

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Robin Jennison at 1:30 p.m. on March 5, 1996 in Room 514-S of the Capitol.

All members were present except: Representative Cornfield, excused
Representative Gross, excused
Representative Wilson, excused
Representative Dean, excused
Representative Wilk, excused
Representative Kejr, excused
Representative Bradley, excused
Representative Goossen, excused

Committee staff present: Alan Conroy, Russell Mills, Susan Wieggers, Legislative Research Department
Jim Wilson, Revisor of Statutes; Mike Corrigan, Revisor
Tim Kukula, Appropriations Secretary; Todd Fertig, Administrative Aide

Conferees appearing before the committee: Brent Anderson, Governor's Office
Thaine Hoffman, Department of Administration
George Barbee, Kansas Consulting Engineers
John Houlihan, Department of Administration
Don Moler
Gloria Timmer, Director of Budget
Art Griggs, Department of Administration
Kyle Smith, KBI
Dale Bruton, Deputy Director of Council Reports

Others attending: See attached list

Chairman Jennison began the meeting by opening hearings on HB 2725, HB 2727, HB 2731, HB 2732, HB 2733, HB 2734, HB 2735 and hearing public testimony on each of them.

Testimony on HB 2725, HB 2727, HB 2731, HB 2732, HB 2733, HB 2734 and HB 2735 were as follows: HB 2725, Brent Anderson (Attachment 1), HB 2727, Thaine Hoffman (Attachment 2), George Barbee (Attachment 3), HB 2731, John Houlihan (Attachment 4), Don Moler (Attachment 5), HB 2732, Gloria Timmer (Attachment 6), HB 2733, Art Griggs (Attachment 7), Kyle Smith (Attachment 8), HB 2734, Dale Bruton, (Attachment 9), HB 2735, Dale Bruton (Attachment 10).

A motion was made by Representative Kline, seconded by Representative Carmody, to move HB 2725 favorably out of committee. After discussion, the motion was withdrawn.

Chairman Jennison appointed an ad-hoc subcommittee consisting of Representatives Helgerson and Edmonds to make changes on HB 2725 and report back to the full committee.

A motion was made by Representative Kline, seconded by Representative Reinhardt, to pass HB 2727 favorably out of committee and place it on the consent calendar. The motion carried.

A motion was made by Representative Hochhauser, seconded by Representative Farmer, to pass HB 2732 favorably out of committee and place it on the consent calendar. The motion carried.

A motion was made by Representative Reinhardt, seconded by Representative Minor, to pass HB 2735 favorably out of committee and place it on the consent calendar. The motion failed.

Chairman Jennison recognized Representative Gatlin to give a report on fuel tax exemptions. Representative Gatlin stated that he gained his information from documentation that he received from the Department of Revenue following their report to the committee.

A motion was made by Representative Nichols, seconded by Representative Helgerson to introduce a bill that creates an African-American Affairs Advisory Committee. Them motion carried

A motion was made by Representative Neufeld, seconded by Representative Helgerson to introduce a bill to authorize the Kansas Veteran's Commission to contract certain services of the Soldier's Home. The motion carried.

The meeting adjourned at 2:50



HOUSE APPROPRIATIONS COMMITTEE

GUEST LIST
DATE: 3-5-96

HOUSE OF REPRESENTATIVES

NAME	ADDRESS	REPRESENTING
Faith Loretto	L.S.O.B.	Dept of Administration
Art Griggs	LSOB Rm 107	" " "
Brent Anderson	Statehouse 253-E	Governor's Office
Dan Hermes	Statehouse SQ	Division of Budget
Bob Wunsch		KUMC
Leo Vogel		Dept. of Admin
Linda Hulbert		Dept of Admin.
Linda Ehrhart	LSOB	"
John Haulman		"
Trudy Aron	Topeka	Am Inst of Architects
Don Moley	Topeka	League of KS Mun.
Luella Schmitt	Topeka	KDHR
Linda Hubbard	Topeka	KDHR
George Barbee	Topeka	KS Consulting Eng'rs
Thaine Hoffman	Topeka	DOAS
Jeff Worganum	Topeka	DOA
Dale Bruntz	"	"

STATE OF KANSAS

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OFFICE OF THE GOVERNOR

**TESTIMONY SUBMITTED
TO THE HOUSE COMMITTEE ON APPROPRIATIONS
IN SUPPORT OF HOUSE BILL NO. 2725
BY BRENT ANDERSON, COUNSEL TO THE GOVERNOR**

Thank you for the opportunity to appear today on behalf of Governor Graves in support of House Bill 2725.

As you know, a top priority of the Graves Administration is to provide government services not only in the most efficient, cost-effective manner possible, but also at the time and in the manner in which they are most helpful. HB 2725 is symbolic of our attempt to implement this philosophy in a way beneficial to both the legislative and executive branches.

This bill would require state agencies to submit all reports that now are required to be provided to the full Legislature to the Director of Legislative Administrative Services for distribution to those legislators requesting copies of such reports. No, by itself, this isn't a big deal or even a small deal. But it is an example of how we can do simple things in a common sense way that save tax dollars yet preserves the checks and balances essential to sound government in this state.

As you are acutely aware, managing and setting policy for today's state government involves a broad range of complex issues involving massive amounts of information and data. One means by which executive branch agencies channel information to you as legislators is through numerous annual and special reports, many of which are required by statute. More than 100 reports that must be sent to the full Legislature, to specified officers of the Legislature or to one or more legislative committees have been identified in statute. In those instances in which the statute requires that an

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agency send a report to the Legislature, state agencies generally provide a copy to each legislator. As a result, each of you may be presented during the Session with a profusion of reports, which at best are difficult to digest, or which in many respects may not be pertinent to issues at hand.

Development of sound public policy depends not so much upon the sheer volume of information that policy-makers receive as upon access to concise information pertinent to a topic under consideration. Amendments to K.S.A. 46-1212c in HB 2725 are intended to provide just that type of timely, efficient information retrieval to members of the Legislature. At the same time, this bill permits state government to operate with greater efficiency by reducing the number of reports printed for legislators to those actually requested.

The existing version of K.S.A. 46-1212c identifies 26 statutes requiring reports to the Legislature and allows these reports to be submitted to the Director of Legislative Administrative Services. The director is then required to publish a list of the available reports to all the members of the Legislature and provide copies to interested Legislators. Section 21 at page 26 of House Bill 2725 would expand this provision to apply to any report required by any statute, rule or regulation to be submitted to the Legislature by a state agency. The other eighty-four sections of this bill amend specific statutes requiring reports to be submitted to the Legislature to refer to the procedure in K.S.A. 46-1212c for submitting reports. Reports that are required by statute to be sent to particular legislative officers or committees are not affected this bill.

HB 2725 should allow the Legislature to more efficiently handle documents and expand upon the efficiencies created when K.S.A. 46-1212c was first enacted. Expanding this current procedure is fiscally wise and recognizes that the state must responsibly manage its limited resources in a manner that provides timely, useful services. Thank you for your consideration.

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Written Testimony
H.B. 2727 - Increase limits on engineering to \$250,000
February 2, 1996

Present legislation requires that, for every engineering project with a cost of over \$100,000, the engineer be selected as follows:

- Request proposals through the Kansas Register.
- Have the State Building Advisory Commission review the proposals and short list 3 to 5 firms.
- Set up a negotiating committee of 3 members; one from the agency, one from the institution and one from DOAS.
- The negotiating committee interviews each firm, makes a selection.
- Negotiate a fee with the successful firm.
- Prepare a separate contract with the consulting firm for this project.

This is a very fair and appropriate method of selecting engineers for large projects. However, it is very time consuming, both for the state and for the engineering firms.

For projects under \$100,000, firms are selected by the same process, but as "on-call" engineers for a given institution. This means that we contract with the firm for a period of one year, renewable for two additional one-year periods, to do small projects. When an institution has a project, they contact the "on-call" engineer, get a fee proposal, and if the proposal is agreeable, the firm is instructed to proceed. This reduces the time required by both the State and the firms.

The present limit of \$100,000 was set in the late 70's. Construction inflation has doubled the costs since that time, thus the full selection process and individual contracts must be prepared for work that previously could be handled by "on-call" engineers.

This limit would have affected approximately 10 projects in 1995. Not considering the savings to the engineering firms or to the members of the State Building Advisory Commission, we would still have the following savings on each project:

- Advertizing in the Kansas Register
- Receiving, assembling and delivering proposals to SBAC.
- Meeting with SBAC
- Organizing the negotiating committee and interviews.
- Interviewing each firm and making selection.
- Meeting with successful firm and negotiating fee.
- Preparing contract and getting signatures
- Negotiating committee meeting to review project

It is conservatively estimated that 50 hours at \$20 per hour or \$1000 per project could be saved, for a total savings to the State of \$10,000 annually.

It would also help the engineering firms by eliminating the need for them to prepare the proposal, prepare for the interviews and attend the interviews. Often several executives in each firm are involved in these interviews. Thus, 3 people per firm x 4 hours (including travel) x 5 firms per job x 10 projects equal a savings to the firms of 600 hours annually for the interviews, not counting preparation.

This would also reduce the workload on the members of the State Building Advisory Commission. This could result in a savings of 2 hours per project x 10 projects x 6 members = 120 hours per year.

Written Testimony

H.B. 227

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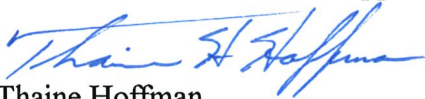
February 2, 1996

The Kansas Consulting Engineers agree with DOAS that the limit should be updated to \$250,000, saving time for all involved.

Col. Vonderschmidt of the Adjutant General's office has also offered his support since it would reduce agency time as well.

The Kansas Consulting Engineers agree with DOAS that the limit should be updated to \$250,000, saving time for all involved.

I would ask that this bill be approved.



Thaine Hoffman

Director - Department of Architectural Services



Statement to
House Committee on Appropriations
on House Bill-2727
Tuesday, March 5, 1996

Mr. Chairman and members of the Committee my name is George Barbee. I am appearing today on behalf of the Kansas Consulting Engineers in support of House Bill-2727.

When this bill was enacted in 1977 it was determined that the process for selecting engineers could be streamlined, for small projects where construction costs were less than \$100,000, if a negotiating committee was not required to convene. This would allow the state agency heads to negotiate contracts without the time consuming delay and cost of conducting interviews with firms. This process has been working well and our industry is comfortable in looking back and observing that the Division of Architectural Services has been fair in negotiating and fair in distributing the awards of design contracts to qualified firms.

This bill simply recognizes that the 1977 figure of \$100,000 needs to be adjusted upward to fit 19 years of inflationary impact. Raising the threshold to \$250,000 would address the inflationary pressure for a few more years during which time it would not be necessary to revisit this issue.

Thank you for the opportunity to appear today in support of this bill as we ask you to report it favorably for action.

If there are any questions, I will be glad to attempt to answer them.

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GEORGE BARBEE, EXECUTIVE DIRECTOR ♦ 700 SW JACKSON ST., STE 702 ♦ TOPEKA, KS 66603-3758 ♦ (913) 357-1824 ♦ FAX (913) 357-6629

AFFILIATED WITH:

KANSAS ENGINEERING SOCIETY AMERICAN CONSULTING ENGINEERS COUNCIL PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

**TESTIMONY REGARDING HB 2731
HOUSE APPROPRIATIONS COMMITTEE
March 5, 1996**

Presented by John T. Houlihan
Director of Purchases

Thank you for this opportunity to speak on behalf of the Department of Administration in support of House Bill No. 2731. H.B. 2731 amends K.S.A. 75-37,102 to permit members of boards and commissions using procurement negotiating committees to attend the negotiations without invoking the Open Meetings Act.

K.S.A. 75-37,102 provides that agencies seeking to obtain services or technical products may request the director of purchases to convene a procurement negotiating committee (PNC). Each PNC is to include the chief administrative officer of the state agency or a designee, in addition to the Director of Purchases and the Secretary of Administration or their designees. K.S.A. 75-37,102 also exempts PNC's from the provisions of the Open Meetings Act, K.S.A. 75-4317 et seq., when they are meeting to conduct negotiations. This exemption recognizes that negotiations between the PNC and vendors should be kept confidential so that other vendors will not have the advantage of examining competing proposals or becoming familiar with the negotiation strategies of the agency or other vendors before meeting with the PNC.

If the majority of a quorum of a board or commission attends or participates in the negotiations with the PNC, the provisions of the Open Meetings Act are applicable.

H.B. 2731 permits PNC's to make use of the expertise and perspectives of board and commission members during negotiations, without putting the PNC at a disadvantage by permitting all potential vendors to observe all aspects of the negotiation process.

In short, this legislation ensures that decision-makers for all state agencies, whether headed by a single officer or a board, commission, or other body, are able to participate in and contribute to the procurement negotiation process. For these reasons, I request your positive recommendation of H.B. 2731.

This concludes my prepared remarks, are there any questions?

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**League
of Kansas
Municipalities**

LEGAL DEPARTMENT · 300 S.W. 8TH TOPEKA, KS 66603 · TELEPHONE (913) 354-9565 · FAX (913) 354-4186

LEGISLATIVE TESTIMONY

TO: House Appropriations Committee
FROM: Don Moler, General Counsel
RE: Qualified Support for HB 2731
DATE: March 5, 1996

First let me thank the Committee for allowing the League to testify today concerning HB 2731. As I am sure members of this Committee know, cities across the State of Kansas have a very significant interest in the application of the Open Meetings Act. We believe that good public policy dictates that meetings which are allowed to be closed at the state level should also be allowed to be closed at the local level.

We can see no public policy reason which would cause a differentiation between state purchasing and local purchasing. It is all being done with tax dollars on behalf of the citizens of the State of Kansas. We therefore believe that if the legislature is going to expand the coverages for the state government in the procurement process, it should also, as a matter of fairness and continuity between state and local government, necessitate a change at the local level.

We are fully in support of this change in that we, at the local level have long realized the difficulty in purchasing on behalf of the public when it must be done in an open meeting. As a result we would suggest an amendment to HB 2731 which would modify K.S.A. 75-4319 dealing with closed or executive meetings under the Open Meetings Act by the adding subsection (b)(8) as follows:

"Meetings of a local procurement negotiating committee, including meetings which are attended by one or more members of a board, commission or other public body when the entity seeking the goods or services is headed by a board, commission or other public body."

Essentially this would allow a local governing body an equal playing field on which to negotiate for the purchase of goods and services to be provided to a local entity. We believe this is a matter of basic fairness and cannot understand why a change at the state level, essentially further exempting state procurement from the Open Meetings Act, is necessary if it is not also necessary for purchases at the local level.

Thank you very much for allowing the League to appear today on this matter.

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STATE OF KANSAS



DIVISION OF THE BUDGET
Room 152-E
State Capitol Building
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Bill Graves
Governor

Gloria M. Timmer
Director

MEMORANDUM

TO: House Committee on Appropriations
Representative Robin Jennison, Chairperson

FROM: Gloria M. Timmer, Director of the Budget

DATE: March 5, 1996

SUBJECT: HB 2732

HB 2732 would update provisions of current law which govern the Budget Allotment System, the system which provides an emergency budget mechanism to ensure the solvency of state agency budgets. The bill is mainly technical and makes the following changes: (1) substitutes the Director of the Budget for the Secretary of Administration as the state official responsible for the system, (2) incorporates the provisions of the existing administrative regulations that govern the contents of the 30-day notice to any affected state agency, and (3) incorporates the provisions of the existing administrative regulations that govern the affected agency's request for review of the allotment.

In February 1995, the Governor directed agencies to review existing rules and regulations to update them or abolish them if they no longer served a useful purpose. This bill embodies the Division of the Budget's review under that directive, as the only DOB regulations in effect relate to the Budget Allocation System. The amendments in this bill incorporate the portions of the regulations considered useful into substantive law. In conjunction with this, the regulations will be recommended to be abolished.

Thank you for the opportunity to testify on this bill. I will be happy to answer any questions.

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TESTIMONY BEFORE THE
HOUSE APPROPRIATIONS COMMITTEE
By
Arthur Griggs, Department of Administration
Concerning House Bill 2733

Thank you for the opportunity to testify today in support of House Bill No. 2733.

K.S.A. 1995 Supp. 74-4911f provides that certain "state officers" may opt out of membership in the Kansas Public Employees Retirement System (KPERS), and lieu of participating in the KPERS system, may elect to participate in a deferred compensation plan to which the employing agency contributes an amount equivalent to 8% of the employee's salary. H.B. 2733 amends the definition of "state officer" to clarify that the Secretary of Agriculture is a "state officer" for purposes of the 8% deferred compensation plan.

This legislation is essentially a technical amendment arising from passage of legislation last year. The 1995 Legislature provided for the creation of a Kansas Department of Agriculture, headed by a Secretary of Agriculture who is an unclassified employee appointed by the Governor and a member of the Governor's Cabinet. K.S.A. 1995 Supp. 74-4911f establishes the 8% deferred compensation plan and identifies by title all other members of the Governor's Cabinet in its definition of "state officers" who are eligible for the program. The new Secretary of Agriculture is not listed with the other cabinet members in the definition. The proposed amendment would include the Secretary of Agriculture in the list of cabinet members eligible to opt out of KPERS and into the deferred compensation plan. Thus, H.B. 2733 is simply intended to provide equivalent benefits to the Secretary of Agriculture.

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K.S.A. 1995 Supp. 75-4911f was enacted in 1988 to provide cabinet secretaries and certain other unclassified employees a retirement option that recognizes the unique circumstances of their positions. Then Secretary of Administration Ed Flentje testified in support of allowing these employees to opt out of KPERS and providing alternative retirement benefits as a means to strengthen the State's ability to recruit highly qualified individuals for policy-making positions. Because the tenure of many cabinet secretaries and other unclassified employees can be relatively brief, many of these individuals are not able to vest in the traditional KPERS system. Therefore, in the absence of an alternative to the KPERS system, any person appointed to one of the positions to which the section applies must be willing to sacrifice continuity in accruing retirement benefits when accepting such a position. The optional deferred compensation plan permits such officers to accrue some measure of retirement benefits that will be available to them when they complete their service to the State of Kansas. H.B. 2733 extends these benefits to the Secretary of Agriculture on the same basis as the Secretary's peers in the Cabinet.

For these reasons, I request your favorable action on H.B. 2733. I would be glad to respond to any questions you may have regarding this legislation.



State of Kansas

Office of the Attorney General

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ATTORNEY GENERAL

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TESTIMONY

KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
REGARDING HOUSE BILL 2733
MARCH 5, 1996

Chairman Jennison and Members of the Committee:

My name is Kyle Smith and I am an Assistant Attorney General. I appear today on behalf of Attorney General Carla Stovall with the request this committee consider an amendment to House Bill 2733.

As you are obviously aware, K.S.A. 74-4911f provides for an alternative retirement program for state officers which is generally defined as cabinet level personnel, members of various state boards and unclassified employees of the legislature and the governor and lieutenant governor's staff.

The Kansas Bureau of Investigation is a division of the Attorney General's Office. The Director and Deputy Director of the Kansas Bureau of Investigation are also unclassified personnel and the same policy considerations involved in justification for this bill apply equally well to those two positions.

Like the Superintendent of the Kansas Highway Patrol, the Director and Deputy Director are unclassified appointees. Attracting and keeping excellent people in these positions, such as Director Larry Welch and Deputy Director Terry Knowles, would be easier if the balloon amendment attached to this testimony were incorporated in House Bill 2733. We would appreciate the committee's consideration.

I would be happy to stand for questions.

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1 secretary of health and environment, secretary of human resources, sec-
2 retary of revenue, secretary of social and rehabilitation services, secretary
3 of transportation, secretary of wildlife and parks, superintendent of the
4 Kansas highway patrol, *secretary of agriculture*, state grain inspector, ex-
5 ecutive director of the Kansas lottery, executive director of the Kansas
6 racing commission, president of the Kansas development finance author-
7 ity, state fire marshal, state librarian, securities commissioner, adjutant
8 general, ~~members of the state board of tax appeals, members of the Kan-~~
9 ~~sas parole board, members of the state corporation commission, any un-~~
10 ~~classified employee on the staff of officers of both houses of the legislature~~
11 ~~and any unclassified employee appointed to the governor's or lieutenant~~
12 ~~governor's staff.~~

13 (e) The provisions of this section shall not apply to any state officer
14 who has elected to remain eligible for assistance by the state board of
15 regents as provided in subsection (a) of K.S.A. 74-4925 and amendments
16 thereto.

17 Sec. 2. K.S.A. 1995 Supp. 74-4911f is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.

director of the Kansas bureau of investigation,
deputy director of the Kansas bureau of investigation,

**TESTIMONY REGARDING HOUSE BILL 2734
APPROPRIATIONS COMMITTEE
March 5, 1996, 1:30 p.m., Room 514-S**

Presented by Dale Brunton
Deputy Director of Accounts and Reports

Mr. Chairman, Members of the Committee:

House Bill 2734 makes technical changes in the statutes regarding two voluntary payroll deduction programs offered as part of the state payroll system (SHARP). These deduction programs are for United States savings bonds and United Way contributions. The primary change is in the definition of state employee. Currently the statutes authorizing these payroll deductions prohibit some employees from participating. If an employee is seasonal, temporary, or works less than 1,000 hours per year, they are not allowed to participate. House Bill 2734 will eliminate these restrictions and allow all state employees to participate if they choose.

The current restrictive definition of employee was enacted as a means to limit the number of employees initially participating. This was because recordkeeping functions associated with the deduction programs at that time were more manual and labor intensive. This restrictive language was used to lower the volume of participants and associated costs.

The current definition of employee is now obsolete. More recent system technologies, and SHARP, have automated the process to the point that the volume of participants is no longer a relevant factor. The amendments contained in House Bill 2734 allow all employees the flexibility to participate in these voluntary payroll deduction programs.

Thank you for the opportunity to appear before the Committee today. I would be happy to answer any questions the Committee may have.

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TESTIMONY REGARDING HOUSE BILL 2735
HOUSE APPROPRIATIONS COMMITTEE
March 5, 1996, 1:30 p.m., Room 514-S

Presented by Dale Brunton
Deputy Director of Accounts and Reports

Mr. Chairman, Members of the Committee:

I am testifying today on behalf of the Department of Administration in support of HB 2735 concerning state property and inventory records.

The amendments within HB 2735 are proposed to support the service reductions necessary to meet available fiscal year 1997 funding within the Division of Accounts and Reports. The proposed fiscal year 1997 budget includes reductions related to the decentralization of the inventory function. Division-wide services were reviewed and prioritized in order to target services to discontinue, with the least disruption to customers. Agency managers are responsible for the safeguarding and monitoring of agency assets, regardless of central oversight by Accounts and Reports. In addition, under existing law, agencies are required to perform physical inventory inspections "periodically" and should be staffed for this function.

Upon passage of HB 2735, the Division of Accounts and Reports will discontinue its mandatory role in on-site inventory inspections and specific oversight of state agency inventory record keeping. The Division of Accounts and Reports will still direct agencies to prepare or provide inventory information as deemed appropriate under the general authority of K.S.A. 75-3728. Agencies will also be required to certify to Accounts and Reports that an annual physical inventory inspection was performed. The Division of Accounts and Reports retains the authority to perform physical inventory inspections when deemed necessary, dependent upon funding to do so. The Legislative Division of Post Audit currently receives a copy of physical inventory inspection findings by Accounts and Reports and has, in the past, taken action to make agency managers accountable for any unfavorable findings. The authority of Post Audit to take such actions is unaffected by the legislative amendments.

Thank you for the opportunity to appear before the Committee today. I would be happy to answer any questions the Committee may have.

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