	\$ 469,167	\$ 330,228
Net Receipts	516,330	452,704	485,860
Total Funds Available	<u>\$ 995,606</u>	<u>\$ 921,871</u>	<u>\$ 816,088</u>
Less: Expenditures	526,439	591,643	591,073
Ending Balance	<u><u>\$ 469,167</u></u>	<u><u>\$ 330,228</u></u>	<u><u>\$ 225,015</u></u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

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

1. The agency did not include a request for equipment to access the state's new payroll system (Statewide Human Resource and Payroll System or SHARP) in its FY 1996 budget request, but has since consulted with the SHARP project personnel and has been advised that its equipment and communication needs for SHARP system access for the agency would cost \$4,680. The Senate Subcommittee recommends that this amount be appropriated from the agency's fee fund to the Department of Administration budget in the 1995 Omnibus bill.

SUBCOMMITTEE REPORT

Agency: Real Estate Commission

Bill No. 2091

Bill Sec. 18

Analyst: Mah

Analysis Pg. No. 70

Budget Page No. 611

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 616,669	\$ 620,402	\$ 0
Other Assistance	17,000	17,000	0
	<u>\$ 633,669</u>	<u>\$ 637,402</u>	<u>\$ 0</u>
FTE Positions	15.0	15.0	0.0
Special Projects Appointments	0.0	0.0	0.0
Total	<u>15.0</u>	<u>15.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

For FY 1997, the Commission requests a total of \$616,669 for state operations, an increase of \$15,017 from the FY 1996 requested amount of \$601,652. Most of the additional moneys (\$11,135) are for salary and wage expenses to pay for the annual classified employee step movement and an unclassified employee merit pool of 2.5 percent. Included in the request is \$3,098 for two replacement laptop computers for field staff. There are no other significant changes from the FY 1996 request, including no change in the costs of expected claims (\$17,000) from the Real Estate Recovery Revolving Fund.

The Governor recommends expenditures of \$637,402 in FY 1997, an increase of \$3,733 from the Commission's request of \$633,669. The additional moneys are for salaries and wages to provide for step movement increases for classified employees as well as the salary upgrade for the Administrative Officer I who was recently reclassified. Requested moneys for an unclassified merit of 2.5 percent for the Commission's Executive Director are deleted. The salary for the Executive Director would be the same in FY 1997 as is being recommended for FY 1996. The Governor concurs with the Commission's request for all other operating expenditures, including the requested \$17,000 for potential claims from the Real Estate Recovery Revolving Fund.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

<u>Resource Estimate</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>	<u>Estimated FY 97</u>
Beginning Balance	\$ 469,167	\$ 330,228	\$ 225,015
Net Receipts	452,704	485,860	565,184
Total Funds Available	<u>\$ 921,871</u>	<u>\$ 816,088</u>	<u>\$ 790,199</u>
Less: Expenditures	591,643	591,073	620,402
Ending Balance	<u><u>\$ 330,228</u></u>	<u><u>\$ 225,015</u></u>	<u><u>\$ 169,797</u></u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

FY 1995, FY 1996, and FY 1997

Senate Subcommittee Report on

Real Estate Appraisal Board



Senator Stephen R. Morris, Chair



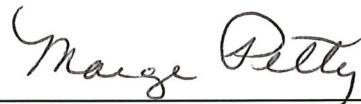
Senator Bill Brady



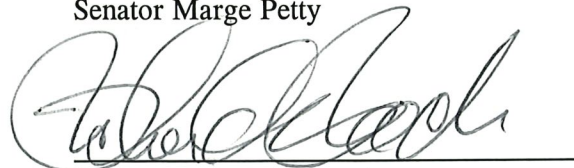
Senator Dave Kerr



Senator Barbara Lawrence



Senator Marge Petty



Senator Richard R. Rock



Senator Alicia L. Salisbury

SWAM
march 15, 1995
Attachment 10

SUBCOMMITTEE REPORT

Agency: Real Estate Appraisal Board

Bill No. 2234

Bill Sec. 7

Analyst: Mah

Analysis Pg. No. 64

Budget Page No. 609

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 115,323	\$ 115,526	\$ 0
FTE Positions	2.0	2.0	0.0
Special Projects Appointments	0.0	0.0	0.0
Totals	2.0	2.0	0.0

Agency Estimate/Governor's Recommendation

The Board estimates expenditures of \$115,323 in FY 1995, an increase of \$5,034 from the approved budget of \$110,289. The additional moneys are to pay for salary expenses, which were approved at \$69,515, but are now estimated at \$74,549. The Board has 2.0 employees and both employees have received significant increases in salaries. The base salary for the Board's Executive Director increased from a monthly amount of \$2,583 in actual FY 1994 to \$3,090 in the current year. The Board is statutory authorized to establish the salary of the Executive Director who is in the unclassified service. The Board's other employee was promoted in the current year from an Office Assistant IV to an Office Specialist. The salary for this employee went from salary range 15 to 18. In addition, because this employee had exception qualifications for the job, the Director of Personnel, Department of Administration, allowed the salary of this employee to be increased beyond the usual step to step increase that employees can get when they are promoted. Moneys to pay for the promotion were not included in the Board's estimate for current year expenditures. Approximately \$5,208 more than was estimated will be needed to cover the cost. Therefore, expenditures could be \$10,242 over the approved budget instead of the \$5,034 in additional expenditure authority that actually was requested.

The Governor recommends \$115,526 in FY 1995, an increase of \$203 from the Board's revised estimate. The additional moneys are due to adjustments to fringe benefit costs. Moneys to cover the costs of the promotion of the Board's Office Specialist employee were not included in the recommendation, making the recommendation of \$74,752 for salaries and wages understated by approximately \$4,729. With regard to other operating expenditures, the Governor concurs with the Board's estimate of \$40,774. The Governor's recommendation provides for additional expenditures of \$5,237 over the amount authorized by the 1994 Legislature.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following comments:

1. The Subcommittee agrees with the Governor who did not recommend additional moneys over those approved last year to provide for the recent promotion of the Board's Office Specialist. The agency will have to use existing expenditure authority in the current year to cover the cost of the new salary. The salary for this position was upgraded by the Division of Personnel, Department of Administration, from salary range 15 step E to salary range 18 step H (from an annual salary of approximately \$18,830 to \$23,793). The Subcommittee believes this salary increase to be excessive, raising concerns over policies which allow for such major increases.

2. The Subcommittee notes the following Governor's performance indicators for past and upcoming fiscal years:

Performance Indicators	Actual FY 1994	Estimated FY 1995	Estimated* FY 1996	Estimated* FY 1997
Original License Applications Received	182	25	50	50
Original License Applications Approved	170	25	50	50
Renewal License Applications Approved	887	849	900	900
Complaints Reviewed	16	14	12	12
Certifications Suspended	1	1	1	1

* Estimated level of performance under Governor's recommendation.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>
Beginning Balance	\$ 0	\$ 288,864
Net Receipts	<u>400,432</u>	<u>153,040</u>
Total Funds Available	\$ 400,432	\$ 441,904
Less: Expenditures	<u>111,568</u>	<u>115,526</u>
Ending Balance	<u>\$ 288,864</u>	<u>\$ 326,378</u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

SUBCOMMITTEE REPORT

Agency: Real Estate Appraiser Board

Bill No. 2091

Bill Sec. 17

Analyst: Mah

Analysis Pg. No. 64

Budget Page No. 609

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 133,709	\$ 127,410	\$ (3,211)
FTE Positions	2.0	2.0	0.0
Special Projects Appointments	0.0	0.0	0.0
Total	<u>2.0</u>	<u>2.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The Board requests \$133,709 for operating expenditures in FY 1996, increasing from the current year by \$18,386. Most of the increase is due to requested salary expenses (\$14,421). The Board is asking that the base salary for its Executive Director be increased from the current year amount of \$37,081 to \$43,709. In addition, the base salary amount for the Board's other employee increases from the current year amount of \$19,497 to \$24,976. However, as previously mentioned, moneys to pay for the recent promotion of this employee were not included in the Board's current year estimate. Only \$19,497 was estimated for the base salary costs instead of the \$23,793 that will be needed. Had the current year estimate been correct, the difference between the current year estimate and the FY 1996 request would not have been as great. The requested base salary amount of \$24,976 for the promoted employee provides for just the usual step movement increase of approximately 2.5 percent that classified employees receive annually.

The Governor recommends \$127,410 for the Board's operating expenditures in FY 1996, a reduction of \$6,299 from the Board's request of \$133,709. The recommendation deletes a portion of the moneys requested for upgrading the annual salary of the Executive Director. Instead, the recommendation includes an unclassified merit pool of 3.5 percent for the Director. The Governor concurs with the Board's base salary request for the Office Specialist, which reflects additional moneys due to the recent promotion of the employee holding the position. The recommendation also includes an additional 1.0 percent base salary adjustment for the Office Specialist, allowing both employees of the Board to each receive a net base salary adjustment of 3.5 percent in FY 1996. The Governor concurs with the Board's request of \$44,739 for all other operating expenditures.

House Subcommittee Recommendation

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

1. Delete \$2,540 from fee funds based on the House Appropriation Committee's recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,467); classified step movement (\$791); a one percent base adjustment for classified employees (\$282); and the longevity bonus (\$0) from individual agency budgets.
2. Delete \$671 for a reduction of 1.5 percent from the \$44,739 recommended by the Governor for operating expenditures other than salaries and wages.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>
Beginning Balance	\$ 0	\$ 288,864	\$ 326,378
Net Receipts	400,432	153,040	130,100
Total Funds Available	<u>\$ 400,432</u>	<u>\$ 441,904</u>	<u>\$ 456,478</u>
Less: Expenditures	111,568	115,526	124,199
Ending Balance	<u><u>\$ 288,864</u></u>	<u><u>\$ 326,378</u></u>	<u><u>\$ 332,279</u></u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

SUBCOMMITTEE REPORT

Agency: Real Estate Appraiser Board

Bill No. 2091

Bill Sec. 17

Analyst: Mah

Analysis Pg. No. 64

Budget Page No. 609

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
Fee Fund:			
State Operations	\$ 137,253	\$ 129,756	\$ 0
FTE Positions	2.0	2.0	0.0
Special Projects Appointments	0.0	0.0	0.0
Total	2.0	2.0	0.0

Agency Request/Governor's Recommendation

For FY 1997, the Board is requesting operating expenditures of \$137,253, an increase of \$3,544 from the FY 1996 request of \$133,709. Most of the increase is for salaries and wages (\$2,158) to provide the annual step movement increase for the Board's one classified employee and a merit pool of 2.5 percent for the Board's unclassified Executive Director.

The Governor recommends \$129,756 for the Board's operating expenditures in FY 1997, a reduction of \$7,497 from the Board's request. The recommendation makes adjustments to reflect lower than originally anticipated health insurance rates and deletes the moneys requested as an unclassified merit pool for the Director. The recommended salary for the Director would be the same in FY 1997 as is being recommended for FY 1996. Moneys are included in the recommendation for the annual step movement of the Board's other employee who is in the classified service. The Governor concurs with the Board's request of \$46,125 for all other operating expenditures.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation.

Fee Fund Analysis. The fee fund analysis below reflects the status of the agency's fee fund.

<u>Resource Estimate</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>	<u>Estimated FY 97</u>
Beginning Balance	\$ 288,864	\$ 326,378	\$ 332,279
Net Receipts	153,040	130,100	130,100
Total Funds Available	\$ 441,904	\$ 456,478	\$ 462,379
Less: Expenditures	115,526	124,199	129,756
Ending Balance	<u>\$ 326,378</u>	<u>\$ 332,279</u>	<u>\$ 332,623</u>

House Committee Recommendation

The House Committee concurs with the Subcommittee's recommendation.

House Committee of the Whole Recommendation

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

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House's recommendation.

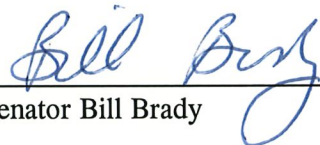
FY 1995, FY 1996, and FY 1997

Senate Subcommittee Report on

Board of Hearing Aid Examiners



Senator Stephen R. Morris, Chair



Senator Bill Brady

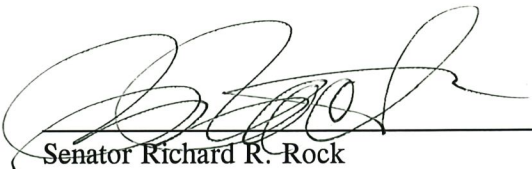


Senator Dave Kerr

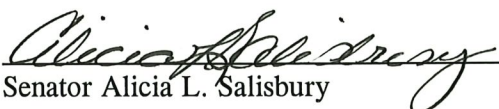
Senator Barbara Lawrence



Senator Marge Petty



Senator Richard R. Rock



Senator Alicia L. Salisbury

SWAM
March 15, 1995
Attachment 11

SUBCOMMITTEE REPORT

Agency: Board of Examiners for Hearing Aids **Bill No.** _____ **Bill Sec.** _____
Analyst: Rampey **Analysis Pg. No.** 46 **Budget Page No.** 599

<u>Expenditure Summary</u>	<u>Agency Estimated FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue	\$ 17,399	\$ 17,628	\$ 0
FTE Positions	0.0	0.0	0.0
Special Projects Appointments	0.0	0.0	0.0

Agency Overview

The five-member Board of Examiners for Hearing Aids is comprised of three licensed hearing aid dispensers and two public members. One of the Board members serves as co-executive officer. The other co-executive officer is a former Board member who once served as the Board's chairperson and executive secretary. When her term on the Board ended, she was retained as staff in order to provide continuity. The Board administers examinations to new practitioners entering the field, verifies that licensees have calibrated their equipment, ensures that licensees have met their continuing education requirements, and investigates complaints. There are approximately 225 licensed hearing aid examiners in the state.

Agency Estimated/Governor's Recommendation

The Board estimates expenditures of \$17,399, which is \$1,007 less than the approved amount of \$18,406. The Governor recommends expenditures of \$17,628. The amount is \$229 more than the Board's estimate due to a technical adjustment to salaries.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendation of the Governor.

House Committee Recommendation

The House Committee concurs with the Subcommittee.

House Committee of the Whole

The House Committee of the Whole concurs with the Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendation of the House.

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SUBCOMMITTEE REPORT

Agency: Board of Examiners for Hearing Aids Bill No. 2091

Bill Sec. 12

Analyst: Rampey

Analysis Pg. No. 46

Budget Page No. 599

<u>Expenditure Summary</u>	<u>Agency Requested FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 17,339	\$ 17,792	\$ (184)
FTE Positions	0.0	0.0	0.0
Special Projects Appointments	0.0	0.0	0.0

Agency Requested/Governor's Recommendation

The Board requests \$17,339 for FY 1996, which is a \$60 decrease from the current year. The Governor recommends expenditures of \$17,792 in FY 1996, an increase of \$453 over the Board's request due to salary adjustments.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendation of the Governor, with the following exception and comment:

1. Delete \$184, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool from individual agency budgets.
2. The Subcommittee calls attention to the fact that the Board, which is at its statutory maximum on all fees, spends more each year than it receives in revenues and most likely will have to increase its fees in the next few years. The Subcommittee also notes that, beginning in 1994, the Board has contracted with a former Board member to serve as staff because the Board members who have chaired the Board do not have the time or the office space to devote to staffing the Board.

The Subcommittee suggests that the Senate Subcommittee that reviews the Board's budget consider alternatives to the present arrangement, such as whether this regulatory function is really necessary or whether the function could be carried out more efficiently and economically by another state agency, such as the Department of Health and Environment which licenses speech pathologists.

House Committee Recommendation

The House Committee concurs with the Subcommittee.

House Committee of the Whole

The House Committee of the Whole concurs with the Committee.

Senate Subcommittee Recommendations

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

1. Although the Board of Examiners for Hearing Aids is not authorized any positions, the Senate Subcommittee was told that the Board's co-executive directors spend a total of approximately ten hours per week on Board business and that a clerical employee of one of the co-executive directors spends an estimated 15 hours per week on Board-related work. The Subcommittee does not wish to disturb a relationship that is satisfactory to the Board, but does ask that the Board maintain a record of staff time devoted to Board business for review by the 1996 Legislature.

SUBCOMMITTEE REPORT

Agency: Board of Examiners for Hearing Aids **Bill No.** 2091

Bill Sec. 12

Analyst: Rampey

Analysis Pg. No. 46

Budget Page No. 599

<u>Expenditure Summary</u>	<u>Agency Requested FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 17,878	\$ 18,116	0.0
FTE Positions	0.0	0.0	0.0
Special Projects Appointments	0.0	0.0	0.0

Agency Requested/Governor's Recommendation

The Board requests \$17,878, an increase of \$539 (3.1 percent) over FY 1996. The Governor recommends \$18,116, an increase of \$238 over the request due to an adjustment to salaries.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

The table below shows projected receipts and expenditures for the Board through FY 1997, based on the Subcommittee's adjustments.

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>House Sub. Rec. FY 1995</u>	<u>Agency Request FY 1996</u>	<u>House Sub. Rec. FY 1996</u>	<u>Agency Request FY 1997</u>	<u>House Sub. Rec. FY 1997</u>
Beginning Balance	\$ 22,978	\$ 20,549	\$ 20,549	\$ 16,690	\$ 16,461	\$ 12,891	\$ 12,393
Net Receipts	12,813	13,540	13,540	13,540	13,540	13,540	13,540
Total Funds Available	\$ 35,791	\$ 34,089	\$ 34,089	\$ 30,230	\$ 30,001	\$ 26,431	\$ 25,933
Less: Expenditures	15,242	17,399	17,628	17,339	17,608	17,878	18,116
Ending Balance	\$ 20,549	\$ 16,690	\$ 16,461	\$ 12,891	\$ 12,393	\$ 8,553	\$ 7,817
Ending Balance as Percentage of Expenditures	134.8%	95.9%	93.4%	74.4%	70.4%	47.8%	43.2%

House Committee Recommendation

The House Committee concurs with the Subcommittee.

House Committee of the Whole

The House Committee of the Whole concurs with the Committee.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the House.


FY 1995, FY 1996, and FY 1997

Senate Subcommittee Report on

Board of Technical Professions



Senator Stephen R. Morris, Chair



Senator Bill Brady



Senator Dave Kerr


Senator Barbara Lawrence



Senator Marge Petty



Senator Richard R. Rock



Senator Alicia L. Salisbury

SWAM
March 15, 1995
Attachment 12

SUBCOMMITTEE REPORT

Agency: Board of Technical Professions **Bill No. --** **Bill Sec. --**
Analyst: Rampey **Analysis Pg. No. 84** **Budget Page No. 615**

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 359,685	\$ 358,650	\$ 0
FTE Positions	4.0	4.0	4.0
Special Project Appointments	0.0	0.0	0.0

Agency Overview

The Board of Technical Professions is a 13-member board that regulates approximately 11,500 persons who are licensed to practice the technical professions--architecture, engineering, land surveying, and landscape architecture. It has a four-person staff and contracts for legal and investigative services.

Agency Estimate/Governor's Recommendation

The Board estimates expenditures of \$359,685, which is the amount approved by the 1994 Legislature. The Governor recommends expenditures of \$358,650, a reduction of \$1,035 from the Board's estimate due to a recalculation of fringe benefits.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

House Committee Recommendation

The House Committee concurs with the Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.

SUBCOMMITTEE REPORT

Agency: Board of Technical Professions

Bill No. 2091

Bill Sec. 20

Analyst: Rampey

Analysis Pg. No. 84

Budget Page No. 615

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 372,110	\$ 367,854	\$ (4,884)
FTE Positions	4.0	4.0	0.0
Special Project Appointments	0.0	0.0	0.0

Agency Request/Governor's Recommendation

The Board estimates expenditures of \$372,110 in FY 1996, a growth of 3.5 percent over the prior year. The requested budget generally would maintain the current level of activities and staff. One new initiative is the printing of an annual newsletter.

The Governor recommends expenditures of \$367,854, a reduction of \$4,256 from the request. The Governor's recommendation deletes funding for the newsletter.

House Subcommittee Recommendation

The Subcommittee concurs with the recommendations of the Governor, with the following recommendation and comment:

1. Delete \$4,884, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,651); classified step movement (\$782); a one percent base adjustment for classified employees (\$734); and the longevity bonus (\$1,717) from individual agency budgets.
2. According to the Executive Director of the Board, the Board most likely will proceed to print and mail a newsletter to licensees, a new activity which is estimated to cost \$4,625 in FY 1996 and \$4,750 in FY 1997. Although the Governor did not approve the additional expenditure, the Board believes it can find ways to publish the newsletter within available resources. The Subcommittee encourages the Board to proceed with the newsletter and will review its efforts during the 1996 Session.

House Committee Recommendation

The House Committee concurs with the Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.

SUBCOMMITTEE REPORT

Agency: Board of Technical Professions Bill No. 2091 Bill Sec. 20

Analyst: Rampey Analysis Pg. No. 84 Budget Page No. 615

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 380,211	\$ 375,270	\$ 0
FTE Positions	4.0	4.0	0.0
Special Project Appointments	0.0	0.0	0.0
TOTAL	<u>4.0</u>	<u>4.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The Board estimates expenditures of \$380,211 in FY 1997, a 2.2 percent growth over its request for FY 1996.

The Governor recommends expenditures of \$375,270, a reduction of \$4,941 from the request. The reduction deleted requested funding for a newsletter.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

The table below shows an estimate of Board expenditures and receipts through FY 1997. The Board's main source of revenue is a \$50 biennial license renewal fee. Currently, the Board is at its statutory maximum on all fees. Because almost two-thirds of the Board's revenues are received during the last four months of the fiscal year, the Board must maintain a balance that is sufficient to carry it through the year until its major revenues are generated.

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Agency Estimate FY 1995</u>	<u>Subc. Rec. FY 1995</u>	<u>Agency Request FY 1996</u>	<u>Subc. Rec. FY 1996</u>	<u>Agency Request FY 1997</u>	<u>Subc. Rec. FY 1997</u>
Beginning Balance	\$ 156,512	\$ 210,236	\$ 210,236	\$ 229,822	\$ 230,857	\$ 257,303	\$ 267,478
Net Receipts	364,722	379,271	379,271	399,591	399,591	379,492	379,492
Total Funds Available	\$ 521,234	\$ 589,507	\$ 589,507	\$ 629,413	\$ 630,448	\$ 636,795	\$ 646,970
Less: Expenditures	310,998	359,685	358,650	372,110	362,970	380,211	375,270
Ending Balance	<u>\$ 210,236</u>	<u>\$ 229,822</u>	<u>\$ 230,857</u>	<u>\$ 257,303</u>	<u>\$ 267,478</u>	<u>\$ 256,584</u>	<u>\$ 271,700</u>
Ending Balance as Percentage of Expenditures	67.6%	63.9%	64.4%	69.2%	73.7%	67.5%	72.4%

House Committee Recommendation

The House Committee concurs with the Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.


SUBCOMMITTEE REPORT

FY 1995, FY 1996, AND FY 1997

Dental Board
Board of Healing Arts
Behavioral Sciences Regulatory Board
Board of Pharmacy



Senator Stephen Morris
Subcommittee Chairperson



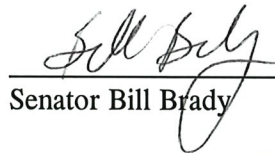
Senator Dave Kerr



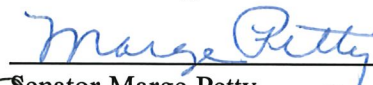
Senator Barbara Lawrence



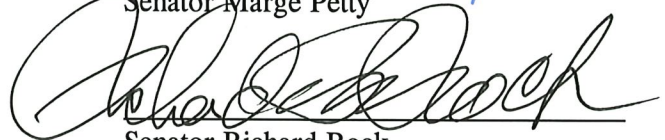
Senator Alicia Salisbury



Senator Bill Brady



Senator Marge Petty



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Dental Board

Bill No. --

Bill Sec. --

Analyst: Pierron

Analysis Pg. No. 39

Budget Page No. 596

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 201,359	\$ 201,124	\$ 0
FTE Positions	2.4	2.4	--

Agency Estimate/Governor's Recommendation

The agency estimates FY 1995 expenditures of 201,359, which is \$673 less than the approved amount, as adjusted for State Finance Council action. The Governor recommends \$201,124 for FY 1995, a reduction of \$235 from the agency's revised estimate. The reduction reflects savings from a decrease in health insurance rates.

House Subcommittee Recommendation

FY 1995. The Subcommittee concurs with the Governor's recommendations and notes the following financial and performance information.

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>
Beginning Balance	\$ 127,414	\$ 129,018
Net Receipts	175,808	185,300
Total Available	\$ 303,222	\$ 314,318
Less: Expenditures	174,204	201,124
Ending Balance	<u>\$ 129,018</u>	<u>\$ 113,194</u>
Ending Balance as a Percentage of Expenditures	74.1%	56.3%

Performance Indicators		
	FY 1994	Agency Est. FY 1995
Dentists Licensed	49	60
Hygienists Licensed	83	90
Dentist Renewals	2,211	2,300
Hygienist Renewals	1,427	1,500
Complaints Received	46	55
Investigations	46	55
Punitive Actions	6	10
Inspections Completed	281	400

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Subc. Adj.</u>
State Operations:			
Special Revenue Fund	\$ 0	\$ 201,124	\$ 0
FTE Positions	--	2.4	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendation of the House.

SUBCOMMITTEE REPORT

Agency: Dental Board

Bill No. 2091

Bill Sec. 10

Analyst: Pierron

Analysis Pg. No. 39

Budget Page No. 595

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 203,767	\$ 204,103	\$ (2,450)
FTE Positions	2.4	2.4	--

Agency Request/Governor's Recommendation

The Board requests FY 1996 expenditures of \$203,767, an increase of \$2,408 from the revised FY 1995 estimate. The request includes: \$83,217 for salaries and wages (an increase of \$969 over the revised FY 1995 amount) and \$120,550 for other operating expenditures (an increase of \$1,439 over the revised FY 1995 amount). The Governor recommends FY 1996 expenditures of \$204,103, an increase of \$336 from the agency's request.

House Subcommittee Recommendation

FY 1996. The Subcommittee concurs with the recommendation of the Governor, with the following adjustment:

- Delete \$2,450 from the Dental Board Fee Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$533); classified step movement (\$529); a 1 percent base adjustment for classified employees (\$529); and the longevity bonus (\$1,130) from individual agency budgets.

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>	<u>Estimated FY 1996</u>	<u>Estimated FY 1997</u>
Beginning Balance	\$ 127,414	\$ 129,018	\$ 113,194	\$ 117,049
Net Receipts	175,808	185,300	205,508	207,780
Total Available	\$ 303,222	\$ 314,318	\$ 318,702	324,829
Less: Expenditures	174,204	201,124	201,653	206,743
Ending Balance	\$ 129,018	\$ 113,194	\$ 117,049	\$ 118,086
Ending Balance as a Percentage of Expenditures	74.1%	56.3%	58.0%	57.1%

2. The Subcommittee notes the following performance indicators:

Performance Indicators			
	<u>FY 1994</u>	<u>Agency Est. FY 1995</u>	<u>Agency Est. FY 1996</u>
Dentists Licensed	49	60	65
Hygienists Licensed	83	90	90
Dentist Renewals	2,211	2,300	2,300
Hygienist Renewals	1,427	1,500	1,500
Complaints Received	46	55	60
Investigations	46	55	60
Punitive Actions	6	10	11
Inspections Completed	281	400	400

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Subc. Adj.</u>
State Operations:			
Special Revenue Fund	\$ (2,450)	\$ 201,653	\$ 0
FTE Positions	--	2.4	--

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the House.

SUBCOMMITTEE REPORT

Agency: Dental Board

Bill No. 2091

Bill Sec. 10

Analyst: Pierron

Analysis Pg. No. 39

Budget Page No. 595

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 206,561	\$ 206,743	\$ 0
FTE Positions	2.4	2.4	--

Agency Request/Governor's Recommendation

The Board requests FY 1997 expenditures of \$206,561, an increase of \$2,794 (1.4 percent) from the FY 1996 agency request. The request includes \$85,216 for salaries and wages, an increase of \$1,999 from the FY 1996 salaries and wages request. The request also includes \$121,345 for other operating expenditures, , an increase of \$795 over the FY 1996 operating expenditures request. The Governor recommends FY 1997 expenditures of \$206,743, an increase of \$182 over the FY 1997 operating expenditures request. This funding will provide for the Board's anticipated level of service and will maintain the Board's 2.4 FTE.

House Subcommittee Recommendations

FY 1997. The Subcommittee concurs with the Governor's recommendations. The Subcommittee provides the following fee fund analysis based on the Subcommittee's FY 1996 and FY 1997 recommendations. The Subcommittee also notes the following agency performance information.

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimated FY 95</u>	<u>Estimated FY 96</u>	<u>Estimated FY 97</u>
Beginning Balance	\$ 127,414	\$ 129,018	\$ 113,194	\$ 117,049
Net Receipts	175,808	185,300	205,508	207,780
Total Available	\$ 303,222	\$ 314,318	\$ 318,702	\$ 324,829
Less: Expenditures	174,204	201,124	201,653	206,743
Ending Balance	<u>\$ 129,018</u>	<u>\$ 113,194</u>	<u>\$ 117,049</u>	<u>\$ 118,086</u>
Ending Balance as a Percentage of Expenditures	74.1%	56.3%	58.0%	57.1%

Performance Indicators				
	<u>FY 1994</u>	<u>Agency Est. FY 1995</u>	<u>Agency Est. FY 1996</u>	<u>Agency Est. FY 1997</u>
Dentists Licensed	49	60	65	70
Hygienists Licensed	83	90	90	90
Dentist Renewals	2,211	2,300	2,300	2,300
Hygienist Renewals	1,427	1,500	1,500	1,500
Complaints Received	46	55	60	65
Investigations	46	55	60	65
Punitive Actions	6	10	11	12
Inspections Completed	281	400	400	400

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 97</u>	<u>House Rec. FY 97</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 0	\$ 206,743	\$ 0
FTE Positions	--	2.4	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.

SUBCOMMITTEE REPORT

Agency: Board of Pharmacy

Bill No. --

Bill Sec. --

Analyst: Pierron

Analysis Pg. No. 59

Budget Page No. 607

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 419,571	\$ 422,709	\$ 0
FTE Positions	8.0	6.0	--

Agency Estimate/Governor's Recommendation

The agency estimates FY 1995 expenditures of \$419,571, which is the amount approved by the 1994 Legislature, as adjusted by State Finance Council action. The Governor recommends \$422,709 for FY 1995, an increase of \$3,138 from the agency's request. The recommendation includes salary reclassifications and a reduction for health insurance savings.

House Subcommittee Recommendation

FY 1995. The Subcommittee concurs with the Governor's recommendations.

The Subcommittee notes the following agency performance information:

Agency Performance Information				
	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>
Pharmacy Licenses	813	812	919	930
Pharmacist Licenses	2,321	3,075	2,953	3,159
Pharmacist Examinees	97	100	104	100
Investigations	2,197	2,962	3,000	3,050
Hearing Before Board:				
Formal	17	19	32	51
Informal	53	21	18	24

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House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Subcommittee Adjustments FY 95</u>	<u>House Recommendation FY 95</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 0	\$ 422,709	\$ 0
FTE Positions	--	6.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.

SUBCOMMITTEE REPORT

Agency: Board of Pharmacy

Bill No. 2091

Bill Sec. 16

Analyst: Pierron

Analysis Pg. No. 59

Budget Page No. 607

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 508,781	\$ 442,776	\$ (6,462)
FTE Positions	8.0	6.0	--

Agency Request/Governor's Recommendation

The agency requests FY 1996 expenditures of \$508,781, which is an increase of \$89,210 (21.3 percent) from the FY 1995 estimate. The request includes 2.0 new FTE positions for an additional Pharmacy Inspector and an Office Assistant II to alleviate the growing backlog of work created by the increasing number of licenses, registrants, inspections and investigations. The Governor recommends \$442,776 for FY 1996, a decrease of \$66,005 from the agency's request. The Governor's recommendation provides for the continuation of current services and reflects an adjustment for the change in health insurance rates. The recommendation does not include the requested 2.0 FTE positions.

House Subcommittee Recommendation

FY 1996. The Subcommittee concurs with the Governor's recommendations, with the following comment and adjustment:

1. In response to the agency testimony regarding public complaints, the subcommittee is aware that quality assurance concerns need to be addressed relating to the liability of pharmacists in their practice of pharmacy. In addition, the subcommittee has been made aware of the problems that arise with illegible handwriting by some physicians on pharmacy prescriptions.

2. Delete \$6,462 from the Board of Pharmacy Fee Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,964); classified step movement (\$1,729); and a one percent base adjustment for classified employees (\$1,729). The agency did not request any funding for longevity bonus payments.

The Subcommittee notes the following agency performance information:

Agency Performance Information					
	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
Pharmacy Licenses	813	812	919	930	950
Pharmacist Licenses	2,321	3,075	2,953	3,159	3,240
Pharmacist Examinees	97	100	104	100	100
Investigations	2,197	2,962	3,000	3,050	3,150
Hearing Before Board:					
Formal	17	19	32	51	60
Informal	53	21	18	24	28

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Subcommittee Adjustments FY 96</u>	<u>House Recommendation FY 96</u>	<u>Senate Subcommittee Adjustments FY 96</u>
State Operations:			
Special Revenue Fund	\$ (6,462)	\$ 436,314	\$ 0
FTE Positions	--	6.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House with the following notations:

1. The Senate Subcommittee recognizes the need for an additional Pharmacy Inspector and recommends adding 1.0 FTE Pharmacy Inspector once the agency gathers statistical evidence which documents this need. The Subcommittee recommends the agency report to the FY 1996 Legislature on this matter.

SUBCOMMITTEE REPORT

Agency: Board of Pharmacy

Bill No. 2091

Bill Sec. 16

Analyst: Pierron

Analysis Pg. No. 59

Budget Page No. 607

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 514,770	\$ 447,606	\$ 0
FTE Positions	8.0	6.0	--

Agency Request/Governor's Recommendation

The agency requests FY 1997 expenditures from the Board of Pharmacy Fee Fund of \$514,770, an increase of \$95,199 from the FY 1995 estimate (22.7 percent), and an increase of \$5,989 (1.2 percent) from the FY 1996 expenditure request. The request includes an increase of \$16,418 for in-state travel and subsistence, reflecting an adjustment for increased rates for one additional inspector's lodging, subsistence, and mileage. An increase of one additional vehicle from the motor pool, plus travel and subsistence for one additional Board member to attend four national meetings out-of-state are also reflected in this adjusted increase. The annual meetings generally range from four to six days depending on the location and time needed for travel. An additional \$1,307 for additional office space needed for the new 2.0 FTE is also included in the request. The Governor recommends FY 1997 funding in the amount of \$447,606. This is a decrease of \$67,164 from the agency's request. The recommendation includes \$9,899 for salary adjustments. The Governor recommends FY 1997 expenditures for contractual services of \$154,017; this is a reduction of \$15,446 from the agency's request. The Governor recommends \$30,556 for commodities; an increase of \$586 from the agency's request. The Governor recommends \$700 for capital outlay; a decrease of \$250 from the agency's request.

House Subcommittee Recommendation

FY 1997. The Subcommittee concurs with the Governor's recommendation and notes the following financial and performance information:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimate FY 1995</u>	<u>Estimate FY 1996</u>	<u>Estimated FY 1997</u>
Beginning Balance	\$ 147,374	\$ 227,612	\$ 298,435	\$ 374,173
Net Receipts	474,061	493,532	512,052	525,125
Total Available	\$ 621,435	\$ 721,144	\$ 810,487	\$ 899,298
Less: Expenditures	393,823	422,709	436,314	447,606
Ending Balance	<u>\$ 227,612</u>	<u>\$ 298,435</u>	<u>\$ 374,173</u>	<u>\$ 451,693</u>
Ending Balance as a Percentage of Expenditures	57.8%	75.3%	85.8%	100.9%

The Subcommittee notes the following agency performance information:

Agency Performance Information						
	<u>FY 1992</u>	<u>FY 1993</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
Pharmacy Licenses	813	812	919	930	950	970
Pharmacist Licenses	2,321	3,075	2,953	3,159	3,240	3,345
Pharmacist Examinees	97	100	104	100	100	100
Investigations	2,197	2,962	3,000	3,050	3,150	3,200
Hearing Before Board:						
Formal	17	19	32	51	60	65
Informal	53	21	18	24	28	35

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Subcommittee Adjustments FY 97</u>	<u>House Recommendation FY 97</u>	<u>Senate Subcommittee Adjustments FY 97</u>
State Operations:			
Special Revenue Fund	\$ 0	\$ 447,606	\$ 0
FTE Positions	--	6.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House with the following notations:

1. The Senate Subcommittee recognizes the need for an additional Pharmacy Inspector and recommends adding 1.0 FTE Pharmacy Inspector once the agency gathers statistical evidence which documents this need. The Subcommittee recommends the agency report to the FY 1996 Legislature on this matter.

SUBCOMMITTEE REPORT

Agency: Board of Healing Arts

Bill No. --

Bill Sec. --

Analyst: Pierron

Analysis Pg. No. 42

Budget Page No. 597

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 1,467,608	\$ 1,465,909	\$ 0
FTE Positions	26.0	26.0	--

Agency Request/Governor's Recommendation

For FY 1995, the agency estimates expenditures of \$1,467,608, which is the amount approved by the 1994 Legislature, as adjusted for Finance Council action. The Governor recommends expenditures of \$1,465,909 for FY 1995, a decrease of \$1,699 from the agency's revised estimate. The decrease is the result of reduced health insurance rates.

House Subcommittee Recommendation

FY 1995. The Subcommittee concurs with the recommendation of the Governor.

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>
Beginning Balance	\$ 1,049,316	\$ 1,150,541
Net Receipts	1,428,829	1,659,730
Total Available	\$ 2,478,145	\$ 2,810,271
Less: Expenditures	1,327,604	1,465,909
Ending Balance	<u>\$ 1,150,541</u>	<u>\$ 1,344,362</u>
Ending Balance as a Percentage of Expenditures	86.6%	91.7%

The Subcommittee notes the following performance indicators:

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Licenses and Registrants by Profession		
	Actual <u>FY 1994</u>	Agency Est. <u>FY 1995</u>
Medicine & Surgery	6,947	7,000
Osteopathic Medicine and Surgery	522	550
Chiropractic	775	800
Podiatry	147	160
Physician's Assistant	300	400
Physical Therapist	1,524	1,600
Physical Therapist Assistant	983	750
Occupational Therapist	891	1,000
Occupational Therapist Assistant	133	250
Respiratory Therapist	1,269	1,300

House Committee Recommendation

The House Committee concurs with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Subcommittee Adj. FY 95</u>	<u>House Recommendation FY 95</u>	<u>Senate Subcommittee Adj. FY 95</u>
State Operations:			
Special Revenue Fund	\$ --	\$ 1,465,909	\$ --
FTE Positions	--	26.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.

SUBCOMMITTEE REPORT

Agency: Board of Healing Arts

Bill No. 2091

Bill Sec. 7

Analyst: Pierron

Analysis Pg. No. 42

Budget Page No. 597

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 1,607,167	\$ 1,556,220	\$ (37,913)
FTE Positions	26.0	26.0	--

Agency Request/Governor's Recommendation

For FY 1996, the agency requests expenditures of \$1,607,167, an increase of \$139,559 (9.5 percent) from the revised 1995 estimate. The request includes: \$932,403 for salaries and wages (an increase of \$63,328 or 7.3 percent over the FY 1995 amount) and \$674,764 for other operating expenditures (an increase of \$76,231 or 12.7 percent over the FY 1995 amount). The request includes funding for 27.0 FTE positions, an increase of 1.0 FTE position over the number approved for FY 1995, and reallocation of four (4.0) FTE Special Investigator I positions to Special Investigator II positions. The additional position requested is a Special Investigator I position. In addition to salaries and expenditures of \$32,424 for the new position, the agency is requesting \$2,559 in capital outlay for the new position and \$8,020 for anticipated travel by the new Special Investigator I.

For FY 1996, the Governor recommends expenditures of \$1,556,220, a decrease of \$50,947 from the agency's request. The Governor recommends \$900,585 for salaries and wages, a decrease of \$31,818 from the agency's request. The Governor does not recommend the addition of 1.0 FTE position for a Special Investigator I. The recommendation maintains the existing staff of 26.0 positions, and makes other salaries and wages adjustments.

House Subcommittee Recommendation

FY 1996. The Subcommittee concurs with the recommendation of the Governor with the following adjustments:

1. The Subcommittee recommendation includes a \$10,000 reduction designated for attorney fees under fees -- professional services.
2. Delete \$27,913 from the Board of Healing Arts Fee Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$8,319); classified step movement (\$13,860); a one percent base adjustment for classified employees (\$5,402); and the longevity bonus (\$332) from individual agency budgets.
3. The Subcommittee recommends that the Division of Personnel Services of the Department of Administration review personnel practices to ensure that the agency is in compliance with state and federal regulations.

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>	<u>Estimate FY 96</u>
Beginning Balance	\$ 1,049,316	\$ 1,150,541	\$ 1,344,362
Net Receipts	<u>1,428,829</u>	<u>1,659,730</u>	<u>1,825,225</u>
Total Available	\$ 2,478,145	\$ 2,810,271	\$ 3,169,587
Less: Expenditures	<u>1,327,604</u>	<u>1,465,909</u>	<u>1,518,307</u>
Ending Balance	<u><u>\$ 1,150,541</u></u>	<u><u>\$ 1,344,362</u></u>	<u><u>\$ 1,651,280</u></u>
Ending Balance as a Percentage of Expenditures	86.6%	91.7%	108.8%

The Subcommittee notes the following performance indicators:

Licenses and Registrants by Profession			
	<u>Actual FY 1994</u>	<u>Agency Est. FY 1995</u>	<u>Agency Est. FY 1996</u>
Medicine & Surgery	6,947	7,000	7,100
Osteopathic Medicine and Surgery	522	550	575
Chiropractic	775	800	825
Podiatry	147	160	175
Physician's Assistant	300	400	500
Physical Therapist	1,524	1,600	1,650
Physical Therapist Assistant	983	750	800
Occupational Therapist	891	1,000	1,175
Occupational Therapist Assistant	133	250	335
Respiratory Therapist	1,269	1,300	1,350

House Committee Recommendation

The House Committee concurs with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ (37,913)	\$ 1,518,307	\$ 10,000
FTE Positions	--	26.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House with the following notations:

1. Add \$10,000 for attorney fees designated under fees -- professional services. The Subcommittee's action will restore the fees -- professional services to the amount recommended by the House. The Subcommittee recognizes the agency need for employing outside attorneys with expertise in medical malpractice. In addition, the Subcommittee notes the favorable outcomes to the State when outside expertise is employed.
2. Recommend the Board of Healing Arts consider reducing fees in the categories of exempt and inactive licenses. The Subcommittee would also like to note, however, that if S.B. 271 passes, it could reduce the fee fund balance of the agency.

SUBCOMMITTEE REPORT

Agency: Board of Healing Arts

Bill No. 2091

Bill Sec. 7

Analyst: Pierron

Analysis Pg. No. 42

Budget Page No. 597

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ 1,744,080	\$ 1,683,571	\$ (12,559)
FTE Positions	26.0	26.0	--

Agency Request/Governor's Recommendation

For FY 1997, the agency requests expenditures of \$1,744,080, an increase of \$136,913 or 8.5 percent from the FY 1996 agency expenditures request. The request includes \$955,350 for salaries and wages, an increase of \$22,947 or 2.5 percent from the FY 1996 agency salary and wages request. The request also includes \$788,730 for other operating expenditures, an increase of \$113,966 or 16.9 percent over the FY 1996 operating expenditures request. The increase in other operating expenditures is attributable to an increase in exam costs and for office supplies for the 1.0 FTE requested Special Investigator I position.

For FY 1997, the Governor recommends expenditures of \$1,683,571, a decrease of \$60,509 from the agency's request. The Governor recommends \$923,613 for salaries and wages, a decrease of \$92,246 from the agency's request. The Governor does not recommend the addition of 1.0 FTE position. The recommendation maintains the existing staff of 26.0 FTE.

House Subcommittee Recommendation

FY 1997. The Subcommittee concurs with the recommendation of the Governor, with the following adjustments:

1. Delete \$10,000 designated for attorney fees under fees -- professional services.
2. Delete \$2,559 in commodities and capital outlay requested for a new 1.0 FTE Special Investigator I position that was not recommended by the Governor in FY 1997.
3. The Subcommittee notes the following fee fund analysis based on the Subcommittee's recommendations.

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>	<u>Estimate FY 96</u>	<u>Estimate FY 97</u>
Beginning Balance	\$ 1,049,316	\$ 1,150,541	\$ 1,344,362	\$ 1,651,280
Net Receipts	<u>1,428,829</u>	<u>1,659,730</u>	<u>1,825,225</u>	<u>1,984,440</u>
Total Available	\$ 2,478,145	\$ 2,810,271	\$ 3,169,587	\$ 3,635,720
Less: Expenditures	<u>1,327,604</u>	<u>1,465,909</u>	<u>1,518,307</u>	<u>1,671,012</u>
Ending Balance	<u>\$ 1,150,541</u>	<u>\$ 1,344,362</u>	<u>\$ 1,651,280</u>	<u>\$ 1,964,708</u>
Ending Balance as a Percentage of Expenditures	86.6%	91.7%	109.5%	118.2%

4. The Subcommittee notes the following performance indicators:

Licenses and Registrants by Profession				
	<u>Actual FY 1994</u>	<u>Agency Est. FY 1995</u>	<u>Agency Est. FY 1996</u>	<u>Agency Est. FY 1997</u>
Medicine & Surgery	6,947	7,000	7,100	7,200
Osteopathic Medicine and Surgery	522	550	575	600
Chiropractic	775	800	825	850
Podiatry	147	160	175	190
Physician's Assistant	300	400	500	600
Physical Therapist	1,524	1,600	1,650	1,700
Physical Therapist Assistant	983	750	800	875
Occupational Therapist	891	1,000	1,175	1,350
Occupational Therapist Assistant	133	250	335	415
Respiratory Therapist	1,269	1,300	1,350	1,415

House Committee Recommendation

The House Committee concurs with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Subcommittee Adj. FY 97</u>	<u>House Recommendation FY 97</u>	<u>Senate Subcommittee Adj. FY 97</u>
State Operations:			
Special Revenue Fund	\$ (12,559)	\$ 1,671,012	\$ 10,000
FTE Positions	--	26.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House with the following notations:

1. Add \$10,000 for attorney fees designated under fees -- professional services. The action would restore the fees -- professional services to the amount recommended by the Governor. The Subcommittee recognizes the agency need for employing outside attorneys with expertise in medical malpractice. In addition, the Subcommittee notes the favorable outcomes to the State when outside expertise is employed.
2. Recommend the Board of Healing Arts consider reducing fees in the categories of exempt and inactive licenses. The Subcommittee would also like to note, however, that if S.B. 271 passes, it could reduce the fee fund balance of the agency.

SUBCOMMITTEE REPORT

Agency: Behavioral Sciences Regulatory Board **Bill No. --**

Bill Sec. --

Analyst: Pierron

Analysis Pg. No. 20

Budget Page No. 587

<u>Expenditure Summary</u>	<u>Agency Request FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 486,833	\$ 487,443	\$ 0
FTE Positions	8.5	8.5	--

Agency Request/Governor's Recommendation

The Board's FY 1995 estimate of expenditures totals \$486,833, a decrease of \$30,217 (5.8 percent) from the amount approved by the 1994 Legislature, as adjusted by the State Finance Council. The Governor recommends FY 1995 expenditures of \$487,443, an increase of \$610 from the revised agency estimate.

House Subcommittee Recommendation

FY 1995. The Subcommittee concurs with the Governor's recommendation.

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>
Beginning Balance	\$ 68,847	\$ 89,295
Net Receipts	<u>376,208</u>	<u>411,374</u>
Total Available	\$ 445,055	\$ 500,669
Less: Expenditures	<u>356,397</u>	<u>487,443</u>
Ending Balance	<u>\$ 88,658</u>	<u>\$ 13,226</u>
Ending Balance as a Percentage of Expenditures	24.9%	2.7%

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March 15, 1995
Attachment 16*

The agency notes the following performance indicators.

Agency Performance Indicators				
	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
Examinations	612	672	982	1,265
Applications	1,182	2,295	1,300	1,315
Renewals	2,607	2,180	3,267	3,325
TOTAL	<u>4,401</u>	<u>5,147</u>	<u>5,549</u>	<u>5,905</u>

House Committee Recommendation

The House Committee concurred with the recommendation of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Subc. Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 0	\$ 487,443	\$ 0
FTE Positions	--	8.5	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House.

SUBCOMMITTEE REPORT

Agency: Behavioral Sciences Regulatory Board Bill No. 2091

Bill Sec. 6

Analyst: Pierron

Analysis Pg. No. 20

Budget Page No. 587

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 522,666	\$ 482,947	\$ (60,091)
FTE Positions	9.0	8.5	(2.0)

Agency Request/Governor's Recommendation

The Board's FY 1996 budget request totals \$522,666, an increase of \$35,833 (7.4 percent) above the revised FY 1995 estimate. The request includes funding for the addition of a 0.5 FTE attorney position (\$19,770 excluding fringe benefits) to investigate and if necessary adjudicate complaints. The Governor recommends FY 1996 expenditures of \$482,947, a decrease of \$37,719 from the agency's request. The recommendation includes \$269,925 in salaries and wages (a reduction of \$32,771 from the agency's request) and \$213,022 (a reduction of \$5,448) for other operating expenditures.

House Subcommittee Recommendation

FY 1996. The Subcommittee concurs with the recommendation of the Governor, with the following adjustments:

1. It is the recommendation of the Subcommittee on Social Services that the Behavioral Sciences Regulatory Board contact DISC and request that they perform a Requirements Analysis for any modifications to be made to their current computing environment of the Behavioral Sciences Board. This analysis should include recommendations by DISC on improvements in methodology used for database update and backup and recovery procedures.

The Subcommittee also recommends that the Behavioral Sciences Regulatory Board take the steps necessary to become part of the SHARP system if this system is approved by the Legislature.

It is further recommended that all of the above actions be accomplished within existing resources.

2. The Subcommittee recommends the elimination of 2.0 FTE positions, an Office Assistant III position (\$17,256 excluding fringe benefits) and a Secretary III

(\$22,548 excluding fringe benefits). These two reductions total \$49,719 from the Behavioral Sciences Regulatory Board Fee Fund when fringe benefits are included.

3. The Subcommittee recommends \$10,372 be deleted from the Behavioral Sciences Regulatory Board Fee Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,238); classified step movement (\$7,231); and a one percent base adjustment for classified employees (\$1,903). The agency has no longevity pay to delete.

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 94	Estimate FY 95	Estimate FY 96
Beginning Balance	\$ 68,847	\$ 89,295	\$ 13,226
Net Receipts	376,208	411,374	485,000
Total Available	\$ 445,055	\$ 500,669	\$ 498,226
Less: Expenditures	356,397	487,443	422,856
Ending Balance	<u>\$ 88,658</u>	<u>\$ 13,226</u>	<u>\$ 75,370</u>
Ending Balance as a Percentage of Expenditures	24.9%	2.7%	17.8%

The Subcommittee notes the following performance indicators.

Agency Performance Indicators				
	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
Examinations	612	672	982	1,265
Applications	1,182	2,295	1,300	1,315
Renewals	<u>2,607</u>	<u>2,180</u>	<u>3,267</u>	<u>3,325</u>
TOTAL	<u>4,401</u>	<u>5,147</u>	<u>5,549</u>	<u>5,905</u>

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ (60,091)	\$ 422,856	\$ 0
FTE Positions	--	8.5	--

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the House with the following notation:

1. Pending passage of S.B. 367, which increases fee revenues for this agency, the Senate Subcommittee wishes to review during the Omnibus Session, the agency expenditure authority which may include financing for 2.0 FTE positions that were eliminated by the House.

SUBCOMMITTEE REPORT

Agency: Behavioral Sciences Regulatory Board **Bill No. 2091**

Bill Sec. 6

Analyst: Pierron

Analysis Pg. No. 20

Budget Page No. 587

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations: Special Revenue Fund	\$ 540,482	\$ 509,433	\$ (49,719)
FTE Positions	9.0	8.5	(2.0)

Agency Request/Governor's Recommendation

The Board's FY 1997 budget request totals \$540,482, an increase of \$ 17,816 (3.3 percent) above the FY 1996 budget request. The FY 1997 request includes funding for the addition of the 0.5 FTE attorney position requested in the FY 1996 budget, as well as funding for the anticipated increased costs associated with handling additional credentialed persons (*i.e.*, communications, printing, and purchase of examinations). The Governor recommends FY 1997 expenditures of \$509,433, a decrease of \$31,049 from the agency's request. The recommendation includes \$283,306 for salaries and wages, a decrease of \$22,743 from the agency request. Funding at this level will maintain the current 8.5 FTE positions.

House Subcommittee Recommendation

FY 1997. The Subcommittee concurs with the recommendation of the Governor, with the following adjustments:

1. The recommendation continues the termination of the Office Assistant III and Secretary III position eliminated in FY 1996.

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 94</u>	<u>Estimate FY 95</u>	<u>Estimate FY 96</u>	<u>Estimate FY 97</u>
Beginning Balance	\$ 68,847	\$ 89,295	\$ 13,226	\$ 75,370
Net Receipts	<u>376,208</u>	<u>411,374</u>	<u>485,000</u>	<u>500,000</u>
Total Available	\$ 445,055	\$ 500,669	\$ 498,226	\$ 575,370
Less: Expenditures	<u>356,397</u>	<u>487,443</u>	<u>422,856</u>	<u>459,714</u>
Ending Balance	<u>\$ 88,658</u>	<u>\$ 13,226</u>	<u>\$ 75,370</u>	<u>\$ 115,656</u>
Ending Balance as a Percentage of Expenditures	24.9%	2.7%	17.8%	25.2%

The Subcommittee notes the following performance indicators.

Agency Performance Indicators				
	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>	<u>FY 1997</u>
Examinations	612	672	982	1,265
Applications	1,182	2,295	1,300	1,315
Renewals	<u>2,607</u>	<u>2,180</u>	<u>3,267</u>	<u>3,325</u>
TOTAL	<u>4,401</u>	<u>5,147</u>	<u>5,549</u>	<u>5,905</u>

House Committee Recommendation

The House Committee concurred with the recommendations of the Subcommittee.

House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 97</u>	<u>House Rec. FY 97</u>	<u>Senate Subc. Adj.</u>
State Operations: Special Revenue Fund	\$(49,719)	\$ 459,714	\$ 0
FTE Positions	(2.0)	6.5	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House with the following notation:

1. Pending passage of S.B. 367, which increases fee revenues for this agency, the Senate Subcommittee wishes to review during the Omnibus Session, the agency expenditure authority which may including financing for 2.0 FTE positions that were eliminated by the House.

Senate Subcommittee on Fee Boards

Subcommittee Reports on:

Bank Commissioner

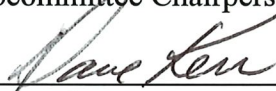
Consumer Credit Commissioner

Department of Credit Unions

Office of Securities Commissioner



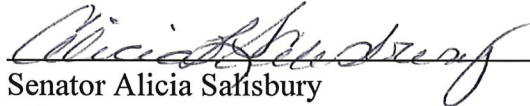
Senator Stephen R. Morris
Subcommittee Chairperson



Senator Dave Kerr



Senator Barbara Lawrence



Senator Alicia Salisbury



Senator Marge Petty



Senator Bill Brady



Senator Richard Rock

SWAM
March 15, 1995
Attachment 17

SUBCOMMITTEE REPORT

Agency: Consumer Credit Commissioner

Bill No. --

Bill Sec. --

Analyst: Wiegiers

Analysis Pg. No. 24

Budget Page No. 589

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 309,147	\$ 308,914	\$ 0
Nonexpense Items	70,000	70,000	0
TOTAL	<u><u>\$ 379,147</u></u>	<u><u>\$ 378,914</u></u>	<u><u>\$ 0</u></u>
 FTE Positions	 7.0	 7.0	 0.0

Agency Estimate/Governor's Recommendation

The agency estimates expenditures of \$309,147 in FY 1995, a decrease of \$43,974 below the expenditure limitation approved by the 1994 Legislature. The estimate includes funding of \$5,000 for educational services through Housing and Credit Counseling, Inc. (HCCI). The agency also requests \$70,000 for a nonreportable transfer to the Kansas Council on Economic Education (KCEE) for educational purposes. The Governor recommends \$308,914 for FY 1995, a decrease of \$233 below the agency estimate. The recommendation includes \$244,855 for salaries and wages and \$59,059 for other operating expenditures. The reduction is due entirely to adjustments in salaries and wages because of reduced health insurance rates and reclassification. The recommendation includes funding of \$5,000 in other assistance to provide educational services through HCCI. The recommendation also continues the nonreportable transfer of \$70,000 to the KCEE. The following table show selected agency performance measures:

<u>Performance Measure</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimate</u>
UCCC examinations performed	151	165
Examination errors found	2,022	1,722
Amount refunded to consumers	\$124,806	\$114,800
New loan licenses issued	29	40
Teachers attending KCEE programs	929	1,000
Students taught by KCEE-trained teachers (approximate)	21,586	30,000
Households receiving subsidized financial counseling through HCCI	N/A	250
Complaints and inquiries investigated and received	2,520	2,500

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation.

The status of the fee fund, based on the Subcommittee recommendations, is as follows:

Resource Estimate	Actual FY 1994	Estimated FY 1995
Beginning Balance	\$ 173,511	\$ 210,904
Net Receipts	421,714	425,868
Total Funds Available	\$ 595,225	\$ 636,772
Less: Expenditures	314,321	308,914
Nonreportable	70,000	70,000
Ending Balance	\$ 210,904	\$ 257,858
Ending Balance as Percentage of Expenditures	54.9%	68.1%

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Consumer Credit Commissioner

Bill No. 2091

Bill Sec. 13

Analyst: Wiegers

Analysis Pg. No. 24

Budget Page No. 589

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 333,434	\$ 336,156	\$ (12,499)
Nonexpense Items	70,000	70,000	0
TOTAL	<u>\$ 403,434</u>	<u>\$ 406,156</u>	<u>\$ (12,499)</u>
 FTE Positions	 7.0	 6.0	 0.0

Agency Request/Governor's Recommendation

The agency requests \$333,434 for FY 1996 which is an increase of \$24,287, or 7.9% over the current year estimate of \$309,147. The request includes \$252,449 for salaries and wages (\$7,361 increase), \$66,210 for contractual services (\$9,426 increase), \$2,275 for commodities (\$0 increase), and \$2,500 for capital outlay (\$2,500 increase). The request would maintain the current 7.0 FTE positions including an unfunded Examiner V position which has been vacant since January, 1994. The agency requested retention of the position but did not request funding for it. The request for contractual services includes a \$7,000 professional services fee for an update to the annotated comments of the Kansas Uniform Consumer Credit Code (KUCCC). The agency requests \$10,000 in other assistance to provide educational services through Housing and Credit Counseling, Inc. (HCCI). The agency also requests that a transfer of \$70,000 for consumer education be made to the Kansas Council on Economic Education (KCEE). The Governor recommends \$336,156, an increase of \$2,722 above the agency request. The recommendation increases salaries and wages by \$2,722 to include a 1.0 percent classified base salary increase, a 3.5 percent unclassified merit pool and decreased health insurance rates. The Governor concurs with the agency request for contractual services, commodities and capital outlay. The Governor does not recommend retention of the Examiner V position and lowers the FTE limitation to 6.0 for FY 1996. The recommendation includes the \$7,000 professional fee to update the annotations to the KUCCC. The Governor concurs with the agency request for the \$10,000 transfer to HCCI and the \$70,000 transfer to the KCEE.

The following table shows selected agency performance measures and estimated levels of performance under the Governor's recommendations:

Performance Measure	FY 1994 Actual	FY 1995 Estimate	FY 1996 Estimate*
UCCC examinations performed	151	165	165
Examination errors found	2022	1722	1,422
Amount refunded to consumers	\$124,806	\$114,800	\$104,806
New loan licenses issued	29	40	40
Teachers attending KCEE programs	929	1,000	1,100
Students taught by KCEE-trained teachers (approximate)	21586	30,000	33,000
Households receiving subsidized financial counseling through HCCI	N/A	250	500
Complaints and inquiries investigated and received	2520	2500	2,500

* Estimated level of performance under Governor's recommendation.

House Subcommittee Recommendation

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

1. Delete \$12,499 from the Consumer Credit Fee Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$1,799); classified step movement (\$4,298); a one percent base adjustment for classified employees (\$1,837); and the longevity bonus (\$4,565) from individual agency budgets.

Resource Estimate	Actual FY 1994	Estimated FY 1995	Estimated FY 1996
Beginning Balance	\$ 173,511	\$ 210,904	\$ 257,858
Net Receipts	421,714	425,868	447,024
Total Funds Available	\$ 595,225	\$ 636,772	\$ 704,882
Less: Expenditures	314,321	308,914	323,657
Nonreportable	70,000	70,000	70,000
Ending Balance	<u>\$ 210,904</u>	<u>\$ 257,858</u>	<u>\$ 311,225</u>
Ending Balance as Percentage of Expenditures	54.9%	68.1%	79.1%

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Consumer Credit Commissioner

Bill No. 2091

Bill Sec. 13

Analyst: Wiegers

Analysis Pg. No. 24

Budget Page No. 589

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Funds	\$ 333,014	\$ 334,531	\$ 0
Nonexpense Items	70,000	70,000	0
TOTAL	<u><u>\$ 403,014</u></u>	<u><u>\$ 404,531</u></u>	<u><u>\$ 0</u></u>
FTE Positions	7.0	6.0	0.0

Agency Request/Governor's Recommendation

The agency requests \$333,014 for FY 1997, a decrease of \$420, or 0.1 percent below the FY 1996 request of \$333,434. The request includes \$258,964 for salaries and wages, \$61,775 for contractual services and \$2,275 for commodities. The request also includes \$10,000 other assistance to support educational services through Housing and Credit Counseling, Inc. (HCCI) and a \$70,000 non-reportable transfer to the Kansas Council on Economic Education (KCEE). The Governor recommends \$334,531 for FY 1997, an increase of \$1,517 above the agency request. The recommendation includes \$260,481 for salaries and wages and concurs with agency request on all other items. The following table shows selected agency performance measures and estimated levels of performance under the Governor's recommendation:

<u>Performance Measure</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimate</u>	<u>FY 1996 Estimate*</u>	<u>FY 1997 Estimate*</u>
UCCC examinations performed	151	165	165	175
Examination errors found	2,022	1,722	1,422	1,122
Amount refunded to consumers	\$124,806	\$114,800	\$104,806	\$94,806
New loan licenses issued	29	40	40	40
Teachers attending KCEE programs	929	1,000	1,100	1,200
Students taught by KCEE-trained teachers (approximate)	21,586	30,000	33,000	36,000
Households receiving subsidized financial counseling through HCCI	N/A	250	500	500
Complaints and inquiries investigated and received	2,520	2,500	2,500	2,500

* Estimated level of performance under the Governor's recommendation.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

The status of the fee fund, based on the Subcommittee recommendation, is as follows:

<u>Resource Estimate</u>	<u>Estimated FY 1995</u>	<u>Estimated FY 1996</u>	<u>Estimated FY 1997</u>
Beginning Balance	\$ 210,904	\$ 257,858	\$ 311,225
Net Receipts	425,868	447,024	447,184
Total Funds Available	\$ 636,772	\$ 704,882	\$ 758,409
Less: Expenditures	308,914	323,657	334,531
Nonreportable	70,000	70,000	70,000
Ending Balance	<u>\$ 257,858</u>	<u>\$ 311,225</u>	<u>\$ 353,878</u>
Ending Balance as Percentage of Expenditures	68.1%	79.1%	87.5%

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Department of Credit Unions

Bill No. 2234

Bill Sec. 13

Analyst: Wiegers

Analysis Pg. No. 33

Budget Page No. 593

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 662,601	\$ 667,026	\$ 0
FTE Positions	12.0	12.0	0.0

Agency Estimate/Governor's Recommendation

The agency estimates expenditures of \$662,601 in FY 1995, an increase of \$20,081 from the actual expenditures of \$642,520 in FY 1994. The estimate includes \$551,433 for salaries and wages and \$111,168 for all other operating expenditures. The agency requests and expenditure limitation increase of \$10,000 in order to complete certification by the National Association of State Credit Union Supervisors (NASCUS). The Governor recommends \$667,026 for FY 1995, an increase of \$4,425 over the agency estimate. The increase represents funding of the agency's request for a \$10,000 expenditure limitation increase with offsetting reductions due to a decrease in health insurance rates. The following table shows selected agency performance measures:

<u>Performance Measures</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimated</u>
CAMEL ratings of credit unions		
Rated 1 (excellent)	14	15
Rated 2 (good)	81	88
Rated 3 (require frequent callbacks)	30	24
Rated 4 (require extensive supervision)	3	1
Rated 5 (require liquidation/merger assistance)	0	0
Credit union examinations performed	133	129
Letters of Understanding issued	19	6
Consumer complaints received/pending	28/0	35/4

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

The status of the fee fund, based on the House Subcommittee recommendation, is as follows:

*SWAM
March 15, 1995
Attachment 18*

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>
Beginning Balance	\$ 234,827	\$ 215,482
Net Receipts	<u>623,175</u>	<u>631,589</u>
Total Funds Available	\$ 858,002	\$ 847,071
Less: Expenditures	<u>642,520</u>	<u>667,026</u>
Ending Balance	<u>\$ 215,482</u>	<u>\$ 180,045</u>
 Ending Balance as Percentage of Expenditures	 33.5%	 27.0%

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Department of Credit Unions

Bill No. 2091

Bill Sec. 9

Analyst: Wiegers

Analysis Pg. No. 33

Budget Page No. 593

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 707,005	\$ 701,371	\$(25,214)
FTE Positions	12.0	12.0	0.0

Agency Request/Governor's Recommendation

The agency requests \$707,005 for operating expenditures in FY 1996, an increase of \$44,404, or 6.7 percent, over the FY 1995 estimate of \$662,601. The request includes \$566,720 for salaries and wages (\$15,287 increase), \$128,523 for contractual services (\$22,532 increase), \$5,250 for commodities (\$850 increase) and \$6,512 for capital outlay (\$5,735 increase). The request continues funding for the current 12.0 FTE positions. Included in the capital outlay request is \$4,062 for office furniture for a new conference room and \$2,450 for field staff printers. The increase in contractual services is due to continuing certification fees and additional rent for new conference room space adjacent to the agency's current space. The agency request a fee increase of 5.0 percent in FY 1996. The Governor recommends \$701,371, a decrease of \$5,634 below the agency request. The recommendation includes \$566,609 for salaries and wages, \$123,500 for contractual services, \$4,750 for commodities and \$6,512 for capital outlay. Salaries and wages were adjusted by a 1.0 percent classified base salary increase, a 3.5 percent unclassified merit pool and decreased health insurance rates. The Governor recommends a fee increase of 3.0 percent.

The following table shows selected agency performance measures and the estimated level of performance under the Governor's recommendation:

<u>Performance Measures</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimated</u>	<u>FY 1996 Estimated*</u>
CAMEL ratings of credit unions			
Rated 1 (excellent)	14	15	15
Rated 2 (good)	81	88	94
Rated 3 (require frequent callbacks)	30	24	19
Rated 4 (require extensive supervision)	3	1	0
Rated 5 (require liquidation/merger assistance)	0	0	0
Credit union examinations performed	133	129	128
Letters of Understanding issued	19	6	0
Consumer complaints received/pending	28/0	35/4	35/0

* Estimated level of performance under the Governor's recommendation.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following observations and adjustments:

1. Delete \$25,214 from the Credit Union Fee Fund, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$2,058); classified step movement (\$13,497); a one percent base adjustment for classified employees (\$4,597); and the longevity bonus (\$5,062) from individual agency budgets.
2. The Subcommittee does not recommend the addition of a new conference room but does not decrease expenditures.
3. The Subcommittee recommends a 2.0 percent fee increase instead of the 3.0 percent recommended by the Governor.

The status of the fee fund, based on the House Subcommittee recommendations, is as follows:

Resource Estimate	Actual FY 1994	Estimated FY 1995	Estimated FY 1996
Beginning Balance	\$ 234,827	\$ 215,482	\$ 180,045
Net Receipts	623,175	631,589	644,221
Total Funds Available	\$ 858,002	\$ 847,071	\$ 824,266
Less: Expenditures	642,520	667,026	676,157
Ending Balance	<u>\$ 215,482</u>	<u>\$ 180,045</u>	<u>\$ 148,109</u>
 Ending Balance as of Percentage Expenditures	 33.5%	 27.0%	 21.9%

House Committee Recommendation

The House Committee concurs with the House Subcommittee with the following changes:

1. The Committee recommends a fee increase of 3.0 percent which is the increase recommended by the Governor.

The status of the fee fund, based on the House Committee recommendation, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>	<u>Estimated FY 1996</u>
Beginning Balance	\$ 234,827	\$ 215,482	\$ 180,045
Net Receipts	623,175	631,589	650,537
Total Funds available	\$ 858,002	\$ 847,071	\$ 830,582
Less: Expenditures	642,520	667,026	701,371
Ending Balance	<u>\$ 215,482</u>	<u>\$ 180,045</u>	<u>\$ 129,211</u>
Ending Balance as a Percentage of Expenditures	33.5%	27.0%	18.4%

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole with the following change:

1. The Senate Subcommittee recommends the additional conference room and office space requested by the agency.

SUBCOMMITTEE REPORT

Agency: Department of Credit Unions

Bill No. 2091

Bill Sec. 9

Analyst: Wiegers

Analysis Pg. No. 33

Budget Page No. 593

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
Special Revenue Fund	\$ 726,714	\$ 712,571	\$ 0
FTE Positions	12.0	12.0	0.0

Agency Request/Governor's Recommendation

The agency requests \$726,714 for operating expenditures in FY 1997, an increase of \$19,709 or 2.8 percent over the request for FY 1996. The request includes \$580,502 for salaries and wages, \$138,012 for contractual services, \$5,750 for commodities, and \$2,450 for capital outlay. Included in the request is \$3,250 in contractual services to maintain the agency's certification and \$2,450 for printers for the field staff. The agency proposes a 10.0 percent fee increase for FY 1997. The Governor recommends \$712,571 for FY 1997, a decrease of \$14,143 below the agency request of \$726,714. The recommendation includes \$579,191 for salaries and wages, \$128,440 for contractual services and \$4,940 for commodities. No capital outlay is recommended as the \$2,450 for the printers was recommended for FY 1996. The Governor recommends a fee increase of 5.0 percent.

The following table shows selected agency performance measures and estimated levels of performance under the Governor's recommendation:

<u>Performance Measures</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimated</u>	<u>FY 1996 Estimated*</u>	<u>FY 1997 Estimated*</u>
CAMEL ratings of credit unions				
Rated 1 (excellent)	14	15	15	15
Rated 2 (good)	81	88	94	94
Rated 3 (require frequent callbacks)	30	24	19	19
Rated 4 (require extensive supervision)	3	1	0	0
Rated 5 (require liquidation/merger assistance)	0	0	0	0
Credit union examinations performed	133	129	128	128
Letters of Understanding issued	19	6	0	0
Consumer complaints received/pending	28/0	35/4	35/0	35/0

* Estimated level of performance under the Governor's recommendation.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following observations and adjustments:

1. The Subcommittee recommends a fee increase of 2.0 percent instead of the 5.0 percent recommended by the Governor.

The status of the fee fund, based on the House Subcommittee recommendations, is as follows:

Resource Estimate	Estimated FY 1995	Estimated FY 1996	Estimated FY 1997
Beginning Balance	\$ 215,482	\$ 180,045	\$ 148,109
Net Receipts	631,589	644,221	657,105
Total Funds Available	<u>\$ 847,071</u>	<u>\$ 824,266</u>	<u>\$ 805,214</u>
Less: Expenditures	667,026	676,158	712,571
Ending Balance	<u><u>\$ 180,045</u></u>	<u><u>\$ 148,108</u></u>	<u><u>\$ 92,643</u></u>
 Ending Balance as Percentage of Expenditures	 27.0%	 21.9%	 13.0%

House Committee Recommendation

The House Committee concurs with the House Subcommittee with the following changes:

1. The Committee recommends a fee increase of 5.0 percent which is the same as the Governor's recommendation.

The status of the fee fund, based on the Committee recommendation, is as follows:

Resource Estimate	Estimated FY 1995	Estimated FY 1996	Estimated FY 1997
Beginning Balance	\$ 215,482	\$ 180,045	\$ 129,211
Net Receipts	631,589	650,537	683,064
Total Funds Available	<u>\$ 847,071</u>	<u>\$ 830,582</u>	<u>\$ 812,275</u>
Less: Expenditures	667,026	701,371	712,571
Ending Balance	<u><u>\$ 180,045</u></u>	<u><u>\$ 129,211</u></u>	<u><u>\$ 99,704</u></u>
 Ending Balance as a Percentage of Expenditures	 27.0%	 18.4%	 14.0%

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Office of the Securities Commissioner Bill No. --

Bill Sec. --

Analyst: Wiegiers

Analysis Pg. No. 76

Budget Page No. 613

Expenditure Summary	Agency Estimate FY 95	Governor's Recommendation FY 95	House Subcommittee Adjustments
Securities Act Fee Fund:			
State Operations	\$ 1,537,426	\$ 1,529,519	\$ 0
FTE Positions	26.0	26.0	0.0

Agency Estimate/Governor's Recommendation

The agency's revised FY 1995 estimate totals \$1,537,426 or \$10,203 less than the approved expenditure limitation. This is an increase of \$77,332, or 5.3% over the actual expenditures for FY 1994. The estimate includes \$1,260,854 for salaries and wages, \$257,894 for contractual services, \$13,678 for commodities and \$5,000 for capital outlay. Total non-expense items are \$10,000 for a transfer to the Kansas Council on Economic Education (KCEE) to support the "Stock Market Game". The Governor recommends \$1,529,519 for FY 1995, a decrease of \$7,907 below the agency estimate. The recommendation includes \$1,257,947 for salaries and wages, \$252,894 for contractual services, and concurs with the agency request for commodities and capital outlay. The decrease in salaries and wages is due to an adjustment for decreased health insurance rates. The Governor also recommends funding of \$10,000 for the non-expense transfer to the KCEE. The table below shows selected performance measures for the agency and estimated levels of performance under the Governor's recommendation.

Performance Measures	FY 1994 Actual	FY 1995 Estimate
Field audits performed	34	36
Field audits finding and correcting noncompliance	52.9%	50.0%
Number of investigations closed	209	223
Average cost per case closed	\$4,863	\$5,038
Average caseload per investigator	17	17
Cases resulting in remedial actions	66.5%	70.0%
Educational presentations given	6	24
Students participating in the Stock Market Game	N/A	2,500

SWAM
March 15, 1995
Attachment 19

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following adjustments and observations:

1. The Subcommittee recommends that the Commissioner contact the North American Securities Administrators Association to discuss reducing fees nationwide to levels approximating expenditures for the agencies. The Subcommittee recommends that the Commissioner then report back to the 1996 Legislature with a report on the response and provide a resolution to decrease the transfer back to the State General Fund.

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>
Beginning Balance	\$ 503,218	\$ 500,000
Net Receipts	<u>5,150,657</u>	<u>4,868,362</u>
Total Funds Available	\$ 5,653,875	\$ 5,368,362
Less: Expenditures	1,460,094	1,529,519
Transfer to SGF	<u>3,693,781</u>	<u>3,338,843</u>
Nonreportable	<u>\$ 0</u>	<u>\$ 10,000</u>
Ending Balance	<u><u>\$ 500,000</u></u>	<u><u>\$ 500,000</u></u>
Ending Balance as Percentage of Expenditures	34.2%	32.7%

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Office of the Securities Commissioner **Bill No.** 2091

Bill Sec. 19

Analyst: Wiegiers

Analysis Pg. No. 76

Budget Page No. 613

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
Securities Act Fee Fund:			
State Operations	\$ 1,631,002	\$ 1,587,052	\$ (49,197)
FTE Positions	26.0	26.0	0.0

Agency Request/Governor's Recommendation

The agency requests \$1,631,002 in FY 1996, an increase of \$93,576, or 6.1 percent, over the current year estimate of \$1,537,426. The request includes \$48,358 to provide first-year coverage under the Kansas Police and Fire (KP&F) retirement system for 9.0 FTE Special Investigator positions instead of regular Kansas Public Employees Retirement System (KPERS) membership which will require a statutory change. The request also includes an additional \$10,000 to increase the nonreportable transfer to the Kansas Council on Economic Education to support the "Stock Market Game" in public schools for a total transfer of \$20,000. The agency requests total education expenditures of \$25,000. The Governor recommends \$1,687,052 for FY 1996, a decrease of \$43,950 below the agency request. The recommendation includes \$1,306,082 for salaries and wages and concurs with the agency request for contractual services and commodities. The recommendation for salaries and wages makes adjustments for decreased health insurance rates, a 1.0 percent base salary increase for classified employees, and a 3.5 percent unclassified merit pool. The recommendation does not include funding for participation in the KP&F retirement system. The Governor recommends funding of \$15,000 for the non-expense transfer to the KCEE.

The following table shows selected agency performance measures and estimated levels of performance based on the Governor's recommendation:

<u>Performance Measures</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimate</u>	<u>FY 1996 Estimate*</u>
Field audits performed	34	36	38
Field audits finding and correcting noncompliance	52.9%	50.0%	50.0%
Number of investigations closed	209	223	230
Average cost per case closed	\$4,863	\$5,038	\$5,182
Average caseload per investigator	17	17	17
Cases resulting in remedial actions	66.5%	70.0%	75.0%
Educational presentations given	6	24	36
Students participating in the Stock Market Game	N/A	2,500	3,750

* Estimated level of performance under the Governor's recommendation.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following observations and adjustments:

1. The Subcommittee recommends that the non-expense transfer to the Kansas Council on Economic Education be \$10,000, the same amount as in FY 1995.
2. Delete \$49,197 from the Securities Act Fee Fund, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$9,216); classified step movement (\$21,789); a one percent base adjustment for classified employees (\$9,511); and the longevity bonus (\$8,680) from individual agency budgets.

The status of the fee fund, based on the recommendation of the House Subcommittee, is as follows:

Resource Estimate	Actual FY 1994	Estimated FY 1995	Estimated FY 1996
Beginning Balance	\$ 503,218	\$ 500,000	\$ 500,000
Net Receipts	<u>5,150,657</u>	<u>4,868,362</u>	<u>5,121,777</u>
Total Funds Available	\$ 5,653,875	\$ 5,368,362	\$ 5,621,777
Less: Expenditures	1,460,094	1,529,519	1,537,855
Transfer to SGF	<u>3,693,781</u>	<u>3,338,843</u>	<u>4,083,922</u>
Nonreportable	<u>\$ 0</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>
Ending Balance	<u><u>\$ 500,000</u></u>	<u><u>\$ 500,000</u></u>	<u><u>\$ 0</u></u>
 Ending Balance as Percentage of Expenditures	 34.2%	 32.7%	 0%

House Committee Recommendation

The House Committee concurs with the House Subcommittee with the following change:

1. Increase the nonexpense transfer to the Kansas Council on Economic Education to \$15,000 which is the amount recommended by the Governor.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole.

SUBCOMMITTEE REPORT

Agency: Office of the Securities Commissioner **Bill No.** 2091

Bill Sec. 19

Analyst: Wiegiers

Analysis Pg. No. 76

Budget Page No. 613

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Governor's Recommendation FY 97</u>	<u>House Subcommittee Adjustments</u>
Securities Act Fee Fund:			
State Operations	\$ 1,642,037	\$ 1,619,886	\$ 0
FTE Positions	26.0	26.0	0.0

Agency Request/Governor's Recommendation

The agency requests \$1,642,037 for FY 1997, an increase of \$11,035 over the FY 1996 request. The request includes \$1,345,992 for salaries and wages, \$281,380 for contractual services, \$14,665 for commodities and no capital outlay request. The request includes and \$10,156 additional funding for continued expansion of education services for a total expenditure of \$30,156 and a non-expense transfer of \$20,000. The salaries and wages request includes \$15,608 for continued participation of 9.0 Special Investigator positions in the Kansas Police and Fire retirement system. The Governor recommends \$1,619,886 for FY 1997, a decrease of \$22,151 below the agency request. The recommendation includes \$1,331,947 for salaries and wages, \$273,274 for contractual services and \$14,665 for commodities. A majority of the decrease is attributable to the denial of funding for participation in the KP&F retirement system. The Governor recommends funding of \$20,000 for the transfer to the KCEE to support "The Stock Market Game."

The following table shows selected agency performance measures and estimated levels of performance under the Governor's recommendation:

<u>Performance Measures</u>	<u>FY 1994 Actual</u>	<u>FY 1995 Estimate</u>	<u>FY 1996 Estimate*</u>	<u>FY 1997 Estimate*</u>
Field audits performed	34	36	38	40
Field audits finding and correcting noncompliance	52.9%	50.0%	50.0%	50.0%
Number of investigations closed	209	223	230	240
Average cost per case closed	\$4,863	\$5,038	\$5,182	\$5,000
Average caseload per investigator	17	17	17	17
Cases resulting in remedial actions	66.5%	70.0%	75.0%	80.0%
Educational presentations given	6	24	36	36
Students participating in the Stock Market Game	N/A	2500	3750	5,000

* Estimated Level of performance under the Governor's recommendation.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following observations and adjustments:

1. The Subcommittee recommends non-expense transfers to the Kansas Council on Economic Education of \$10,000.

The status of the fee fund, based on the Subcommittee recommendation, is as follows:

Resource Estimate	Estimated FY 1995	Estimated FY 1996	Estimated FY 1997
Beginning Balance	\$ 500,000	\$ 500,000	\$ 0
Net Receipts	4,868,362	5,121,777	5,387,835
Total Funds Available	\$ 5,368,362	\$ 5,621,777	\$ 5,387,835
Less: Expenditures	1,529,519	1,537,855	1,619,886
Transfer to SGF	3,338,843	4,083,922	3,767,949
Nonreportable	\$ 10,000	\$ 10,000	\$ 10,000
Ending Balance	<u>\$ 500,000</u>	<u>\$ 0</u>	<u>\$ 0</u>
 Ending Balance as Percentage of Expenditures	 32.7%	 0%	 0%

House Committee Recommendation

The House Committee concurs with the House Subcommittee with the following change:

1. Increase the nonexpense transfer to the Kansas Council on Economic Education to \$20,000 which is the amount recommended by the Governor.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

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

SUBCOMMITTEE REPORT

Agency: Bank Commissioner

Bill No. --

Bill Sec. --

Analyst: Wiegers

Analysis Pg. No. 9

Budget Page No.

Expenditure Summary	Agency Estimate FY 95	Governor's Recommendation FY 95	House Subcommittee Adjustments
State Operations:			
Bank Commissioner Fee Fund	\$ 3,434,124	\$ 3,402,980	\$ 0
Bank Commissioner Investigation Fund	933	933	0
TOTAL	\$ 3,435,057	\$ 3,403,913	\$ 0
FTE Positions	73.0	73.0	0.0

Agency Estimate/Governor's Recommendation

The agency estimates \$3,435,057 in expenditures for FY 1995, an increase of \$179,016 over the actual FY 1994 expenditures. The agency's planned expenditures for FY 1995 continue salaries for 73.0 FTE positions plus an Attorney B added during the current year. The Governor recommends \$3,403,913 in FY 1995 for 73.0 FTE positions not including the Attorney B. The recommendation is a decrease of \$31,144 below the agency estimate. The recommendation includes \$2,826,618 for salaries and wages, \$524,810 for contractual services, \$16,482 for commodities, and \$36,003 for capital outlay. Salaries and wages were adjusted for decreased health insurance rates and no funding for the Attorney B position. The following table shows selected agency performance measures:

Performance Measures	FY 1994 Actual	FY 1995 Estimate
Number of state chartered institutions	432	432
Amount of total assets in state chartered institutions (billions)	\$8.8	\$9.0
Problem banks as a percentage of total banks	13.9%	13.7%
Problem trusts as a percentage of total trusts	48.4%	40.0%
Percent of banks examined during fiscal year	66.0%	66.0%

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following observations:

*SWAM
March 15, 1995
Attachment 20*

1. The Subcommittee recommends that the agency make staffing adjustments to be within the 73.0 FTE limitation set by the 1994 Legislature.

The status of the Bank Commissioner Fee Fund, based on the recommendations of the Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>
Beginning Balance	\$ 439,177	\$ 256,675
Net Receipts	3,071,029	3,622,509
Total Funds Available	<u>\$ 3,510,206</u>	<u>\$ 3,879,184</u>
Less: Expenditures	3,253,531	3,402,980
Ending Balance	<u>\$ 256,675</u>	<u>\$ 476,204</u>
Ending Balance as Percentage of Expenditures	7.9%	14.0%

The status of the Bank Examination and Investigation Fund, based on the Subcommittee recommendation, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1994</u>	<u>Estimated FY 1995</u>
Beginning Balance	\$ 255,438	\$ 372,178
Net Receipts	119,250	135,000
Total Funds Available	<u>\$ 374,688</u>	<u>\$ 507,178</u>
Less: Expenditures	2,510	933
Transfer Out	0	372,178
Ending Balance	<u>\$ 372,178</u>	<u>\$ 134,067</u>

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole with the following notation:

1. The Subcommittee agrees that the agency make adjustment to come within their staffing limitation but notes the agency's appeal for an additional FTE position to bring the agency within their position limitation. The Subcommittee also notes the agency's internal efforts to correct the problem.

SUBCOMMITTEE REPORT

Agency: Bank Commissioner

Bill No. 2091

Bill Sec. 4

Analyst: Wiegerts

Analysis Pg. No. 9

Budget Page No.

Expenditure Summary	Agency Request FY 96	Governor's Recommendation FY 96	House Subcommittee Adjustments
State Operations:			
Bank Commissioner Fee Fund	\$ 3,677,333	\$ 3,474,423	\$ (78,840)
Bank Commissioner Investigation Fund	0	0	0
TOTAL	<u>\$ 3,677,333</u>	<u>\$ 3,474,423</u>	<u>\$ (78,840)</u>
FTE Positions	74.0	73.0	0.0

Agency Request/Governor's Recommendation

The agency request \$3,677,333 in FY 1996, an increase of \$242,276 over the current year estimate. This request would fund 74.0 FTE positions, including the 1.0 FTE requested in FY 1995. The request includes \$3,108,570 for salaries and wages, \$504,575 for contractual services, \$17,269 for commodities and \$46,919 for capital outlay. The agency requests several position changes for FY 1996. First, the agency requests a change in the salary range for Financial Examiner IV positions from range 28 to range 29. Second, the agency requests the classification of the Deputy Commissioner and the unclassification of the Administrative Officer, both of which require legislative action. Third, the agency has requested the Division of Personnel Services to approve the reallocation of 11.0 permanent Examiner III FTE positions to Examiners IV. The Governor recommends \$3,474,423 in FY 1996 for 73.0 FTE positions, a decrease of \$202,910 below the agency request. The recommendation includes \$2,905,660 for salaries and wages and concurs with the agency request for contractual services, commodities and capital outlay. The recommendation does not include the 1.0 Attorney B FTE positions added in FY 1995, the reclassification of the Examiner IV positions or the reallocation of Examiner III positions to Examiners IV. The Governor does not recommend the unclassification of the Administrative Officer position or the classification of the Deputy Commissioner pending a statutory change. The recommendation also reflects a 1.0 percent base salary increase, a 3.5 percent unclassified merit pool and reduced health insurance rates.

The following chart shows selected agency performance measures and estimated levels of performance under the Governor's recommendation:

Performance Measures	FY 1994 Actual	FY 1995 Estimate	FY 1996 Estimate*
Number of state chartered institutions	432	432	432
Amount of total assets in state chartered institutions (billions)	\$8.8	\$9.0	\$9.2
Problem banks as a percentage of total banks	13.9%	13.7%	13.5%
Problem trusts as a percentage of total trusts	48.4%	40.0%	35.0%
Percent of banks examined during fiscal year	66.0%	66.0%	66.0%

* Estimated level of performance under Governor's recommendation

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following observations and adjustments:

1. The Subcommittee recommends the agency utilize savings from decreased staff to provide funds for the requested position changes without increasing expenditures for salaries and wages.
2. Delete \$78,840 from the Bank Commissioner Fee Fund, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$6,100); classified step movement (\$34,382); a one percent base adjustment for classified employees (\$25,048); and the longevity bonus (\$13,310) from individual agency budgets.

The status of the Bank Commissioner Fee Fund, based on the recommendations of the Subcommittee, is as follows:

Resource Estimate	Actual FY 1994	Estimated FY 1995	Estimated FY 1996
Beginning Balance	\$ 439,177	\$ 256,675	\$ 476,204
Net Receipts	3,071,029	3,622,509	3,852,522
Total Funds Available	\$ 3,510,206	\$ 3,879,184	\$ 4,328,726
Less: Expenditures	3,253,531	3,402,980	3,395,583
Ending Balance	<u>\$ 256,675</u>	<u>\$ 476,204</u>	<u>\$ 933,143</u>
Ending Balance as Percentage of Expenditures	7.9%	14.0%	27.5%

The status of the Bank Examination and Investigation Fund, based on the Subcommittee recommendation, is as follows:

Resource Estimate	Actual FY 1994	Estimated FY 1995	Estimated FY 1996
Beginning Balance	\$ 255,438	\$ 372,178	\$ 134,067
Net Receipts	119,250	135,000	0
Total Funds Available	\$ 374,688	\$ 507,178	\$ 134,067
Less: Expenditures	2,510	933	0
Transfer Out	0	372,178	0
Ending Balance	<u>\$ 372,178</u>	<u>\$ 134,067</u>	<u>\$ 134,067</u>

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole with the following changes:

1. Increase the expenditure limitation on the Bank Commissioner Fee Fund by \$48,780 to allow the agency to reallocate 11.0 Financial Examiners III to permanent Financial Examiners IV with the proviso that the agency cannot spend these funds until the Division of Personnel Services approves the reallocation.
2. Increase the expenditure limitation on the Bank Commissioner Fee Fund by \$13,256 to provide merit increases for the Financial Examiners III who are reallocated to Financial Examiners IV provided that merit increases are given to state employees for FY 1996. Merit increases were not budgeted for these examiners.

SUBCOMMITTEE REPORT

Agency: Bank Commissioner **Bill No.** 2091 **Bill Sec.** 4
Analyst: Wiegers **Analysis Pg. No.** 9 **Budget Page No.**

Expenditure Summary	Agency Request FY 97	Governor's Recommendation FY 97	House Subcommittee Adjustments
State Operations:			
Bank Commissioner Fee Fund	\$ 3,801,726	\$ 3,528,781	\$ 0
Bank Commissioner Investigation Fund	0	0	0
TOTAL	<u>\$ 3,801,726</u>	<u>\$ 3,528,781</u>	<u>\$ 0</u>
 FTE Positions	 74.0	 73.0	 0.0

Agency Request/Governor's Recommendation

The agency requests \$3,801,726 in FY 1997, an increase of \$124,393 over the agency request for FY 1996. The request includes \$3,231,365 for salaries and wages (74.0 FTE positions), \$521,510 for contractual services, \$18,144 for commodities, and \$30,707 for capital outlay. The Governor recommends \$3,528,781 for FY 1997 to fund 73.0 FTE positions, a decrease of \$272,945 below the agency request. The recommendation includes \$2,958,420 for salaries and wages and concurs with the agency request for contractual services, commodities and capital outlay. The decrease in salaries and wages is due the Governor's denial of the agency's request for 1.0 additional FTE, the reclassification of the Financial Examiners IV, the reallocation of 11.0 Financial Examiners III to Examiners IV, the classification of the Deputy Commissioner and the unclassification of the Administrative Officer in FY 1996.

The following table show selected agency performance measures and estimated levels of performance under the Governor's recommendation:

Performance Measures	FY 1994 Actual	FY 1995 Estimate	FY 1996 Estimate*	FY 1997 Estimate*
Number of state chartered institutions	432	432	432	432
Amount of total assets in state chartered institutions (billions)	\$8.8	\$9.0	\$9.2	\$9.2
Problem banks as a percentage of total banks	13.9%	13.7%	13.5%	13.5%
Problem trusts as a percentage of total trusts	48.4%	40.0%	35.0%	35.0%
Percent of banks examined during fiscal year	66.0%	66.0%	66.0%	66.0%
* Estimated level of performance under Governor's recommendation.				

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation.

The status of the Bank Commissioner Fee Fund, based on the recommendations of the Subcommittee, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1995</u>	<u>Estimated FY 1996</u>	<u>Estimated FY 1997</u>
Beginning Balance	\$ 256,675	\$ 476,204	\$ 933,143
Net Receipts	3,622,509	3,852,522	3,075,513
Total Funds Available	\$ 3,879,184	\$ 4,328,726	\$ 4,008,656
Less: Expenditures	3,402,980	3,395,583	3,528,781
Ending Balance	<u>\$ 476,204</u>	<u>\$ 933,143</u>	<u>\$ 479,875</u>
Ending Balance as Percentage of Expenditures	14.0%	27.5%	13.6%

The status of the Bank Examination and Investigation Fund, based on the Subcommittee recommendation, is as follows:

<u>Resource Estimate</u>	<u>Actual FY 1995</u>	<u>Estimated FY 1996</u>	<u>Estimated FY 1997</u>
Beginning Balance	\$ 372,178	\$ 134,067	\$ 134,067
Net Receipts	135,000	0	0
Total Funds Available	507,178	134,067	134,067
Less: Expenditures	933	0	0
Transfer Out	372,178	0	0
Ending Balance	<u>\$ 134,067</u>	<u>\$ 134,067</u>	<u>\$ 134,067</u>

House Committee Recommendation

The House Committee concurs with the House Subcommittee.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee of the Whole with the following change:

1. Increase the expenditure limitation of the Bank Commissioner Fee Fund by \$79,159 for the continuing cost of the reallocation of the financial examiners in FY 1996.

House Appropriations Subcommittee Requests

The House Appropriations Subcommittee requested the Board of Nursing to address three problem areas:

The Board takes too much time in certifying advanced registered nurse practitioners (ARNP). Currently there are three staff members who process the applications for different components. If applications are held up at any one step then this lengthened the time. A new procedure has been implemented which should decrease the processing time. If the applicant's ARNP school has not been previously approved by the Board, then the school information is reviewed when the Board meets. Temporary permits may be issued when this happens.

The statistics taken from the computer do not match the numbers of licensees used for budget preparation. The annual statistics from the computer are done in August each year which reflect large numbers of new graduates. The actual numbers of renewals, reinstatements, examinations, endorsements and lapses are used from year to year to calculate the budget. There have been computer programming changes over the last several years to increase accuracy of statistics. Last year the agency revenues were within 0.2 percent of what was budgeted. This extremely small percent should reflect that budgeting numbers are accurate. There is data on the following pages to show comparisons as well as the numbers of licensees. (green pages)

There is a disparity between the fees for nurses and licensed mental health technicians (LMHT). The Board reviewed the LMHT fees prior to the legislative session since the current fees are maximized at the statute level. There is a decreasing number of LMHT's who have fewer opportunities for employment than nurses. The salary ranges tend to be less than the licensed practical nurse. For example with the state of Kansas, the LMHT is at a range 17 (starting 19,488 per year) while the LPN starts at range 18 (\$20,448 per year). Differences in salaries are greater in the private sector. The Board was informed of the House Appropriation Subcommittee's report in February. Since the LMHT's just renewed licenses this December, the Board will reconsider fee changes next year.

SWAM
March 15, 1995
Attachment 21



Bill Graves, Governor

DEPARTMENT OF ADMINISTRATION

LEGAL SECTION

107 Landon State Office Building

900 SW Jackson

Topeka, Kansas 66612-1214

(913) 296-6000

FAX (913) 296-0043

February 24, 1995

Senator Gus Bogina, Chairperson
Senate Ways and Means Committee
Room 123-S, State Capitol Building
Topeka, Kansas 66612
BUILDING MAIL

Re: SB 279; Requested Information

Dear Senator Bogina:

During the hearing on SB 279, a member of the Ways and Means Committee requested information about eligibility to participate in the federal surplus property program. Section 4 of SB 279 amends K.S.A. 75-3740 to provide additional alternatives for disposition of surplus property. Proposed amendments would permit state agencies with local authority to dispose of surplus property with a current value of \$500 or less to use one of three new options for disposing of the property.

One of the new proposed options would be to give the property to "**individuals or entities eligible for participation in the federal surplus property program.**" A committee member asked what groups are covered by this language. Under the Federal Property and Administrative Services Act of 1949, and related statutes, the major categories of eligible participants in the federal surplus property program are:

- Public agencies;
- Non-profit educational and public health activities;
- Educational activities of special interest to the armed services; and
- Public airports.

Enclosed is a summary of federal surplus personal property program requirements. It describes who is eligible to participate in greater detail. Please let me know if you or any members of the Committee need additional information regarding this or other aspects of SB 279. Thank you for your consideration of the bill.

Sincerely,

Handwritten signature of Art Griggs.

Art Griggs
Chief Attorney

SWAM

March 15, 1995
Attachment 22

Federal Surplus Personal Property Donation Programs

Federal surplus personal property donation programs enable certain non-Federal organizations to obtain personal property the Federal Government no longer needs.

The basic authority for donation programs is the Federal Property and Administrative Services Act of 1949, as amended. This and related statutes authorize the Administrator of the General Services Administration (GSA) to transfer surplus personal property for donation to non-Federal public agencies and other specifically designated recipients. The major categories of eligible recipients are:

- public agencies
- nonprofit educational and public health activities
- nonprofit and public programs for the elderly
- educational activities of special interest to the armed services
- public airports

General information about such programs is given in this pamphlet, and offices from which more specific information can be obtained are listed.

Distribution of Surplus Personal Property

In accordance with the law, State surplus property agencies have been established by each State, the District of Columbia, Puerto Rico, the Virgin Islands, the Northern Mariana Islands, and Guam to

distribute personal property designated as surplus by the Federal Government. These State surplus property agencies advise applicants of eligibility requirements and procedures to be followed in acquiring Federal surplus personal property and of the conditions and restrictions placed on the property.

Most agencies operate on a self-sustaining basis by assessing recipients a service charge to cover handling, transportation, and administrative expenses.

Eligible Recipients

The types of organizations, institutions, and programs that may be eligible to participate in GSA donation programs are as follows:

Public Agencies

Public agencies involved in such activities as conservation, economic development, education, park and recreation programs, public safety, programs for the elderly, and public health may be eligible for donations of surplus personal property.

Public agencies may include States, their departments, divisions, and other instrumentalities; political subdivisions of States, including cities, counties, and other local Government units and economic-development districts; instrumentalities created by compacts or other agreements between States or political subdivisions; and Indian tribes, bands, groups, pueblos, or communities located on State reservations.

Nonprofit Educational and Public Health Activities

Surplus personal property may be donated to nonprofit educational and public health activities exempt

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Fax #	6-0043		Fax #		

from taxation under sec. 501 of the Internal Revenue Code of 1954. The property must be used to aid education or public health, either directly or through research.

Nonprofit education and public health activities may include medical institutions, hospitals, clinics, and health centers; schools, colleges, and universities; child-care centers; educational radio and television stations; museums; and libraries.

Nonprofit and Public Programs for the Elderly

State or local government agencies, and nonprofit organizations or institutions, which receive funds appropriated for programs for older individuals under the Older Americans Act of 1965, as amended, under title IV or title XX of the Social Security Act, or under titles VIII and X of the Economic Opportunity Act of 1964 and the Community Services Block Grant Act, may be eligible to receive donations of surplus personal property for programs for the elderly.

Educational Activities of Special Interest to the Armed Services

The Secretary of Defense has designated activities such as military and maritime academies, armed-services preparatory schools and other schools with military-connected programs, and the following national organizations as recipients of Department of Defense surplus personal property: American National Red Cross, Boy Scouts of America; Boys Clubs of America; Camp Fire, Inc.; Girl Scouts of the U.S.A.; Naval Sea Cadet Corps; United Service Organizations, Inc.; Young Marines of the Marine Corps League; Little League Baseball, Inc.; National

Ski Patrol System, Inc.; Admiral H.G. Rickover Foundation; U.S. Olympic Committee; and Big Brothers/Big Sisters of America.

Individual units of the national organizations, such as Boy Scout or Girl Scout troops and Red Cross chapters, should contact their regional or national headquarters rather than the State surplus property agencies.

Public Airports

Any State, political subdivision, municipality, or tax-supported institution may receive surplus personal property through donation for use in the development, improvement, operation, or maintenance of a public airport.

Further Information

Public agencies, nonprofit educational or public health activities, and programs for the elderly should contact the appropriate State Agency for Surplus Property to obtain information about eligibility and program requirements. The following offices may be contacted for general information that State surplus property offices are unable to supply:

**General Services Administration
Federal Supply Service
Office of Customer Support Management (FBP)
Washington, DC 20406**

Armed-Services Educational Activities and National Organizations

**Assistant Secretary of Defense
(Manpower, Installations, and Logistics)
Department of Defense
The Pentagon
Washington, DC 20301**

Public Airports

**Regional Federal Aviation Administration Offices
(Attn: Airport Branch Chief) or Office of Airport Planning and Programming (APP-1) Washington, DC 20591**

APPLICATION FOR ELIGIBILITY

To Receive Federal Surplus Property (41 CFR 101-44.207)

I. LEGAL NAME & MAILING ADDRESS OF APPLICANT ORGANIZATION:

Name of Organization

Mailing Address (P.O. Box #, Street, City & State) *Zip Code*

Street Address/Location (if different from mailing address)

County () *Telephone #* () *Fax #*

II. APPLICANT STATUS (CHECK ONE):

- Public Agency including Public Schools (evidence must be provided)
- Nonprofit, tax-exempt Organization

III. TYPE OR PURPOSE OF ORGANIZATION:

- | | | | | |
|--|--|---|--|--|
| <input type="checkbox"/> State | <input type="checkbox"/> College or University | <input type="checkbox"/> Child Care Center | <input type="checkbox"/> Training Center | <input type="checkbox"/> Medical Institution |
| <input type="checkbox"/> County | <input type="checkbox"/> Secondary School | <input type="checkbox"/> School for Handicapped | <input type="checkbox"/> Radio/TV Station | <input type="checkbox"/> Hospital |
| <input type="checkbox"/> City | <input type="checkbox"/> Elementary School | <input type="checkbox"/> School for Retarded | <input type="checkbox"/> Library | <input type="checkbox"/> Health Center |
| <input type="checkbox"/> School District | <input type="checkbox"/> Prison/Jail | <input type="checkbox"/> Museum | <input type="checkbox"/> Skilled Workshop Training Program | |
| | <input type="checkbox"/> Program for Older Individuals | <input type="checkbox"/> Provider of Assistance to Homeless Individuals | <input type="checkbox"/> Clinic | |
| | <input type="checkbox"/> Other (specify) _____ | | | |

IV. PROVIDE A WRITTEN DESCRIPTION OF PROGRAM OR SERVICES OFFERED, INCLUDING A DESCRIPTION OF FACILITIES OPERATED. (REQUIRED)

V. SOURCES OF FUNDING (Attach Supporting Documentation):

- Tax Supported
- Grant
- Contributions
- Other (Specify) _____

VI. HAS THE ORGANIZATION BEEN DETERMINED TO BE TAX EXEMPT UNDER SECTION 501 OF THE INTERNAL REVENUE CODE OF 1954: _____ (COPY REQUIRED)

VII. HAS THE ORGANIZATION BEEN APPROVED, ACCREDITED, OR LICENSED? _____ (COPY REQUIRED) BY WHAT AUTHORITY? _____

VIII. _____ *Date* *Signature of Authorized Official*

FOR STATE AGENCY USE ONLY

The applicant has been determined eligible ineligible conditionally eligible
 as a public agency, nonprofit education, nonprofit health

Eligibility expires _____

Date *Director*

FEDERAL SURPLUS PROPERTY CENTER
3400 EAST 10TH STREET
TOPEKA, KANSAS 66607

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR ELIGIBILITY FORM
(Please type or print in black ink only)

SECTION I: Provide the full legal name of your organization on the first line of this section. Provide the mailing address of your organization as recognized by the U.S. Postal Service. Include ZIP Code. Provide the street address if different from mailing address, or provide directions if located on a rural route or other remote area. List the county in which the organization is actually located and a business telephone number with area code. When applicable include FAX number.

SECTION II: Check the appropriate box which describes your organization. (If you are unable to determine which status to check, please contact this office for assistance.)

SECTION III: Check the appropriate box or boxes (check as many as apply) which indicates the type or purpose of your organization.

SECTION IV: A comprehensive written description of all programs or services provided is required. A description of the operational facilities should also be included. Be sure to include information on staff and staff qualifications, hours of operation, services and programs offered, population or enrollment, fees charged etc. Include samples of pamphlets, catalogs, brochures or posters. If incorporated, include complete copy of Articles of Incorporation with all filing certificates and amendments, and a copy of your current By-Laws.

SECTION V: Check the appropriate box which indicates the organization's sources of funding. Supporting documentation indicating the types and amounts of funding must be submitted with the completed application.

SECTION VI: All applicants making application as "Nonprofit, tax-exempt organizations" must provide a copy of the IRS determination letter indicating tax exemption under Section 501 of the I.R.S. Code of 1954. The name of the organization on this IRS letter *must* match the name provided in Section I of this application, if not, include sufficient evidence such as amendments to Articles of Incorporation, or Assumed Name filing certificates to establish an "audit trail" of names showing the legal connection.

SECTION VII: Applicants making application as "Nonprofit, tax-exempt organization" are required to submit evidence that the applicant is *currently* approved, accredited, or licensed. Programs for older individuals must include evidence of funding under the Older Americans Act of 1965; Titles IV or XX of the Social Security Act; Titles VIII or X of the Economic Development Act of 1964; or the Community Services Block Grant Act. Providers of assistance to homeless individuals must include a letter from the mayor, county judge, city or county health officer or comparable authority which certifies that applicant is a "provider of assistance to the homeless". The certification must identify the service or assistance being provided and the number of individuals receiving such assistance.

SECTION VIII: Annotate date and provide an *original* signature of applicant's Authorized Official (President, Chairman of the Board, County Judge, Mayor, City Manager, Executive Director, Administrator, Fire Chief, or other comparable authorized official). Photo copied, rubber stamped, machine produced, carbon, or other facsimile type signatures are not acceptable.

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. USE THIS INSTRUCTION SHEET AS YOUR CHECK LIST TO ASSURE ALL REQUIRED INFORMATION AND DOCUMENTATION IS PROVIDED. IF YOU HAVE A QUESTION OR NEED ASSISTANCE CALL (913) 296-2351

MAR 2 1995

DEPARTMENT OF ADMINISTRATION
Division of PurchasesBILL GRAVES,
Governor
LEO E. VOGEL,
Acting Director of PurchasesLandon State Office Building
900 Jackson, Room 102 N
Topeka, Kansas 66612-1286
(913) 296-2376

MEMORANDUM

TO: Senator Robert Vancrum

FROM: Leo Vogel, Acting Director of Purchases *lv*

DATE: February 28, 1995

RE: Senate Bill No. 279

Attached is a copy of the testimony I provided to the Senate Ways and Means Committee regarding S.B. 279. In my testimony regarding Section 2(a) I listed three examples. You questioned whether the three examples could be incorporated in S.B. 279, rather than using the broader language contained in lines 36 through 38 of page 1.

Attached are two options for your consideration. Option 1, as you suggested, enumerates certain specific circumstances where competitive bids would not be required. Option 2 contains the same enumerated exceptions but also adds a subsection (7) which contains authority for contracting without competitive bids when both the Director of Purchases and the using state agency determine it is in the best interests of the state.

My personal recommendation is to utilize the language in option 2. My desire for the broader language is motivated by my inability to foresee all circumstances where a sole source procurement may be desirable. You should note that all non-competitive bid contracts will be reported pursuant to the language on page 2 in lines 3 through 9.

It is hoped that the above is responsive to your inquiry. If you have questions or wish to discuss this topic at greater length, please feel free to contact me.

0006971.01

SWAM
March 15, 1995
Attachment 23

23-2

SENATE BILL No. 279

By Committee on Ways and Means

2-10

9 AN ACT concerning state agencies; relating to the procurement of goods
10 and services; requiring an appraisal of real property prior to purchase
11 or disposal thereof by the state; amending K.S.A. 75-3043a and 75-
12 3739 and K.S.A. 1994 Supp. 75-3740 and 75-6602 and repealing the
13 existing sections; also repealing K.S.A. 75-6406.
14

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

16 Section 1. K.S.A. 75-3043a is hereby amended to read as follows: 75-
17 3043a. Except as otherwise specifically provided by statute or regulation,
18 prior to the state of Kansas or any agency thereof purchasing or disposing
19 of any real property, by deed, mortgage, gift or other means of convey-
20 anee, transfer or exchange, such property shall be appraised by three (3)
21 one disinterested appraisers appraiser, to be appointed by the judicial
22 administrator, to determine the market-value appraisal of such property;
23 but Nothing in this section shall be construed as establishing or limiting
24 the consideration for the acquisition or disposition of any such property.
25 Any appraiser selected pursuant to this section shall receive reasonable
26 fees or compensation from legislative appropriations made available
27 therefor.

28 Sec. 2. K.S.A. 75-3739 is hereby amended to read as follows: 75-
29 3739. In the manner as provided in this act and rules and regulations
30 established thereunder:

31 (a) All contracts for construction and repairs, and all purchases of and
32 contracts for supplies, materials, equipment and contractual services to
33 be acquired for state agencies shall be based on competitive bids, except
34 that competitive bids need not be required: (1) For contractual services,
35 supplies, material or equipment when, in the judgment of the director of
36 purchases, no competition exists ~~or the using state agency and the director~~
37 ~~of purchases concur that a sole source procurement is in the best interest~~
38 ~~of the state~~; or (2) when, in the judgment of the director of purchases,
39 chemicals and other material or equipment for use in laboratories or
40 experimental studies by state agencies are best purchased without com-
41 petition, or where rates are fixed by law or ordinance; or (3) when, in the
42 judgment of the director of purchases, an agency emergency requires
43 immediate delivery of supplies, materials or equipment, or immediate

1 performance of services; or (4) when any statute authorizes another pro-
2 cedure or provides an exemption from the provisions of this section.

3 The director of purchases shall make a detailed report at least once in
4 each calendar quarter to the legislative coordinating council and the chair-
5 persons of the senate committee on ways and means and the house of
6 representatives committee on appropriations of all contracts for goods,
7 supplies, materials, equipment or contractual services entered into with-
8 out competitive bids under subsections subsection (a) ~~(1), (a)(2), (a) or (3)~~
9 or (g).

or (5) when compatibility with existing contractual
services, supplies, material or equipment is the
overriding consideration; or (6) when a used item
becomes available and is subject to immediate sale

10 (b) If the amount of the purchase is estimated to exceed approxi-
11 mately \$10,000, sealed bids shall be solicited by notice published once in
12 the Kansas register not less than 10 days before the date stated therein
13 for the opening of such bids. The director of purchases may waive this
14 publication of notice requirement when the director determines that a
15 more timely procurement is in the best interest of the state. The director
16 of purchases also may designate a trade journal for such publication. The
17 director of purchases also shall solicit such bids by sending notices by mail
18 to prospective bidders and by posting such notice on a public bulletin
19 board in the office of the director of purchases for at least 10 business
20 days before the date stated therein for the opening of such bids unless
21 otherwise provided by law. All bids shall be sealed when received and
22 shall be opened in public at the hour stated in the notice. The director
23 of purchases shall make a detailed report at least once in each calendar
24 quarter to the legislative coordinating council and the chairpersons of the
25 senate committee on ways and means and the house of representatives
26 committee on appropriations of all cases when the publication of notice
27 of bid solicitations in the Kansas register have been waived under this
28 subsection.

29 (e) All purchases estimated to exceed approximately \$5,000 but not
30 more than \$10,000, shall be made after receipt of sealed bids following
31 at least three days' notice posted on a public bulletin board in the office
32 of the director of purchases. The director of purchases also may solicit
33 sealed bids by mail in such cases in like manner as provided in subsection
34 (b).

35 (d) (c) All purchases estimated to be less than ~~\$5,000~~ \$10,000 may
36 be made after the receipt of three or more bid solicitations by telephone
37 and, telephone facsimile or after receipt of sealed bids following at least
38 three days' notice posted on a public bulletin board in the office of the
39 director of purchases. Such bids shall be recorded as provided in subsec-
40 tion (e) of K.S.A. 75-3740 and amendments thereto.

41 (d) With the approval of the secretary of administration, the director
42 of purchases may delegate authority to any state agency to make pur-
43 chases of less than \$10,000 either on the open market or under certain

SENATE BILL No. 279

By Committee on Ways and Means

2-10

9 AN ACT concerning state agencies; relating to the procurement of goods
10 and services; requiring an appraisal of real property prior to purchase
11 or disposal thereof by the state; amending K.S.A. 75-3043a and 75-
12 3739 and K.S.A. 1994 Supp. 75-3740 and 75-6602 and repealing the
13 existing sections; also repealing K.S.A. 75-6406.
14

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

16 Section 1. K.S.A. 75-3043a is hereby amended to read as follows: 75-
17 3043a. Except as otherwise specifically provided by statute or regulation,
18 prior to the state of Kansas or any agency thereof purchasing or disposing
19 of any real property, by deed, mortgage, gift or other means of convey-
20 anee, transfer or exchange, such property shall be appraised by three (3)
21 one disinterested appraisers appraiser, to be appointed by the judicial
22 administrator, to determine the market-value appraisal of such property;
23 but Nothing in this section shall be construed as establishing or limiting
24 the consideration for the acquisition or disposition of any such property.
25 Any appraiser selected pursuant to this section shall receive reasonable
26 fees or compensation from legislative appropriations made available
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28 Sec. 2. K.S.A. 75-3739 is hereby amended to read as follows: 75-
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31 (a) All contracts for construction and repairs, and all purchases of and
32 contracts for supplies, materials, equipment and contractual services to
33 be acquired for state agencies shall be based on competitive bids, except
34 that competitive bids need not be required: (1) For contractual services,
35 supplies, material or equipment when, in the judgment of the director of
36 purchases, no competition exists ~~for the using state agency and the director~~
37 ~~of purchases concur that a sole source procurement is in the best interest~~
38 ~~of the state~~ or (2) when, in the judgment of the director of purchases,
39 chemicals and other material or equipment for use in laboratories or
40 experimental studies by state agencies are best purchased without com-
41 petition, or where rates are fixed by law or ordinance; or (3) when, in the
42 judgment of the director of purchases, an agency emergency requires
43 immediate delivery of supplies, materials or equipment, or immediate

1 performance of services; or (4) when any statute authorizes another pro-
2 cedure or provides an exemption from the provisions of this section.

3 The director of purchases shall make a detailed report at least once in
4 each calendar quarter to the legislative coordinating council and the chair-
5 persons of the senate committee on ways and means and the house of
6 representatives committee on appropriations of all contracts for goods,
7 supplies, materials, equipment or contractual services entered into with-
8 out competitive bids under subsections subsection (a) ~~(1), (a)(2), (a) or (3)~~
9 or (g).

10 (b) If the amount of the purchase is estimated to exceed approxi-
11 mately \$10,000, sealed bids shall be solicited by notice published once in
12 the Kansas register not less than 10 days before the date stated therein
13 for the opening of such bids. The director of purchases may waive this
14 publication of notice requirement when the director determines that a
15 more timely procurement is in the best interest of the state. The director
16 of purchases also may designate a trade journal for such publication. The
17 director of purchases also shall solicit such bids by sending notices by mail
18 to prospective bidders and by posting such notice on a public bulletin
19 board in the office of the director of purchases for at least 10 business
20 days before the date stated therein for the opening of such bids unless
21 otherwise provided by law. All bids shall be sealed when received and
22 shall be opened in public at the hour stated in the notice. The director
23 of purchases shall make a detailed report at least once in each calendar
24 quarter to the legislative coordinating council and the chairpersons of the
25 senate committee on ways and means and the house of representatives
26 committee on appropriations of all cases when the publication of notice
27 of bid solicitations in the Kansas register have been waived under this
28 subsection.

29 (e) All purchases estimated to exceed approximately \$5,000 but not
30 more than \$10,000; shall be made after receipt of sealed bids following
31 at least three days' notice posted on a public bulletin board in the office
32 of the director of purchases. The director of purchases also may solicit
33 sealed bids by mail in such cases in like manner as provided in subsection
34 (b).

35 (d) (c) All purchases estimated to be less than \$5,000 \$10,000 may
36 be made after the receipt of three or more bid solicitations by telephone
37 and telephone facsimile or after receipt of sealed bids following at least
38 three days' notice posted on a public bulletin board in the office of the
39 director of purchases. Such bids shall be recorded as provided in subsec-
40 tion (e) of K.S.A. 75-3740 and amendments thereto.

41 (d) With the approval of the secretary of administration, the director
42 of purchases may delegate authority to any state agency to make pur-
43 chases of less than \$10,000 either on the open market or under certain

; or (5) when compatibility with existing contract services, supplies, material or equipment is the overriding consideration; or (6) when a used item becomes available and is subject to immediate sale; or (7) when, in the judgment of the director of purchases and the head of the using state agency, not seeking competitive bids is in the best interest of the state

23-5

SENATE BILL No. 283

By Committee on Ways and Means

2-10

9 AN ACT concerning setoff against debtors of governmental units; amend-
 10 ing K.S.A. 2-2449, 7-111, 8-2,142, 40-242, 47-830, 58-2801, 58-3050,
 11 65-705, 65-1436, 65-1517, 65-1751, 65-1820a, 65-1908, 65-1926, 65-
 12 2006, 65-2836, 65-5809, 65-6408, 65-6604, 72-1388, 74-5324, 74-5818,
 13 74-7026, 75-6208 and 75-6209 and K.S.A. 1994 Supp. 1-311, 17-1254,
 14 65-1120, 65-1627 65-6311, 75-6201, 75-6202, 75-6203, 75-6204,
 15 75-6205, 75-6206, 75-6207, 75-6210, 75-6211, 75-6214 and 75-6215
 16 and repealing the existing sections.

17
18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 1994 Supp. 75-6201 is hereby amended to read as
 20 follows: 75-6201. (a) K.S.A. 75-6201 to 75-6215, inclusive, and amend-
 21 ments thereto, shall be known and may be cited as the Kansas debt setoff
 22 and collection act.

23 (b) The purpose of this act is to establish as policy that state agencies
 24 shall cooperate in *debt collection activities and in identifying debtors who*
 25 *owe money to the state, a foreign state agency and any municipality, that*
 26 *persons licensed to practice certain professions or conduct certain busi-*
 27 *ness activities may be subject to nonissuance or nonrenewal of their license*
 28 *if the person owes a debt to any state agency and that procedures be*
 29 *established for setting off against debtors the sum of any debt owed to*
 30 *the state, a foreign state agency or any municipality.*

31 Sec. 2. K.S.A. 1994 Supp. 75-6202 is hereby amended to read as
 32 follows: 75-6202. As used in this act:

33 (a) "Debtor" means any person who:

34 (1) Owes a debt to the state of Kansas or any state agency or any
 35 municipality;

36 (2) owes support to an individual, or an agency of another state, who
 37 is receiving assistance in collecting that support under K.S.A. 39-756 and
 38 amendments thereto or under part D of title IV of the federal social
 39 security act (42 U.S.C. § 651 *et seq.*), as amended; or

40 (3) owes a debt to a foreign state agency.

41 (b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any
 42 state agency, municipality or foreign state agency which has accrued

the Kansas debt setoff and collection

SWAM
March 15, 1995
Attachment 24

1 through contract, subrogation, tort, operation of law, or any other legal
2 theory regardless of whether there is an outstanding judgment for that
3 sum. A debt shall not include: (A) Special assessments except when the
4 owner of the property assessed petitioned for the improvement and any
5 successor in interest of such owner of property; or (B) fines or penalties
6 assessed by a municipal court, except for traffic infractions and offenses;
7 or

8 (2) any amount of support due and owing an individual, or an agency
9 of another state, who is receiving assistance in collecting that support
10 under K.S.A. 39-756 and amendments thereto or under part D of title
11 IV of the federal social security act (42 U.S.C. § 651 *et seq.*), as amended,
12 which amount shall be considered a debt due and owing the department
13 of social and rehabilitation services for the purposes of this act.

14 (c) "Refund" means any amount of Kansas income tax refund due to
15 any person as a result of an overpayment of tax, and for this purpose, a
16 refund due to a husband and wife resulting from a joint return shall be
17 considered to be separately owned by each individual in the proportion
18 of each such spouse's contribution to income, as the term "contribution
19 to income" is defined by rules and regulations of the secretary of revenue.

20 (d) "Net proceeds collected" means gross proceeds collected through
21 final setoff against a debtor's earnings, refund or other payment due from
22 the state or any state agency minus any collection assistance fee charged
23 by the director of accounts and reports of the department of administra-
24 tion.

25 (e) "State agency" means any state office, officer, department, board,
26 commission, institution, bureau, agency or authority or any division or
27 unit thereof and any judicial district of this state or the clerk or clerks
28 thereof.

29 (f) "Person" means an individual, proprietorship, partnership, limited
30 partnership, association, trust, estate, business trust, corporation, other
31 entity or a governmental agency, unit or subdivision.

32 (g) "~~Director~~" means ~~the director of accounts and reports of the de-~~
33 ~~partment of administration.~~ "*Secretary*" means *the secretary of adminis-*
34 *tration.*

35 (h) "Municipality" means any municipality as defined by K.S.A. 75-
36 1117, and amendments thereto.

37 (i) "Payor agency" means any state agency which holds money for, or
38 owes money to, a debtor.

39 (j) "Foreign state or foreign state agency" means the states of Colo-
40 rado, Missouri, Nebraska or Oklahoma or any agency of such states which
41 has entered into a reciprocal agreement pursuant to K.S.A. 1994 Supp.
75-6215 and amendments thereto.

42 (k) "Licensee" means any person who ~~as a condition precedent to~~

practice a profession, or conduct business activity which is subject to the Kansas debt setoff and collection act is required to apply to or request from a state agency the issuance of a license, permit, registration, certificate or other indicia of approval from a state agency to practice a profession or business

is issued a license

(l) "License" means any permit, registration, certificate or other indicia of approval from a regulating agency that is required by law as a condition precedent to practicing or continuing to practice a profession or doing business which is subject to the Kansas debt setoff and collection act.

license,

issued by

Sec. 3. K.S.A. 1994 Supp. 75-6203 is hereby amended to read as follows: 75-6203. (a) The collection remedy under this act is in addition to and not in substitution for any other remedy available by law.

or that is required by law to be recognized under a certain name or title and

(b) Each state agency, foreign state agency and municipality, whenever possible, shall obtain the full name, social security number, address and any other information required by the director of accounts and reports secretary from any person for whom the state agency, foreign state agency or municipality provides any service or with whom the state agency, foreign state agency or municipality transacts any business and who may become a debtor under this act.

which has

Each state agency having licensees subject to this act shall provide the full name, social security number, address and any other information required by the secretary for each licensee.

, whenever possible

(c) Except for debts for which a voluntary agreement for payment has been entered into and is being complied with or debts for which garnishment or other judicial proceedings are pending and except as otherwise directed by the secretary of administration, the director secretary may require any state agency to certify all debts owed to the state agency or to certify all such debts in specified categories of debts, for setoff under K.S.A. 75-6204, and amendments thereto. Any state agency required to certify debts under this subsection shall give the director secretary all information relating to such debts as may be requested by the director secretary.

(d) The secretary of administration as provided in K.S.A. 75-3706 and amendments thereto may adopt rules and regulations necessary to carry out the provisions of this act.

(e) The secretary of revenue may adopt rules and regulations defining the term "contribution of income" for the purposes of this act.

Sec. 4. K.S.A. 1994 Supp. 75-6204 is hereby amended to read as follows: 75-6204. (a) Subject to the limitations provided in this act, if a debtor fails to pay to the state of Kansas or any state agency, foreign state agency or a municipality an amount owed, the director secretary may setoff such amount against any money held for, or any money owed to,

such debtor by the state or any state agency.

2 (b) Subject to the limitations provided by this act, the secretary may
3 instruct a state agency ~~having~~ licensees subject to this act not to issue or which has
4 renew the license of any debtor. Such action shall not be taken to enforce
5 collection of library fines or parking violation fines.

6 (b) (c) The ~~director~~ secretary may enter into an agreement with a
7 municipality for participation in the setoff program for the purpose of
8 assisting in the collection of a debt as defined by K.S.A. 75-6202, and
9 amendments thereto. The ~~director~~ secretary shall include in any such
10 agreement a provision requiring the municipality to certify that the mu-
11 nicipality has made at least three attempts to collect a debt prior to sub-
12 mitting such debt to setoff pursuant to this act.

13 Sec. 5. K.S.A. 1994 Supp. 75-6205 is hereby amended to read as
14 follows: 75-6205. (a) The ~~director~~ secretary shall not effect final setoff
15 and collect debts or instruct a state agency to refuse to issue or renew
16 any license through use of the ~~remedy~~ remedies established under this
17 act unless the debt is equal to or greater than \$25.

18 (b) The use of setoff against earnings of a debtor shall be subject to
19 the same dollar limitations and dollar restrictions as are provided by law
20 for wage garnishment. The maximum amount of the disposable earnings
21 of an individual which will be subject to setoff to enforce any order for
22 the support of any person shall not exceed 50% of the debtor's disposable
23 earnings unless the state agency or municipality submits satisfactory in-
24 formation to the ~~director~~ secretary indicating that a greater percentage
25 is applicable and authorized by law.

26 Sec. 6. K.S.A. 1994 Supp. 75-6206 is hereby amended to read as
27 follows: 75-6206. (a) A state agency, foreign state agency or municipality
28 which requests the ~~director~~ secretary to assist in the collection of a debt
29 due to the state agency, foreign state agency or municipality by the util-
30 ization of setoff procedures under this act or which is required to certify
31 debts under K.S.A. 75-6203 and amendments thereto, shall certify to the
32 ~~director~~ secretary in writing the identity of the debtor, the amount of the
33 debt subject to setoff and other information as the ~~director~~ secretary may
34 require. The ~~director~~ secretary shall cause such data to be matched to
35 payroll, refund and other pending payment files and licensing files of
36 licensees subject to this act to identify those instances where setoff pro-
37 cedures for setoff or refusal to issue or renew a license may be imple-
38 mented. When the match is with a state agency licensee, the secretary
39 shall contact the creditor agency to confirm those instances where pro-
40 cedures for nonrenewal or nonissuance of a license should be imple-
41 mented. The ~~director~~ secretary shall then make the following notification
42 to the debtor in writing, either by personal delivery to the debtor or by
43 mail. Such notification shall include:

24-5

services recovery fund.

2 Sec. 11. K.S.A. 1994 Supp. 75-6211 is hereby amended to read as
 3 follows: 75-6211. The priority in multiple claims by state agencies, foreign
 4 state agencies and municipalities for setoff *or debt collection* under the
 5 provisions of this act shall be according to the following priority of claims:
 6 (a) Collection of taxes owed to agencies of the state of Kansas;
 7 (b) claims for collection of intrastate and interstate child support
 8 debts;
 9 (c) claims for collection of debts which have been written off by as-
 10 signment to the ~~director~~ secretary;
 11 (d) other claims according to the time of filing with the ~~director~~ sec-
 12 retary under K.S.A. 75-6208 and amendments thereto; and
 13 (e) notwithstanding subsection (d), claims for collection of tax liabil-
 14 ities of other states shall have last priority according to the time of filing
 15 with the ~~director~~ secretary under K.S.A. 65-6208, and amendments
 16 thereto.

17 Sec. 12. K.S.A. 1994 Supp. 75-6214 is hereby amended to read as
 18 follows: 75-6214. (a) Upon written request to the ~~director~~ secretary, any
 19 debtor against whom setoff has been effected *or against whom the sec-*
 20 *retary has instructed a state agency to refuse to issue or renew a license*
 21 may have a hearing thereon if:

- 22 (1) The debtor alleges that either such debtor did not receive actual
- 23 notice of the right to request a hearing thereon or that the debtor did not
- 24 use the opportunity for a hearing;
- 25 (2) less than two years have elapsed since the setoff was effected; and
- 26 (3) the debtor alleges that the setoff *or the secretary's instruction to*
 27 *a state agency to refuse to issue or renew a license* was improper.

28 (b) Hearings under this section shall be conducted in accordance with
 29 the provisions of the Kansas administrative procedure act. Orders result-
 30 ing from hearings under this section shall not be subject to administrative
 31 review. If it is determined that the setoff *or instruction to a state agency*
 32 *to refuse to issue or renew a license* was improper, the debtor shall be
 33 entitled to a refund of the sum improperly setoff *or an instruction from*
 34 *the secretary to a state agency to refuse to issue or renew a pending*
 35 *license.* The ~~director of accounts and reports~~ secretary shall cause such
 36 refund to be paid from the fund or funds of any state agency to which
 37 the amounts which were setoff were credited. In the case of a foreign
 38 state agency or municipality, the ~~director~~ secretary shall direct a refund
 39 of the amount improperly setoff. The amount of any such refund shall be
 40 in addition to and shall not be included in computing expenditures cred-
 41 ited against any expenditure limitation imposed on any such fund.

42 Sec. 13. K.S.A. 1994 Supp. 75-6215 is hereby amended to read as
 43 follows: 75-6215. The secretary of revenue and the ~~director of accounts~~

to

not

under the provisions of this act

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1 ~~and reports~~ *secretary of administration* are hereby authorized to enter
2 into reciprocal agreements with foreign states to allow the setoff of debts
3 owed to such foreign states pursuant to K.S.A. 75-6201 *et seq.*, and
4 amendments thereto.

5 Sec. 14. K.S.A. 1994 Supp. 1-311 is hereby amended to read as fol-
6 lows: 1-311. (a) The board may revoke or suspend any certificate issued
7 under the laws of this state including a Kansas certificate, or any regis-
8 tration granted under K.S.A. 1-308, and amendments thereto, or may
9 revoke, suspend or refuse to renew any permit issued under K.S.A. 1-310
10 or 1-320, and amendments thereto, or may censure the holder of any
11 such permit, for any one or any combination of the following causes: (1)
12 Fraud or deceit in obtaining a Kansas certificate, in obtaining registration
13 with the board under any law of this state, or in obtaining a permit to
14 practice as a certified public accountant, or renewal thereof, under K.S.A.
15 1-310 or 1-320, and amendments thereto;

16 (2) dishonesty, fraud or gross negligence in practice as a public ac-
17 countant;

18 (3) violation of any of the provisions of K.S.A. 1-316 or 1-320, and
19 amendments thereto;

20 (4) willful violation of a rule of professional conduct promulgated by
21 the board under the authority granted by K.S.A. 1-202, and amendments
22 thereto;

23 (5) conviction of a felony under the laws of any state or of the United
24 States;

25 (6) conviction of any crime, an essential element of which is dishon-
26 esty or fraud, under the laws of any state or of the United States;

27 (7) cancellation, revocation, suspension or refusal to renew the au-
28 thority to practice as a certified public accountant or a public accountant
29 in any state or foreign country; ~~or~~

30 (8) failure to comply with the quality review program required by
31 K.S.A. 1-310, and amendments thereto; ~~or~~

32 (9) *the board has received an instruction from the secretary of ad-*
33 *ministration pursuant to the Kansas setoff and debt collection act, which*
34 *is hereby made applicable to the act of which this section is a part, not to*
35 *issue or renew ~~the licensee's license or permit.~~*

36 (b) All administrative proceedings pursuant to this section shall be
37 conducted in accordance with the provisions of the Kansas administrative
38 procedure act and the act for judicial review and civil enforcement of
39 agency actions.

40 Sec. 15. K.S.A. 2-2449 is hereby amended to read as follows: 2-2449.
41 The secretary may deny, suspend, revoke or modify the provisions of any
42 license, registration, permit or certificate issued under this act, if the
43 secretary finds, after notice and hearing, conducted in accordance with

a certificate, registration or permit

the provisions of the Kansas administrative procedure act, that the applicant, licensee, registrant, permit holder or certificate holder has:

3 (a) Been convicted of or pleaded guilty to a violation of this act, the
4 ~~Kansas pest control act (K.S.A. 2-2401 to 2-2412, and acts amendatory~~
5 ~~thereof or supplemental thereto) or the Kansas pesticide use law (K.S.A.~~
6 ~~2-2413 to 2-2437) the Kansas pesticide law, K.S.A. 2-2438a to 2-2480,~~
7 ~~inclusive, and amendments thereto, or been convicted of or pleaded guilty~~
8 ~~to a felony under the laws of this state or of the United States, if the~~
9 ~~board determines, after investigation, that such person has not been suf-~~
10 ~~ficiently rehabilitated to warrant the public trust;~~

11 (b) failed to comply with any provision or requirement of this act or
12 any rule and regulation adopted thereunder, or any of the laws or rules
13 and regulations of any other state or the United States relating to licensing
14 or other provisions concerning pesticide use or control, or

15 (c) had any license, certificate, registration or permit issued to the
16 person under this act, the ~~Kansas pest control act (K.S.A. 2-2401 to 2-~~
17 ~~2412, and acts amendatory thereof or supplemental thereto); the Kansas~~
18 ~~pesticide use law (K.S.A. 2-2413 to 2-2437) Kansas pesticide law, K.S.A.~~
19 ~~2-2438a to 2-2480, inclusive, and amendments thereto, or the pest control~~
20 ~~or pesticide use laws of any other state revoked; or~~

21 (d) ~~been the subject of an instruction from the secretary of adminis-~~
22 ~~tration pursuant to the Kansas setoff and debt collection act, which is~~
23 ~~hereby made applicable to the act of which this section is a part, not to~~
24 ~~issue or renew the licensee's license or permit.~~

a license, registration, permit or certificate

25 Sec. 16. K.S.A. 7-111 is hereby amended to read as follows: 7-111.
26 An attorney-at-law may be disbarred or disciplined by the supreme court,
27 for any of the following causes arising after admission to practice in this
28 state: ~~1.~~ (a) For willful disobedience of an order of court requiring the
29 attorney to do or forbear an act connected with or in the course of his or
30 her profession: ~~2.~~ For ~~a.~~ (b) for willful violation of the attorney's oath, or
31 of any duty imposed upon an attorney-at-law: ~~3.~~; (c) for neglecting or
32 refusing, on demand, to pay over money in his or her hands held by such
33 attorney, due or belonging to a client, except where such money is re-
34 tained under a bona fide claim of a lien for services: ~~4.~~; (d) for destroying,
35 secreting, fraudulently withdrawing, mutilating, or altering any paper or
36 record belonging to the files or records in any action or proceeding; or
37 (e) for having been the subject of an instruction from the secretary of
38 administration pursuant to the Kansas setoff and debt collection act,
39 which is hereby made applicable to the act of which this section is a part,
40 not to issue or renew the licensee's license or permit.

41 Sec. 17. K.S.A. 8-2,142 is hereby amended to read as follows: 8-
42 142. (a) A person is disqualified from driving a commercial motor ve-
43 .cle for a period of not less than one year upon a first occurrence of any

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one of the following.

2 (1) The person's conviction of a violation of K.S.A. 8-2,144. and
3 amendments thereto;

4 (2) leaving the scene of an accident involving a commercial motor
5 vehicle driven by the person;

6 (3) the person's conviction of using a commercial motor vehicle in
7 the commission of any felony as defined in this act; or

8 (4) the person's test refusal or test failure, as defined by subsection
9 (i); or

10 (5) the person has been the subject of an instruction from the secre-
11 tary of administration pursuant to the Kansas setoff and debt collection
12 act, which is hereby made applicable to the act of which this section is a
13 part, not to issue or renew the ~~licensee's license or permit~~

person's license

14 (b) If any offenses, test refusal or test failure specified in subsection
15 (a) occurred while transporting a hazardous material required to be plac-
16 arded, the person is disqualified for a period of not less than three years.

17 (c) A person shall be disqualified for life upon the second or a sub-
18 sequent occurrence of any offense, test refusal or test failure specified in
19 subsection (a), or any combination thereof, arising from two or more
20 separate incidents.

21 (d) The secretary of revenue may adopt rules and regulations estab-
22 lishing guidelines, including conditions, under which a disqualification for
23 life under subsection (c) may be reduced to a period of not less than 10
24 years.

25 (e) A person is disqualified from driving a commercial motor vehicle
26 for life who uses a commercial motor vehicle in the commission of any
27 felony involving the manufacture, distribution or dispensing of a con-
28 trolled substance, or possession with intent to manufacture, distribute or
29 dispense a controlled substance.

30 (f) A person is disqualified from driving a commercial motor vehicle
31 for a period of not less than 60 days if convicted of two serious traffic
32 violations, or 120 days if convicted of three serious traffic violations, com-
33 mitted in a commercial motor vehicle arising from separate incidents
34 occurring within a three-year period.

35 (g) After suspending, revoking or canceling a commercial driver's li-
36 cense, the division shall update its records to reflect that action within 10
37 days. After suspending, revoking or canceling a nonresident commercial
38 driver's privileges, the division shall notify the licensing authority of the
39 state which issued the commercial driver's license or nonresident com-
40 mercial driver's license within 10 days.

(h) Upon suspension, revocation, cancellation or disqualification of a
commercial driver's license under this act, the license shall be immedi-
ately surrendered to the division if still in the licensee's possession. If

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1 sioner may not enter a revocation order under this clause, and the com-
2 missioner shall vacate any denial order entered under this clause when
3 the deficiency has been corrected;

4 (12) has failed reasonably to supervise the sales representative or em-
5 ployees; or

6 (13) has willfully and without cause failed to comply with a request
7 for information by the commissioner or person designated by the com-
8 missioner in conducting investigations or examinations under this act; or

9 (14) has been the subject of an instruction from the secretary of ad-
10 ministration pursuant to the Kansas setoff and debt collection act, which
11 is hereby made applicable to the act of which this section is a part, not to
12 issue or renew the ~~licensee's license or permit~~

registration

13 (h) The commissioner may by emergency order suspend registration
14 pending final determination of any proceeding under this section. Upon
15 the entry of any order under this section, the commissioner shall promptly
16 notify the applicant or registrant (as well as the employer or prospective
17 employer if the applicant or registrant is an agent) that it has been entered
18 and of the reasons therefor and that, upon written request, the matter
19 will be set for a hearing which shall be conducted in accordance with the
20 provisions of the Kansas administrative procedure act.

21 (i) If the commissioner finds that any registrant or applicant for reg-
22 istration is no longer in existence or has ceased to do business as a broker-
23 dealer, agent or investment adviser, is an adjudged incapacitated person,
24 or cannot be located after reasonable search, the commissioner may cancel
25 the registration or application in accordance with the provisions of the
26 Kansas administrative procedure act.

27 (j) (1) The commissioner may participate, in whole or in part, with
28 any national securities association or national securities exchange regis-
29 tered with the United States securities and exchange commission under
30 the federal securities exchange act of 1934 or with any association of state
31 securities administrators in a central registration depository where the
32 broker-dealer, agent and investment adviser registrations required by
33 subsection (b) may be centrally or simultaneously effected and the ac-
34 companying registration fees may be centrally collected for all states that
35 require the registration of such persons and participate in such a central
36 registration depository.

37 (2) If the commissioner finds that participation in such a central reg-
38 istration depository is in the public interest, the commissioner may by
39 rules and regulations or by order require that:

40 (A) Applications for the registration or the renewal of the registration
41 of any broker-dealer, agent or investment adviser as required by this sec-
42 tion may be made or effected through or in conjunction or coordination
43 with such a central registration depository;

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1 der such person's insurance then in force;

2 (6) the holder of such license has been convicted of a misdemeanor
3 or felony involving fraud, deceit, dishonesty, intent to deprive or intent
4 to defraud; or

5 (7) the interests of the insurer or the insurable interests of the public
6 are not properly served under such license. Actions affecting any license
7 or imposing any penalty shall be taken only after a hearing conducted in
8 accordance with the provisions of the Kansas administrative procedure
9 act; or

10 (8) the holder of such license has been the subject of an instruction
11 from the secretary of administration pursuant to the Kansas setoff and
12 debt collection act, which is hereby made applicable to the act of which
13 this section is a part, not to issue or renew the licensee's license ~~or permit~~.

14 (b) The imposition of a penalty, or the lapse or suspension of any
15 license by operation of law, by failure to renew or by its voluntary sur-
16 render shall not deprive the commissioner of jurisdiction or right to in-
17 stitute or proceed with any disciplinary proceeding against such licensee,
18 to render a decision suspending or revoking such license, or to establish
19 and make a record of the facts of any violation of law for any lawful
20 purpose. No such disciplinary proceedings shall be instituted against any
21 licensee after the expiration of two years from the termination of such
22 license.

23 (c) In the event the commissioner of insurance imposes a penalty as
24 permitted under subsection (e) or suspends or revokes the license of any
25 agent or broker, any costs incurred as a result of conducting any admin-
26 istrative hearing authorized under the provisions of this section shall be
27 assessed against the broker or agent who is the subject of the hearing or
28 the company or companies represented by such broker or agent who is
29 the party to the matters giving rise to the hearing. As used in this sub-
30 section, "costs" shall include witness fees, mileage allowances, any costs
31 associated with the reproduction of documents which become a part of
32 the hearing record and the expense of making a record of the hearing.

33 (d) No person whose license as an agent or broker has been sus-
34 pended or revoked shall be employed by any insurance company doing
35 business in this state either directly, indirectly, as an independent con-
36 tractor or otherwise to negotiate or effect contracts of insurance, sure-
37 tyship or indemnity or do any act toward soliciting or otherwise transact-
38 ing the business of insurance during the period of such suspension or
39 revocation.

40 (e) In lieu of revocation or suspension of the agent's or broker's li-
41 cense, the commissioner may:

- 42 (1) Censure the person; or
- 43 (2) issue an order imposing an administrative penalty up to a maxi-

the prescription of an extra-label use of any over-the-counter drug in the absence of a valid veterinarian-client-patient relationship; ~~or~~

(t) failing to furnish details of a patient's medical records or failing to provide a patient's radiographs to another treating veterinarian, hospital or clinic, upon the written request of an owner or owner's agent, or failing to provide the owner or owner's agent with a summary of the medical record within a reasonable period of time and upon proper request or waiver by the owner or owner's agent, or failing to comply with any other law relating to medical records; *or*

(u) *having been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license* ~~for permit~~.

Sec. 21. K.S.A. 58-2801 is hereby amended to read as follows: 58-2801. (a) Every person, firm, partnership, association or corporation, which makes, compiles or completes and sells abstracts of title to real estate in the state of Kansas shall first secure and hold a valid license issued in accordance with the provisions of this act. The annual fee for each abstractor's license shall be fixed by the abstractors' board of examiners by rules and regulations in an amount not to exceed \$50 for each year or part of a year. The board may establish rules and regulations for the proration of license fees for licenses to be effective for a period of time less than one year.

(b) *The board shall not grant a renewal license if the board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to* ~~issue or~~ *renew the licensee's license* ~~for permit~~.

(b) (c) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing year and shall fix the license fee for such year at the sum deemed necessary for such purposes. Such fee shall accompany the application for license and shall be returned to the applicant if the license is not issued. Every license issued under the provisions of this act shall expire on December 31 of the year for which issued. In the absence of any condition or reason which might warrant the refusal of the granting of a renewal license, the board shall issue a license each year upon receipt of a written request of the applicant together with the annual fee established by the board in accordance with the provisions of this section.

(e) (d) The board may adopt rules and regulations which authorize the issuance of inactive licenses to licensees eligible for such inactive license in accordance with the rules and regulations. The license fee for an inactive license shall be the same as the annual fee for an abstractor's

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1 license established under this section.

2 (d) ~~All fees charged and collected by the board on and after July 1,~~
3 ~~1983, and prior to the effective date of this act for the annual fee for an~~
4 ~~abstracter's license are hereby specifically authorized and validated.~~

5 Sec. 22. K.S.A. 58-3050 is hereby amended to read as follows: 58-
6 3050. (a) The license of any licensee may be revoked, suspended or re-
7 stricted or a licensee may be censured, if:

8 (1) The commission finds that the license has been obtained by false
9 or fraudulent representation or that the licensee has committed a viola-
10 tion of this act or rules and regulations adopted hereunder, whether the
11 licensee acted as an agent or a principal in the real estate transaction;

12 (2) the licensee has entered a plea of guilty or *nolo contendere* to, or
13 has been convicted of: (A) Forgery, embezzlement, obtaining money un-
14 der false pretenses, larceny, extortion, conspiracy to defraud or any other
15 similar offense; (B) a crime involving moral turpitude; or (C) any felony
16 charge; ~~or~~

17 (3) the licensee has been finally adjudicated and found to be guilty
18 of violation of the federal fair housing act (42 U.S.C. 3601 et seq.) or
19 K.S.A. 44-1015 through 44-1029, and amendments thereto; *or*

20 (4) *The commission has received an instruction from the secretary of*
21 *administration pursuant to the Kansas setoff and debt collection act,*
22 *which is hereby made applicable to the act of which this section is a part,*
23 *not to issue or renew the licensee's license* ~~or permit~~

24 (b) In addition to or in lieu of any other administrative, civil or crim-
25 inal remedy provided by law, the commission, in accordance with the
26 Kansas administrative procedure act and upon a finding that a licensee
27 has violated a provision of this act or of a rule and regulation adopted
28 hereunder, may impose on such licensee a civil fine not exceeding \$500
29 for each violation.

30 (c) If a broker or salesperson has been declared disabled by a court
31 of competent jurisdiction, the commission shall suspend the broker's or
32 salesperson's license for the period of disability.

33 (d) No complaint alleging violation of this act or rules and regulations
34 adopted hereunder shall be commenced more than three years from the
35 date of the occurrence which is the subject of the complaint.

36 (e) All administrative proceedings pursuant to this section shall be
37 conducted in accordance with the Kansas administrative procedure act.

38 (f) Notwithstanding any provision of this act to the contrary, the com-
39 mission may use emergency adjudicative proceedings, as provided by
40 K.S.A. 77-536 and amendments thereto, to summarily suspend the license
41 of any licensee if the commission has reasonable cause to believe that the
42 licensee's trust account is in unsound condition or that the licensee is
43 misappropriating funds belonging to other persons.

(g) If a licensee has entered a plea of guilty or *nolo contendere* to, or has been convicted of, any felony charge, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536 and amendments thereto to suspend, revoke or restrict the licensee's license.

(h) When the real estate license of an individual is revoked and that individual's name is included in the trade or business name of a real estate brokerage business, the commission may deny continued use of the trade or business name if, in the opinion of the commission, it would be confusing or misleading to the public.

If the revocation of the individual's license is appealed to district court and a stay of the commission's order is granted by the court, the commission may not deny continued use of the trade or business name until such time as the district court upholds the order of the commission.

Sec. 23. K.S.A. 65-705 is hereby amended to read as follows: 65-705. The state dairy commissioner may deny, suspend, revoke or modify or refuse to renew the provisions of any license or permit issued under this act if the state dairy commissioner finds, after notice and hearing conducted in accordance with the provisions of the Kansas administrative procedure act that the applicant, licensee or permit holder or any agent or employee thereof has:

(a) Been convicted of or pleaded guilty to a violation of this act or any rule and regulation promulgated thereunder;

(b) failed to comply with any provision or requirement of this act or any rule and regulation promulgated thereunder;

(c) interfered with or prevented the dairy commissioner, or any authorized inspector, or any other authorized representative of the dairy commissioner in the performance of that person's job duties regarding any inspection or the administration of the provisions of this act; or

(d) denied access to premises required to be inspected under the provisions of this act; or

(e) ~~has~~ been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the ~~licensee's~~ license or permit.

Sec. 24. K.S.A. 1994 Supp. 65-1120 is hereby amended to read as follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found after

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earing:

2 (1) To be guilty of fraud or deceit in practicing nursing or in procuring
3 or attempting to procure a license to practice nursing;

4 (2) to have been guilty of a felony or to have been guilty of a mis-
5 demeanor involving an illegal drug offense, if the board determines, after
6 investigation, that such person has not been sufficiently rehabilitated to
7 warrant the public trust;

8 (3) to have committed an act of professional incompetency as defined
9 in subsection (e);

10 (4) to be unable to practice with skill and safety due to current abuse
11 of drugs or alcohol;

12 (5) to be a person who has been adjudged in need of a guardian or
13 conservator, or both, under the act for obtaining a guardian or conser-
14 vator, or both, and who has not been restored to capacity under that act;

15 (6) to be guilty of unprofessional conduct as defined by rules and
16 regulations of the board;

17 (7) to have willfully or repeatedly violated the provisions of the Kansas
18 nurse practice act or any rules and regulations adopted pursuant to that
19 act, including K.S.A. 65-1114 and 65-1122 and amendments thereto; ~~or~~

20 (8) to have a license to practice nursing as a registered nurse or as a
21 practical nurse denied, revoked, limited or suspended, or to be publicly
22 or privately censured, by a licensing authority of another state, agency of
23 the United States government, territory of the United States or country
24 or to have other disciplinary action taken against the applicant or licensee
25 by a licensing authority of another state, agency of the United States
26 government, territory of the United States or country. A certified copy of
27 the record or order of public or private censure, denial, suspension, lim-
28 itation, revocation or other disciplinary action of the licensing authority
29 of another state, agency of the United States government, territory of the
30 United States or country shall constitute prima facie evidence of such a
31 fact for purposes of this paragraph (8); or

32 (9) to have been the subject of an instruction from the secretary of
33 administration pursuant to the Kansas setoff and debt collection act,
34 which is hereby made applicable to the act of which this section is a part,
35 not to issue or renew the licensee's license or permit;

36 (b) Proceedings. Upon filing of a sworn complaint with the board
37 charging a person with having been guilty of any of the unlawful practices
38 specified in subsection (a), two or more members of the board shall in-
39 vestigate the charges, or the board may designate and authorize an em-
40 ployee or employees of the board to conduct an investigation. After in-
41 vestigation, the board may institute charges. If an investigation, in the
42 opinion of the board, reveals reasonable grounds for believing the appli-
43 cant or licensee is guilty of the charges, the board shall fix a time and

license, certificate of qualification or authorization

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(5) employed, allowed or permitted any unlicensed person or persons to perform any work in the licensee's office which constitutes the practice of dentistry or dental hygiene under the provisions of this act;

(6) willfully violated the laws of this state relating to the practice of dentistry or dental hygiene or the rules and regulations of the secretary of health and environment or of the board regarding sanitation;

(7) engaged in the division of fees, or agreed to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or the patient's legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another;

(8) committed complicity in association with or allowed the use of the licensed dentist's name in conjunction with any person who is engaged in the illegal practice of dentistry;

(9) been convicted of a felony if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust, or a misdemeanor involving moral turpitude;

(10) failed to pay license fees;

(11) used the name "clinic," "institute" or other title that may suggest a public or semipublic activity except that the name "clinic" may be used as authorized in K.S.A. 65-1435 and amendments thereto;

(12) committed, after becoming a licensee, any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board; or

(13) engaged in a misleading, deceptive, untrue or fraudulent misrepresentation in the practice of dentistry or on any document connected with the practice of dentistry by knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement; or

(14) ~~has~~ been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the ~~licensee's license or permit~~

license

(b) Whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a licensee is in any of the circumstances or has committed any of the acts described in subsection (a), the Kansas dental board may take one or any combination of the following actions with respect to the license of the licensee:

(1) Revoke the license.

(2) Suspend the license for such period of time as may be determined by the board.

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(y) The licensee has failed to provide to a patient the patient's written prescription for lenses for eyeglasses subsequent to the completion of the eye examination in accordance with applicable state or federal law.

(z) ~~The~~ licensee has been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license ~~or permit~~.

The

Sec. 27. K.S.A. 1994 Supp. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that:

- (1) The license was obtained by fraudulent means;
- (2) the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;
- (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;
- (4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;
- (5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;
- (6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner;
- (7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;
- (8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;
- (9) the licensee has failed to comply with the requirements of the board relating to the continuing education of pharmacists;
- (10) the licensee as a pharmacist in charge or consultant pharmacist under the provisions of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto has failed to comply with the requirements of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto;
- (11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;
- (12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being

1 conclusive evidence thereof; or

2 (13) the licensee has self-administered any controlled substance with-
3 out a practitioner's prescription order; or

4 (14) the licensee has been the subject of an instruction from the sec-
5 retary of administration pursuant to the Kansas setoff and debt collection
6 act, which is hereby made applicable to the act of which this section is a
7 part, not to issue or renew the licensee's license ~~or permit~~

8 (b) The board may suspend, revoke, place in a probationary status or
9 deny a renewal of any retail dealer's permit issued by the board when
10 information in possession of the board discloses that such operations for
11 which the permit was issued are not being conducted according to law or
12 the rules and regulations of the board.

13 (c) The board may revoke, suspend, place in a probationary status or
14 deny a renewal of the registration of a pharmacy upon a finding that: (1)
15 Such pharmacy has been operated in such manner that violations of the
16 provisions of the pharmacy act of the state of Kansas or of the rules and
17 regulations of the board have occurred in connection therewith; (2) the
18 owner or any pharmacist employed at such pharmacy is convicted, sub-
19 sequent to such owner's acquisition of or such employee's employment
20 at such pharmacy, of a violation of the pharmacy act or uniform controlled
21 substances act of the state of Kansas, or the federal or state food, drug
22 and cosmetic act; or (3) the owner or any pharmacist employed by such
23 pharmacy has fraudulently claimed money for pharmaceutical services.

24 (d) A registration to manufacture or to distribute at wholesale a drug
25 or a registration for the place of business where any such operation is
26 conducted may be suspended, revoked, placed in a probationary status
27 or the renewal of such registration may be denied by the board upon a
28 finding that the registrant or the registrant's agent: (1) Has materially
29 falsified any application filed pursuant to or required by the pharmacy
30 act of the state of Kansas; (2) has been convicted of a felony under any
31 federal or state law relating to the manufacture or distribution of drugs;
32 (3) has had any federal registration for the manufacture or distribution of
33 drugs suspended or revoked; (4) has refused to permit the board or its
34 duly authorized agents to inspect the registrant's establishment in accor-
35 dance with the provisions of K.S.A. 65-1629 and amendments thereto;
36 (5) has failed to keep, or has failed to file with the board or has falsified
37 records required to be kept or filed by the provisions of the pharmacy
38 act of the state of Kansas or by the board's rules and regulations; or (6)
39 has violated the pharmacy act of the state of Kansas or rules and regu-
40 lations adopted by the state board of pharmacy under the pharmacy act
41 of the state of Kansas or has violated the uniform controlled substances
42 act or rules and regulations adopted by the state board of pharmacy under
43 the uniform controlled substances act.

1 plemental thereto;

2 (13) has had a license to practice embalming or funeral directing re-
3 voked or suspended, has been censured or has had other disciplinary
4 action taken against oneself or has had an application for a license denied
5 by the proper licensing authority of another state, territory, District of
6 Columbia or other country, a certified copy of the record of the action
7 of the other jurisdiction being conclusive evidence thereof;

8 (14) has cheated on or attempted to subvert the validity of the ex-
9 amination for a license;

10 (15) has been found to be mentally ill, disabled, not guilty by reason
11 of insanity or incompetent to stand trial by a court of competent jurisdic-
12 tion;

13 (16) has failed to furnish the board, or its investigators or represen-
14 tatives, any information legally requested by the board;

15 (17) has failed to report to the board any adverse action taken against
16 the licensee by another state or licensing jurisdiction, a professional as-
17 sociation or society, a governmental agency, by a law enforcement agency
18 or a court for acts or conduct similar to acts or conduct which would
19 constitute grounds for disciplinary action under this section;

20 (18) has an adverse judgment, award or settlement against the li-
21 censee resulting from the practice of funeral directing or embalming
22 which related to acts or conduct similar to acts or conduct which would
23 constitute grounds for disciplinary action under this section or has failed
24 to report such matter to the board;

25 (19) has knowingly submitted any misleading, deceptive, untrue or
26 fraudulent representation on a claim form, bill or statement;

27 (20) has violated any lawful rule and regulation promulgated by the
28 board or any state or federal law related to the practice of funeral di-
29 recting, embalming or funeral establishments; or

30 (21) has failed to pay any fee required under this act; or

31 (22) *has been the subject of an instruction from the secretary of ad-*
32 *ministration pursuant to the Kansas setoff and debt collection act, which*
33 *is hereby made applicable to the act of which this section is a part, not to*
34 *issue or renew the licensee's license ~~or permit~~.*

35 (b) The board may adopt rules and regulations defining, construing
36 and interpreting the above grounds for licensure action. All administrative
37 proceedings taken by the board pursuant to this section shall be con-
38 ducted in accordance with the provisions of the Kansas administrative
39 procedure act.

40 (c) As used in this section:

41 (1) "License" means an embalmer's license, funeral director's license,
42 assistant funeral director's license, funeral establishment license or
43 branch establishment license.

(2) "At-need solicitation" means any uninvited contact for the purpose of the sale of funeral services or merchandise to the family or next of kin of a person after the person's death, or where death is imminent.

Sec. 29. K.S.A. 65-1820a is hereby amended to read as follows: 65-1820a. (a) The board may issue orders which require the remedying of any of the violations specified in subsection (b). If the violations are not remedied in a reasonable time after the order is issued, the board shall issue an order suspending the license of the violator. The board shall follow the procedure provided in the Kansas administrative procedure act to suspend a license.

(b) The board may refuse to issue, renew, suspend or revoke a license for any one or combination of the following reasons:

- (1) Malpractice or incompetency;
- (2) when an applicant or a licensed barber is or becomes afflicted with an infectious or communicable disease;
- (3) advertising by knowingly false or deceptive statements;
- (4) advertising, practicing or attempting to practice under a trade name other than one's own;
- (5) habitual drunkenness or habitual addiction to habit-forming drugs;
- (6) unprofessional conduct;
- (7) obtaining or attempting to obtain a license for money other than the required fee, or for any other thing of value or by fraudulent misrepresentations;
- (8) the willful failure to display a license to practice barbering as required by K.S.A. 65-1818, and amendments thereto;
- (9) practicing or attempting to practice barbering by fraudulent misrepresentations;
- (10) the violation of any of the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto for the regulation of barber shops, barber schools and barber colleges; or
- (11) the violation of rules and regulations of the board concerning the operation or management of a barber shop, barber school or barber college; or
- (12) *the board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license ~~or permit~~*

Sec. 30. K.S.A. 65-1908 is hereby amended to read as follows: 65-1908. (a) The Kansas state board of cosmetology may revoke any license provided for by this act, or may refuse to issue, renew, or suspend any license for any of the following reasons:

1 (1) Failure to comply with the sanitary requirements prescribed by
2 the secretary of health and environment pursuant to K.S.A. 65-1,148 and
3 amendments thereto;

4 (2) failure to comply with the rules and regulations of the board of
5 cosmetology;

6 (3) habitual drunkenness or drug addiction;

7 (4) conviction of a felony, but such conviction shall not automatically
8 operate as a bar to licensure;

9 (5) the obtaining of, or the attempt to obtain, a license by fraudulent
10 misrepresentation or bribery;

11 (6) advertising by means of false or knowingly deceptive matter or
12 statement; ~~or~~

13 (7) failure to display the annual license or inspection report as pro-
14 vided for in this act; *or*

15 (8) *the board has received an instruction from the secretary of ad-*
16 *ministration pursuant to the Kansas setoff and debt collection act, which*
17 *is hereby made applicable to the act of which this section is a part, not to*
18 *issue or renew the licensee's license ~~or permit~~.*

19 The board may order the remedying of any violations of rules and
20 regulations of the board or any statutes pertaining to it.

21 Inspectors employed by the board shall have such powers as the board
22 may prescribe by rules and regulations to make inspections, investiga-
23 tions, and inquiries, except that a permanent order for closing the busi-
24 ness of a cosmetologist shall be issued only by the board.

25 (b) All proceedings under this section shall be conducted in accor-
26 dance with the provisions of the Kansas administrative procedure act.

27 Sec. 31. K.S.A. 65-1926 is hereby amended to read as follows: 65-
28 1926. (a) On and after January 1, 1993, a person may not operate a tanning
29 facility without a valid license issued by the board.

30 (b) The license shall be displayed in a conspicuous place in the tan-
31 ning facility.

32 (c) On application, on forms provided by the board, and on receipt
33 of the appropriate fee, a license shall be renewed by the board.

34 (d) The board may adopt a system under which licenses expire on
35 various dates during the year. As part of this system the annual renewal
36 fee may be prorated on a monthly basis to reflect the actual number of
37 months the license is valid.

38 (e) The board may revoke, cancel, suspend or place on probation a
39 license to operate a tanning facility for any of the following reasons:

40 (1) A failure to pay a license fee or an annual renewal fee for a license;
(2) the applicant obtained or attempted to obtain a license by fraud
or deception;

43 (3) a violation of any of the provisions of this act; ~~or~~

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(4) a violation of a regulation of the board adopted under this act; or

(5) *The board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license ~~or permit~~.*

(f) The board shall establish appropriate licensure and renewal fees, not to exceed \$100 per year for each tanning facility, by adoption of rules and regulations. The board may establish the fees based upon the number of beds used for tanning which the facility maintains. In addition to the fee for licensure and the fee for renewal of a license, the board may establish a fee not to exceed \$150 for delinquent renewal of a license and a fee not to exceed \$200 for reinstatement of a license.

(g) The executive director of the board shall remit all moneys received from fees under this act to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit such moneys in the manner specified under K.S.A. 74-2704 and amendments thereto.

Sec. 32. K.S.A. 65-2006 is hereby amended to read as follows: 65-2006. (a) The board, upon hearing, may revoke, suspend or limit any license or permit to practice podiatry, may deny issuance or renewal of any such license or permit, or may publicly or privately censure a licensee or permittee, if the person holding or applying for such license or permit is found by the board to:

(1) Have committed fraud in securing the license or permit;

(2) have engaged in unprofessional or dishonorable conduct or professional incompetency;

(3) have been convicted of a felony if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(4) have used untruthful or improbable statements or flamboyant, exaggerated or extravagant claims in advertisements concerning the licensee's or permit holder's professional excellence or abilities;

(5) be addicted to or have distributed intoxicating liquors or drugs for any other than lawful purposes;

(6) have willfully or repeatedly violated the podiatry act, the pharmacy act or the uniform controlled substances act, or any rules and regulations adopted thereunder, or any rules and regulations of the secretary of health and environment which are relevant to the practice of podiatry;

(7) have unlawfully invaded the field of practice of any branch of the healing arts;

(8) have failed to submit proof of completion of a continuing education course required pursuant to the podiatry act;

(9) have engaged in the practice of podiatry under a false or assumed

name or impersonated another podiatrist, but practice by a licensee or permit holder under a professional corporation or other legal entity duly authorized to provide podiatry services in the state shall not be considered to be practice under an assumed name;

(10) be unable to practice podiatry with reasonable skill and safety to patients by reason of any mental or physical condition, illness, alcoholism or excessive use of drugs, controlled substances or chemical or any other type of material;

(11) have had the person's license or permit to practice podiatry revoked, suspended or limited, or have had other disciplinary actions taken or an application for a license or permit denied, by the proper licensing authority of any state, territory or country or the District of Columbia;

(12) have violated any rules and regulations of the board or any lawful order or directive of the board; ~~or~~

(13) have knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement; *or*

(14) *have been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the ~~licensee's~~ license or permit.*

(b) In determining whether or not a licensee or permit holder is unable to practice podiatry with reasonable skill and safety to patients as provided in subsection (a)(10), the board, upon probable cause, shall have authority to compel a licensee or permit holder to submit to mental or physical examination by such persons as the board may designate. Failure of a licensee or permit holder to submit to such examination when directed shall constitute an admission of the allegations against the licensee or permit holder, unless the failure was due to circumstances beyond the licensee's or permit holder's control. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of podiatry with reasonable skill and safety to patients. Each licensee or permit holder accepting the privilege to practice podiatry in this state, by practicing podiatry in this state or by making and filing an application for a license or permit, or renewal of a license or permit, to practice podiatry in this state, shall be deemed to have consented to submit to a mental or physical examination when directed in writing by the board pursuant to this subsection and to have waived all objections to the admissibility of the testimony or examination report of the person conducting such examination at any proceeding or hearing before the board on the ground that such testimony or examination report constitutes a privileged communication. The record of any board proceedings involving a mental or physical examination pursuant to this subsection shall not be used in any other ad-

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2 tant has failed to adequately direct and supervise the physician's assistant
3 in accordance with K.S.A. 65-2896 to 65-2897a, inclusive, and amend-
4 ments thereto, or rules and regulations adopted under such statutes.

5 (cc) *The licensee has been the subject of an instruction from the sec-*
6 *retary of administration pursuant to the Kansas setoff and debt collection*
7 *act, which is hereby made applicable to the act of which this section is a*
8 *part, not to issue or renew the licensee's license ~~or permit~~.*

9 Sec. 34. K.S.A. 65-5809 is hereby amended to read as follows: 65-
10 5809. The board may refuse to issue, suspend, limit, refuse to renew or
11 revoke any registration or specialty designation granted under the pro-
12 fessional counselors registration act for any of the following reasons:

13 (a) Use of drugs or alcohol, or both, to an extent that impairs the
14 individual's ability to engage in the practice of professional counseling;

15 (b) the individual has been convicted of a felony and, after investi-
16 gation, the board finds that the individual has not been sufficiently re-
17 habilitated to merit the public trust;

18 (c) use of fraud, deception, misrepresentation or bribery in securing
19 any registration issued pursuant to the provisions of the professional coun-
20 selors registration act or in obtaining permission to take any examination
21 given or required pursuant to the provisions of the professional counselors
22 registration act;

23 (d) obtaining or attempting to obtain any fee, charge, tuition or other
24 compensation by fraud, deception or misrepresentation;

25 (e) incompetence, misconduct, fraud, misrepresentation or dishon-
26 esty in the performance of the functions or duties of a professional coun-
27 selor;

28 (f) violation of, or assisting or enabling any individual to violate, any
29 provision of the professional counselors registration act or any rule and
30 regulation adopted under such act;

31 (g) impersonation of any individual holding a registration or allowing
32 any individual to use a registration or diploma from any school of a person
33 registered under the professional counselors registration act or a diploma
34 from any school of an applicant for registration under the professional
35 counselors registration act;

36 (h) revocation or suspension of a registration or other authorization
37 to practice counseling granted by another state, territory, federal agency
38 or country upon grounds for which revocation or suspension is authorized
39 by the professional counselors registration act;

40 (i) the individual is mentally ill or physically disabled to an extent that
41 impairs the individual's ability to engage in the practice of professional
counseling;

(j) assisting or enabling any person to hold oneself out to the public
or offer to hold oneself out to the public as a registered professional

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counselor who is not registered under the provisions of the professional counselors registration act;

(k) the issuance of the registration was based upon a material mistake of fact;

(l) violation of any professional trust or confidence;

(m) use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(n) unprofessional conduct as defined by rules and regulations adopted by the board; or

(o) the registrant has had a registration, license or certificate as a professional counselor revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(p) the board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license or permit.

registration or specialty designation

Sec. 35. K.S.A. 1994 Supp. 65-6311 is hereby amended to read as follows: 65-6311. (a) The board may suspend, limit, revoke or refuse to issue or renew a license of any social worker upon proof that the social worker:

(1) Has been convicted of a felony and, after investigation, the board finds that the licensee has not been sufficiently rehabilitated to merit the public trust;

(2) has been found guilty of fraud or deceit in connection with services rendered as a social worker or in establishing needed qualifications under this act;

(3) has knowingly aided or abetted a person, not a licensed social worker, in representing such person as a licensed social worker in this state;

(4) has been found guilty of unprofessional conduct as defined by rules established by the board;

(5) has been found to have engaged in diagnosis as authorized under K.S.A. 1994 Supp. 65-6319 and amendments thereto, even though not authorized to engage in such diagnosis under K.S.A. 1994 Supp. 65-6319 and amendments thereto;

(6) has been found guilty of negligence or wrongful actions in the performance of duties; or

(7) has had a license to practice social work revoked, suspended or

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limited, or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(8) the board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license ~~or permit~~.

(b) Proceedings to consider the suspension, revocation or refusal to renew a license shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 36. K.S.A. 65-6408 is hereby amended to read as follows: 65-6408. The board may refuse to grant registration to, or may suspend, revoke, condition, limit, qualify or restrict the registration of any individual who the board, after a hearing, determines:

(1) Is incompetent to practice marriage and family therapy, or is found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public;

(2) is convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice marriage and family therapy;

(3) has violated a provision of the marriage and family therapists registration act or one or more of the rules and regulations of the board;

(4) has obtained or attempted to obtain a registration or registration renewal by bribery or fraudulent representation;

(5) has knowingly made a false statement on a form required by the board for registration or registration renewal;

(6) has failed to obtain continuing education credits required by rules and regulations of the board;

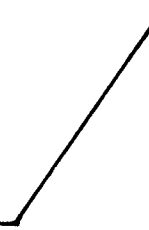
(7) has been found guilty of unprofessional conduct as defined by rules and regulations established by the board; or

(8) has had a registration, license or certificate as a marriage and family therapist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(9) the board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which hereby made applicable to the act of which this section is a part, not to sue or renew the licensee's license or permit

Sec. 37. K.S.A. 65-6604 is hereby amended to read as follows: 65-

registration



6604. (a) The board may deny, refuse to renew, suspend, limit or revoke any registration pursuant to this act if the registrant or applicant:

(1) Has obtained or attempted to obtain registration by means of fraud, misrepresentation or concealment of material facts;

(2) has been convicted of a crime found by the board to have a direct bearing on whether the registrant or applicant can be entrusted to serve the public in the position of alcohol and other drug abuse counselor;

(3) has used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; or

(4) has violated any lawful order or rule and regulation of the board; or

(5) has been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license or permit

registration

(b) Suspension, limitation, revocation or refusal to issue or renew registration pursuant to this section shall be in accordance with the Kansas administrative procedure act.

Sec. 38. K.S.A. 72-1388 is hereby amended to read as follows: 72-1388. (a) The state board of education, in accordance with law, is authorized to adopt rules and regulations providing for the issuance, renewal, reinstatement and registration of certificates for teachers and other personnel in the state department of education and in schools and institutions under the general supervision of the state board of education. The state board shall not issue or renew any certificate if the board has received an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license or permit

certificate

(b) In addition to other requirements and subject to the provisions of K.S.A. 72-1396, and amendments thereto, the rules and regulations of the state board of education shall include after May 1, 1986, the requirement that applicants for initial issuance of certificates to teach shall take and satisfactorily pass an examination prescribed by the state board.

(c) The privilege to teach at any level or in any field or subject, if such privilege is or has been granted when a certificate is issued, may not be withheld during the term for which the certificate is issued except as provided in K.S.A. 72-1383 or 72-5412, and amendments to such sections.

Sec. 39. K.S.A. 74-5324 is hereby amended to read as follows: 74-5324. The board may suspend, limit, revoke or refuse to issue or renew license of any psychologist upon proof that the psychologist: (a) Has been convicted of a felony involving moral turpitude; or (b) has been

1 guilty of fraud or deceit in connection with services rendered as a psy-
 2 chologist or in establishing qualifications under this act; or (c) has aided
 3 or abetted a person, not a licensed psychologist, in representing such
 4 person as a psychologist in this state; or (d) has been guilty of unprofes-
 5 sional conduct as defined by rules and regulations established by the
 6 board; or (e) has been guilty of negligence or wrongful actions in the
 7 performance of duties; or (f) has knowingly submitted a misleading, de-
 8 ceptive, untrue or fraudulent misrepresentation on a claim form, bill or
 9 statement; or (g) has had a registration, license or certificate as a psy-
 10 chologist revoked, suspended or limited, or has had other disciplinary
 11 action taken, or an application for registration, license or certificate de-
 12 nied, by the proper regulatory authority of another state, territory, District
 13 of Columbia or another country, a certified copy of the record of the
 14 action of the other jurisdiction being conclusive evidence thereof; (h) has
 15 been the subject of an instruction from the secretary of administration
 16 pursuant to the Kansas setoff and debt collection act, which is hereby
 17 made applicable to the act of which this section is a part, not to issue or
 18 renew the licensee's license ~~or permit~~.

19 Sec. 40. K.S.A. 74-5818 is hereby amended to read as follows: 74-
 20 5818. Any person registered under this act may have his such person's
 21 license or certificate revoked or suspended for a fixed period to be de-
 22 termined by the board for any of the following causes:

- 23 (a) His Conviction of a felony. The record of conviction, or a certified
 24 copy thereof certified by the clerk of the court or by the judge in whose
 25 court the conviction is had, shall be conclusive evidence of such convic-
 26 tion.
- 27 (b) When his certificate has been secured by fraud or deceit practiced
 28 upon the board.
- 29 (c) For unethical conduct.
- 30 (d) Practicing while knowingly suffering from a contagious or infec-
 31 tious disease.
- 32 (e) Advertising professional superiority.
- 33 (f) Practicing the fitting of hearing aids under a false or alias name.
- 34 (g) Failure to actively practice the art of fitting and dispensing of
 35 hearing aids for a period of three (3) years consecutive.
- 36 (h) For any cause for which the board might refuse to admit a can-
 37 didate to examinations.
- 38 (i) The holder of the license or certificate has been the subject of an
 39 instruction from the secretary of administration pursuant to the Kansas
 40 setoff and debt collection act, which is hereby made applicable to the act
 41 of which this section is a part, not to issue or renew the licensee's license

42 ~~or permit~~
 43 (j) For violation of any of the provisions of this act.

Sec. 41. K.S.A. 74-7026 is hereby amended to read as follows: 74-

2 7026. (a) The board shall have the power to reprimand or otherwise dis-
3 cipline, suspend or revoke the license of any person who is found guilty
4 of:

5 (1) The practice of any fraud or deceit in obtaining a license or cer-
6 tificate of authorization issued under K.S.A. 74-7036 and amendments
7 thereto;

8 (2) any gross negligence, incompetency, misconduct or wanton dis-
9 regard for the rights of others in the practice of any technical profession;

10 (3) a conviction of a felony as set forth in the criminal statutes of the
11 state of Kansas, of any other state or of the United States;

12 (4) violation of any rules of professional conduct adopted and prom-
13 ulgated by the board or violation of rules and regulations adopted by the
14 board for the purpose of carrying out the provisions of this act; or

15 (5) affixing or permitting to be affixed such licensee's seal or name
16 to any documents, reports, records or papers which were not prepared
17 by such licensee or prepared under the direct supervision and control of
18 such licensee, except as provided in K.S.A. 74-7023 and amendments
19 thereto; or

20 (6) *has been the subject of an instruction from the secretary of ad-*
21 *ministration pursuant to the Kansas setoff and debt collection act, which*
22 *is hereby made applicable to the act of which this section is a part, not to*
23 *issue or renew the licensee's license* ~~or permit~~

24 (b) The board shall have the power to reprimand or otherwise dis-
25 cipline, suspend or revoke the certificate of authorization of any corpo-
26 ration whose officers or directors have committed any act or have been
27 guilty of any conduct which would authorize the board to reprimand or
28 otherwise discipline, suspend or revoke the license of a person under this
29 section.

30 (c) *Except for nonrenewal pursuant to paragraph (5) of subjection*
31 *(a), the board, for reasons it may deem sufficient, may reissue a license*
32 *or certificate of authorization to any person whose license or certificate*
33 *of authorization has been revoked and may remove the suspension of the*
34 *license or certificate of authorization of any person whose license or cer-*
35 *tificate of authorization has been suspended providing five or more mem-*
36 *bers of the board vote in favor of such reissuance or removal of suspen-*
37 *sion. A new license or certificate of authorization, to replace any revoked*
38 *or suspended license or certificate of authorization, may be issued, subject*
39 *to rules and regulations of the board, and a charge of \$100 shall be made*
40 *for the issuance of such license or \$150 for the issuance of a certificate*
41 *of authorization.*

(d) Any action of the board pursuant to this section shall be subject
to the provisions of the Kansas administrative procedure act.

S.B. 283 Scope

Sec. 14. (1-311)	Certified public accountant Partnership practicing as CPA
Sec. 15. (2-2449)	Pest control technician Certified commercial applicator Certified applicator Certified private applicator Pesticide business licensee Pesticide dealer
Sec. 16. (7-111)	Attorney
Sec. 17. (8-2,142)	Commercial driver's license
Sec. 18. (17-1254)	Securities broker-dealer Securities agent Securities investment advisor
Sec. 19. (40-242)	Insurance broker Insurance agent
Sec. 20. (47-830)	Veterinarian
Sec. 21. (58-2801)	Abstractor
Sec. 22. (58-3050)	Real estate broker and salesperson
Sec. 23. (65-705)	Milk hauler Milk tester Dairy manufacturing plant Milk distributor Counter freezer license Milk or cream transfer station Milk or cream receiving station Manufacturer of single service dairy containers Manufacturer of single service dairy container closures Homemade ice cream manufacturers license
Sec. 24. (65-1120)	Professional nurses Practical nurses
Sec. 25. (65-1436)	Dentists Dental hygienists
Sec. 26. (65-1517)	Optometrist
Sec. 27. (65-1627)	Pharmacist
Sec. 28. (65-1751)	Embalmer Funeral establishment

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	Branch establishment Funeral director
Sec. 29. (65-1820a)	Barbers Barber instructors Barber schools Barber shop license Barber student learning license
Sec. 30. (65-1908)	Cosmetologist Senior cosmetologist Electrologist Manicurist Salon or electrology clinic
Sec. 31. (65-1926)	Tanning facility
Sec. 32. (65-2006)	Podiatrist
Sec. 33. (65-2836)	M.D.s DOs Chiropractors
Sec. 34. (65-5809)	Professional counselors
Sec. 35. (65-6311)	Baccalaureate social worker Master social worker Social work associate
Sec. 36. (65-6408)	Marriage and family therapist
Sec. 37. (65-6604)	Alcohol and other drug abuse counselor
Sec. 38. (72-1388)	Teacher
Sec. 39. (74-5324)	Psychologist
Sec. 40. (74-5818)	Hearing aid dispensers
Sec. 41. (74-7026)	Architect Landscape architect Professional engineer Land surveyor

the provisions of the Kansas administrative procedure act, that the applicant, licensee, registrant, permit holder or certificate holder has:

(a) Been convicted of or pleaded guilty to a violation of this act; the Kansas pest control act (K.S.A. 8-2401 to 8-2410, and acts amendatory thereof or supplemental thereto) or the Kansas pesticide use law (K.S.A. 8-2413 to 8-2437) the Kansas pesticide law, K.S.A. 2-2438a to 2-2480, inclusive, and amendments thereto, or been convicted of or pleaded guilty to a felony under the laws of this state or of the United States, if the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(b) failed to comply with any provision or requirement of this act or any rule and regulation adopted thereunder, or any of the laws or rules and regulations of any other state or the United States relating to licensing or other provisions concerning pesticide use or control; or

(c) had any license, certificate, registration or permit issued to the person under this act; the Kansas pest control act (K.S.A. 8-2401 to 8-2410, and acts amendatory thereof or supplemental thereto); the Kansas pesticide use law (K.S.A. 8-2413 to 8-2437) Kansas pesticide law, K.S.A. 2-2438a to 2-2480, inclusive, and amendments thereto, or the pest control or pesticide use laws of any other state revoked; or

(d) been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license or permit.

Sec. 16. K.S.A. 7-111 is hereby amended to read as follows: 7-111.

An attorney-at-law may be disbarred or disciplined by the supreme court, for any of the following causes arising after admission to practice in this state: 1- (a) For willful disobedience of an order of court requiring the attorney to do or forbear an act connected with or in the course of his or her profession; 2- For a; (b) for willful violation of the attorney's oath, or of any duty imposed upon an attorney-at-law; 3-; (c) for neglecting or refusing, on demand, to pay over money in his or her hands held by such attorney, due or belonging to a client, except where such money is retained under a bona fide claim of a lien for services; 4-; (d) for destroying,

secretary, fraudulently withdrawing, mutilating, or altering any paper or record belonging to the files or records in any action or proceeding; or

~~(e) for having been the subject of an instruction from the secretary of administration pursuant to the Kansas setoff and debt collection act, which is hereby made applicable to the act of which this section is a part, not to issue or renew the licensee's license or permit.~~

Sec. 17. K.S.A. 8-2,142 is hereby amended to read as follows: 8-

2,142. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any

or

The secretary of administration may file a complaint pursuant to the rules of the Supreme Court if a licensee subject to the debt setoff and collection act is licensed to practice law in this state.

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