

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 23, 1995 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Kathy Porter, 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

It was moved by Senator Kerr and seconded by Senator Rock that bill draft 5 RS 1265 be introduced as requested by Senator Kerr. The motion carried on a voice vote.

HB 2090 **Appropriations for FY 95, public safety agencies and youth centers**

Kansas Bureau of Investigation (Attachment 1) -- Senator Moran presented the FY 95 and FY 96 subcommittee reports. In discussing the issue of the background checks for the Kansas Lottery, Senator Moran noted that it is the intent of the current administration that those checks be performed by the KBI. In answer to questions, Alan Jones, Supervisor of the Gaming Unit, stated that the KBI performed the background checks of key personnel but not of retailers for the Lottery from FY 89 to FY 90. It was noted that during the review of the subcommittee report on the Lottery, representatives of the Lottery had indicated that they had developed their own security staff because of the amount of time it took the KBI to complete background checks on retailers. Members expressed concern that both the KBI and the Kansas Lottery have investigative staff and requested that the Research Department review the issue with both agencies and report back to the Committee.

Senator Brady inquired whether the forensic scientists could be employed in staggered shifts. Director of the KBI, Larry Welch, stated that the agency does not have enough employees to run shifts and provide testimony, reports, and examinations required by the courts. Mr. Welch noted that most of the overtime request (Item 1, Attachment 1-8) was for agent overtime rather than laboratory overtime.

In answer to Senator Salisbury, Mr. Welch stated that the policy of charging all laboratory services to the soliciting agency has not been implemented. It was noted that this subject has been studied by Post Audit and recommended by the House subcommittee for an interim study. Senator Salisbury pointed out that the KBI has been performing record checks for the Department of Health and Environment as directed by the Legislature and has not been reimbursed. She voiced her support of providing a sufficient number of employees to perform legislatively imposed duties.

Senator Salisbury noted that the subcommittee report for the State Fire Marshal had mentioned problems with sample containers and shelf time of samples. In responding to Senator Salisbury's questions, Mr. Welch stated that nothing in this subcommittee report addresses those concerns, but the Bureau is aware that the lab, which he believed to be undermanned and underfunded, is working to provide better service.

SB 361 **Contracts between secretary of social and rehabilitation services and secretary of human services under KanWork program**

It was noted that the Committee had amended SB 361 on March 17 and, in addition, had adopted a conceptual amendment which the revisor provided in the form of a balloon (Attachment 2). Senator Kerr

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 23, 1995.

indicated his approval of the balloon. Senator Kerr moved, Senator Salisbury seconded that SB 361 as amended be recommended favorable for passage. The motion carried on a roll call vote.

SB 372 **State workers compensation self insurance fund; director**

The Chairman told members that the position of director had been advertised as a classified position, and the Secretary of Administration had agreed to amend SB 372 by deleting the words "or unclassified" from line 14, page 2. The revisor stated that the bill would establish the position of director of the workers compensation self insurance fund in statute and would authorize the Secretary to appoint that person. Senator Brady moved, Senator Kerr seconded, that SB 372 be amended by deleting the words "or unclassified" from line 14, page 2 and by deleting the words "as specified by the secretary of administration" from line 15, page 2. The motion carried on a voice vote.

It was moved by Senator Brady and seconded by Senator Morris that SB 372 as amended be recommended favorable for passage. The motion carried on a roll call vote. Senator Salisbury told members that she would offer an amendment regarding workers' compensation issues on the Senate floor.

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

It was noted that the bill had been amended in Committee on March 15, 1995. Senator Vancrum moved, Senator Salisbury seconded, that SB 283 be amended to include only the child support enforcement provisions. The motion carried on a voice vote. The revisor indicated that it might be necessary to write a substitute for SB 283 to accommodate the amendments. Members concurred. In answer to Senator Moran, Senator Vancrum stated that SB 283 would make nonissuance or nonrenewal of professional licenses mandatory in the case of nonpayment of child support and sets up the hearing procedure within the Department of Administration. The motion carried on a voice vote.

Senator Vancrum moved, Senator Rock seconded, that SB 283 as amended be recommended favorable for passage. The motion carried on a roll call vote.

SB 342 **Creating the Kansas guardianship program**

The Chairman presented historical background for the bill, stating that the federal government had ruled that because of a conflict of interest in the Kansas Advocacy and Protective Services operation of the Kansas Guardianship Program, the KAPS board recommended the creation of the KGP as a separate entity.

Senator Petty enumerated her objections to SB 342: that the money is appropriated in a separate line-item but there is no tie-in to an administrative entity, that the state might incur potential liability, and that the employees want KPERs benefits but don't come under legislative controls regarding wages, classification determination or travel policies. She stated that though she does not question the need for a guardianship program, it is her belief that it ought to be under the purview of SRS to write specifications for the job, clearly define what the agency is looking for, and put the program out for bids.

Senator Lawrence expressed her satisfaction with the current program, noting that it was recognized nationally as an exemplary program. She stated that the national organization recommends that the program not be under the purview of SRS and pointed out that the program will always be under the surveillance of the Ways and Means Committee. Senator Lawrence stated that the program, under any private entity, will be more expensive than with volunteers who she believes are well trained and experience few problems.

Chairman Bogina expressed his concern that bidding this particular service would result in annual turnover of guardians and lack of continuity which would not be in the best interests of the adult clients. He testified that the current program has been effective and experienced very few problems.

Senator Vancrum expressed concern about the membership of the Board consisting heavily of legislative appointments. Senator Vancrum moved, Senator Lawrence seconded, that Section 4 of SB 342 be amended to reduce the number of board members to 7: one appointed by the Chief Justice of the Supreme Court; six appointed by the Governor, at least one of whom must be a current or past volunteer of the KGP. The motion carried on a voice vote.

In answer to questions, Ms. Joan Strickler, Director of the KGP, stated that under current operation, employees of the guardianship program have participated in KPERs but not in any health benefits. She said

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 23, 1995.

that the Board decision to participate in KANS-A-N and KPERS was made because it was less expensive in terms of operation and provided a retirement system. She noted that the program reimburses DISC for KANS-A-N services.

Responding to questions regarding bonding, Ms. Strickler stated that state law requires that any conservator be bonded. She stated that a minimal bond was purchased in the past to cover basic bonds in cases wherein a conservator misused funds. In the history of service, the KGP has paid less than \$20,000 in claims.

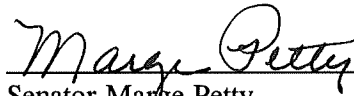
Senator Lawrence moved, Senator Rock seconded, that SB 342 as amended be recommended favorable for passage. The motion carried on a roll call vote.

The Chairman adjourned the meeting at 1:40 P.M. The next meeting is scheduled for March 24, 1995.

FY 1995 and FY 1996
Senate Subcommittee Report on
Kansas Bureau of Investigation



Senator Jerry Moran
Subcommittee Chair



Senator Marge Petty

SWAM
March 23, 1995
Attachment 1

SUBCOMMITTEE REPORT

Agency: Kansas Bureau of Investigation

Bill No. 2234

Bill Sec. 6

Analyst: Porter

Analysis Pg. No. 498

Budget Page No. 337

| <u>Expenditure Summary</u> | <u>Agency Estimate FY 95</u> | <u>Governor's Recommendation FY 95</u> | <u>House Subcommittee Adjustments</u> |
|------------------------------|--------------------------------------|------------------------------------------------|-----------------------------------------------|
| State Operations: | | | |
| State General Fund | \$ 9,475,745 | \$ 9,360,735 | \$ 0 |
| Special Revenue Funds | 1,250,761 | 1,246,660 | 0 |
| Subtotal - State Oper. | \$ 10,726,506 | \$ 10,607,395 | \$ 0 |
| Capital Improvements: | | | |
| State General Fund | 125,000 | 125,000 | 0 |
| TOTAL | <u>\$ 10,851,506</u> | <u>\$ 10,732,395</u> | <u>\$ 0</u> |
| FTE Positions | 190.0 | 190.0 | 0.0 |
| Special Project Appointments | 9.0 | 9.0 | 0.0 |
| TOTAL | <u>199.0</u> | <u>199.0</u> | <u>0.0</u> |

Agency Estimate/Governor's Recommendation

The agency's revised FY 1995 estimate is \$10,851,506, or \$212,092 more than the amount approved by the 1994 Legislature as adjusted by June 1994 State Finance Council action. Of the total estimate, \$10,726,506 is for state operations and \$125,000 is for capital improvements.

Of the total FY 1995 estimate for operating expenditures, \$9,475,745 is from the State General Fund and \$1,250,761 is from special revenue funds. The estimate for spending from the State General Fund is \$124,892 more than the amount approved by the 1994 Legislature, and the estimate for spending from special revenue funds is \$87,200 more than the amount approved by the 1994 Legislature.

The agency requests FY 1995 supplemental funding of \$124,892 from the State General Fund for the Administration and Support Services Program (\$45,970; Special Services Division (\$15,000); and Laboratory Program (\$63,922).

The agency requests a turnover rate of 3.0 percent for FY 1995.

The Governor recommends FY 1995 state operations funding of \$10,607,395, a decrease of \$119,111 from the agency estimate. Of the reduction, \$115,010 is from the amount requested from the State General Fund and \$4,101 is from the amount requested from special revenue funds. The Governor concurs with the 190.0 FTE positions included in the agency estimate and with the 9.0 special projects appointments estimated by the agency.

The \$9,360,735 recommended from the State General Fund for state operations is an increase of \$9,882 above the \$9,350,853 approved from the State General Fund by the 1994 Legislature, as adjusted by June 1994 State Finance Council action. The recommendation includes an additional \$5,784 approved by the State Finance Council as a pay plan adjustment in December 1994, which was not included in the

agency estimate. The state operations recommendation also includes a lapse of \$17,320 from the amount needed for debt service interest payments. The agency estimate had included \$210,545 for this purpose. The recommendation includes \$193,225 for debt service interest payments, which reflects the amount needed for interest payments in FY 1995.

The Governor's recommendation includes a downward adjustment for revised health insurance rates and other fringe benefits adjustments. The recommendation includes a salaries and wages turnover rate of 3.0 percent, as estimated by the agency.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor with the following adjustments:

1. The Subcommittee is pleased to announce that the Highway Patrol has agreed to provide the state matching funds for a federal grant which would enable the KBI to purchase equipment for the DRUGFIRE automated cartridge case comparison and identification system. DRUGFIRE was created by the Federal Bureau of Investigation (FBI) and is able, with the aid of special cameras, computer software, and computerized photography, to record and store for law enforcement use the similarity of microscopic variations, identifications, and patterns found on spent shell casings. DRUGFIRE software is available through the FBI free of charge. The KBI requested \$60,073 in FY 1996 in matching funds for a federal grant that would allow the agency to purchase a server, DRUGFIRE workstations, and other equipment necessary to establish a DRUGFIRE network in Kansas. The KBI has applied for the federal grant and hopes to receive word on its application by the end of the 1995 Legislative Session.

The Highway Patrol will provide the matching funds out of federal criminal interdiction funds. The Subcommittee is pleased with this cooperative effort between the Highway Patrol and the KBI and commends the Highway Patrol for its dedication to the cause of law enforcement and public safety in the State of Kansas. The Subcommittee further notes the KBI's gratitude to the Highway Patrol for its cooperation and financial assistance.

2. The Subcommittee is pleased to announce a second joint venture, this time between the State Fire Marshal and the KBI. The State Fire Marshal has agreed to work with the KBI in equipping a van owned by the KBI for the mutual use of both agencies in investigating crime scenes. Funding would be provided by the State Fire Marshal's office from approved funding in either FY 1995 or FY 1996. The Subcommittee again commends both agencies for this cooperative effort and notes the KBI's gratitude to the State Fire Marshal's office for its cooperation and financial assistance.

House Committee Recommendation

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

1. Delete recommendation number 2, which notes the joint venture between the State Fire Marshal and the KBI.

House Committee of the Whole Recommendation

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

| <u>Expenditure Summary</u> | <u>House Adj. FY 95</u> | <u>House Rec. FY 95</u> | <u>Senate Subcommittee Adjustments</u> |
|------------------------------|---------------------------------|---------------------------------|------------------------------------------------|
| State Operations: | | | |
| State General Fund | \$ 0 | \$ 9,360,735 | \$ 28,740 |
| Special Revenue Funds | 0 | 1,246,660 | 0 |
| Subtotal - State Oper. | \$ 0 | \$ 10,607,395 | \$ 28,740 |
| Capital Improvements: | | | |
| State General Fund | 0 | 125,000 | 0 |
| TOTAL | \$ 0 | \$ 10,732,395 | \$ 28,740 |
| FTE Positions | 0.0 | 190.0 | 0.0 |
| Special Project Appointments | 0.0 | 9.0 | 0.0 |
| TOTAL | 0.0 | 199.0 | 0.0 |

Senate Subcommittee Recommendation

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

1. Add \$28,740 from the State General Fund. This is one-half of the \$57,480 supplemental requested by the agency (excluding SHARP project funding). Of the amount recommended, the Subcommittee recommends that \$3,200 be used for a ventilation hood for the laboratory. The agency testified that the remaining amount would be used for other laboratory equipment, travel and subsistence for the Investigations Division, fingerprint cards, and forms for the Kansas Information-Based Reporting System (KIBRS), the Juvenile Justice Information System (JJIS), and the adult criminal records system.
2. The agency requested FY 1995 funding of \$15,710 for SHARP (Statewide Human Resource and Payroll System) equipment, including four personal computers, software, a router, and other equipment. This equipment was not included in the agency's original budget request. The agency has since consulted with SHARP project personnel to determine its needs. The Subcommittee recommends that the agency request a Governor's Budget Amendment on this item and that this issue be reviewed as an Omnibus item.

SUBCOMMITTEE REPORT

Agency: Kansas Bureau of Investigation

Bill No. 2090

Bill Sec. 6

Analyst: Porter

Analysis Pg. No. 498

Budget Page No. 337

| <u>Expenditure Summary</u> | <u>Agency Request FY 96</u> | <u>Governor's Recommendation FY 96</u> | <u>House Subcommittee Adjustments</u> |
|------------------------------|-------------------------------------|------------------------------------------------|-----------------------------------------------|
| State Operations: | | | |
| State General Fund | \$ 13,154,407 | \$ 9,602,135 | \$ (60,944) |
| Special Revenue Funds | 1,147,651 | 1,096,531 | (12,874) |
| Subtotal - State Oper. | \$ 14,302,058 | \$ 10,698,666 | \$ (73,818) |
| Capital Improvements: | | | |
| State General Fund | 314,000 | 145,000 | 45,000 |
| TOTAL | \$ 14,616,058 | \$ 10,843,666 | \$ (28,818) |
| | | | |
| FTE Positions | 216.0 | 190.0 | 2.0 |
| Special Project Appointments | 0.0 | 7.0 | 0.0 |
| TOTAL | 216.0 | 197.0 | 2.0 |

Agency Request/Governor's Recommendation

The agency requests FY 1996 state operation funding of \$14,302,058, an increase of \$3,575,552, or 33.3 percent, above the FY 1995 estimate. Of the increase, 56.4 percent is attributable to capital outlay, 20.4 percent is attributable to the request for 26.0 new FTE positions, 13.7 percent is attributable to an increase in the request for contractual services, and the remaining 9.5 percent is attributable to other operating and capital improvement items.

Of the total FY 1996 request, \$13,154,407, or 92.0 percent, is financed from the State General Fund, and \$1,147,651, or 8.0 percent, is financed from agency special revenue funds. A portion of the decrease in fee funds in FY 1996 can be attributed to the expiration of some federal Criminal Justice Statistics grants.

The agency requests an FY 1996 turnover rate of 3.0 percent (\$266,842) and includes funding for ten hours of overtime pay per 28 day work period for Special Agent II and Special Agent III positions.

The Governor recommends FY 1996 state operations funding of \$10,698,666, a reduction of \$3,603,392 from the agency request. Of the reduction, \$68,015 is a reduction from the amount requested for debt service interest payments to reflect the amount now estimated to be needed in FY 1996 and would not reflect a true reduction from the agency request. The Governor's recommendation also includes a 1.0 percent base salary increase for classified employees, a 3.5 percent merit pool for unclassified employees,

and a downward adjustment for revised state employee health insurance rates. The Governor concurs with the 3.0 percent turnover rate included in the agency request. No funding for overtime pay is recommended.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor with the following adjustments:

1. Delete \$268,183 (including \$255,309 from the State General Fund) based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$12,059); classified step movement (\$114,566); a one percent base adjustment for classified employees (\$68,951); and the longevity bonus (\$72,607) from individual agency budgets.
2. Add \$44,365 from the State General Fund for salaries and wages (\$32,365) and other operating expenses (\$12,000) for 2.0 FTE Office Assistant III positions. The Subcommittee was informed that the agency's regional offices in Wichita and Overland Park currently have no receptionist or clerical support staff for the special agents stationed in those locations. Special agents either perform these duties themselves or forward reports and other clerical work to the agency headquarters for processing. These offices must be locked if all agents are performing field investigations work, which means that there is no one present to receive telephone calls or walk-in business from the public and other law enforcement agencies.
3. Add \$150,000 from the State General Fund for overtime pay for special agent and forensic scientist positions. The agency requested a total of \$298,602 for overtime pay in FY 1996, but no funding is included in the Governor's recommendation for this purpose. The Subcommittee was informed that special agents are frequently called upon to assist in criminal investigations outside of normal working hours. The agency states that, to provide the requested assistance without funding for overtime pay, it is left with two options: agents must be given "overtime adjustment" time off prior to reaching overtime status, or agents must be given compensatory time off at the rate of one and one-half hours of compensatory time for each hour worked. Both options decrease the available agency work force. Overtime pay is requested for the agency's forensic scientists to meet current demands for services and to address the agency backlog. The amount recommended by the Subcommittee would fund approximately five hours of overtime pay per 28-day work period for special agents and would fund approximately one hour of overtime pay per month for forensic scientists.
4. The Subcommittee concurs with the recommendation of the Joint Committee on State Building Construction, which adds \$45,000 from the State General Fund for rehabilitation and repair projects. The recommendation provides for a total of \$60,000 for rehabilitation and repair when the recommended \$45,000 is added to the \$15,000 recommended by the Governor. The Subcommittee was informed that the agency requested funding of \$40,000 to replace a roof on the agency's headquarters building. The recommendation would allow the agency discretion to

fund those capital improvement projects determined to be most essential, including the roofing project.

5. Make the agency's newly established General Agency Fees Fund a no-limit fund and establish a separate Federal Asset Forfeiture Fund. The Subcommittee was informed that, at the request of the Division of the Budget and the Division of Accounts and Reports, the agency's FY 1996 budget request included a General Agency Fees Fund, which consolidates eight of the agency's current fee funds into one fund. Of the eight fee funds, six are currently no-limit funds and two have recommended expenditure limitations. The Governor's recommendation includes the General Agency Fees Fund, but imposes an expenditure limitation upon the fund. The Subcommittee recommends that the General Agency Fees Fund be established as a no-limit fund, but concurs with the Governor's recommended expenditures (as adjusted by other Subcommittee recommendations). The Subcommittee was further informed that, in the opinion of the agency's attorney, the Federal Asset Forfeiture Fund should be established as a separate fund and that no other funds should be commingled in the fund.
6. The Subcommittee reviewed the issue of whether the KBI should seek reimbursement for services provided to other state agencies and local law enforcement entities. The Bureau's Criminal Justice Records Section and laboratory provide two primary services: record check services, which provide information on individual criminal histories, and laboratory testing of criminal evidence. The Subcommittee notes that an April 1993 Legislative Post Audit Report, *Reimbursement for Services Provided by the Kansas Bureau of Investigation*, stated that the KBI is not reimbursed for the criminal history record checks provided for the Kansas Department of Health and Environment. The KDHE record checks are largely due to legislation enacted by the 1985 Legislature which prohibits felons from working or residing in a licensed day care facility. The report also states that, like other states surveyed, Kansas generally does not charge for laboratory services provided to local law enforcement agencies. The KBI does charge a \$375 fee for DNA tests, which offsets the cost of supplies and training and does not recover the overall cost of conducting the DNA tests. The Subcommittee recommends an interim study of whether the KBI should charge for these services, the appropriate amounts of reimbursement, and other related issues.

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 with the following adjustment:

1. Delete \$150,000 from the State General Fund recommended for overtime pay.

| <u>Expenditure Summary</u> | <u>House Adj. FY 96</u> | <u>House Rec. FY 96</u> | <u>Senate Subcommittee Adjustments</u> |
|------------------------------|---------------------------------|---------------------------------|------------------------------------------------|
| State Operations: | | | |
| State General Fund | \$ (210,944) | \$ 9,391,191 | \$ 203,470 |
| Special Revenue Funds | <u>(12,874)</u> | <u>1,083,657</u> | <u>9,881</u> |
| Subtotal - State Oper. | \$ (223,818) | \$ 10,474,848 | \$ 213,351 |
| Capital Improvements: | | | |
| State General Fund | <u>45,000</u> | <u>190,000</u> | <u>0</u> |
| TOTAL | <u>\$ (178,818)</u> | <u>\$ 10,664,848</u> | <u>\$ 213,351</u> |
| | | | |
| FTE Positions | 0.0 | 192.0 | 0.0 |
| Special Project Appointments | <u>0.0</u> | <u>7.0</u> | <u>2.0</u> |
| TOTAL | <u>0.0</u> | <u>199.0</u> | <u>2.0</u> |

Senate Subcommittee Recommendation

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

1. Add \$150,000 from the State General Fund for overtime pay for special agent and forensic scientist positions. The House Subcommittee and Committee added \$150,000 for this purpose, but the funding was removed in House Committee of the Whole action. The recommended funding represents approximately one-half of the agency's request and would provide approximately five hours of overtime pay per 28-day work period for special agents and approximately one hour of overtime pay per month for forensic scientists. The Subcommittee received testimony that the agency is frequently called upon to assist in criminal investigations outside of normal working hours and that to provide this assistance without funding for overtime pay, it must give the agents compensatory time off at the rate of one and one-half hours for every hour worked. The agency states that, in recent years, the average amount of compensatory time granted has been equivalent to the regular working hours of 5.2 agents. The \$150,000 recommended by the Subcommittee is approximately \$25,000 less than the amount that would be necessary to fund 5.2 Special Agent I positions and approximately \$40,000 less than the amount that would be needed to fund 5.2 Special Agent II positions.

2. Add \$41,436 from the State General Fund to restore 2.0 special project appointment Office Specialists, which were deleted from the agency budget in the Governor's recommendation. These special project appointments are for the agency's central records repository and have been included in the agency budget since FY 1993. The duties of these specific positions have included processing fingerprint cards, automating records, and responding to criminal history requests. The agency states that the elimination of these special project appointments would create further delays

in the automation of records and in responses to record requests from the courts, law enforcement agencies, child care facilities, and employment agencies.

The Subcommittee requested information about the agency's records section backlog. There are several distinct records backlogs, but all can be categorized as either records creation/automation backlogs or records check backlogs. Following are some approximate measures of the records backlogs:

| <u>Type of Records Backlog</u> | <u>Six Months Ago</u> | <u>March 1995</u> |
|---------------------------------|-----------------------|-------------------|
| Records creation | 52,000 | 34,100 |
| Records Checks: | | |
| To law enforcement agencies | 10 weeks | 4 weeks |
| To non-law enforcement agencies | more than 20 weeks | 12 weeks |

The backlog reduction noted above has been achieved through several agency actions, including using temporary employees to assist in some routine functions within the adult records section; shifting work functions within the records section to other sections within the agency; coordinating with other agencies, such as receiving assistance from the Kansas Sentencing Commission in entering recidivist data into the database; and other methods. Through continuation of these efforts and other initiatives currently under consideration, and assuming continuation of the 9.0 special project appointments included in the FY 1995 budget, the agency estimates that it can resume routine operations within 24 months. At that time, the agency goal of a records check turn-around time of one week should be attained. The 9.0 special project appointments would be used to maintain the one week turn-around time, audit data entry, train law enforcement agencies in record entry procedures, work with local units who are not submitting records currently, and perform other related duties.

The Subcommittee notes that the agency requested reclassifying these and 7.0 additional special project appointments to FTE status. The Subcommittee recommends that the agency develop specific performance measures for these positions and that the 1996 Legislature address whether the special project appointments should be made FTE positions.

3. As noted by the House Subcommittee, the agency consolidated eight of the agency's current fee funds into one General Agency Fees Fund, in compliance with a request from the Division of the Budget and the Division of Accounts and Reports. The Division of Accounts and Reports now recommends that the agency establish a new Federal Grants Fund in order to receive and expend federal funds. The Senate Subcommittee recommends that the Federal Grants Fund be appropriated as a no-limit fund in FY 1996.

It also has been noted that, to comply with substantive law, the agency's Forensic Laboratory and Materials Fee Fund should remain as a separate fund and other that language in the bill should be amended to comply with this change. The Governor's recommendation includes FY 1996 expenditures of \$12,000 from the Forensic Laboratory and Materials Fee Fund. The Subcommittee recommends that the Forensic Laboratory and Materials Fee Fund be appropriated with a \$20,000 expenditure limitation. This increase would provide the agency with some incentive to work with the courts to insure that the courts are collecting the docket fee from which receipts to this fund are derived.

4. Make a technical adjustment to reflect corrected amounts for the FY 1996 pay plan. Rather than the \$268,183 deleted previously (including \$255,309 from the State General Fund), the corrected amounts are \$266,302 (including \$243,275 from the State General Fund) for the 3.5 percent unclassified merit pool (\$12,059); classified step movement (\$114,566); a one percent base adjustment for classified employees (\$68,035); and the longevity bonus (\$71,642).
5. The Subcommittee notes that the agency has requested federal grants to upgrade the Automated Fingerprint Identification System (AFIS). The agency presented its plan to the Joint Committee on Computers and Telecommunications (JCCT) and will present a needs analysis to JCCT during the 1995 Legislative session. The Subcommittee recommends that the agency's progress with this project be reviewed as an Omnibus item.
6. The Subcommittee reviewed the issue of KBI Gaming Unit background checks for the Kansas Racing Commission and the Kansas Lottery. The Subcommittee notes that the Gaming Unit employs 9.0 FTE positions, including an office assistant, a special investigator, and three special agents in Topeka, two special agents in Wichita, and two special agents in Overland Park. The current fiscal year workload to date has included 47 background investigations for the Racing Commission. Of that total, 37 have been individual investigations, three have been investigations of banks, and six have been corporate investigations. Although all investigations are thorough in nature, the corporate and banking investigations are particularly time-consuming because they require investigations of the boards of directors. Because it is common for persons employed in the racing industry to have been employed at many different racing facilities, background investigations may require travel to several states. The Gaming Unit currently has one investigation in progress for the Lottery Commission. The KBI has been informed that it will once again be responsible for background investigations of Lottery personnel. These investigations were performed by Lottery Commission personnel under the previous administration. The Subcommittee concludes that continued funding of the KBI Gaming Unit from Lottery and Racing Commission funds is appropriate. However, the Subcommittee recommends that the KBI track the percentage of time spent on Racing Commission background checks and other services versus Lottery Commission background checks and other services and that KBI costs be allocated on that basis.

SENATE BILL No. 361

By Committee on Ways and Means

PROPOSED AMENDMENTS

SWAM
March 23, 1995
Attachment 2

9 AN ACT concerning the KanWork program; amending K.S.A. 1994 Supp.
10 39-7,104 and repealing the existing section.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1994 Supp. 39-7,104 is hereby amended to read as
14 follows. 39-7,104. (a) The secretary of social and rehabilitation services
15 shall provide for the evaluation of public assistance recipients to deter-
16 mine whether such persons are required to participate in the KanWork
17 program and whether such persons are employable. All public assistance
18 recipients not required to participate in the KanWork program who are
19 employable shall be encouraged to participate in such program. The sec-
20 retary also shall provide for the evaluation of KanWork participants to
21 assess the appropriate level of services needed by such participants under
22 the KanWork program; shall provide initial employability screening, goal
23 setting, identification of support service needs and development of time-
24 lines for completion of activities, and shall establish and enter into with
25 such participants written contracts of participant self-sufficiency.

26 (b) The secretary of social and rehabilitation services ~~and the secre-~~
27 ~~tary of human resources shall~~ may enter into ~~an~~ agreement which pro-
28 ~~vides that all recipients of aid to families with dependent children who~~
29 ~~are required to register under the KanWork program and who are de-~~
30 ~~termined by the secretary of social and rehabilitation services to be job-~~
31 ~~ready shall initially be referred to the secretary of human resources for~~
32 ~~the following services:~~ Determination and provision of employment oc-
33 ~~cupational assessment, goal setting and training services and such other~~
34 ~~services as the secretary may deem appropriate within the provisions of~~
35 ~~this act.~~

36 (c) A KanWork participant who is determined to be employable shall
37 not be eligible to participate in the KanWork program for more than 30
38 months, inclusive of any educational program under the KanWork pro-
39 gram. Except as otherwise provided in this subsection, a KanWork par-
40 ticipant under the KanWork program shall not be eligible to receive any
41 cash assistance for three years subsequent to the time participation in the
42 KanWork program ceases. The secretary of social and rehabilitation serv-
43 ices may adopt by rules and regulations exceptions to such limitations on

initial timeline goals

The secretary shall also develop a set of performance standards by which the effectiveness of the KanWork program may be evaluated.

agreements with public, private and community-based providers for services including but not limited to the following

2, job development and placement