

Approved: \_\_\_\_\_  
Date

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE.

The meeting was called to order by Chairperson Phill Kline at 9:00 a.m. on March 16, 1999 in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Legislative Research - Conroy, Little, Waller, Campbell, Nogle, West,  
Holwenger  
Revisor of Statutes - Wilson, Corrigan  
Secretary - Ann McMorris

Conferees appearing before the committee:

Bill Wolff, Associate Director, Legislative Research  
Thomas Browne, Topeka Resident  
Rep. Mike Farmer  
Secretary Dan Stanley, Department of Administration  
Carol McDowell, Kansas Preservation Alliance  
Robert Johnson, Historic Topeka, Inc.  
Bill Harper, Supervisor of Investigations, SFMO  
Galel Haag, Kansas State Fire Marshal

Others attending: See attached list

Chair continued hearing on:

**SB 170 - Claims against the State.**

Bill Wolff, Associate Director, Legislative Research Department, provided a summary of expenses incurred by Roger and Emily LaBarge which his staff obtained from the claims file. (Attachment 1)

Opponent

Thomas P. Browne presented his request for payment of an award approved by the Employee Award Board in 1997. (Attachment 2)

Chair closed the public hearing on **SB 170**.

Opened hearing on:

**HB 2508 - Statehouse, Cedar Crest and Dillon House improvement project procedures and exemptions, gift fund.**

Dan Stanley, Secretary of Administration, offered a balloon amendment which would make **HB 2508** identical to the Senate version. The amended Senate version removed the historical preservation exemption and implemented a 60 day limitation of any review by the Historical Preservation Officer. (Attachment 3)

Opponent:

Carol McDowell, Kansas Preservation Alliance, opposed **HB 2508** on the basis that current language in the bill exempts projects affecting Kansas historic places from review by the state historic preservation officer. (Attachment 4)

Robert S. Johnson, Historic Topeka, Inc., opposed **HB 2508**. He also referred to similar language in **HB 2513** exempting review by the state historic preservation officer. (Attachment 5)

Closed public hearing on **HB 2508**.

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE, Room 514-S Statehouse, at 9:00 a.m. on March 16, 1999.

Chair opened for committee action on **HB 2508**.

Moved by Representative Farmer, seconded by Representative Reardon, to amend **HB 2508** with balloon offered by Secretary Stanley of Department of Administration. Motion carried.

Moved by Representative Farmer, seconded by Representative Reardon, to pass **HB 2508** favorably as amended. Motion carried.

Chair opened hearing on:

**HB 2426 - State fire marshal fire investigators may elect to be members of the Kansas police and firemen's retirement system.**

Proponents

William H. Harper III, Supervisor of Investigations for State Fire Marshal's Office (Attachment 6)  
Gale Haag, Kansas State Fire Marshal (Attachment 7)

Written testimony from

Kevin Kitterman (Attachment 8)  
Dan Stanley, Secretary of Administration (Attachment 9)

Closed hearing on **HB 2426**.

**Reports of Education and Legislative Budget Committee**

**State School for the Blind**

Rep. Dean reported the Education and Legislative Budget Committee concurred with the Governor's recommendations for State School for the Blind for FY1999 and for FY2000 with recommendations. (Attachment 10)

Moved by Representative Dean, seconded by Representative Farmer, adoption of the Education and Legislative Budget Committee report for FY1999 and FY2000 for State School for the Blind. Motion carried.

**Kansas State School for the Deaf**

Rep. Dean reported the Education and Legislative Budget Committee concurred with the Governor's recommendations for Kansas State School for the Deaf for FY1999 and for FY2000 with recommendations. (Attachment 11)

Moved by Representative Dean, seconded by Representative Farmer, adoption of the Education and Legislative Budget Committee report for FY1999 and FY2000 for Kansas State School for the Deaf. Motion carried

**Kansas State Library**

Rep. Farmer reported the Education and Legislative Budget Committee concurred with the Governor's recommendations for Kansas State Library for FY1999 and for FY2000 with recommendations. (Attachment 12)

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE, Room 514-S Statehouse, at 9:00 a.m. on March 16, 1999.

Moved by Representative Farmer, seconded by Representative Reinhardt, adoption of the Education and Legislative Budget Committee report for FY1999 and FY2000 for Kansas State Library.

Moved by Representative Farmer, seconded by Representative Dean, amend the report for the Kansas State Library FY2000 to show State Operations budget amount to be \$1,583,733 (the same as FY1999) instead of \$1,569,232, a difference of \$14,501. Motion carried.

Moved by Representative Farmer, seconded by Representative Reinhardt, adoption of the Education and Legislative Budget Committee report for FY1999 and FY2000 for Kansas State Library as amended. Motion carried..

**Kansas State Historical Society**

Rep. Allen reported Education and Legislative Budget Committee concurred with the Governor's recommendations Kansas State Historical Society budget for FY1999 with comments and for FY2000 with comments. (Attachment 13)

Moved by Representative Allen, seconded by Representative Farmer, adoption of the Education and Legislative Budget Committee report for FY1999 and FY2000 for Kansas State Historical Society.

Substitute motion by Representative Neufeld, seconded by Representative Shriver, amend FY2000 recommendation #1 to include reference to the Kansas Heritage Center. Motion carried.

Substitute motion by Representative Neufeld, seconded by Representative Shriver, amend the report to allow the Kansas Historical Society to have 3000 square feet of display space in the Dodge City Depot, add \$36,000 for this project and include the Kansas Heritage Center in the Depot. Motion failed. Yes 9, No 9.

Moved by Representative Allen, seconded by Representative Farmer adoption of Education and Legislative Budget Committee report on Kansas State Historical Society for FY1999 and FY2000 as amended.

Substitute motion by Representative Neufeld, seconded by Representative Reinhardt, amend committee report for FY1999 to require more information on project work listed under recommendation #1 and bring the report to Omnibus. Motion carried.

Moved by Representative Allen, seconded by Representative Farmer, adoption of Education and Legislative Budget Committee report for Kansas State Historical Society for FY1999 as amended and for FY2000 as amended. Motion carried.

**Kansas Arts Commission**

Rep. Farmer reported the Education and Legislative Budget Committee concurred with the Governor's recommendations for Kansas Arts Commission budget for FY1999 and FY2000. (Attachment 14)

Moved by Representative Farmer, seconded by Representative Reinhardt, adoption of Education and Legislative Budget Committee report for Kansas Arts Commission for FY1999 and FY2000.

Substitute motion by Representative Pottorff, seconded by Representative Shultz, amend the Education and Legislative Budget Committee report for Kansas Arts Commission for FY2000 to include \$50,000 for five year strategic planning and \$100,000, both from state general fund, for grant programs. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE, Room 514-S Statehouse, at 9:00 a.m. on March 16, 1999.

Moved by Representative Farmer, seconded by Representative Reinhardt, adoption of Education and Legislative Budget Committee report for Kansas Arts Commission for FY1999 and for FY2000 as amended. Motion carried.

Next meeting will be held on March 17, 1999.

Adjournment.

Respectfully submitted

Ann McMorris, Secretary

Attachments - 14



**HOUSE APPROPRIATIONS COMMITTEE  
GUEST LIST**

**DATE: March 16, 1999**

NAME	REPRESENTING
Dore Wilson	Kansas Arts Commission
Robert A. Johnson	Historic Topoka, Inc.
KEN SMITH	KS FMO
Bill Harper	KS FMO
Gale Haag	KS FMO
TRUDY ARON	Am Inst of Architects
Len Hughes	Dept of Administration
Kent Oliver	KS Library Assn.
DVANE JOHNSON	STATE LIBRARY
Vicki-Lynn Hessel	Division of Budget
Marion Catt	KS Humanities Council
Angie K. Thies	KS State Fire Marshal
Reilyn N. Johnson	Intern
Robert Wood	KPERS
Jim Gardner	Dept. of Administration
Pat Lehman	KS Fire Service Alliance
Martina Bance	KANSAS ARTS COMMISSION
Vicki Koppes	KS Council of Topoka

Roger and Emily LaBarge  
Claim No. 4572

The following is a rough calculation of expenses put together by staff from information available in the claims file.

Legal Expense \$21,000

SRS Related \$4,500

Medical \$2,550

Miscellaneous \$3,300

Loans from Family \$11,000

**Grand Total \$42,600**

Attachment 1-1  
House Appropriations Committee  
March 16, 1999

JOINT COMMITTEE ON SPECIAL CLAIMS

Statement of Thomas P. Browne, Jr.

Good morning, Senator Brownlee and other members of the Joint Committee. My name is Tom Browne and I am an employee of the Kansas Department of Revenue. I would like to first thank you for allowing me to appear.

I am here on behalf of my special claim which seeks payment of an award approved by the Employee Award Board in 1997. In order to understand how I got here, I thought the following historical perspective is appropriate.

I submitted suggestion #94007 to the Employee Award Board pursuant to K.S.A. 75-37,106, et seq. (See Exhibit A). My suggestion resulted in a new audit program being established in the Department of Revenue which in the first year of implementation resulted in increased privilege tax revenue of \$196,482. The Employee Award Board sought input of the Agency on the suggestion submitted. (Exhibit B). Then Secretary of Revenue Nancy Parrish responded to the Board's request for input and submitted the matter to the Board for determination.

(Exhibit C). On December 11, 1997, the Board adopted my suggestion and awarded a \$5,000 net cash award to me. (Exhibit D). On December 15, 1997, pursuant to the procedure of the Employee Award Board, John T. Collins notified Secretary LaFaver of the award. (Exhibit E). Thereafter, pursuant to K.S.A. 75-37,110(c), Secretary of Administration, Dan Stanley, reported to each member of the Legislative Coordinating Council the amount and the purposes for which all awards granted during the proceeding calendar year were made. This report listed the award made to me. (A copy of Secretary Stanley's report is attached as Exhibit F.) I was orally notified of the award by John Collins in December 1997 and received a congratulation letter on February 4, 1998 from Senator Hensley, a member of the Legislative Coordinating Council. (Exhibit G).

Although I have been advised of the award, nothing has been paid to me. In January or February, 1998 I was advised that funds were available and would be electronically transferred to my account; that transfer never occurred. In April 1998, I contacted Senator Hensley and Representative Nichols, my

representatives, and told them of the problem; they wrote to Secretary Stanley on April 9, 1998. (Exhibit H). On April 15, 1998 Secretary Stanley wrote to Senator Hensley and advised that Secretary LaFaver recommended the request for payment of the award be denied. (Exhibit I). Subsequent correspondence was likewise unfruitful. I therefore was forced to seek legal representation.

On October 26, 1998, Secretary Stanley, in response to a letter from my counsel, advised that there are insufficient savings in the Department of Administration budget to pay this award. (Exhibit J). Secretary Stanley therefore indicated that a claim could be filed with the Joint Committee and stated that the Department of Administration would support this request. Pursuant to Secretary Stanley's recommendation, I filed this special claim. Thereafter, on December 1, 1998, Robert E. North, Staff Attorney for the Department of Administration, wrote to my counsel and indicated that, after conversations with former Secretary LaFaver and Acting Secretary Pierce, the

Department of Administration "declined to recommend the award."  
(Exhibit L).

It is my position that once the Employee Award Board voted to make the monetary award for an employee suggestion, the process for determining whether an award should be made was completed and final. The Kansas Legislature did not enact a procedure whereby an agency is permitted to exercise a "super veto" over the lawful action of the Employee Award Board; however, that is what appears to have happened here.

I am asking that the Joint Committee to specifically fund the cash award to me. Because I was forced to obtain representation, I would request the funding include reasonable attorneys fees. In that way, the legislative intention of making employee awards free of politics and bureaucratic interference will be achieved and restored.

Thank you for your time. I would be glad to answer any questions you may have.



**TESTIMONY BEFORE THE  
HOUSE APPROPRIATIONS**

**By  
Dan Stanley, Secretary of Administration**

**March 16, 1999**

Thank you for this opportunity to appear in support of HB 2508. This bill provides needed flexibility for construction and renovation projects involving three state buildings with unique histories, uses, and characters. These three buildings, identified in the bill as "state historic buildings," are the Statehouse, Cedar Crest, and the Dillon House. Each of these buildings embodies a piece of our shared heritage as Kansans and serves as a highly visible focal point for our state government. Each is a unique landmark that must be accessible to citizens, while simultaneously functioning as a place of business, and in the case of Cedar Crest, as the private residence of the Governor's family. Careful maintenance and thoughtful development of each building as a beautiful setting for both the ceremonies and business of state government is essential. Projects involving these buildings must carefully balance public and individual needs as well as aesthetic, historical, and functional considerations. Moreover, the way we maintain and modify these buildings for current and new uses should reflect our pride in Kansas. Because of their significance, the Department of Administration has a responsibility to keep them available for use to the greatest extent feasible, despite the need to carry out maintenance, repairs, or renovations.

Given these factors, both the timing and quality of renovation, remodeling, and construction projects for the Statehouse, Cedar Crest, and the Dillon House are highly sensitive. Therefore, for state historic building projects sufficient latitude must be provided in planning, designing, selecting contractors, funding, managing, and overseeing these sensitive projects. HB 2508 provides that flexibility by exempting state historic building projects from the statutes establishing design, purchasing, selection, and project review and management requirements for ordinary state contracts and construction projects. It also provides additional funding options for these projects by creating the state facilities gift fund and authorizing acceptance of gifts and donations on behalf of the state by the Secretary of Administration for the Statehouse and Cedar Crest and by the Dillon House Advisory Commission for the Dillon House.

The statutes from which these historical buildings would be exempted provide a sound framework for the conduct of routine state business. Many projects in the Statehouse, Cedar Crest, and Dillon House can be successfully completed under the competitive bid law and other exempted statutes. However, the following examples demonstrate that, in a number of instances, this framework makes it difficult to complete state historical buildings projects in a timely, cost effective manner with results of the highest quality.

Attachment 3-1  
House Appropriations Committee  
March 16, 1999

1. Preliminary work. Some projects involving unique, historical properties such as these require extensive, detailed preliminary studies, investigations, and exploratory work before the full scope of the work is really known. After this preliminary work is done, if the next phase of the work is then competitively bid, the project can lose the knowledge and expertise that was acquired by the personnel doing the preliminary work. Important time can be lost, first in the competitive bidding process and then as the new contractor becomes familiar with the preliminary work. The Statehouse projects done between legislative sessions are good examples of the need to avoid or reduce time delays.

2. Hidden elements. As was demonstrated in the House Chambers, projects can uncover hidden architectural and design elements either during preliminary studies or in the course of a project. Examples of hidden elements include murals, decorative painting and stencil work, and gold gilding. When such elements are discovered, it is necessary to re-evaluate and perhaps redefine the nature and scope of the project. When this occurs, time and expertise can be of the essence, as well as the flexibility to change the scope of existing contracts or quickly obtain the assistance of additional professionals. These kinds of mid-course corrections can be difficult within the competitive bidding and construction project statutes.

3. Limits on architectural fees. Statutory restrictions on architectural fees can prevent the State from hiring needed professionals who are skilled in the special design elements found in these buildings. For example, the work on the Statehouse dome has been delayed because the restriction on architectural fees prevented the State from hiring the skilled professionals who have solid experience with this type of project. Moreover, planning for projects involving buildings such as these requires a lot of onsite work to verify and correct existing drawings and to determine field conditions, thereby avoiding unnecessary surprises and costly change orders. Renovation also requires extensive historic research and investigation into alternate methods to obtain high quality, cost effective results. Therefore, these projects are labor intensive, which can tend to result in higher fees. The statutory constraints on architectural fees may limit our ability to obtain the full services needed for truly successful projects.

4. Skilled crafts. Certain aspects of restoration work do not lend themselves to competitive bidding. It can be very difficult to find qualified personnel for certain specialized crafts, such as mural restoration, copper restoration, the scagliola plaster techniques used in the House Chamber columns, or duplications of historical fabrics or carpets. With a limited supply of such skilled craft personnel, competitive bidding statutes limit the State's ability to identify, evaluate, and select personnel based upon their unique qualifications.

5. Continuity. K.S.A. 75-1250 through 75-1266 and K.S.A. 75-5801 through 75-5807 require that architects and engineers be selected for specific projects or, in the case of multiple small projects, for limited time periods. This limitation prevents expansion of a contract with a single firm to cover additional, unrelated work. Particularly in the case of the Statehouse, it would be highly desirable to select the most experienced and qualified

firm to handle an extended, multi-year renovation, thereby enabling the firm to build up experience and expertise that is specific to that building. Otherwise, each new firm must go through a learning cycle and the project will suffer from a lack of consistency.

6. Historic preservation reviews. The State must balance historic preservation concerns with making facilities accessible to the disabled, providing functional, high quality space for a variety of state functions and uses, and completing projects with a minimum amount of disruption to the buildings' users. K.S.A. 75-2724 requires that the state historic preservation officer must be given notice of any project that will "encroach upon, damage, or destroy" any historic property. The state historic preservation officer then has up to 30 days to decide whether to begin an investigation of the project. The officer may direct that one or more public hearings be held. There is no statutory deadline for completing the investigation and hearings. If the officer determines that a project will encroach upon, damage or destroy the property, the project is prohibited unless the governor determines that there is "no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use." Any person aggrieved by the governor's decision may seek judicial review of the decision under the act for judicial review and civil enforcement of agency actions. This extensive process can be costly and time-consuming. While preservation of the historical character of the buildings will be a top priority of design teams, exemption from K.S.A. 75-2724 is intended to balance the time constraints, the needs of the disabled, the ability to create safe, healthful, and useful work spaces that are consistent with standard life and safety codes, and the ability to deliver projects within the funds appropriated. An exemption from this statute was already granted by way of proviso for the renovations currently underway in Memorial Hall.

It is my understanding that the proposed exemption from K.S.A. 75-2724 has created serious concerns among some in the historical preservation community. As approved by the Senate Ways & Means Committee an identical bill was passed as amended. The changes in the Senate Bill would remove the historical preservation exemption. The bill also implements a 60 day limitation on any review by the Historical Preservation Officer. I am pleased with these changes and would like to offer a balloon amendment making this bill identical to the Senate version.

Renovation projects in buildings of this type and historic preservation involve specialties that require different experience and knowledge than our usual projects. There is no substitute for experience in balancing conflicting requirements for historic preservation, present day code requirements, operational needs, and budget. The appropriate approach for such a renovation project is to select the team, including the contractors, based upon their previous experience and proven abilities rather than low cost. I ask you to consider what the ceiling of the House Chamber would look like if we had left it in the hands of a contractor selected by low bid.

Preservation of the heritage we have in these buildings and enhancing their aesthetic appeal while maximizing their usefulness to the officials and citizens of Kansas is

a responsibility I take very seriously. HB 2508 will enable us to carry out that duty with the latitude necessary to ensure that projects will not only fill the physical needs, but be an inspiration to future generations. I urge your support of this bill. Thank you for this opportunity to testify in support HB 2508. I would be happy to stand for questions.

# HOUSE BILL No. 2508

By Committee on Appropriations

2-16

concerning government projects; procedures, reviews, and exemptions

10 AN ACT ~~relating to certain state buildings or facilities; concerning the~~  
11 ~~statehouse, governor's residence and Hiram Price Dillon house; pro-~~  
12 ~~cedures and requirements for contracts, projects and donations for~~  
13 ~~renovation, reconstruction, repair and other improvement thereof; es-~~  
14 ~~tablishing the state facilities gift fund;~~  
15

improvements of the statehouse, governor's residence and Hiram Price Dillon house

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

; amending K.S.A. 75-2724 and repealing the existing section

17 Section 1. (a) In accordance with the provisions of this section and  
18 in the discretion of the secretary of administration, whenever a contract  
19 will involve any repair, restoration, renovation, remodeling, refurnishing  
20 or other improvement to a state historic building, the contract shall not  
21 be subject to the provisions of:

22 (1) K.S.A. 75-430a and amendments thereto, relating to publication  
23 of notice prior to negotiating for ancillary technical services or architec-  
24 tural, engineering or other related services;

25 (2) K.S.A. 75-1250 through 75-1266 or K.S.A. 75-5801 through 75-  
26 5807 and amendments thereto, relating to the acquisition of architectural,  
27 engineering, construction management or other services;

or

28 ~~(3) K.S.A. 75-2724 and amendments thereto, relating to certain gov-~~  
29 ~~ernment project reviews; or~~

30 ~~(4)~~ the competitive bid procedures and requirements of K.S.A. 75-  
31 3739 through 75-3744 and amendments thereto.

32 (b) With respect to any such contract, the provisions of K.S.A. 75-  
33 1258, 75-1264 and 75-3741c and amendments thereto shall apply to any  
34 such contract and to any such repair, restoration, renovation, remodeling,  
35 refurnishing or other improvement for a state historic building. The con-  
36 tract or project for any such repair, restoration, renovation, remodeling,  
37 refurnishing or other improvement shall be subject to such design, con-  
38 struction or other procedures and standards as may be prescribed by the  
39 secretary of administration therefor.

40 (c) As used in this section, "state historic building" means (1) the  
41 statehouse, (2) the property identified in K.S.A. 75-121 and amendments  
42 thereto, which is known as Cedar Crest, and (3) the property identified  
43 in subsection (c) of K.S.A. 75-3681 and amendments thereto, which is

1 known as the Hiram Price Dillon house.

2 Sec. 2. (a) In addition to the authority granted to the governor's res-  
3 idence advisory commission, the secretary of administration is hereby  
4 authorized to accept on behalf of the state any grants, gifts, contributions,  
5 bequests or donations of personal property or money for the purpose of  
6 restoring, renovating, furnishing, improving or beautifying the property  
7 identified in K.S.A. 75-121 and amendments thereto which is known as  
8 Cedar Crest. Prior to accepting such a grant, gift, contribution, bequest  
9 or donation, the secretary of administration may advise and consult with  
10 the governor's residence advisory commission. If any donation of money  
11 is subject to terms and conditions established by the donor, the governor's  
12 residence advisory commission shall be advised of the donation and its  
13 associated terms and conditions prior to acceptance by the secretary of  
14 administration.

15 (b) Any moneys donated for Cedar Crest and received and accepted  
16 by the secretary of administration shall be paid to the department of  
17 administration and shall be deposited in the state treasury to the credit  
18 of the executive mansion gifts fund.

19 Sec. 3. (a) The secretary of administration is hereby authorized to  
20 accept on behalf of the state any grants, gifts, contributions, bequests or  
21 donations of personal property or money for the purpose of restoring,  
22 renovating, furnishing, improving or beautifying the statehouse. Prior to  
23 accepting any such grant, gift, contribution, bequest or donation, the sec-  
24 retary may consult with the legislative coordinating council, the state-  
25 house art and history committee, the capitol area plaza authority or any  
26 other appropriate advisory committee.

27 (b) Any moneys donated for the statehouse and received and ac-  
28 cepted by the secretary of administration shall be paid to the department  
29 of administration and shall be deposited to the credit of a statehouse  
30 account within the state facilities gift fund established by section 5 and  
31 amendments thereto.

32 Sec. 4. (a) Subject to the approval of the legislative coordinating  
33 council, the Dillon House advisory commission established by the legis-  
34 lative coordinating council shall have the power to accept on behalf of  
35 the state any grants, gifts, contributions, bequests or donations of personal  
36 property or money for the purpose of restoring, renovating, furnishing,  
37 improving or beautifying the property identified in subsection (c) of  
38 K.S.A. 75-3681 and amendments thereto, which is known as the Hiram  
39 Price Dillon House. The Dillon House advisory commission shall advise  
40 the legislative coordinating council of any offers of gifts, contributions,  
41 grants, bequests or donations of items or services for the Hiram Price  
42 Dillon House.

43 (b) Any moneys donated for the Hiram Price Dillon House and re-



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1 ceived and accepted by the Dillon House advisory commission with the  
 2 approval of the legislative coordinating council shall be paid to the de-  
 3 partment of administration and shall be deposited in the Dillon House  
 4 account within the state facilities gift fund established by section 5 and  
 5 amendments thereto. If any monetary donation for the Hiram Price Dil-  
 6 lon House is subject to terms and conditions established by the donor,  
 7 the legislative coordinating council shall be advised of the donation and  
 8 its associated terms and conditions and acceptance of the donation shall  
 9 be approved by the legislative coordinating council before the donation  
 10 is accepted and deposited in the state treasury.

11 Sec. 5. There is hereby established in the state treasury the state  
 12 facilities gift fund which shall be administered by the secretary of admin-  
 13 istration. All expenditures from the state facilities gift fund shall be in  
 14 accordance with the provisions of appropriation acts upon warrants of the  
 15 director of accounts and reports pursuant to vouchers approved by the  
 16 secretary of administration or the secretary's designee.

17 ~~Sec. 6.~~ This act shall take effect and be in force from and after its  
 18 publication in the Kansas register.

Sec. 6. K.S.A. 75-2724 is hereby amended to read as follows:  
 75-2724. (See Insert A, attached)

Sec. 7. K.S.A. 75-2724 is hereby repealed.  
 Sec. 8.

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**75-2724. Government projects; procedure for determining if threat to historic property; determination whether to proceed; judicial review; penalty for failure to follow procedures; delegation of duties to cities, counties or state board of regents or institutions.** (a) The state or any political subdivision of the state, or any instrumentality thereof, shall not undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property until the state historic preservation officer has been given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project. Notice to the state historic preservation officer shall be given by the state or any political subdivision of the state when the proposed project, or any portion thereof, is located within 500 feet of the boundaries of a historic property located within the corporate limits of a city, or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county. Notwithstanding the notice herein required, nothing in this section shall be interpreted as limiting the authority of the state historic preservation officer to investigate, comment and make the determinations otherwise permitted by this section regardless of the proximity of any proposed project to the boundaries of a historic property. The state historic preservation officer may solicit the advice and recommendations of the historic sites board of review with respect to such project and may direct that a public hearing or hearings be held thereon. If the state historic preservation officer determines, with or without having been given notice of the proposed project, that such proposed project will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property, such project shall not proceed until:

Any such public hearing or hearings held pursuant to this subsection or held pursuant to authority delegated by the state historical preservation officer under subsection (e) or (f) shall be held within 60 days from the date of receipt of notice by the state historical preservation officer from the state or any political subdivision of the state as provided herein.

(1) The governor, in the case of a project of the state or an instrumentality thereof, or the governing body of the political subdivision, in the case of a project of a political subdivision or an instrumentality thereof, has made a determination, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use; and

(2) five days notice of such determination has been given, by certified mail, to the state historic preservation officer.

(b) Any person aggrieved by the determination of the governor pursuant to this section may seek review of such determination in accordance with the act for judicial review and civil enforcement of agency actions. Any person aggrieved by the determination of a governing body pursuant to this section may seek review of such determination in accordance with K.S.A. 60-2101 and amendments thereto.

(c) The failure of the state historic preservation officer to initiate an investigation of any proposed project within 30 days from the date of receipt of notice thereof shall constitute such officer's approval of such project.

(d) Failure of any person or entity to apply for and obtain the proper or required building or demolition permit before undertaking a project that will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places, or the environs of such property, shall be subject to a civil penalty not to exceed \$25,000 for each violation. The attorney general may seek such penalties and other relief through actions filed in district court.

(e) (1) The state historic preservation officer may enter into an agreement authorizing a city or county to make recommendations or to perform any or all responsibilities of the state historic preservation officer under subsections (a), (b) and (c) if the state historic preservation officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission and is actively engaged in a local historic preservation program. The agreement shall

specify the authority delegated to the city or county by the state historic preservation officer, the manner in which the city or county shall report its decisions to the state historic preservation officer, the conditions under which the city or county can request assistance from the state historic preservation officer in performing certain project reviews, the length of time the agreement is to be valid and provisions for termination of the agreement. Such agreement shall provide that the state historic preservation officer shall retain final authority to implement the provisions of this act. The state historic preservation officer shall adopt any rules and regulations necessary to implement the provisions of this subsection.

(2) An agreement with a city or county authorized by this subsection shall not be construed as limiting the authority of the state historic preservation officer to investigate, comment and make determinations otherwise permitted by this section.

(f) The state historic preservation officer may enter into agreements with the state board of regents or any state educational institution under the control and supervision of the state board of regents to perform any or all responsibilities of the state historic preservation officer under subsections (a), (b) and (c).

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Committee on Appropriations  
of the Kansas House of Representatives  
The Honorable Phill Kline, Chairman

Testimony of the  
Kansas Preservation Alliance, Inc.  
Regarding House Bill 2508

March 16, 1999

Mr. Chairman and Members of the Committee:

The Kansas Preservation Alliance, Inc., is a statewide, private, not-for-profit corporation working in partnership with the National Trust for Historic Preservation and the Kansas State Historic Preservation Office to protect and rehabilitate Kansas historic places.

The Alliance is pleased to have this opportunity to appear before the Committee in opposition to Section 1(a)(3) [at page 1, lines 28,29] of HB 2508.

This provision would exempt expenditures, contracts and capital projects for the renovations of the Capitol, Cedar Crest, and the Dillon House, from the provisions of KSA 75-2724, which permit the state historic preservation officer to investigate and comment upon a proposed government project to determine if it will "encroach upon, damage or destroy" a property listed on the National or Kansas Register of Historic Places.

SB 325 [at page 8, lines 32, 33], SB 338 [at page 1, lines 27,28] and HB 2513 [at page 8, lines 32,33] also exempt renovations of the Capitol, Cedar Crest and the Dillon House from review by the state historic preservation officer.

The Kansas Preservation Alliance opposes all legislation which would exempt projects affecting Kansas historic places from review by the state historic preservation officer, for the following reasons.

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House Appropriations Committee  
March 16, 1999



First, the state has not demonstrated the existence of urgent or extraordinary circumstances, which might justify permitting it to claim the equivalent of sovereign immunity, and treat itself differently from the way it treats all others.

Second, review by the state historic preservation officer exists to safeguard the fabric and integrity of historic Kansas places. Especially with regard to the renovation of our Capitol, those safeguards should be removed only when review has been demonstrated to be either impossible or unnecessary, and that has not occurred.

Third, the expertise of historic preservation professionals is integral to the appropriateness, integrity and quality of these renovations. Review by the state historic preservation officer contemplates cooperation, support and timely professional advice from the staff of the historic preservation office, whose salaries are funded, in part, by the taxpayers of Kansas.

Fourth, equipment, materials, techniques, processes, methods and personnel used in these renovations should be professionally documented by archival standards, which is unlikely to occur without review by the state historic preservation officer.

Fifth, the renovation and restoration of our Capitol is the most important historic preservation project of our lifetimes, and the State's goal should be excellence, not expediency.

The Kansas Preservation Alliance urges the Committee to delete from HB 2508, all of Section 1 (a)(3), exempting the State of Kansas from compliance with its own historic preservation law.

Respectfully,



Carol Duffy McDowell  
President Kansas Preservation Alliance, Inc.



to enable such officials and agencies to perform their duties under said program.

(5) Perform such other acts as may be necessary to comply with federal requirements in securing for the state the benefits provided by the national historic preservation act of 1966.

(c) The state historical society shall make no commitment or enter into any agreement pursuant to the exercise of authority under this act until it has determined that sufficient funds are available to meet the state's share, if any, of the project cost.

**History:** L. 1977, ch. 284, § 9; July 1.

**75-2724. Government projects; procedure for determining if threat to historic property; determination whether to proceed; judicial review; penalty for failure to follow procedures; delegation of duties to cities, counties or state board of regents or institutions.** (a) The state or any political subdivision of the state, or any instrumentality thereof, shall not undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property until the state historic preservation officer has been given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project. Notice to the state historic preservation officer shall be given by the state or any political subdivision of the state when the proposed project, or any portion thereof, is located within 500 feet of the boundaries of a historic property located within the corporate limits of a city, or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county. Notwithstanding the notice herein required, nothing in this section shall be interpreted as limiting the authority of the state historic preservation officer to investigate, comment and make the determinations otherwise permitted by this section regardless of the proximity of any proposed project to the boundaries of a historic property. The state historic preservation officer may solicit the advice and recommendations of the historic sites board of review with respect to such project and may direct that a public hearing or hearings be held thereon. If the state historic preservation officer determines, with or without having been given notice of the proposed project, that such proposed project will encroach upon, damage or destroy any historic property in-

cluded in the national register of historic places or the state register of historic places or the environs of such property, such project shall not proceed until:

(1) The governor, in the case of a project of the state or an instrumentality thereof, or the governing body of the political subdivision, in the case of a project of a political subdivision or an instrumentality thereof, has made a determination, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use; and

(2) five days notice of such determination has been given, by certified mail, to the state historic preservation officer.

(b) Any person aggrieved by the determination of the governor pursuant to this section may seek review of such determination in accordance with the act for judicial review and civil enforcement of agency actions. Any person aggrieved by the determination of a governing body pursuant to this section may seek review of such determination in accordance with K.S.A. 60-2101 and amendments thereto.

(c) The failure of the state historic preservation officer to initiate an investigation of any proposed project within 30 days from the date of receipt of notice thereof shall constitute such officer's approval of such project.

(d) Failure of any person or entity to apply for and obtain the proper or required building or demolition permit before undertaking a project that will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places, or the environs of such property, shall be subject to a civil penalty not to exceed \$25,000 for each violation. The attorney general may seek such penalties and other relief through actions filed in district court.

(e) (1) The state historic preservation officer may enter into an agreement authorizing a city or county to make recommendations or to perform any or all responsibilities of the state historic preservation officer under subsections (a), (b) and (c) if the state historic preservation officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission and is actively engaged in a local historic preservation program. The agreement shall

specify the authority delegated to the city or county by the state historic preservation officer, the manner in which the city or county shall report its decisions to the state historic preservation officer, the conditions under which the city or county can request assistance from the state historic preservation officer in performing certain project reviews, the length of time the agreement is to be valid and provisions for termination of the agreement. Such agreement shall provide that the state historic preservation officer shall retain final authority to implement the provisions of this act. The state historic preservation officer shall adopt any rules and regulations necessary to implement the provisions of this subsection.

(2) An agreement with a city or county authorized by this subsection shall not be construed as limiting the authority of the state historic preservation officer to investigate, comment and make determinations otherwise permitted by this section.

(f) The state historic preservation officer may enter into agreements with the state board of regents or any state educational institution under the control and supervision of the state board of regents to perform any or all responsibilities of the state historic preservation officer under subsections (a), (b) and (c).

**History:** L. 1977, ch. 284, § 10; L. 1981, ch. 332, § 2; L. 1986, ch. 318, § 136; L. 1988, ch. 336, § 2; L. 1988, ch. 337, § 2; L. 1993, ch. 201, § 1; L. 1996, ch. 204, § 1; July 1.

**Attorney General's Opinions:**

Amendment of municipal zoning ordinance is a project within meaning of statute. 87-114.

**CASE ANNOTATIONS**

1. Cited; district court's review of actions by county commissioners (19-223) examined; "aggrieved person" defined. *Linsea v. Board of Chase County Comm'rs*, 12 K.A.2d 657, 658, 753 P.2d 1292 (1988).

2. Unilateral authority of historic preservation officer does not deny due process; owner not required to dispel all suggested alternatives. *Allen Realty, Inc. v. City of Lawrence*, 14 K.A.2d 361, 369, 374, 790 P.2d 948 (1990).

3. Rights of parties, notice and procedures considered in holding city's action arbitrary and capricious in proceeding involving issuance of demolition permit. *Lawrence Preservation Alliance, Inc. v. Allen Realty, Inc.*, 16 K.A.2d 93, 94, 99, 105, 108, 819 P.2d 138 (1991).

4. Whether city council's decision was appealable final determination or order examined. *Historic Preservation Alliance, Inc. v. City of Wichita*, 20 K.A.2d 721, 722, 892 P.2d 518 (1995).

**75-2725. Action to enforce act or protect historic property.** The state of Kansas or

any county, municipality or other political subdivision having capacity to sue and be sued, the Kansas state historical society and any city or county historical society which, for more than two (2) years prior to filing such action, has been organized, has elected officers and has received compensation, funds or reimbursements from a city or county pursuant to K.S.A. 12-1660 or 19-2649, and amendments thereto, may maintain an action in the district court having jurisdiction where an alleged violation occurred or is threatened for such equitable and declaratory relief as may be necessary to enforce the provisions of this act and to protect historic property from unauthorized or improper demolition, alteration or transfer.

**History:** L. 1977, ch. 284, § 11; July 1.

**75-2726. Acquisition of historic property for purposes of historic preservation.** (a) The state of Kansas shall not acquire or make a commitment to acquire by gift, lease, purchase or other means any historic property for purposes of historic preservation of such property unless such property is listed on the national register of historic places and, in any case, until an application for acquisition of historic property is filed with the secretary of the state historical society and the state historic sites board of review has reviewed such application and submitted a report and findings in regard to the acquisition of such property to the governor and the legislature in accordance with this section.

(b) An application for acquisition of historic property shall be filed with the secretary of the state historical society on forms prepared by the secretary of the state historical society and shall contain such information concerning such historic property as the secretary of the state historical society may require. Each such application for acquisition of any historic property shall be signed by at least 1,000 of the qualified electors of this state and at least 25% of the number of the electors signing the application shall be also qualified electors of the county where the historic property is located.

(c) Upon the receipt of such application, the secretary of the state historical society shall notify the chairperson of the state historic sites board of review that an application has been received. The state historic sites board of review shall meet to conduct fact-finding hearings and otherwise investigate the application for acquisition of historic property. The state historic sites board of review



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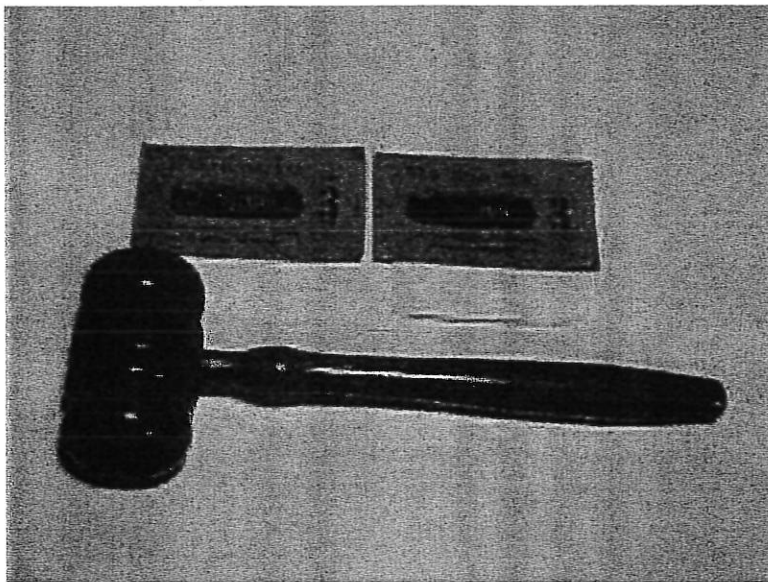
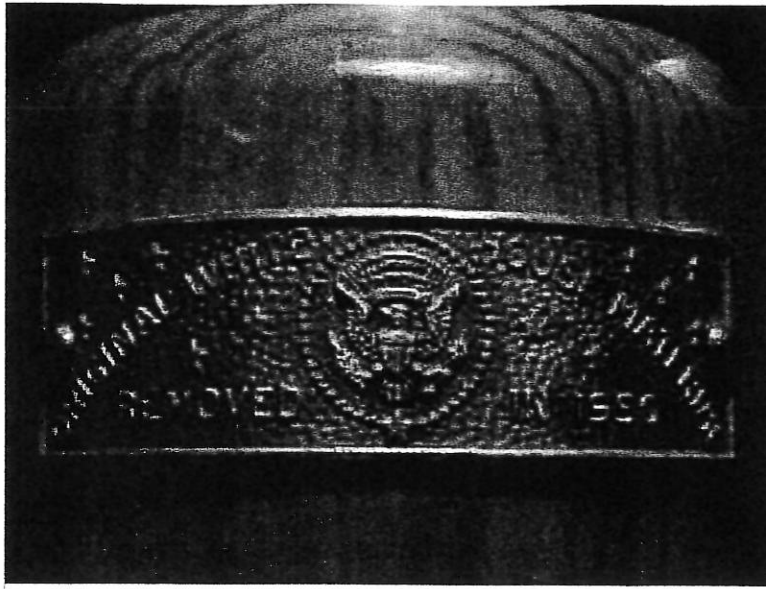
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4-4



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**HISTORIC TOPEKA, INC.**

3127 sw Huntoon  
Suite 6  
Topeka, KS  
66604



Committee on Appropriations  
of the Kansas House of Representatives  
The Honorable Phill Kline, Chairman

Testimony of Historic Topeka, Inc.  
Regarding House Bill 2508

March 16, 1999  
9:00 a.m.

Historic Topeka, Inc. provides a variety of preservation services for the Topeka community. We feel that our services also benefit the whole state in such projects as the Ross Row Houses at 513-521 Van Buren, that we believe will aesthetically enhance the site of the state capitol by improvement of the corridor that follows Van Buren directly north of the state capitol. Those Row Houses were built by William Ross in the 1870s, the approximate time that the State Capitol was under construction. You will recall that it was William Ross's brother, Edmund Ross, who as a U.S. Senator from Kansas cast the vote that saved Andrew Johnson from impeachment.

Historic Topeka is pleased to appear before your committee in opposition to Section 1. (a) (3) [at page 1, lines 29 and 30] of HB 2508 which concerns specifically the statehouse, governor's residence and Hiram Price Dillon house.

Before addressing my remarks to the House Bill itself, we wish to commend the legislature for the excellent job done in the restoration of the House of Representatives chamber, for which Bill Groth, the capitol architect, oversaw the effort and deserves much credit.

The provisions of Section 1. (a) of House Bill 2508, provides inter alia, that:

In the discretion of the secretary of administration he may exempt from the provisions of the Kansas Statutes the procedures stipulated in subparagraphs (1), (2), (3), and (4). Of those four paragraphs, (1), (2) and (4) all deal with the sections of the statutes that are concerned with notice prior to contracting and contracting with architectural services.

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March 16, 1999



While our concerns are more related to subparagraph (3) than to (1), (2), and (4), we believe that the work to be done on the said three structures would benefit from the kind of procedures and safeguards required under those paragraphs, with modifications that would allow only the firms most qualified to bid and do the work, even if their proposed fees are not the lowest bid.

It is subparagraph (3) which exempts the secretary of administration from the procedures to be followed under K.S.A. 75-2724 and amendments thereto, to which we wish to express our principal opposition.

That article is headed by the following summary as to its content: "Government projects; procedure for determining if threat to historic property; determination of whether to proceed; judicial review; penalty for failure to follow procedures; delegation of duties to cities, counties or state board of regents or institutions."

Generally speaking this section K.S.A. 75-2724 embodies the state historic preservation law and the role of the state historic preservation officer in the administration of that law.

Historic Topeka, Incorporated believes that all projects that affect historic buildings as well as the historic buildings themselves such as the State Capitol, the governor's residence, and Hiram Price Dillon house, and those having the responsibility for those buildings, should comply with the review procedures set forth in K.S.A. 75-2724, the legal mechanism providing for the state preservation office review of projects like these three, where the buildings are either on the national or state Register of Historic Places, or would qualify for such registration.

For a state agency or the legislature which enacted K.S.A. 75-2724 to seek exemption from its provisions is to weaken the future application of those procedures by the creation of a dangerous precedent, without significant justification.

In the years ahead we can see the need for continuing restoration of the State Capitol especially. Are Kansas citizens expected to forfeit to the discretion of one agency the safeguards that are embodied in K.S.A. 75-2724 in the methods employed in contracting for services, and in the safeguarding of state historical sites?

If such exemption provisions are applied to the three state properties included by this proposed act, then it is suggested that members of the general public might be discouraged from making grants or gifts to the secretary of administration and the State of Kansas for the purpose of restoring, renovating, furnishing, improving or beautifying the statehouse as contemplated by Sec. 3. (a) on Page 2 at line 9 of this same House Bill No. 2508.

Anyone interested in funding such future projects, it seems to us, would be reassured to know that their gift or grant would be administered under the protection of the state preservation laws as set forth in K.S.A. 75-2724 and that their gift or grant is not given carte blanche to the state and the department of administration to use as they please.

We would suggest, in fact, that without such assurance such benefactors might be discouraged from making such gifts.

We suggest further that such exemption, once the door is opened by such an act, would encourage other governmental bodies and agencies to seek exemptions from the preservation laws of the state and the cities of Kansas.

The city of Topeka has recently adopted a comprehensive Historic Preservation Ordinance with encouragement from the state historic preservation officer. Under that Ordinance, the state historic preservation officer may enter into an agreement authorizing the city to make recommendations or to perform any or all responsibilities of the state historic preservation officer under the provisions of K.S.A. 75-2724 paragraphs (e) (1) and (2). After expending this effort, are we to be faced with the state now seeking exemption from the state law that may very well impact the efficacy of our Topeka ordinance.

For these reasons we seek the support of your committee in structuring any legislation to omit the provisions at Section 1. (a) (3) which seeks to exempt the application of K.S.A. 75-2724 (the Historic Preservation Law) from the procedures to be followed by the secretary of administration involving the contract projects and donations for renovation, reconstructive repair and other improvements of the statehouse, governor's residence and Hiram Dillon house?

We support a modification of the provisions at Section 1. (a) (1); 1. (a) (2) and 1. (a) (4) as heretofore suggested; and

We support the other provisions of the House Bill No. 2508.

Respectfully,



Robert S. Johnson, Vice-President  
Historic Topeka, Inc.



While we have not included it in our written testimony which has been prepared for distribution among members of your committee, we are advised that House Bill 2513, which is not the subject of this hearing, also contains language that would exempt projects of the department of administration in the repair, renovation and restoration of the same three properties from compliance with the same K.S.A. 75-2724, as well as with the provision of (A.) K.S.A. 75-430 a; (B.) K.S.A. 75-1250 through 75-1266 or K.S.A. 75-5801 through 5807 relating to the acquisition of architectural, engineering, construction management or other services; or (C.) the competitive bid procedures and requirements of K.S.A. 75-3739 through 75-3744.

We respectfully request that the committee in considering HB 2513, when it is heard, give serious consideration to any exemptions that would give a carte blanche to the department of administration in the expenditure of the 80 million dollars that has been estimated as the cost of restoration of the State Capitol alone over the next ten years, especially as those exemptions relate to the historical preservation law embodied in K.S.A. 75-2724.



Robert S. Johnson  
Vice President  
Historic Topeka, Inc.

**Testimony of  
William H. Harper III  
Supervisor of Investigations  
SFMO  
Before the  
Appropriations Committee  
March 16th, 1999**

Why do the state fire marshal's fire investigators feel they qualify for coverage under the Kansas Police and Fire Retirement system?

1. SFMO fire investigators must meet the requirements for full time police officers. They face the same life-threatening situations as other police officers.
  
2. SFMO fire investigators also go into fire scenes. Fire investigators go in after the fire is out, but they are exposed to many of the same hazards as the fire fighters. Hazardous and toxic chemicals are present and structural damage can cause a floor or upper story to collapse on the investigators. Fire investigators must remove fire debris and expose the burn patterns from floors and walls and this increases exposure to the dangers.

To put this into perspective, SFMO fire investigators meet the same requirements for both police officers and for fire fighters. It has always been my understanding, as a fire service professional for more than thirty-five years, that the KP&F system should cover those who work in this high stress and hostile situation. Frequent contact with hazardous chemicals can and does cause illness and death. The KP&F system more appropriately compensates fire investigators for these sacrifices and also allows for an earlier retirement which minimizes some of the burn out caused by the stress.

In summary, my view is that SFMO fire investigator's have been overlooked when it comes to qualification under the KP&F system. In fact, by qualifying under both categories, these individuals have been denied benefits available to either police or fire service professionals.



OFFICE OF THE  
KANSAS STATE FIRE MARSHAL

Gale Haag  
Fire Marshal

700 SW JACKSON ST, SUITE 600, TOPEKA, KS 66603-3714  
PHONE (785) 296-3401 / FAX (785) 296-0151

Bill Graves  
Governor

March 16, 1999

Representative Phill Kline  
Chair of House Appropriations Committee  
State Capitol  
Topeka, KS 66612

Dear Sir:

Please give consideration to the attached documents.

1. Sec. 65 K.S.A. 1997 Supp. 74-4952 as amended, definitions of, (4) "Employee" (11) "Fireman," and (12) "Police," for inclusion in K.P.& F.
- 2 K.S.A. 31-138 and 31-157, requirements for Fire Marshal deputies and investigatory personnel.

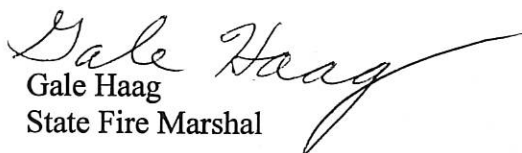
The above statutes clearly show that the State Fire Marshal's fire investigators exceed the definition of "employee" for inclusion under K.P.& F. and should not be prohibited from participating. I believe the legislative intent was clear, fire fighting or policing is a young person's job.

As head of this agency I found my staff struggling to meet the needs of the citizens of Kansas when five of the ten investigators were off work at the same time with illness or work related injuries. We have an aging work force! The pressure and exposure to hazards they work under daily takes its toll over the years.

We need this committees support for inclusion in K.P.& F. before some excellent, dedicated employees are forced to leave with reduced benefits after giving the best years of their lives to the State of Kansas.

Thank you for your consideration of HB 2426.

Sincerely,

  
Gale Haag  
State Fire Marshal

Attachment 7-1  
House Appropriations Committee  
March 16, 1999

*"Where fire safety is a way of life."*



follows: 74-4952. As used in K.S.A. 74-4951 et seq. and amendments thereto:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

(2) "Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

(3) "Eligible employer" means any city, county, township or other political subdivision of the state employing one or more employees as firemen or policemen.

(4) "Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

(5) "Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

(6) "Final average salary" means:

(a) For members who are first hired as an employee, as defined in subsection (4), before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual salary, as defined in subsection (34) of K.S.A. 74-4902 and amendments thereto, paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual salary, as defined in subsection (34) of K.S.A. 74-4902 and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(c) for purposes of subparagraphs (a) and (b) of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system; and

(d) for any application to purchase or repurchase service credit for a



uting member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. The provisions of this section relating to the presumption that the death or disability resulting from cancer is service-connected shall only apply if the condition that caused the death or disability is a type of cancer which may, in general, result from exposure to heat, radiation or a known carcinogen.

(11) "Fireman" or "firemen" means an employee assigned to the fire department and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(12) "Police," "policeman" or "policemen" means an employee assigned to the police department and engaged in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs' deputies, or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(13) Except as otherwise defined in this act, words and phrases used in K.S.A. 74-4951 et seq. and amendments thereto, shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902 and amendments thereto.

Sec. 66. K.S.A. 74-4953 is hereby amended to read as follows: 74-4953. (1) There is hereby created the "Kansas police and firemen's retirement system" which shall be a division of the Kansas public employees retirement system created by K.S.A. 74-4903 and amendments thereto, and which shall be subject to the provisions of K.S.A. 74-4901 to 74-4926 et seq. and amendments thereto.

(2) *The Kansas police and fireman's retirement system shall be administered by the board in the manner required to satisfy the applicable qualification requirements for governmental plans as specified in the federal internal revenue code, and as appropriate for a governmental plan. The provisions of section 83 and amendments thereto shall apply to the administration of the system.*

Sec. 67. K.S.A. 74-4954b is hereby amended to read as follows: 74-4954b. (1) On and after July 1, 1985, any city, county, township or other political subdivision of the state employing one or more firemen or policemen, as defined by subsections (11) and (12) of K.S.A. 74-4952 and amendments thereto, or emergency medical technician, as defined by subsection (f) of K.S.A. 65-4314 and amendments thereto, which is currently a participating employer in the Kansas public employees retirement



nation of buildings and premises; report, filing. The state fire marshal, his deputies, the chief of any organized fire department of any municipality, whether such fire department is regular or volunteer, or any member of any such fire department who has been duly authorized by the chief thereof, shall enforce the provisions of this act and any rules and regulations adopted pursuant thereto. Said persons are authorized to make any investigations deemed necessary of any fire or explosion occurring within this state; and they shall make an investigation of any fire or explosion occurring within this state, or an attempt to cause any fire or explosion within this state, if there is reason to believe that the fire was of an incendiary origin or was an attempt to defraud an insurance company. In order to carry out such investigations, the state fire marshal and those persons herein designated shall have the right and authority at all times of day or night to enter upon or examine, in accordance with existing laws and regulations, any building or premise where any fire or explosion or attempt to cause a fire or explosion shall have occurred. Every person designated herein shall make a written report of the findings of any investigation conducted by him pursuant to this section which shall be filed in the office of the state fire marshal.

**History:** L. 1972, ch. 157, § 6; July 1.

**Source or prior law:**  
72-4605.

**Cross References to Related Sections:**

Contracts between state fire marshal and secretary of health and environment for enforcement of Kansas fire prevention code and for enforcement of food service and lodging standards, see 36-510.

**Law Review and Bar Journal References:**

"Survey of Kansas Tort Law," William E. Westerbeke and Reginald L. Robinson, 37 K.L.R. 1005, 1027 (1989).

**CASE ANNOTATIONS**

1. Section gave officer proper authority to investigate burned house. *State v. Miller*, 222 K. 405, 413, 565 P.2d 228.
2. Board of regents not subject to building code ordinances of Kansas City for construction at K.U. Medical Center. *State, ex rel. Schneider v. City of Kansas City*, 228 K. 25, 38, 612 P.2d 578.
3. No evidence that all doors to an apartment complex constituted a hazard; order of fire marshal set aside as to certain doors. *Park South Apts. v. Dibbern*, 228 K. 784, 789, 620 P.2d 827.
4. Cited; internal arson investigation reports constitutionally protected speech as examined. *Kock v. City of Hutchinson*, 814 F.2d 1489, 1498 (1987).

**31-138.** Same; hearings; information and evidence to attorney general or county attor-

ney; prosecution; assistance by state fire marshal. The state fire marshal or any of the state fire marshal's deputies, in making the investigations authorized or required in K.S.A. 31-137 and amendments thereto, may hold a hearing with all interested parties in accordance with the provisions of subsection (a) of K.S.A. 31-141 and amendments thereto. If the state fire marshal or any of the state fire marshal's deputies, having made the investigation, shall be of the opinion that there is probable cause to believe any person has violated any provision of this act or any of the rules and regulations adopted pursuant to this act, or that any person is guilty of a criminal conduct under the laws of this state with respect to any fire or explosion, the state fire marshal shall furnish to the attorney general or the proper county attorney the names of the witnesses and all of the information and evidence obtained from the investigation, including a copy of all pertinent and material testimony taken in the case; and the attorney general or such county attorney shall take such action as the evidence and testimony justify. The state fire marshal has the right either in person or by the state fire marshal's deputy to assist in any prosecution arising therefrom.

**History:** L. 1972, ch. 157, § 7; L. 1988, ch. 356, § 68; July 1, 1989.

**31-139.** Same; right of entry to determine compliance with law and regulations; complaint; order to cease and desist. The state fire marshal and those persons designated in K.S.A. 31-137 shall have the authority during all reasonable hours of operation to enter, in accordance with existing laws, in and upon all buildings and premises subject to this act for the purpose of examination, inspection and investigation to determine compliance with the rules and regulations promulgated under the authority of this act. Whenever the state fire marshal or any person designated in K.S.A. 31-137 finds any violation of this act or the act of which this section is amendatory, or of any of the rules or regulations issued thereunder, or any lawful order issued pursuant thereto, he may file a criminal complaint with the attorney general or the proper district or county attorney or he may issue an order to the owner or his agent to cease and desist such violations. Any order so issued may be appealed by any person aggrieved thereby, as provided in



**31-153, 31-154.**

**History:** L. 1972, ch. 314, §§ 3, 4; Repealed, L. 1988, ch. 301, § 33; July 1.

**31-155. Bottle rockets; sale or use prohibited; exceptions.** (a) Except as provided in subsection (c):

(1) It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and

(2) it shall be unlawful to ignite, fire, set-off or otherwise use a bottle rocket.

(b) Any person violating the provisions of subsection (a) shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$100.

(c) The provisions of this section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this state if such manufacturer or wholesaler is currently registered with the state fire marshal pursuant to K.S.A. 31-156.

(d) As used in this act, "bottle rocket" means any pyrotechnic device which:

(1) Is classified as a class C explosive by the United States department of transportation under 49 C.F.R. 173.100 (1977);

(2) is mounted on a stick or wire; and

(3) projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "Bottle rocket" does not include helicopter-type rockets.

**History:** L. 1981, ch. 142, § 1; Jan. 1, 1982.

**Research and Practice Aids:**

Explosives ⇐ 3.

C.J.S. Explosives § 3.

**31-156. Same; permit to possess or transport.** (a) Any person who manufactures bottle-rockets or sells bottle rockets at wholesale and who desires to possess or transport any bottle rockets in this state for the purpose of selling the same outside this state shall register annually with the state fire marshal. Such registration shall entitle the manufacturer or wholesaler to possess and transport bottle rockets in this state for the purpose of selling the same outside this state for a period of one year from the date of registration.

(b) The state fire marshal shall prescribe by rules and regulations the form of the registration required by subsection (a), which form shall require such information of each regis-

trant as necessary to enforce the provisions of K.S.A. 31-155.

**History:** L. 1981, ch. 142, § 2; Jan. 1, 1982.

**31-157. Fire marshal deputies and investigatory personnel; law enforcement powers, when; training required, exceptions.** (a) The state fire marshal, the state fire marshal's deputies and full-time fire prevention personnel assigned investigation duties who are members of a paid fire department who have been certified by the state fire marshal pursuant to this section shall have the authority to make arrests, carry firearms and conduct searches and seizures while investigating any fire or explosion in which arson or attempted arson is suspected or in which there is an attempt or suspected attempt to defraud an insurance company. Any affidavits necessary to authorize arrests, searches or seizures pursuant to this section shall be made in accordance with K.S.A. 22-2302 and 22-2502, and amendments thereto.

(b) The state fire marshal, with the assistance of an advisory committee appointed pursuant to K.S.A. 31-135 and amendments thereto, shall adopt rules and regulations and specify the number of investigators for departments or areas and establish standards for certification of members of fire departments to make arrests, carry firearms and conduct searches and seizures pursuant to this section. No fire department personnel shall be certified to carry firearms under the provisions of this act without having first successfully completed the firearm training course or courses prescribed for law enforcement officers under K.S.A. 74-5604[\*], and amendments thereto.

(c) With the exception of firearms training, nothing in this section shall be construed to require persons employed prior to the effective date of this act to comply with the standards established by the state fire marshal pursuant to this section as a condition of continued employment, and such persons' failure to comply with such standards shall not make such persons ineligible for any promotional examination for which they are otherwise eligible or affect in any way any pension rights to which they are entitled on the effective date of this act.

**History:** L. 1982, ch. 135, § 1; July 1.

\* Section repealed; reference should be to 74-5604a.



03/10/99

RE: K.P.&F. RETIREMENT

TO WHOM IT MAY CONCERN:

MY NAME IS KEVIN KITTERMAN, I AM AN INVESTIGATOR WITH THE KANSAS STATE FIRE MARSHAL'S OFFICE.

I WAS EMPLOYED WITH THE STATE FIRE MARSHAL'S OFFICE IN JUNE OF 1989 AND HAVE SERVED THE CITIZENS OF THE STATE OF KANSAS IN SOUTHEAST KANSAS SINCE THAT TIME. I PREVIOUSLY SERVED WITH THE LABETTE COUNTY SHERIFF'S DEPARTMENT.

I AM A LAW ENFORCEMENT OFFICER AND HAVE BEEN SINCE I WAS 17 YEARS OLD. MY ENTIRE LIFE HAS BEEN DEDICATED TO SERVING THE CITIZENS OF THE STATE OF KANSAS WHILE SERVING IN LAW ENFORCEMENT.

DURING THE COURSE OF OUR JOBS AS INVESTIGATORS WITH THE STATE FIRE MARSHAL'S OFFICE WE DO VARIOUS JOBS. WE CONDUCT ARSON AND BOMBING INVESTIGATIONS FOR THE STATE OF KANSAS. WE ARE STATE LAW ENFORCEMENT OFFICERS. WE CARRY WEAPONS, MAKE ARRESTS AND PLACE OUR LIVES ON THE LINE FOR THE PUBLIC.

OUR JOBS REQUIRE PHYSICAL LABOR, INCLUDING DIGGING OUT FIRE SCENE DEBRIS, ONE SHOVEL FULL AT A TIME. THIS WORK IS VERY PHYSICALLY DEMANDING. DURING THE COURSE OF THE INVESTIGATIONS, INVESTIGATORS ARE EXPOSED TO UNKNOWN HAZARDS. THOSE INCLUDE, BUT ARE NOT LIMITED TO, BURNED FIRE DEBRIS. UNKNOWN BURNED CHEMICALS, TOXIC FUMES,



BURNED ASBESTOS AND THE LIST GOES ON AND ON. ALL OF THESE HAZARDS CREATE BOTH IMMEDIATE AND POSSIBLE FUTURE HEALTH PROBLEMS FOR THE INVESTIGATORS.

WE ARE REQUIRED TO DETERMINE THE CAUSE AND ORIGIN OF FIRES OR BOMBING SCENES AND THEN TESTIFY TO THEM IN COURT. OFTEN TIMES AN ARSON INVESTIGATION IS JUST THE TIP OF THE ICEBERG, AS OTHER CRIMES ARE DISCOVERED DURING OUR INVESTIGATION. THOSE CRIMES INCLUDE: BURGLARY; THEFT; EMBEZZLEMENTS; ASSAULTS; HOMICIDE AND OTHER CRIMES. INVESTIGATORS ARE ALSO REQUIRED TO INVESTIGATE FIRE DEATHS THROUGHOUT THE STATE OF KANSAS.

WE CONDUCT NUMEROUS INTERVIEWS OF WITNESSES, OWNERS, SUSPECTS, ETC. AND COMPLETE REPORTS CONCERNING THOSE INTERVIEWS.

IN CASES WHERE THERE IS A SUSPECT WE PURSUE THAT SUSPECT IN ORDER TO BRING THE CASE TO A SUCCESSFUL CONCLUSION.

OFTEN TIMES THE SUSPECTS INVOLVED IN THE CASES ARE POTENTIALLY VIOLENT AND FREQUENTLY HAVE PREVIOUS CRIMINAL HISTORIES. NUMEROUS CASES HAVE INVOLVED SUSPECTS WHO ARE INVOLVED IN GANG ACTIVITY, DRUG ACTIVITY, OR SOME TYPE OF ORGANIZED CRIMINAL ACTIVITY. WE OFTEN DEAL WITH SUSPECTS WHO SUFFER FROM MENTAL DISORDERS AND WHO ARE SUICIDAL. ALL OF THESE SUSPECTS POSE THE CAPABILITY OF BECOMING VIOLENT AND OFTEN TIMES THEY DO BECOME VIOLENT. INVESTIGATORS OFTEN ENCOUNTER ARMED AND DANGEROUS SUSPECTS AS WELL.

THE INVESTIGATOR'S JOB IS EVER CHANGING. RECENTLY, METH LAB FIRES AND EXPLOSIONS HAVE BEEN ON THE INCREASE. THIS IS A WHOLE NEW HAZARD FOR THE INVESTIGATORS, AS THERE ARE A MULTITUDE OF CHEMICALS

INVOLVED IN THESE DRUG LABS, WHICH THE INVESTIGATORS ARE EXPOSED TO. ONCE A DRUG LAB HAS BURNED THESE CHEMICALS BECOME HIDDEN IN THE FIRE DEBRIS AND POSE A GREAT HEALTH THREAT TO INVESTIGATORS.

I WOULD JUST LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS TO YOU THAT THIS IS A YOUNG MAN'S JOB. WE SERVE THE CITIZENS OF THE STATE OF KANSAS, JUST LIKE THE HIGHWAY PATROL TROOPERS AND K.B.I. AGENTS DO.

WHILE BOTH OF THOSE AGENCIES ENJOY THE BENEFITS OF THE K.P.&F. RETIREMENT SYSTEM, OUR INVESTIGATORS REMAIN UNDER THE K.P.E.R.'S SYSTEM.

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

KEVIN KITTERMAN

INVESTIGATOR  
KANSAS STATE FIRE MARSHAL'S OFFICE  
INVESTIGATION UNIT

**Testimony To The  
House Committee on Appropriations  
On H.B. 2426**

**Dan Stanley, Secretary of Administration  
Tuesday, March 16, 1999**

I appreciate the opportunity to submit written testimony in opposition to House Bill 2426.

The reason for my concern and opposition to this bill stems from the conclusions and recommendations of the 1998 interim Joint Committee on Pensions, Investments, and Benefits. My testimony presented to that committee is attached for your reference. The committee concluded that, "Because this topic requires additional study in order to develop a workable definition and to consider other state employees who may qualify for membership, the Joint Committee defers any action on the proposed membership of specific state employees in KP&F." As a result of this conclusion, the committee recommended that a moratorium be placed on all new groups coming into KP&F until a definition can be developed not later than the 1999 interim session.

That report and review was in part a result of a joint request by the Department of Administration and the Kansas Association of Public Employees for an interim review of the appropriateness of including members of the Statewide Law Enforcement unit into the Kansas Police and Firemen's (KP&F) retirement system. That request was one of the agreements of a successfully concluded memorandum of agreement involving the Enforcement Agents from the Gaming Agency, Racing Commission, Lottery and Department of Revenue; Fire Investigators from the office of the State Fire Marshal; K.B.I. Agents from the Kansas Bureau of Investigation (who are already in KP&F); and Securities Special Investigators from the office of the Securities Commissioner.

To place the Fire Investigators into KP&F now, through this bill, would serve to fragment one employee group from the employees in state service who are similarly situated and who are awaiting the 1999 interim review by the Joint Committee on Pensions, Investments and Benefits. A listing of potential state employee additions to KP&F is also attached for your review.

Thank you for your time and consideration of this matter.

Attachment 9-1  
House Appropriations Committee  
March 16, 1999

**Testimony by  
Dan Stanley  
Secretary of Administration  
before the  
Joint Committee on Pensions, Investments and Benefits  
October 15, 1998**

Thank you Mr. Chairman, members of the Committee.

I appreciate this opportunity to present a joint request from the Department of Administration and the Kansas Association of Public Employees seeking an interim review of the appropriateness of including members of the Statewide Law Enforcement unit into the Kansas Police and Firemen's (KP&F) retirement system. This joint request stems from a successfully concluded memorandum of agreement involving Enforcement Agents from the Gaming Agency, Racing Commission, Lottery, and Department of Revenue; Fire Investigators from the office of the State Fire Marshal; K.B.I. Agents from the Kansas Bureau of Investigation (who are already in KP&F); and Securities Special Investigators from the office of the Securities Commissioner. Not included in this request today is any discussion of Conservation Officers and Conservation Officer Park Rangers in the Department of Wildlife and Parks and Capitol Area Security Patrol (CASP) Police Officers in the Highway Patrol. The meet and confer processes involving these two units has not been completed, and as a result, they cannot be part of our joint request for your interim study. However, we are encouraged that an agreement may be announced with regard to the CASP Police Officers in the near future.

To facilitate your review of this issue, fiscal impact information has been prepared and included with this testimony. The projected cost for Future Service Only participation of members of the Law Enforcement unit in the KP&F system for FY 2000 would be \$64,176. This figure is the result of the difference between the current KPERS payroll expenditure of 4.19% and KP&F Uniform Service Participation rate of 7.4%. The additional FY 2000 cost to provide Prior Service for all of these employees' previous state law enforcement experience would be \$236,147.

Attached are summaries of actuarial studies which provide fiscal information that show the unfunded actuarial liabilities for each of the Law Enforcement unit agencies for the Prior Service option. These costs, which may be amortized over a number of years, total \$2,481,350. No unfunded actuarial liabilities would result from the Future Service Only option, with the cost to the state being reflected in the increased percent of payroll I described earlier. These costs are at a level which could not be reasonably absorbed by the affected agencies and would necessitate additional appropriations by the legislature.

Also with respect to the funding issue for this KP&F proposal, the State Gaming Agency is funded in a unique manner which may present some special challenges. This agency is not funded through state tax dollars but through the Tribal-State compact. Approved budget expenditure items are submitted to each tribe for its review, and if an objection is raised by one or more of the four tribal councils, the dispute resolution process is binding arbitration. The tribes

have already indicated that they will take exception to the state passing along retroactive application of KP&F to Gaming Agency employees and they have expressed concerns about having to fund it in the future.

If the Enforcement Agents in this agency were transferred through legislation from KPERS to KP&F retirement system and a dispute of the additional expenditure is upheld in arbitration, another source within the state budget would need to be used to meet this fiscal obligation. Since many legislators hold the belief that Native American Indian gaming in Kansas must pay for itself, the potential for a funding dilemma may be created by this transfer.

A related KP&F issue, not associated with our joint request for the interim review of KP&F for the Statewide Law Enforcement unit agencies, has recently come to our attention. This issue involves the CASP Police Officers. Although we are currently involved in meet and confer with this unit and attempting to resolve a number of issues including recommendation concerning KP&F participation, KAPE informed us that they are considering legal action on the matter. KAPE contends that the CASP Police Officers should have been shifted to KP&F in 1976 when these employees were transferred from the Department of Administration to the Highway Patrol. The basis of their position appears to lie in the definition of "patrolmen" and a determination of which job classes were intended to be included in the 1968 legislation which placed the troopers of the Highway Patrol into the KP&F retirement system. In an effort to resolve that question and to ensure that these employees are not deprived of benefits to which they may have been entitled, I have requested an Attorney General's Opinion on the issue.

Our concern is not who would prevail in legal action regarding this matter, but how we can continue to meet our obligations in the meet and confer process given this legal question. An Attorney General's opinion should establish:

- 1) that KPERS participation is appropriate; or
- 2) that these employees must now be transferred to KP&F; or
- 3) that legislative action will be needed to correct now what did not occur in 1976 when the CASP Police Officers were transferred to the Highway Patrol.

We respectfully request your consideration of these KP&F related issues. Thank you for your attention. I would be pleased to stand for questions.

# STATEWIDE LAW ENFORCEMENT UNIT

## KP&F PROPOSAL: FY 2000 FISCAL IMPACT INFORMATION

<u>AGENCY</u>	<u>NBR</u>	<u>ADDITIONAL PAYROLL EXPENDITURE</u>	
		<u>FUTURE SERVICE</u>	<u>PRIOR SERVICE</u>
Fire Marshal	11	\$ 14,125	\$ 51,967
Gaming Commission	8	\$ 8,747	\$ 32,219
Lottery	1	\$ 1,645	\$ 6,050
Revenue	20	\$ 25,214	\$ 92,768
Racing Commission	1	\$ 1,221	\$ 4,492
Securities Commissioner	9	\$ 13,224	\$ 48,651
	----	-----	-----
TOTALS.....	50	\$ 64,176	\$236,147

- 4.19% - KPERS Employer Contribution Rate for FY 2000
- 7.4% - KP&F Uniform Service Participation rate for FY 2000
- 16.0% - First year Prior Participation Rate in KP&F...See Actuarial reports for  
Prior Participation Rates beyond the first year

The **Future Service Only** column was derived by subtracting the percentage of total payroll expenditure of 4.19% which is the KPERS employer contribution rate from the 7.4% KP&F Uniform Service Participation rate.

The **Prior Service** column was derived by subtracting the percentage of total payroll expenditure of 4.19% which is the KPERS employer contribution rate from the 16% of payroll which is the first year rate for Prior Participation transfer of employees into KP&F.

STATEWIDE LAW ENFORCEMENT UNIT  
 KP&F PROPOSAL: "PRIOR SERVICE AFFILIATION"

<u>AGENCY</u>	<u>NUMBER OF EMPLOYEES</u>	<u>UNFUNDED ACTUARIAL LIABILITIES</u>
Fire Marshal	11	\$ 568,955
Gaming Commission	8	\$ 89,225
Lottery	1	\$ 66,699
Revenue	20	\$ 1,180,710
Racing Commission	1	\$ 40,537
Securities Commissioner	9	\$ 535,224
	----	-----
TOTALS.....	50	\$ 2,481,350



## Potential State Employee Additions to KP&F

Filled Positions Effective October 1998

Class Title	Nbr in Class	FLSA Code
CASP Police Lieutenant	1	E
CASP Police Officer	21	L
CASP Police Sergeant	5	L
Conservation Officer Park Ranger	23	N
Conservation Officer I	56	N
Conservation Officer II	7	N
Corrections Manager I	25	E
Corrections Manager II	14	E
Corrections Manager III	18	E
Corrections Officer I	821	N
Corrections Officer II	412	N
Corrections Officer Trainee	152	N
Corrections Specialist I	277	N
Corrections Specialist II	86	N
Corrections Specialist III	49	E
Enforcement Agent	27	N/L
Fire Investigator or Fire Prevention Div. Chief	0	E
Fire Investigation Supervisor	0	N
Fire Investigator	10	L
Fire Protection Crew Chief*	3	F
Fire Protection Specialist*	6	F
Fire Protection Station Captain*	3	F
Fire Protection Supervisor*	3	F
Motor Carrier Inspector III	31	L
Parole Officer I	77	N
Parole Officer II	26	N

9-6



Parole Supervisor	11	E
Resource Protection Officer*	10	L
Safety/Training Specialist*	1	F
Securities Special Investigator I	4	N
Securities Special Investigator II	2	N
Securities Special Investigator III	2	N
Securities Special Investigator IV	0	N
Wildlife/Parks Law Enforcement Supervisor	9	E

\* Unclassified Positions

**HOUSE BUDGET COMMITTEE REPORTS**

**State School for the Blind  
State School for the Deaf**



Representative Michael Farmer, Chair



Representative Barbara Allen

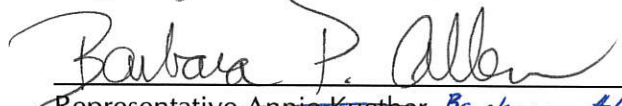
*Annie Kuether*



Representative Mary Compton

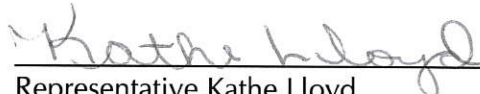


Representative George Dean



Representative Annie Kuether

*Barbara Allen*



Representative Kathe Lloyd



Representative Richard Reinhardt



Representative Clark Shultz



Representative Ralph Tanner

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State School for the Blind      **Bill No. –**      **Bill Sec. –**  
**Analyst:** Holwegner      **Analysis Pg. No. 258**      **Budget Page No. 93**

<u>Expenditure Summary</u>	<u>Agency Estimate FY 1999</u>	<u>Governor Rec. FY 1999</u>	<u>Senate Subcommittee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 4,814,447	\$ 4,814,447	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 4,814,447</u>	<u>\$ 4,814,447</u>	<u>\$ 0</u>
Capital Improvements	820,515	820,515	0
<b>TOTAL</b>	<u><u>\$ 5,634,962</u></u>	<u><u>\$ 5,634,962</u></u>	<u><u>\$ 0</u></u>
<b>State General Fund:</b>			
State Operations	\$ 4,157,499	\$ 4,157,499	\$ 0
Accessible Arts	150,000	150,000	0
Technology Lending Library	100,000	100,000	0
Subtotal - Operating	<u>\$ 4,407,499</u>	<u>\$ 4,407,499</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 4,407,499</u></u>	<u><u>\$ 4,407,499</u></u>	<u><u>\$ 0</u></u>
FTE Positions	93.5	93.5	0.0
Unclassified Temp. Positions	14.0	14.0	0.0
<b>TOTAL</b>	<u><u>107.5</u></u>	<u><u>107.5</u></u>	<u><u>0.0</u></u>

**Agency Estimate/Governor's Recommendation**

**The School estimates \$4,814,447** for FY 1999 operating expenditures. This is an increase of \$125,424 (2.7 percent) from the approved budget. This results primarily from the shifting forward from FY 1998 to FY 1999 of \$100,000 from the State General Fund for the Technical Lending Library. There is also a net increase of \$23,784 in other special revenue funds. Although not part of the above table, there is also \$530,581 shifted forward from FY 1998 to FY 1999 for capital improvements. The increase of 2.5 unclassified temporary positions is in the Instructional Services Program. The positions are a sign language interpreter and an orientation and mobility teacher.

**The Governor concurs** with the School's FY 1999 estimate.

<b>CHANGE FROM APPROVED BUDGET</b>					
	<u>Approved</u> <u>1998 Legislature</u>	<u>Agency</u> <u>Est. FY 99</u>	<u>Agency Change</u> <u>From Approved</u>	<u>Gov. Rec.</u> <u>FY 99</u>	<u>Gov. Change</u> <u>From Approved</u>
State General Fund	\$ 4,305,823	\$ 4,407,499	\$ 101,676	\$ 4,407,499	\$ 101,676
All Other Funds	<u>383,164</u>	<u>406,948</u>	<u>23,748</u>	<u>406,948</u>	<u>23,748</u>
TOTAL	<u>\$ 4,688,987</u>	<u>\$ 4,814,447</u>	<u>\$ 125,424</u>	<u>\$ 4,814,447</u>	<u>\$ 125,424</u>
FTE Positions	93.5	93.5	0.0	93.5	0.0
Unclass. Temp. Pos.	<u>11.5</u>	<u>14.0</u>	<u>2.5</u>	<u>14.0</u>	<u>2.5</u>
TOTAL	<u>105.5</u>	<u>107.5</u>	<u>2.5</u>	<u>107.5</u>	<u>2.5</u>

**Senate Subcommittee Recommendations**

The Subcommittee concurs with the Governor's recommendation.

**Senate Committee Recommendation**

The Committee concurs with the subcommittee's recommendation.

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### HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas State School for the Blind

Bill No. –

Bill Sec. –

<u>Expenditure Summary</u>	<u>Agency Estimate FY 1999</u>	<u>Governor Rec. FY 1999</u>	<u>House Budget Committee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 4,814,447	\$ 4,814,447	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,814,447	\$ 4,814,447	\$ 0
Capital Improvements	820,515	820,515	0
<b>TOTAL</b>	<b>\$ 5,634,962</b>	<b>\$ 5,634,962</b>	<b>\$ 0</b>
<b>State General Fund:</b>			
State Operations	\$ 4,157,499	\$ 4,157,499	\$ 0
Accessible Arts	150,000	150,000	0
Technology Lending Library	100,000	100,000	0
Subtotal - Operating	\$ 4,407,499	\$ 4,407,499	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 4,407,499</b>	<b>\$ 4,407,499</b>	<b>\$ 0</b>
FTE Positions	93.5	93.5	0.0
Unclassified Temp. Positions	14.0	14.0	0.0
<b>TOTAL</b>	<b>107.5</b>	<b>107.5</b>	<b>0.0</b>

### House Budget Committee Recommendations

The Budget Committee concurs with the Governor's recommendation.

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State School for the Blind      **Bill No.** 326      **Bill Sec.** 60  
**Analyst:** Holwegner      **Analysis Pg. No.** 258      **Budget Page No.** 93

<u>Expenditure Summary</u>	<u>Agency Request FY 2000</u>	<u>Governor Rec. FY 2000</u>	<u>Senate Subcommittee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 4,814,501	\$ 4,700,032	\$ (10,980)*
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 4,814,501</u>	<u>\$ 4,700,032</u>	<u>\$ (10,980)</u>
Capital Improvements	58,270	58,270	0
<b>TOTAL</b>	<u><u>\$ 4,872,771</u></u>	<u><u>\$ 4,758,302</u></u>	<u><u>\$ (10,980)</u></u>
<b>State General Fund:</b>			
State Operations	\$ 4,331,362	\$ 4,213,485	\$ (7,572)
Accessible Arts	150,000	150,000	0
Technology Lending Library	0	0	0
Subtotal - Operating	<u>\$ 4,481,362</u>	<u>\$ 4,363,485</u>	<u>\$ (7,572)</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 4,481,362</u></u>	<u><u>\$ 4,363,485</u></u>	<u><u>\$ (7,572)</u></u>
FTE Positions	93.5	93.5	0.0
Unclassified Temp. Positions	14.0	14.0	0.0
<b>TOTAL</b>	<u><u>107.5</u></u>	<u><u>107.5</u></u>	<u><u>0.0</u></u>

\*Includes a reduction of \$30,980 (with \$27,572 from the State General Fund) for the Governor's employee salary adjustment. Excluding the recommendation to omit the Governor's employee salary adjustment, the Subcommittee's recommends \$20,000 more than the Governor's recommendation.

**Agency Request/Governor's Recommendation**

**The School requests \$4,814,501** for FY 2000 operating expenditures. This is an increase of \$54 from the revised FY 1999 estimate. The agency requests \$4,481,362 from the State General Fund and \$333,139 from federal and special revenue funds. The agency requests \$3,734,979 for the salaries and wages of 107.5 positions (93.5 FTE positions and 14.0 unclassified temporary positions). This is an increase of \$73,863 (1.7 percent) from the revised FY 1999 estimate. The School requests \$47,074 from the State General Fund for a teacher salary equity adjustment.

**The Governor recommends \$4,700,032** for FY 2000 operating expenditures. This is a decrease of \$114,415 (2.4 percent) from the FY 1999 recommendation and a decrease of \$114,469 (2.4 percent) from the agency's FY 2000 request. The Governor recommends \$4,363,485 from the State General Fund and \$336,547 from federal and special revenue funds. The Governor recommends \$3,718,885 for the salaries and wages of 107.5 positions (93.5 FTE positions and 14.0 unclassified temporary

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positions). This is an increase of \$104,906 (2.9 percent) from the FY 1999 recommendation and a decrease of \$16,094 (0.4 percent) from the agency's FY 2000 request. The Governor does not recommend the teacher salary equity adjustment.

FY 2000 Enhancements						
Enhancement	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Teacher Salary Equity Adjustment	\$ 47,074	\$ 47,074	0.0	\$ 0	0	0.0

### Enhancement

**Teacher Salary Equity Adjustment.** The School requests \$47,074 from the State General Fund for a 3 percent teacher salary equity adjustment (including benefits) above the 2.5 percent increase that is included in the current services level budget request. This is the second half of last year's request. The Governor does not recommend this enhancement.

### Senate Subcommittee Recommendations

The Subcommittee concurs with the Governor's recommendation with the following adjustments, recommendations, and observations.

1. **Add \$20,000** from the State General Fund for food and utilities. These fixed costs mainly come from the School's residential component of student services.
2. **Delete \$30,980** (including \$27,572 from the State General Fund) based on the recommendation to delete funding for the Governor's pay plan adjustment.

### Senate Committee Recommendation

The Committee concurs with the subcommittee's recommendation.



HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas State School for the Blind

Bill No. 2519

Bill Sec. 60

<u>Expenditure Summary</u>	<u>Agency Request FY 2000</u>	<u>Governor Rec. FY 2000</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 4,814,501	\$ 4,700,032	\$ 98,375
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 4,814,501</u>	<u>\$ 4,700,032</u>	<u>\$ 98,375</u>
Capital Improvements	58,270	58,270	0
TOTAL	<u><u>\$ 4,872,771</u></u>	<u><u>\$ 4,758,302</u></u>	<u><u>\$ 98,375</u></u>
State General Fund:			
State Operations	\$ 4,331,362	\$ 4,213,485	\$ 98,375
Accessible Arts	150,000	150,000	0
Technology Lending Library	0	0	0
Subtotal - Operating	<u>\$ 4,481,362</u>	<u>\$ 4,363,485</u>	<u>\$ 98,375</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 4,481,362</u></u>	<u><u>\$ 4,363,485</u></u>	<u><u>\$ 98,375</u></u>
FTE Positions	93.5	93.5	0.0
Unclassified Temp. Positions	14.0	14.0	0.0
TOTAL	<u><u>107.5</u></u>	<u><u>107.5</u></u>	<u><u>0.0</u></u>

**House Budget Committee Recommendations**

The Budget Committee concurs with the Governor's recommendation with the following adjustments, and recommendations.

1. **Add \$98,375** from the State General Fund for the School's operating expenses. While the Governor recommends that \$114,415 less be spent in FY 2000 compared to the recommendation for FY 1999, the Budget Committee believes the School would have a difficult time to operate within the Governor's budget recommendation. Specifically, these additional funds would be for the following:
  - a. \$42,480 for professional services and supplies. The School for the Blind contracts for therapy services which are mandated by the federal Individuals with Disabilities Education Act (IDEA). The use of contracted professionals is more cost-effective than hiring full-time staff. Professional supplies such as Braille books can cost \$1,500 or more for a single copy.

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- b. \$47,116 for utilities and food. These fixed costs mainly come from the School's residential component of student services which operates 24 hours a day during the school year.
- c. \$8,779 for communications. The School is responsible for outreach-based services which will help students achieve their independence. The School's statewide function depends heavily on long distance telephone service, cellular phones, and postage.

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State School for the Deaf      **Bill No. –**      **Bill Sec. –**  
**Analyst:** Holwegner      **Analysis Pg. No. 274**      **Budget Page No. 143**

Expenditure Summary	Agency Estimate FY 1999	Governor Rec. FY 1999	Senate Subcommittee Adjustments
<b>All Funds:</b>			
State Operations	\$ 7,380,938	\$ 7,380,938	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 7,380,938	\$ 7,380,938	\$ 0
Capital Improvements	990,818	990,818	0
<b>TOTAL</b>	<b>\$ 8,371,756</b>	<b>\$ 8,371,756</b>	<b>\$ 0</b>
<b>State General Fund:</b>			
State Operations	\$ 7,046,432	\$ 7,046,432	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 7,046,432	\$ 7,046,432	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 7,046,432</b>	<b>\$ 7,046,432</b>	<b>\$ 0</b>
FTE Positions	175.5	175.5	0.0
Unclass. Temp. Positions	27.0	27.0	0.0
<b>TOTAL</b>	<b>202.5</b>	<b>202.5</b>	<b>0.0</b>

**Agency Estimate/Governor's Recommendation**

**The Kansas State School for the Deaf estimates \$8,371,756** for FY 1999 operating expenditures. This is an increase of \$69,471 (1.0 percent) from the approved budget.

**The Governor concurs** with the School's FY 1999 estimate.

<b>CHANGE FROM APPROVED BUDGET</b>					
	<u>Approved 1998 Legislature</u>	<u>Agency Est. FY 99</u>	<u>Agency Change From Approved</u>	<u>Gov. Rec. FY 99</u>	<u>Gov. Change From Approved</u>
State General Fund	\$ 7,046,432	\$ 7,046,432	\$ 0	\$ 7,046,432	\$ 0
All Other Funds	<u>265,035</u>	<u>334,506</u>	<u>69,471</u>	<u>334,506</u>	<u>69,471</u>
TOTAL	<u>\$ 7,311,467</u>	<u>\$ 7,380,938</u>	<u>\$ 69,471</u>	<u>\$ 7,380,938</u>	<u>\$ 69,471</u>
FTE Positions	175.5	175.5	0.0	175.5	0.0
Unclass. Temp. Positions	<u>27.0</u>	<u>27.0</u>	<u>0.0</u>	<u>27.0</u>	<u>0.0</u>
TOTAL	<u>202.5</u>	<u>202.5</u>	<u>0.0</u>	<u>202.5</u>	<u>0.0</u>

**Senate Subcommittee Recommendations**

The Subcommittee concurs with the Governor's recommendation.

**Senate Committee Recommendations**

The Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas State School for the Deaf      Bill No. –      Bill Sec. –  
 Analyst: Holwegner      Analysis Pg. No. 274      Budget Page No. 143

<u>Expenditure Summary</u>	<u>Agency Request FY 1999</u>	<u>Governor Recommendation FY 1999</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 7,380,938	\$ 7,380,938	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 7,380,938</u>	<u>\$ 7,380,938</u>	<u>\$ 0</u>
Capital Improvements	990,818	990,818	0
TOTAL	<u><u>\$ 8,371,756</u></u>	<u><u>\$ 8,371,756</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 7,046,432	\$ 7,046,432	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 7,046,432</u>	<u>\$ 7,046,432</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 7,046,432</u></u>	<u><u>\$ 7,046,432</u></u>	<u><u>\$ 0</u></u>
FTE Positions	175.5	175.5	0.0
Unclass. Temp. Positions	27.0	27.0	0.0
TOTAL	<u><u>202.5</u></u>	<u><u>202.5</u></u>	<u><u>0.0</u></u>

House Budget Committee Recommendations

The Budget Committee concurs with the Governor's recommendation.

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State School for the Deaf      **Bill No.** 326      **Bill Sec.** 61  
**Analyst:** Holwegner      **Analysis Pg. No.** 274      **Budget Page No.** 143

<u>Expenditure Summary</u>	<u>Agency Request FY 2000</u>	<u>Governor Rec. FY 2000</u>	<u>Senate Subcommittee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 7,813,798	\$ 7,433,928	\$ (32,888)*
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 7,813,798</u>	<u>\$ 7,433,928</u>	<u>\$ (32,888)</u>
Capital Improvements	957,200	318,200	0
<b>TOTAL</b>	<u><u>\$ 8,770,998</u></u>	<u><u>\$ 7,752,128</u></u>	<u><u>\$ (32,888)</u></u>
<b>State General Fund:</b>			
State Operations	\$ 7,556,763	\$ 7,178,633	\$ (32,292)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 7,556,763</u>	<u>\$ 7,178,633</u>	<u>\$ (32,292)</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 7,556,763</u></u>	<u><u>\$ 7,178,633</u></u>	<u><u>\$ (32,292)</u></u>
FTE Positions	178.5	175.5	0.0
Unclass. Temp. Positions	27.0	27.0	0.0
<b>TOTAL</b>	<u><u>205.5</u></u>	<u><u>202.5</u></u>	<u><u>0.0</u></u>

\* Includes a reduction of \$59,592 (with \$58,996 from the State General Fund) for the Governor's employee salary adjustment. Excluding the recommendation to omit the Governor's employee salary adjustment, the Subcommittee's recommends \$26,704 more than the Governor's recommendation.

**Agency Request/Governor's Recommendation**

**The School for the Deaf requests \$7,813,798** for FY 2000 operating expenditures. This is an increase of \$432,860 (5.9 percent) above the FY 1999 estimate. The agency requests \$7,556,763 from the State General Fund and \$257,035 from other special revenue funds. The agency requests \$6,707,990 for the salaries and wages of 205.5 positions (178.5 FTE positions and 27.0 unclassified temporary positions). This is an increase of \$369,527 (5.8 percent) over the FY 1999 estimate. The School requests a decrease in the rate of turnover for Instructional Services from 4.0 percent to 3.5 percent. This would retain \$26,289 in the personnel budget. The School requests 3.0 additional FTE positions and \$79,535 for Parents as Teachers Program. The School also requests \$38,828 for 30 additional days of classes for preschool and kindergarten students. Finally, the School requests \$125,717 for teacher salary equity adjustment.

**The Governor recommends \$7,433,928** for FY 2000 operating expenditures. This is an increase of \$52,990 (0.7 percent) above the FY 1999 recommendation and a decrease of \$379,870 (4.9 percent) from the agency's FY 2000 request. The Governor recommends \$7,178,633 from the State General Fund and \$255,295 from federal and special revenue funds. The Governor recommends \$6,534,776 for the salaries and wages of 202.5 positions (175.5 FTE positions and 27.0 unclassified temporary positions). This is an increase of \$196,113 (3.1 percent) from the FY 1999 recommendation and a decrease of \$173,214 (2.6 percent) from the agency's FY 2000 request. The Governor recommends the turnover rate remain at 4.0 percent.

Enhancement	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
	Decrease shrinkage rate for Instructional Services to 3.5%	\$ 26,289	\$ 26,289	0.0	\$ 0	0
30 Additional Days for Early Childhood and Kindergarten Students	38,828	38,828	0.0	39,303	39,303	0.0
Implementation of Technology Plan	84,835	84,835	0.0	0	0	0.0
Teacher Salary Equity Adjustment	125,717	125,717	0.0	0	0	0.0
Parents as Teachers Program	79,535	79,535	3.0	0	0	0.0
Support Services	21,807	21,807	0.0	0	0	0.0
<b>TOTAL</b>	<b>\$ 377,011</b>	<b>\$ 377,011</b>	<b>3.0</b>	<b>\$ 39,303</b>	<b>\$ 39,303</b>	<b>0.0</b>

## Enhancements

**Decrease Turnover Rate from 4.0 percent to 3.5 percent.** The School requests \$26,289 from the State General Fund be retained in the agency's personnel budget. The School will use the funds to help fill 1-3 supervisory positions. The Governor does not recommend this enhancement

**Thirty additional School Days for Pre-School and Kindergarten Students.** The School requests \$38,828 from the State General Fund for salaries and wages (including benefits). The agency wishes to concentrate resources on younger children during the formative years for language acquisition. **The Governor recommends \$39,303** from the State General Fund for this enhancement.

**Implement Technology Plan.** The School requests \$84,835 from the State General Fund. The agency wishes to invest in career education and applied technical preparation for computer graphic design. The School received enhancements for computer technology in FY 1998 (\$98,145) and FY 1999 (\$52,694). The Governor does not recommend this enhancement.

**Teacher Salary Equity Adjustment.** The School requests \$125,717 from the State General Fund for a 3.0 percent teacher salary increase above the 2.5 percent increase that is included in the current services level. The Governor does not recommend this enhancement.

**Parents as Teachers Program.** The School requests 3.0 additional FTE positions and \$79,535 from the State General Fund. The program will identify families with infants or toddlers that have lost hearing. The School wishes to work with these families to provide a language environment and prevent educational deprivation and retardation. Private funding through grants and community organizations is being sought for facilities and operating costs. The Governor does not recommend this enhancement.

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**Capital Outlay.** The School requests \$21,807 from the State General Fund. This includes \$7,605 for increased utilities costs, and \$14,202 for replacement of 1985 pick-up truck with 125,000 miles. The Governor does not recommend this enhancement.

### Senate Subcommittee Recommendations

The Subcommittee concurs with the Governor's recommendation with the following adjustments, recommendations, and observations.

1. **Add \$15,000** from the State General Fund for tuition. The School for the Deaf has begun to enroll some of its juniors and seniors as part-time students at Johnson County Technical College (JCTEC). Currently 11 students are attending classes at JCTEC, and an estimated 10-12 students are expected to attend next year.

It costs approximately \$4,050 to send a student to vocational classes. There are two funding sources for this educational opportunity. The first source is state reimbursement (\$2,790 per pupil) received through the Olathe School District. The school district formally enrolls the children as part-time students. The state reimbursement is then paid by the Olathe School District to JCTEC. The School for the Deaf pays the difference between the tuition cost and the reimbursement amount (approximately \$1,260 per student).

While the School for the Deaf requested a total of \$49,000 to directly pay JCTEC for the students' classes, the Subcommittee recommends that the current arrangement stay in place. The vocational training programs offered by JCTEC provide more opportunities than what the School for the Deaf can provide alone. The Subcommittee believes this to be a good solution for further vocational training for deaf and hard of hearing students.

2. **Add \$11,704** for food and supplies. The Subcommittee disagrees with the Governor's recommendation to spend \$30,000 less than what was spent on food and supplies in FY 1998 (\$279,513). It is very difficult to cut back on the food budget with out immediately affecting quality and the children's nutritional needs. This additional money will provide for a 4.6 percent inflationary increase to the current fiscal year's spending level.
3. **Delete \$59,592** (including \$58,996 from the State General Fund) based on the recommendation to delete funding for the Governor's pay plan adjustment.

### Senate Committee Recommendation

The Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas State School for the Deaf

Bill No. 2519

Bill Sec. 61

Analyst: Holwegner

Analysis Pg. No. 274

Budget Page No. 143

<u>Expenditure Summary</u>	<u>Agency Request FY 2000</u>	<u>Governor Recommendation FY 2000</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 7,813,798	\$ 7,433,928	\$ 93,309
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 7,813,798	\$ 7,433,928	\$ 93,309
Capital Improvements	957,200	318,200	0
TOTAL	<u>\$ 8,770,998</u>	<u>\$ 7,752,128</u>	<u>\$ 93,309</u>
State General Fund:			
State Operations	\$ 7,556,763	\$ 7,178,633	\$ 93,309
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 7,556,763	\$ 7,178,633	\$ 93,309
Capital Improvements	0	0	0
TOTAL	<u>\$ 7,556,763</u>	<u>\$ 7,178,633</u>	<u>\$ 93,309</u>
FTE Positions	178.5	175.5	0.0
Unclass. Temp. Positions	27.0	27.0	0.0
TOTAL	<u>205.5</u>	<u>202.5</u>	<u>0.0</u>

House Budget Committee Recommendations

The Budget Committee concurs with the Governor's recommendation with the following adjustments, recommendations, and observations.

1. **Add \$56,605** from the State General Fund for contractual services; specifically for the following:
  - a. \$49,000 for tuition. The School for the Deaf has begun to enroll some of its juniors and seniors as part-time students at Johnson County Technical College (JCTEC). Currently 11 students are attending classes at JCTEC, and an estimated 10-12 students are expected to attend next year.

It costs approximately \$4,050 to send a student to vocational classes. Currently, the Olathe School District formally enrolls the children as part-time students.

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The state reimbursement is then paid by the Olathe School District to JCTEC (\$2,790 per pupil). The School for the Deaf pays the difference between the tuition cost and the reimbursement amount (approximately \$1,260 per student).

The Budget Committee recommends that the School for the Deaf pay for this vocational education directly. The vocational training programs offered by JCTEC provide more opportunities than what the School for the Deaf can provide alone. The Subcommittee believes this to be a good solution for further vocational training for deaf and hard of hearing students.

- b. \$7,605 for utilities. Utility costs will go up because of inflation and increased air conditioned space.
  
2. **Add \$11,704** for food and supplies. The Budget Committee disagrees with the Governor's recommendation to spend \$30,000 less than what was spent on food and supplies in FY 1998 (\$279,513). It is very difficult to cut back on the food budget with out immediately affecting quality and the children's nutritional needs. This additional money will provide for a 4.6% inflationary increase to the current fiscal year's spending level.
  
3. **Add \$25,000** from the State General Fund to replace equipment in the Auditory Training Program and to continue implementation of the School's technology plan. The Auditory Training Program leases microphones and speaker units to school districts for hard of hearing students. For FYs 1998-1999, the School has begun to implement its technology plan which, in part, is to help students with career education and preparation to work in computer graphic design.
  
4. The Budget Committee wishes to remind the Appropriations Committee that the above three recommendations, which total \$93,309, will be added to the state operations line of the agency's section of the appropriations bill. This will allow the School for the Deaf to have flexibility in allocating funds to the most necessary needs of the students.
  
5. The Budget Committee also wishes to note that through its Parents as Teacher's Program, the School plans to begin to identify children at younger ages who are deaf or hard of hearing. The School intends to work with these families to provide a language environment for infants or toddlers that will prevent educational deprivation. The Budget Committee urges the School to work in cooperation with the Department of Education to identify students that could benefit from a specialized education.

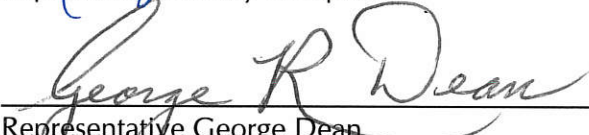
**FY 1999 and FY 2000**


**House Budget Committee Report on  
State Library**

  
Representative Mike Farmer, Chairperson

  
Representative Barbara Allen

  
Representative Mary Compton


  
Representative George Dean

  
Representative Annie Kuether

  
Representative Kathe Lloyd

  
Representative Richard Reinhardt

  
Representative Clark Shultz

  
Representative Ralph Tanner

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State Library

**Bill No.** 323

**Bill Sec.** 22

**Analyst:** Chapman

**Analysis Pg. No.** 310

**Budget Page No.** 335

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 2,126,778	\$ 2,045,298	\$ 0
Aid to Local Units	4,515,034	4,558,447	0
Other Assistance	<u>6,125</u>	<u>6,885</u>	<u>0</u>
Subtotal - Operating	\$ 6,647,937	\$ 6,610,630	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b><u><u>\$ 6,647,937</u></u></b>	<b><u><u>\$ 6,610,630</u></u></b>	<b><u><u>\$ 0</u></u></b>
<b>State General Fund:</b>			
State Operations	\$ 1,583,733	\$ 1,557,514	\$ 0
Aid to Local Units	3,260,233	3,410,608	0
Other Assistance	<u>6,125</u>	<u>6,885</u>	<u>0</u>
Subtotal - Operating	\$ 4,850,091	\$ 4,975,007	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b><u><u>\$ 4,850,091</u></u></b>	<b><u><u>\$ 4,975,007</u></u></b>	<b><u><u>\$ 0</u></u></b>
FTE Positions	27.0	27.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
<b>TOTAL</b>	<b><u><u>27.0</u></u></b>	<b><u><u>27.0</u></u></b>	<b><u><u>0.0</u></u></b>

**Agency Estimate/Governor's Recommendation**

The agency's FY 1999 request is \$6,647,937. This is an increase of \$314,663 over the amount approved by the 1998 Legislature. The increase results from the agency's anticipated receipt of more monies from the Federal Library Services and Technology Act funding for FY 1999. Of the total request, \$1,031,716 is for salaries and wages for 27.0 FTE positions.

**The Governor recommends \$6,610,630 for FY 1999**, which is an increase of \$277,356 over the amount approved. The recommendation is \$37,307 below the agency's request and reflects reductions in salaries and wages due to the miscalculation of fringe benefits.

**Senate Subcommittee Recommendation**

The Subcommittee concurs with the Governor's recommendation.

**Senate Committee Recommendation**

The Senate Committee concurs with the recommendations of the Subcommittee.

**Senate Committee of the Whole Recommendation**

The Senate Committee of the Whole has not considered this budget.

**HOUSE BUDGET COMMITTEE REPORT**

**Agency:** Kansas State Library

**Bill No.** 2521

**Bill Sec.** 22

**Analyst:** Chapman

**Analysis Pg. No.** 310

**Budget Page No.** 335

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 2,126,778	\$ 2,045,298	\$ 0
Aid to Local Units	4,515,034	4,558,447	0
Other Assistance	6,125	6,885	0
Subtotal - Operating	\$ 6,647,937	\$ 6,610,630	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 6,647,937</b>	<b>\$ 6,610,630</b>	<b>\$ 0</b>
State General Fund:			
State Operations	\$ 1,583,733	\$ 1,557,514	\$ 0
Aid to Local Units	3,260,233	3,410,608	0
Other Assistance	6,125	6,885	0
Subtotal - Operating	\$ 4,850,091	\$ 4,975,007	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 4,850,091</b>	<b>\$ 4,975,007</b>	<b>\$ 0</b>
FTE Positions	27.0	27.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
<b>TOTAL</b>	<b>27.0</b>	<b>27.0</b>	<b>0.0</b>

## House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendations.

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State Library

**Bill No.** 326

**Bill Sec.** 58

**Analyst:** Chapman

**Analysis Pg. No.** 310

**Budget Page No.** 335

<u>Expenditure Summary</u>	<u>Agency Request FY 00</u>	<u>Gov. Rec. FY 00</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 2,105,010	\$ 2,093,467	\$ (60,586) *
Aid to Local Units	6,570,760	4,609,039	0
Other Assistance	<u>6,125</u>	<u>6,885</u>	<u>0</u>
Subtotal - Operating	\$ 8,681,895	\$ 6,709,391	\$ (60,586)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 8,681,895</u></u>	<u><u>\$ 6,709,391</u></u>	<u><u>\$ (60,586)</u></u>
State General Fund:			
State Operations	\$ 1,572,341	\$ 1,569,232	\$ (60,586) *
Aid to Local Units	5,243,864	3,410,608	0
Other Assistance	<u>6,125</u>	<u>6,885</u>	<u>0</u>
Subtotal - Operating	\$ 6,822,330	\$ 4,986,725	\$ (60,586)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 6,822,330</u></u>	<u><u>\$ 4,986,725</u></u>	<u><u>\$ (60,586)</u></u>
FTE Positions	28.0	27.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>28.0</u></u>	<u><u>27.0</u></u>	<u><u>0.0</u></u>

\* The entire adjustment reflects deletion of the Governor's recommended employee pay plan.

**Agency Request/Governor's Recommendation**

The agency requests \$8,681,895 for FY 2000 to provide \$2,105,010 for state operations and \$6,570,760 in grants to public libraries and regional library systems. The FY 2000 request reflects a State General Fund increase of \$1,967,239 (40.5 percent) from the current year. This includes a \$1,779,720 enhancement for grants-in-aid to local libraries. The enhancements requested are summarized in the requested enhancements narrative below.

Of the total FY 2000 request, \$6,822,330 is financed from the State General Fund, and \$1,859,565 is financed from other funds.

**Absent requested FY 2000 enhancements**, the agency's request would represent an increase of \$211,628 (3.2 percent) above the FY 1999 revised estimate.

12-5



**The Governor** recommends funding of \$6,709,391, a reduction of \$1,972,504 (22.7 percent) from the agency's request. The Governor's recommendation includes \$4,986,725 from the State General Fund and \$1,722,666 from other funds.

### **Requested Enhancements**

The following requested enhancements are listed in order of the agency's priority.

**1. \$1,779,720 (SGF) for increased state assistance to local libraries.** The agency requests that this amount be added to the current authorization and that it be drawn from the State General Fund for State Grants-in-Aid (GIA) to local libraries, with \$1,434,254 dedicated to GIA to local libraries and \$345,463 dedicated to Interlibrary Loan Development (ILDLP) grants. The agency asserts that the total amount would equal 10 percent of the annual operating requirement for local service. Local libraries operate under a statutory limitation on property tax levies adopted in 1951, which the agency states is "now seriously out of date." The agency states that there is no meaningful local alternative for library funding as the statutory definition of library levy authority is the guide used by a majority of cities, counties, and townships in library funding. With this limitation on local library funding, the state's annual GIA, which constitutes approximately five percent of local library funding, is key to library service, according to the agency. The state has not increased the GIA since 1992.

**The Governor** does not recommend this enhancement.

**2. \$39,610 (SGF) for 1.0 FTE, Microcomputer System Technician II.** The agency states this position is necessary to support the agency's computer equipment used in research, information service, and in administration. The agency operates more than 30 individual work stations, each dedicated to multiple tasks and many of these devoted to making information products and services available to customers in the library and online throughout the state. The agency manages or participates in numerous state and national networks for which computer reliability is a requirement. The task of keeping these workstations, customer services, and networks working requires skills beyond the capabilities of agency staff. The agency states that the need for this position is critical to the State Library's ability to meet the needs of customers.

**The Governor** does not recommend this enhancement.

**3. \$3,000 (SGF) for computer equipment maintenance.** The agency requests this amount to be used for maintaining the equipment of the Business Office and Research and Information Services.

**The Governor** does not recommend this enhancement.

### **Senate Subcommittee Recommendation**

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

1. Promote S.B. 252 (1999), which lifts the lids of local tax mill levies.

2. Study in greater detail the subject of aid to local units to more accurately identify funding needs. The Subcommittee notes that to increase aid to local units by the requested amount is a significant jump.
3. Consider at Omnibus time phasing in over four years, instead of one year, the agency's requested enhancement of \$1,779,720 so that total State Grants-in-Aid to local libraries would equal 10 percent of the annual operating requirement for local service. The total annual operating requirement in FY 1997 for local libraries was \$48,891,713. The State Library presented their formula assumptions which were that 10 percent of the total annual operating requirement equals \$4,824,222, and that the current authorization is \$3,044,502, which includes \$2,425,121 to grants-in-aid to local libraries and \$619,381 for the Interlibrary Loan Development Program. They also stated that the limit on local mill levies is a hindrance to local funding. It should be noted that S.B. 252 is on final action in the Senate which could help alleviate this concern if the bill passes.
4. Delete \$60,586 (all from the State General Fund) based on the recommendation to delete funding for the Governor's recommended employee pay plan adjustments (3.5 percent unclassified merit pool, 2.5 percent classified step movement, 1.0 percent classified base salary adjustment, and longevity bonus payments).

#### **Senate Committee Recommendation**

The Senate Committee concurs with the recommendations of the Subcommittee.

#### **Senate Committee of the Whole Recommendation**

The Senate Committee of the Whole has not considered this budget.

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**HOUSE BUDGET COMMITTEE REPORT**

**Agency:** Kansas State Library

**Bill No.** 2519

**Bill Sec.** 58

**Analyst:** Chapman

**Analysis Pg. No.** 310

**Budget Page No.** 335

<u>Expenditure Summary</u>	<u>Agency Request FY 00</u>	<u>Gov. Rec. FY 00</u>	<u>House Budget Committee Adjustments</u>
<b>All Funds:</b>			
State Operations	\$ 2,105,010	\$ 2,093,467	\$ 0
Aid to Local Units	6,570,760	4,609,039	0
Other Assistance	6,125	6,885	0
Subtotal - Operating	\$ 8,681,895	\$ 6,709,391	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 8,681,895</b>	<b>\$ 6,709,391</b>	<b>\$ 0</b>
<b>State General Fund:</b>			
State Operations	\$ 1,572,341	\$ 1,569,232	\$ 0
Aid to Local Units	5,243,864	3,410,608	0
Other Assistance	6,125	6,885	0
Subtotal - Operating	\$ 6,822,330	\$ 4,986,725	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 6,822,330</b>	<b>\$ 4,986,725</b>	<b>\$ 0</b>
FTE Positions	28.0	27.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
<b>TOTAL</b>	<b>28.0</b>	<b>27.0</b>	<b>0.0</b>

**House Budget Committee Recommendation**

The Budget Committee concurs with the Governor's recommendations, with the following comment:

1. The Budget Committee notes the agency's belief that funding to local library units is inadequate and recommends that it be studied in more detail to accurately identify funding needs. The Budget Committee recommends that the issue of funding for aid-to-local libraries be examined again during Omnibus.

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State Historical Society

**Bill No. –**

**Bill Sec. –**

**Analyst:** Nogle

**Analysis Pg. No.** 291

**Budget Page No.** 225

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 8,476,955	\$ 8,458,425	\$ 0
Special Revenue Funds	<u>2,076,391</u>	<u>2,076,391</u>	<u>0</u>
TOTAL	<u>\$ 10,553,346</u>	<u>\$ 10,534,816</u>	<u>\$ 0</u>
FTE Positions	138.5	138.5	0.0
Unclassified Temp. Positions	<u>10.0</u>	<u>10.0</u>	<u>0.0</u>
TOTAL	<u>148.5</u>	<u>148.5</u>	<u>0.0</u>

**Agency Estimate/Governor's Recommendation**

The agency estimates \$10,553,346 for FY 1999, \$218,772 ( 2.0 percent) less than the amount approved by the 1998 Legislature. The Governor recommends \$10,534,816, a decrease of \$18,530 from the agency request.

**Senate Subcommittee Recommendation**

The Subcommittee concurs with the Governor's recommendation.

**Senate Committee Recommendation**

The Senate Committee concurs with the Subcommittee recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas State Historical Society

Bill No. 2519, 2513

Bill Sec. 62, 7

Expenditure Summary	Agency Estimate FY 99	Gov. Rec. FY 99	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 6,004,016	\$ 5,985,486	\$ 0
Special Revenue Funds	<u>1,855,391</u>	<u>1,855,391</u>	<u>0</u>
Subtotal Operating	\$ 7,859,407	\$ 7,840,877	\$ 0
Capital Improvements			
State General Fund	\$ 2,472,939	\$ 2,472,939	\$ 0
Other Funds	<u>221,000</u>	<u>221,000</u>	<u>0</u>
Subtotal Capital Improvements	\$ 2,693,939	\$ 2,693,939	\$ 0
 TOTAL	 <u>\$ 10,553,346</u>	 <u>\$ 10,534,816</u>	 <u>\$ 0</u>
FTE Positions	138.5	138.5	0.0
Unclassified Temp. Positions	<u>10.0</u>	<u>10.0</u>	<u>0.0</u>
TOTAL	<u>148.5</u>	<u>148.5</u>	<u>0.0</u>

**Agency Estimate/Governor's Recommendation**

The agency estimates operating expenditures of \$7,859,407 for FY 1999, \$636,741 (8.8 percent) more than the amount approved by the 1998 Legislature.

The Governor recommends \$7,840,877, a decrease of \$18,530 from the agency estimate.

**House Budget Committee Recommendation**


The Budget Committee concurs with the Governor's recommendation with the following comment:

1. The Budget Committee requests a Governor's Budget Amendment for additional funds to build Storage Bay 3. The delay on the building has already cost \$300,000, making this an issue that definitely needs to be addressed again to avoid further costly delays. The cost estimate is as follows:

Original 1993 \$1,522,710 bid escalated to CY 1999	\$ 2,260,871
Construction inflation to CY 2000 at 6%	135,652
Substitute brick for stone on west facade	(130,000)
Oversize doors in north stairwell for artifact access	10,000
Concrete access road to north stairwell	12,600
Cool storage NIC	0
Construction Cost Total	2,289,123
Shelving (50%)	60,000
Architecture/Engineering fees (7% of first \$2,250,000; 6.25% of overage)	159,945
Administrative Fees (2%)	45,782
<b>Total Project Costs</b>	<u><u>\$ 2,554,850</u></u>
<b>FY 1999 Appropriation</b>	\$ (1,935,000)
<b>Additional Appropriation Needed</b>	\$ 619,850


  
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Representative Mike Farmer, Chairman

  
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Representative Ralph Tanner

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas State Historical Society

**Bill No. –**

**Bill Sec. –**

**Analyst:** Nogle

**Analysis Pg. No.** 291

**Budget Page No.** 225

<u>Expenditure Summary</u>	<u>Agency Request FY 00</u>	<u>Gov. Rec. FY 00</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 10,311,881	\$ 6,209,530	\$ (94,394)
Special Revenue Funds	1,872,968	1,877,256	(38,159)
<b>TOTAL</b>	<b><u>\$ 12,184,849</u></b>	<b><u>\$ 8,086,786</u></b>	<b><u>\$ (132,553)</u></b>
FTE Positions	140.5	137.5	0.0
Unclassified Temp. Positions	10.0	10.0	0.0
<b>TOTAL</b>	<b><u>150.5</u></b>	<b><u>147.5</u></b>	<b><u>0.0</u></b>

**Agency Request/Governor's Recommendation**

The agency requests \$12,184,849 for FY 00, \$1,805,442 (23.0 percent) more than the agency FY 99 request. The Governor recommends \$8,086,786, a decrease of \$4,098,063 (33.6 percent) from the agency request.

**Senate Subcommittee Recommendation**

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

1. The Subcommittee recognizes the need for Kansas history education materials to meet the Board of Education mandate that teacher's begin testing students for history knowledge (including Kansas history) at the 5<sup>th</sup>, 8<sup>th</sup> and 11<sup>th</sup> grade levels in the spring of 2001. The cost of the plan is explained in the following table:

Expenditure Contractual Services	FY 2000	FY 2001	FY 2002
-Teacher Packets	\$ 75,000	\$ 75,000	\$ 150,000
-Student Workbooks	0	37,500	37,500
-Resource Guide	50,000	50,000	0
-Internet Access to Collections	30,000	25,000	40,000
-Textbook	0	75,000	75,000
-Traveling Resource Trunks	20,000	20,000	40,000
-Encyclopedia CD ROM	0	0	250,000
-Elementary School Videos	0	125,000	125,000
-In-service Training	0	15,000	80,000
-Seminar for Teachers	10,000	10,000	20,000
TOTAL	<u>\$ 185,000</u>	<u>\$ 432,500</u>	<u>\$ 817,500</u>
 FTE Positions	 0.0	 0.0	 0.0
 Financing:			
State General Fund	\$ 185,000	\$ 427,500	\$ 772,500
General Fee Fund	0	5,000	45,000
TOTAL	<u>\$ 185,000</u>	<u>\$ 432,500</u>	<u>\$ 817,500</u>

The subcommittee feels that this should be addressed in the Department of Education budget rather than the State Historical Society budget. The subcommittee feels this issue should be reexamined at omnibus, pending further developments in funding the initiative.

2. The subcommittee recommends an additional \$50,000 from the State General Fund to fund improvements to the Shawnee Mission historical site in Fairway, Kansas. The mission is a top historical site with 24,000 to 25,000 annual visitors. The above expenditure would begin maintenance on the site that has had only emergency maintenance for a number of years, including the roof, sealing windows, paint, etc.
3. The Subcommittee notes the agency request for an additional \$619,850 to build Storage Bay 3 and recommends reexamination of the issue at omnibus, pending a Governor's Budget Amendment.
4. The Subcommittee recommends the reexamination of the agency request for an unspecified amount of funding to bring the security/fire system into Y2K compliance at omnibus. The agency currently contracts with ADT for the security/fire system who recently informed them that the system is not Year 2000 compliant. The agency is working with ADT to resolve compliance issues. ADT estimates the cost to update the system at \$100,000. The agency is exploring other alternatives.
5. The Subcommittee recommends an additional \$10,000 for the Kansas Humanities Council Barn Again! exhibit from the State General Fund. Barn Again! is a traveling exhibit from the Smithsonian Institute that will go to the towns of Lindsborg, Colby, Fredonia, Arkansas City/Winfield, Highland/Hiawatha and Elkhart. The Governor appropriated \$25,000 for Barn Again!, \$10,000 less than the agency request. The



full funding (\$35,000) will pay for shipping of the exhibit and allow the Humanities Council to provide each of the six communities with \$2,500 for promotion and development of activities related to the Barn Again! exhibit.

- 6. The Subcommittee deletes the Governor's pay plan adjustments totaling \$192,553.

**Senate Committee Recommendation**

The Senate Committee concurs with the Subcommittee recommendations with the following adjustments and recommendations:

- 1. Delete item two from the Subcommittee report and \$50,000 from the Subcommittee adjustments to the State General Fund. The Committee encourages the Capital Improvement Subcommittee to review funding for improvements to the Shawnee Mission in Fairway, Kansas.

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**HOUSE BUDGET COMMITTEE REPORT**

Agency: Kansas State Historical Society

Bill No. --

Bill Sec. --

Expenditure Summary	Agency Estimate FY 00	Gov. Rec. FY 00	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 7,791,881	\$ 6,109,530	\$ 10,000
Special Revenue Funds	1,872,968	1,877,256	0
Subtotal Operating	\$ 9,664,849	\$ 7,986,786	\$ 10,000
<b>Capital Improvements</b>			
State General Fund	\$ 2,520,000	\$ 100,000	\$ 0
Other Funds	0	0	0
Subtotal Capital Improvements	\$ 2,520,000	\$ 100,000	\$ 0
<b>TOTAL</b>	<b>\$ 12,184,849</b>	<b>\$ 8,086,786</b>	<b>\$ 10,000</b>
FTE Positions	140.5	137.5	0.0
Unclassified Temp. Positions	10.0	10.0	0.0
<b>TOTAL</b>	<b>150.5</b>	<b>147.5</b>	<b>0.0</b>

## Agency Request/Governor's Recommendation

The agency requests operating expenditures of \$7,791,881 for FY 00, \$1,787,865 (29.8 percent) more than the agency FY 99 request. The Governor recommends operating expenditures of \$7,986,786, a decrease of \$1,682,351 (21.6 percent) from the agency request.

## House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendation with the following comments:


1. The Budget Committee recognizes the need for Kansas history education materials to meet the Board of Education mandate that teacher's begin testing students for history knowledge (including Kansas history) at the 5<sup>th</sup>, 8<sup>th</sup> and 11<sup>th</sup> grade levels in the spring of 2001. However, the Committee feels it is the responsibility of the Board of Education, not the Kansas State Historical Society to plan and provide those materials. The Committee commends the Historical Society for its cooperation with the Board of Education in developing the history education package and strongly encourages the Board of Education to work with the Historical Society to provide these materials to educators.
2. The Budget Committee recommends the reexamination of the agency request for an unspecified amount of funding to bring the security/fire system into Y2K compliance at omnibus. The agency currently contracts with ADT for the security/fire system. ADT recently informed the agency that the system is not Year 2000 compliant. The agency is working with ADT to resolve compliance issues. ADT estimates the cost to update the system at \$100,000. The Committee encourages the agency to explore other alternatives.
3. Add \$10,000 from the State General Fund for the Barn Again! exhibit. The Budget Committee recommends an additional \$10,000 for the Kansas Humanities Council Barn Again! exhibit from the State General Fund. Barn Again! is a traveling exhibit from the Smithsonian Institute that will go to the towns of Lindsborg, Colby, Fredonia, Arkansas City/Winfield, Highland/Hiawatha and Elkhart. The Governor appropriated \$25,000 for Barn Again!, \$10,000 less than the agency request. The additional \$10,000 will pay for shipping of the exhibit and will allow the Humanities Council to provide each of the six communities with \$2,500 for promotion and development of activities related to the Barn Again! exhibit.
4. The Budget Committee notes the 1999 Senate Subcommittee report for the Historical Society states that the Division of Travel and Tourism of the Kansas Department of Commerce and Housing has modified its stance on providing Tourism Attraction Development grant funds to state agencies. As a result the Society could request grant funding for its promotional activities during the next grants cycle (FY 2000). The 1998 subcommittee encouraged the Society to seek this funding at its earliest opportunity.

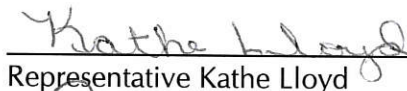
This Budget Committee questioned the Society as to whether Tourism Attraction Development grant funds had been sought, and the answer was no. The Budget Committee notes that at least three requested FY 2000 enhancements (Capitol Visitor Center - \$25,000; Main Gallery Reinterpretation - \$20,000; Heritage Assistance Program - \$45,000) are possible candidates to receive Tourism Attraction Development grant funds. Since neither the Governor nor this Budget Committee recommend funding for these enhancements from the State General Fund, the Budget Committee strongly encourages the Society to pursue and utilize attraction development grants from the Division of Travel and tourism.

Tourism Attraction Development grants require a match of 60 percent from the agency to 40 percent from the grant program. The 60 percent the agency provides in matching funds cannot be State General Fund or EDIF money. In FY 1998 the maximum award to a not for profit organization was \$67,815. The maximum award to a for profit agency was \$22,605. Grant funds must be used on attraction development or creation and cannot be used for maintenance expenses.

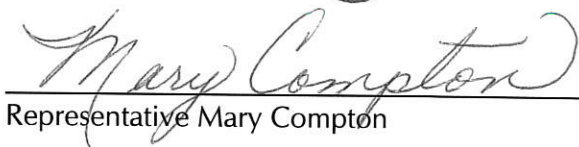
  
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Representative Mike Farmer, Chairman

  
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Representative Barbara Allen

  
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Representative Ralph Tanner

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas Arts Commission

**Bill No. –**

**Bill Sec. –**

**Analyst:** Nogle

**Analysis Pg. No.** 246

**Budget Page No.** 69

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 1,473,886	\$ 1,472,549	\$ 0
Special Revenue Funds	477,771	477,771	0
TOTAL	<u>\$ 1,951,657</u>	<u>\$ 1,950,320</u>	<u>\$ 0</u>
FTE Positions	8.0	8.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u>8.0</u>	<u>8.0</u>	<u>0.0</u>

**Agency Estimate/Governor's Recommendation**

The agency estimates \$1,951,657 for FY 1999, \$31,331 (1.6 percent) more than the amount approved by the 1998 Legislature. The Governor recommends \$1,950,320, a decrease of \$1,337 (0.1 percent) from the amount approved by the 1998 Legislature.

**Senate Subcommittee Recommendation**

The Subcommittee concurs with the Governor's recommendation.

**Senate Committee Recommendation**

The Senate Committee concurs with the Subcommittee recommendation.

### House Budget Committee Report

Agency: Kansas Arts Commission

Bill No. –

Bill Sec. –

Analyst: Nogle

Analysis Pg. No. 246

Budget Page No. 69

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 1,473,886	\$ 1,472,549	\$ 0
Special Revenue Funds	<u>477,771</u>	<u>477,771</u>	<u>0</u>
TOTAL	<u>\$ 1,951,657</u>	<u>\$ 1,950,320</u>	<u>\$ 0</u>
FTE Positions	8.0	8.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u>8.0</u>	<u>8.0</u>	<u>0.0</u>

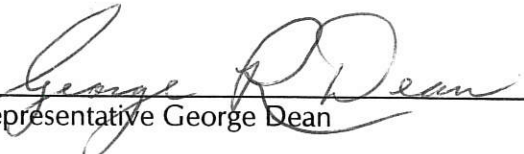
### House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

  
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Representative Mike Farmer, Chairman

  
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Representative Barbara Allen

  
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Representative Ralph Tanner

**SENATE SUBCOMMITTEE REPORT**

**Agency:** Kansas Arts Commission

**Bill No.** 326

**Bill Sec.** 59

**Analyst:** Nogle

**Analysis Pg. No.** 246

**Budget Page No.** 69

<u>Expenditure Summary</u>	<u>Agency Request FY 00</u>	<u>Gov. Rec. FY 00</u>	<u>Senate Subcommittee Adjustments</u>
<b>Operating Expenditures:</b>			
State General Fund	\$ 2,354,637	\$ 1,529,755	\$ 137,155 *
Special Revenue Funds	<u>465,418</u>	<u>465,418</u>	<u>(4,075)</u>
<b>TOTAL</b>	<b><u><u>\$ 2,820,055</u></u></b>	<b><u><u>\$ 1,995,173</u></u></b>	<b><u><u>\$ 133,080</u></u></b>
<b>FTE Positions</b>			
	9.0	8.0	0.0
<b>Unclassified Temp. Positions</b>			
	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
<b>TOTAL</b>	<b><u><u>9.0</u></u></b>	<b><u><u>8.0</u></u></b>	<b><u><u>0.0</u></u></b>

\* Includes a reduction of \$16,920 (with \$12,845 from the State General Fund) for the Governor's employee salary adjustment. Excluding the recommendation to omit the Governor's employee salary adjustment, the Subcommittee recommends \$750,000 more than the Governor's recommendation.

**Agency Request/Governor's Recommendation**

The agency requests \$2,820,055 for FY 2000, \$868,398 (44.5 percent) more than the agency FY 1999 request. The Governor recommends \$1,995,173, a decrease of \$824,882 (29.3 percent) from the agency request.

**Senate Subcommittee Recommendation**

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

1. The Subcommittee recognizes and supports the Governor's recommendation of \$50,000 to fund arts in education programs for at risk youth.
2. The Subcommittee recommends an additional \$50,000 from the State General Fund to fund long range plan consulting fees. The National Endowment for the Arts requires the agency to have an up-to-date five-year plan to be eligible to receive federal grant money.
3. The Subcommittee recommends an additional \$100,000 from the State General Fund for the agency's grant programs. The Subcommittee members expressed their support for local arts programs, noting specifically the need for arts programming in



rural communities throughout Kansas, where resources are limited. The Arts Commission can only fund 30 to 40 percent of grant requests with current funding.

- 4. The Subcommittee deletes the Governor's pay plan adjustments totaling \$16,920.

**Senate Committee Recommendation**

The Senate Committee concurs with the Subcommittee recommendation.

**HOUSE BUDGET COMMITTEE REPORT**

**Agency:** Kansas Arts Commission

**Bill No.** 2519

**Bill Sec.** 59

**Analyst:** Nogle

**Analysis Pg. No.** 246

**Budget Page No.** 69

<u>Expenditure Summary</u>	<u>Agency Request FY 00</u>	<u>Gov. Rec. FY 00</u>	<u>House Budget Comm. Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 2,354,637	\$ 1,529,755	\$ 0
Special Revenue Funds	<u>465,418</u>	<u>465,418</u>	<u>0</u>
TOTAL	<u>\$ 2,820,055</u>	<u>\$ 1,995,173</u>	<u>\$ 0</u>
FTE Positions	9.0	8.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u>9.0</u>	<u>8.0</u>	<u>0.0</u>

**House Budget Committee Recommendation**

The House Budget Committee concurs with the Governor's recommendation.


14-5



  
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Representative Mike Farmer, Chairman

  
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Representative Barbara Allen

  
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Representative Mary Compton

  
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Representative George Dean

  
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Representative Annie Kuether

  
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Representative Kathe Lloyd

  
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Representative Richard Reinhardt

  
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Representative Clark Schultz

  
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Representative Ralph Tanner