

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:35 a.m. on January 27, 2003, in Room 123-S of the Capitol.

All members were present except: All present

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Audrey Nogle, Kansas Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Assistant Revisor of Statutes
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending: See attached list

Chairman Morris referred the subject of salaries of the Racing Commission Board to the Racing and Gaming Subcommittee.

Bill Introductions

Senator Feleciano moved, with a second by Senator Schodorf, to introduce a bill concerning wildlife and parks; relating to conservation stamps; requirements and procedures; expenditure of funds (3rs0284). Motion carried on a voice vote.

The Chairman turned the committee's attention to discussion of:

Senate Substitute for SB 30--Appropriations for FY 2003, supplemental appropriations for various state agencies

Senator Feleciano moved, with a second by Senator Adkins, to amend Senate Substitute for SB 30 with language regarding the Department of Corrections, State Department of Education, Department on Aging and Department of Social and Rehabilitation Services. Motion carried on a voice vote. Senator Kerr requested that staff provide a list of bullet points for further explanation regarding the previous motion.

Chairman Morris welcomed Roger Werholtz, Secretary, Kansas Department of Corrections, who presented an overview of the Department (Attachment 1). Secretary Werholtz provided information regarding capacity versus inmate population FY 1985 through FY 2002 (December 31, 2002). He also detailed information for capacity/population issues and updates regarding FY 2003 supplemental appropriation, capacity expansion versus sentencing policy change, capital improvement projects and the status of the contract for placement of Kansas Department of Corrections male inmates. Committee questions and discussion followed.

Copies of testimony were distributed to the committee from Patrick J. Hurley, on behalf of Economic Lifelines, regarding **SB 30** (Attachment 2).

The meeting adjourned at 11:50 a.m. The next meeting is scheduled for January 28, 2003.

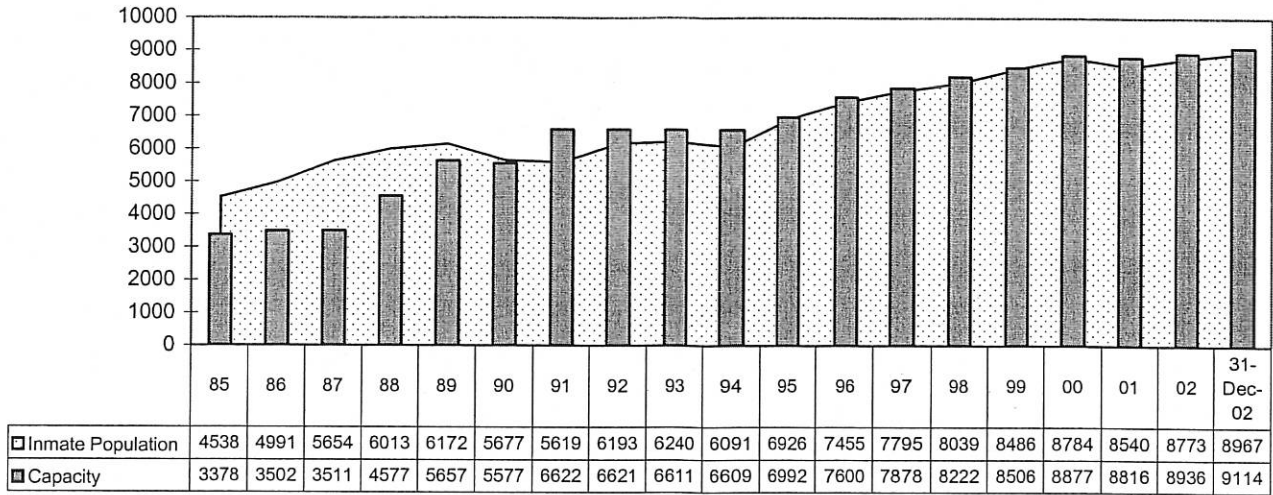
Inmate Population and Capacity
presented to the
Senate Ways & Means Committee

Roger Werholtz
Secretary of Corrections

January 27, 2003

Senate Ways and Means
1-27-03
Attachment 1

Capacity vs. Inmate Population FY 1985— FY 2003 (through December 31, 2002)

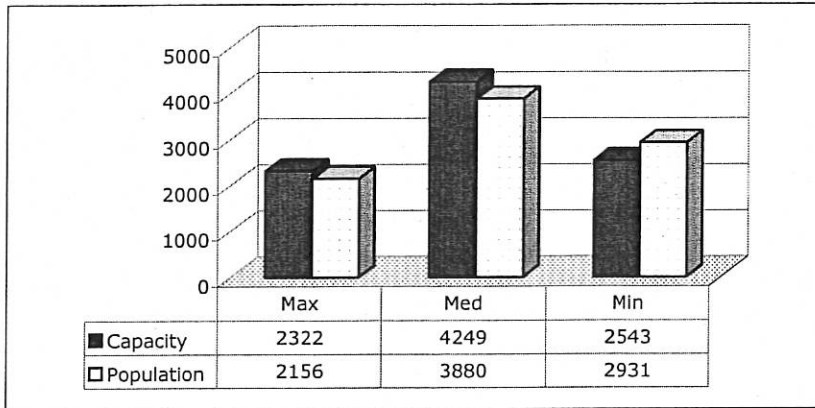


Capacity numbers are not exactly comparable over the entire period. In the mid-1980s, the department used two capacity measurements—optimum management capacity and maximum capacity. The capacities given for 1985-1987 reflect the "optimum management capacities" for those years. Also, the capacities given for 1985-1992 are for varying dates. Capacities for 1993-2001 are as of June 30th each year. The inmate population given for each year is the June 30 population, except for the December 31, 2002 population.

During much of the past 18 years, KDOC managers and state policymakers have had to address the issue of providing adequate correctional capacity for steady and prolonged growth in the inmate population. In the late 1980s, capacity did not keep pace with the population—which, along with related issues, resulted in a federal court order in 1989. The order was terminated in 1996 following numerous changes to the correctional system. During the last half of the 1990s, increases in the inmate population were matched by capacity increases, but capacity utilization rates remained consistently high.

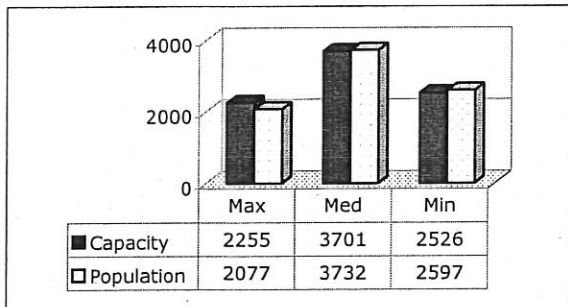
- Since FY 1985, the inmate population has increased by 98% and capacity has increased by 170%.
- Of the 18 complete fiscal years represented in the chart above, the June 30 inmate population represented 97% or more of capacity on 14 occasions.
- Since 1995, the average June 30 capacity utilization percentage has been 98.5%.

Capacity & Population Breakdowns, by Gender & Custody
 December 31, 2002



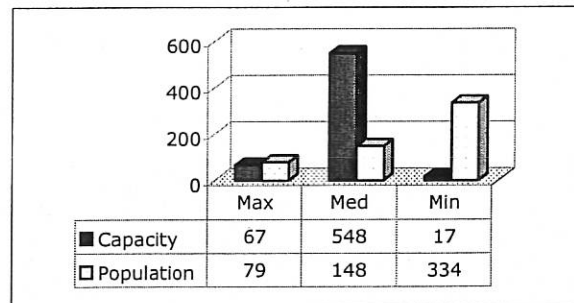
CAPACITY VS. POPULATION — SYSTEMWIDE TOTAL

Capacity = 9,114 Population = 8,967



CAPACITY VS. POPULATION — MALES

Capacity = 8,482 Population = 8,406



CAPACITY VS. POPULATION — FEMALES

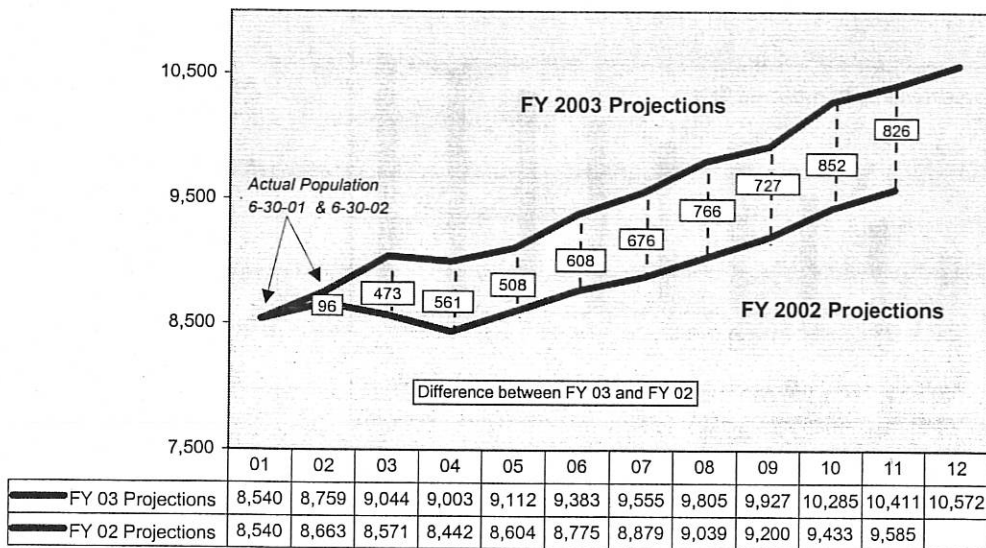
Capacity = 632 Population = 561

While systemwide totals provide general information regarding trends and correctional system status, analysis of capacity requirements cannot be based on systemwide totals, but must take into account both inmate gender and custody requirements. Inmates can be placed in higher security locations than their custody classification level would indicate (minimum custody inmates in medium security housing, for example) but the reverse cannot happen. Inmates with higher custody classifications cannot be placed in locations with a lower security designation. Moreover, capacity in an all male or all female facility is not available for housing inmates of the opposite gender. Finally, there are facility-specific considerations which come into play. As an example, the security designation of much of the female capacity at TCF's Central Unit is medium security. While this capacity is suitable for housing medium custody females, it would not be appropriate for housing medium custody males.

Kansas Sentencing Commission FY 2003 Inmate Population Projections Population as of June 30 each year

ID Group	fiscal year (population as of June 30 each year)											Total Change	% Change
	Actual 02	03	04	05	06	07	08	09	10	11	12		
Off Grid	656	676	707	734	763	795	825	854	885	916	945	289	44.1%
Non-Drug													
Level 1	656	692	741	793	837	876	910	951	983	1019	1056	400	61.0%
Level 2	509	511	520	532	548	562	576	596	594	608	612	103	20.2%
Level 3	1246	1323	1380	1431	1487	1514	1529	1592	1638	1651	1689	443	35.6%
Level 4	276	278	295	305	323	319	339	331	345	356	358	82	29.7%
Level 5	921	946	907	900	896	912	925	937	982	994	998	77	8.4%
Level 6	160	165	170	177	183	182	189	171	189	186	198	38	23.8%
Level 7	758	758	778	808	829	835	841	828	843	864	852	94	12.4%
Level 8	212	213	207	205	195	190	193	210	222	214	211	-1	-0.5%
Level 9	274	274	303	290	302	288	320	317	328	328	331	57	20.8%
Level 10	51	65	70	52	56	44	65	57	56	59	54	3	5.9%
Drug													
Level D1	371	423	515	582	635	712	751	760	792	820	830	459	123.7%
Level D2	340	337	345	367	374	405	442	445	460	439	435	95	27.9%
Level D3	427	433	445	450	464	475	485	458	481	478	488	61	14.3%
Level D4	480	549	543	539	591	618	589	600	611	622	637	157	32.7%
Parole CVs	1422	1401	1077	947	900	828	826	820	876	857	878	-544	-38.3%
Total	8,759	9,044	9,003	9,112	9,383	9,555	9,805	9,927	10,285	10,411	10,572	1,813	20.7%

As illustrated in the graph below, the FY 2003 population projections prepared by the Kansas Sentencing Commission represent a significant increase from the FY 2002 projections. Annual variance between the two projection series ranges from 473 for the June 30, 2003 population to 852 for the June 30, 2010 population.

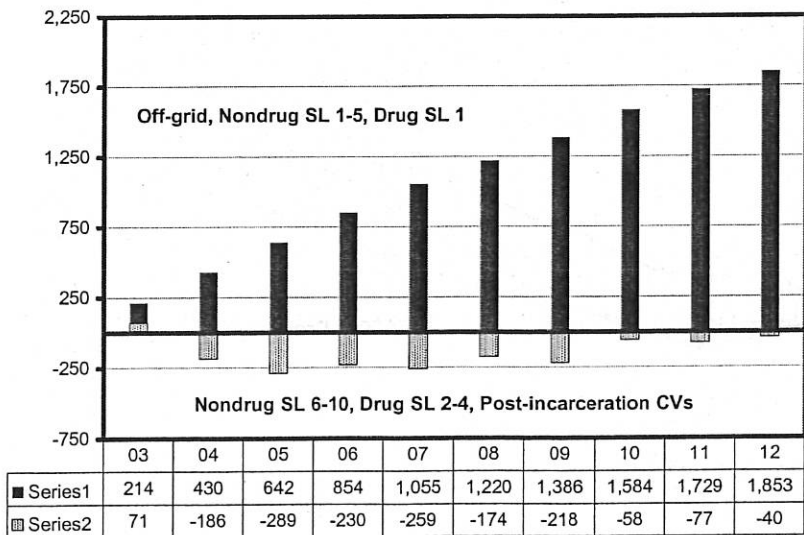


FY 2003 PROJECTIONS COMPARED TO EXISTING POPULATION
 Amount of Increase/Decrease from June 30, 2002 Population, by ID Group

ID Group	fiscal year									
	03	04	05	06	07	08	09	10	11	12
Off Grid	20	51	78	107	139	169	198	229	260	289
Non-Drug										
Level 1	36	85	137	181	220	254	295	327	363	400
Level 2	2	11	23	39	53	67	87	85	99	103
Level 3	77	134	185	241	268	283	346	392	405	443
Level 4	2	19	29	47	43	63	55	69	80	82
Level 5	25	-14	-21	-25	-9	4	16	61	73	77
Level 6	5	10	17	23	22	29	11	29	26	38
Level 7	0	20	50	71	77	83	70	85	106	94
Level 8	1	-5	-7	-17	-22	-19	-2	10	2	-1
Level 9	0	29	16	28	14	46	43	54	54	57
Level 10	14	19	1	5	-7	14	6	5	8	3
Drug										
Level D1	52	144	211	264	341	380	389	421	449	459
Level D2	-3	5	27	34	65	102	105	120	99	95
Level D3	6	18	23	37	48	58	31	54	51	61
Level D4	69	63	59	111	138	109	120	131	142	157
Parole CVs	-21	-345	-475	-522	-594	-596	-602	-546	-565	-544
Total	285	244	353	624	796	1046	1168	1526	1652	1813

Increase is equal to or greater than 100
 Decrease is equal to or greater than 100

Aggregate Change from June 30, 2002: Higher Severity Level Inmates vs. Other ID Groups



As compared to the June 30, 2002 population—

- Inmates convicted of crimes in the higher severity levels are projected to increase significantly throughout the projection period, while
- The combined total in the other ID groups is expected to decline somewhat during most years in the projection period.

Adjusted Baseline Capacity Compared to Projected Population: Male Inmates, by Custody

	Max	Med	Min	Total
Current Capacity	2,255	3,701	2,526	8,482
Utilization Adjustments	(129)	(73)	112	(90)
Adjusted Baseline Capacity	2,126	3,628	2,638	8,392
Projected Male Population				
June 30, 2003	2,088	3,778	2,648	8,514
June 30, 2004	2,049	3,758	2,667	8,474
June 30, 2005	2,133	3,777	2,667	8,577
June 30, 2006	2,197	3,884	2,751	8,832
June 30, 2007	2,179	3,989	2,823	8,991
June 30, 2008	2,179	4,123	2,921	9,223
June 30, 2009	2,197	4,203	2,939	9,339
June 30, 2010	2,250	4,327	3,097	9,674
June 30, 2011	2,327	4,376	3,093	9,796
June 30, 2012	2,350	4,502	3,099	9,951

Population projections

The population numbers are based on the Kansas Sentencing Commission's FY 2003 projections. In addition to its basic projections by inmate ID group, the commission also prepared a separate breakdown by custody and a separate breakdown by gender. The numbers above correspond with the commission's total projections for male inmates; the custody distribution by gender was calculated by first estimating the custody breakdown for women, and then subtracting those from the totals to derive an estimate for males.

Adjusted Baseline Capacity

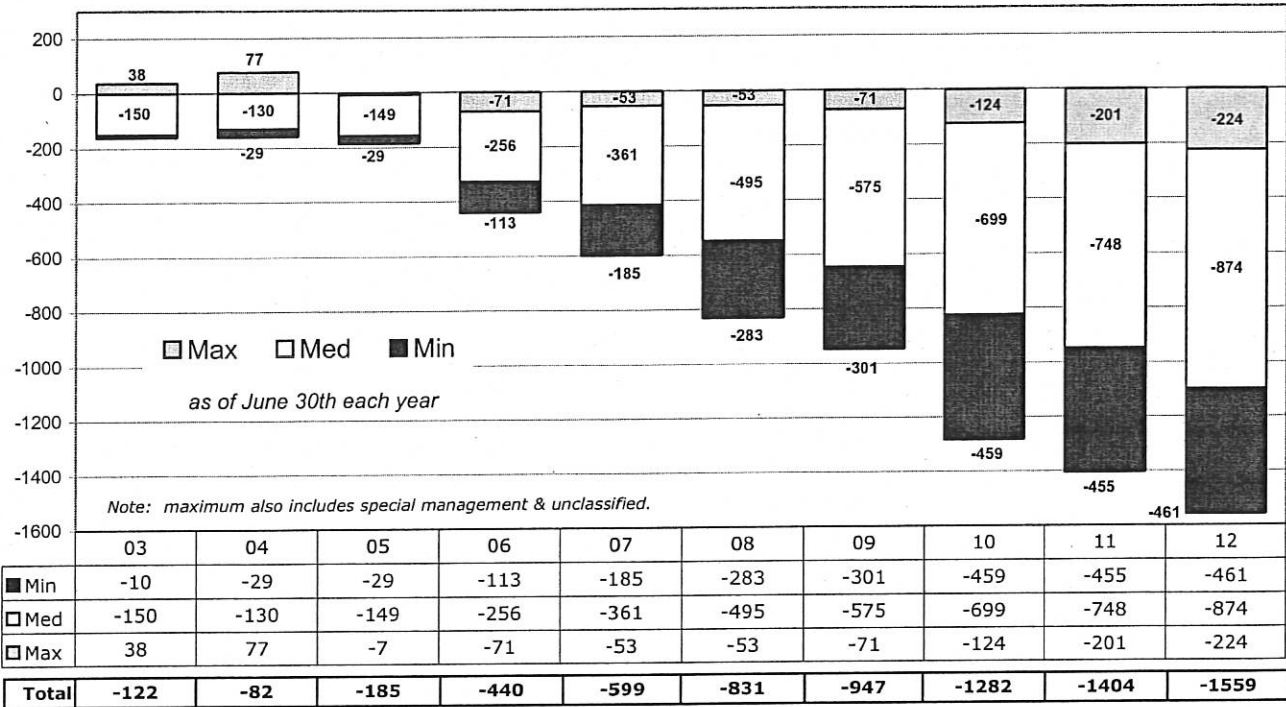
The capacity numbers are based on the department's existing capacity for male inmates of 8,482 beds. The raw capacity numbers have been adjusted, however, to reflect certain utilization and operational factors to provide a more accurate estimate of bed availability at each custody level. These *utilization adjustments* reflect the following:

- (1) non-KDOC beds counted in the systemwide capacity are special purpose beds (such as those at Larned State Hospital) and their utilization depends on the number of inmates suitable for placement; and,
- (2) on any given day, some lower custody inmates occupy higher custody beds. Examples of situations where the latter occurs include: inmates who have received their initial custody classification but who are still undergoing evaluation as part of the intake process; inmates who have just received a lower custody classification and are waiting transfer to a lower custody bed; and, inmates whose medical condition requires close proximity to a level of medical care that is only available within a higher security unit.

The net effect of the utilization adjustments is as follows:

- -90 total beds.
- -129 maximum custody beds.
- -73 medium custody beds.
- +112 minimum custody beds.

Difference Between Adjusted Baseline Capacity and Projected Male Inmate Population, by Custody Level



This chart summarizes the difference between available capacity for male inmates and the projected male inmate population, by custody, for the end of each fiscal year through FY 2012.

With the exception of maximum custody beds in FY 03 and FY 04, capacity deficits are projected at all custody levels during all fiscal years of the projection period. The total deficit ranges from a low of -82 in FY 04 to a high of -1559 at the end of FY 12.

**Capacity Compared to Projected Population:
Female Inmates, by Custody**

	Max	Med	Min	Total
Current Capacity	67	548	17	632
Projected Female Population				
June 30, 2003	69	143	318	530
June 30, 2004	69	152	308	529
June 30, 2005	70	155	310	535
June 30, 2006	71	160	320	551
June 30, 2007	73	164	327	564
June 30, 2008	81	175	326	582
June 30, 2009	83	177	328	588
June 30, 2010	86	183	342	611
June 30, 2011	87	184	344	615
June 30, 2012	88	185	348	621

Note:

88 beds at Topeka Correctional Facility's J Cellhouse are available but have not yet been added to capacity. This living unit was renovated following the transfer of the male Reception and Diagnostic Unit to El Dorado Correctional Facility, and was partially occupied following the termination of KDOC's operations at the TCF-West Unit, located on the grounds of the former Topeka State Hospital. The additional beds in J Cellhouse will become operational as warranted by population levels and when funding is approved for the additional positions needed to staff the remainder of the living unit.

The security designation of capacity for females is heavily weighted towards medium custody because medium and minimum custody inmates are housed together at Topeka Correctional Facility's Central Unit. All of the beds in these living units are classified as medium. (The I Cellhouse compound, which houses maximum custody females, is also part of TCF-Central, but it has its own perimeter and is physically separated from the rest of the facility.) Once the renovated J Cellhouse is fully operational with 176 medium beds, the department may review the classification of bedspace at the existing TCF-Central living units.

Although slow growth is projected for the female inmate population, an overall bed surplus is expected throughout the projection period. Because of the existing bed surplus for females, the department has entered into a contract with the federal Bureau of Prisons whereby state capacity will be used for placement of up to 25 female inmates from the federal system. The agreement became effective January 1, 2002. Under the terms of the agreement, the state is reimbursed \$87.02 per day for each inmate.

Capacity/Population Issues and Updates

FY 2003 Supplemental Appropriation

Two allotment reductions were made to the KDOC FY 2003 budget, including a \$4.3 million reduction in August 2002 and a \$8.3 million reduction in November 2002. To fully meet the reductions in the second allotment, the department determined that several KDOC and local facilities would need to be closed, including: minimum security KDOC units at Stockton, Toronto, Osawatomie, and El Dorado; community corrections residential centers in Sedgwick and Johnson counties; and, the two conservation camps in Oswego. To avoid these closures, Governor Sebelius has recommended a supplemental appropriation of \$3.3 million for the department. (The total supplemental recommended is \$4.0 million, which also includes funds for food service and medical contract costs because of an increase in the inmate population.)

If the supplemental is not approved—

- Unit closures would result in the loss or unavailability of 708 correctional beds throughout the state, including 364 KDOC beds, 223 conservation camp beds, and 121 community corrections residential center beds. Such a capacity reduction would be very problematic, given the current status of the correctional system and the most recent inmate population projections made by the Kansas Sentencing Commission.
- Minimum custody inmates affected by the KDOC closures would be transferred to other KDOC facilities, where the inmate count would then exceed established operating capacity. Those facilities would be impacted with increased supervision requirements and more inmate idleness.
- Loss of beds in the conservation camps and residential centers would result in either a lesser degree of community supervision for the affected offenders or, in some cases, they would likely be admitted to KDOC.
- There would be an economic impact in the affected communities because of the loss of jobs and the loss of community service work performed by KDOC inmates.
- Additional cuts would need to be made in the department's budget because there are fewer months remaining in the fiscal year to achieve the targeted savings.

Capacity Expansion vs. Sentencing Policy Change

The Sentencing Commission's FY 2003 projections indicate that a decision needs to be made this session as to how the state will respond to the projected growth in the male inmate population. The basic options are to expand capacity or revise the state's sentencing laws to reduce the number of offenders in the KDOC system.

The department has not made a recommendation regarding this policy choice or a specific expansion project for consideration. However, we have estimated the construction and annual operating costs involved in expansion at El Dorado Correctional Facility, as described on the next page. Regarding sentencing alternatives that would reduce the inmate population, the Kansas Sentencing Commission will present a proposal to the Legislature that would significantly revise sentencing policy for offenders convicted of drug possession.

Expansion at El Dorado would involve construction of one or more 128-cell living units. The living unit design would be suitable for housing 128 maximum custody inmates or 256 medium custody inmates. (Departmental practice is to single-cell maximum custody inmates and doublecell medium custody inmates.)

Capital Improvement Project Costs. Total project cost of constructing one new cellhouse at El Dorado is estimated at \$7.1 million. The cost of constructing two new cellhouses is estimated at \$14.4 million, which also includes costs for installation of an additional boiler and emergency generator, as well as construction of additional warehouse storage space for inmate property. The estimated cost per bed is approximately \$28,000 if doublecelled and used for medium custody inmates. If used for maximum custody inmates, the cost per bed is approximately \$56,000.

Staffing

FTE	One Cellhouse		Two Cellhouses	
	128 cell/ 128 inmates	128 cell/ 256 inmates	256 cell/ 256 inmates	256 cell/ 512 inmates
Uniformed	53.6	55.3	75.7	80.3
Unit team	3.0	4.0	6.0	8.0
Support	7.0	9.0	10.0	11.0
Total	63.6	68.3	91.7	99.3

Annual Operating Costs (excluding one-time start-up costs)

	One Cellhouse		Two Cellhouses	
	128 cell/ 128 inmates	128 cell/ 256 inmates	256 cell/ 256 inmates	256 cell/ 512 inmates
Salaries & Wages	\$2,257,000	\$2,405,000	\$3,258,000	\$3,509,000
Other Operating	286,000	525,000	705,000	1,024,000
Programs	143,000	286,000	286,000	573,000
Health Care	317,000	549,000	549,000	1,355,000
Food Service	191,000	382,000	382,000	764,000
Total	\$3,194,000	\$4,147,000	\$5,180,000	\$7,225,000
<i>Avg\$/Inmate</i>	<i>\$25,000</i>	<i>\$16,200</i>	<i>\$20,200</i>	<i>\$14,100</i>

Contract for Placement of KDOC Male Inmates— Status

The 2002 Legislature approved \$2.28 million in federal and state funds for the department to contract, if necessary, for lease of beds to house medium custody inmates in a private facility during FY 2003. *(The provision relating to use of beds in a private facility is based on federal requirements for expenditure of grant funds under the Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) Grant Program. There is a general prohibition against the use of these funds for operating expenditures unless a privatized facility is involved.)* The authorization given by the 2002 Legislature—which is based on a funding split of 90% federal funds and 10% state funds—provided funding for the entire fiscal year in FY 2003. However, in identifying its first round of allotment reductions, the department reduced the SGF funding for this purpose by 50%, effectively limiting the contract option to six months in FY 2003.

In late fall of 2002, the department issued a Request for Proposals for contract placement of up to 125 male offenders. Several proposals were received and are currently under review.

Update on the Implementation of SB 652

The 2002 Legislature passed SB 652, which created a presumption of minimum custody status for offenders meeting the following criteria:

- the offender is being returned to prison for violating conditions of postrelease supervision (PRS).
- the violation does not involve a new criminal conviction.
- the offender's classification immediately prior to the most recent release from prison was not maximum custody or special management.
- the offender is within 90 days of scheduled release.

This presumption is to be applied to the offender's initial custody classification upon readmission, except that the presumption is subject to application of exclusionary factors adopted by the Secretary of Corrections. The exclusionary factors adopted by the Secretary include the following circumstances, the existence of one or more of which effectively overrides the presumption:

- A detainer has been lodged against the inmate for pending adjudication on felony charges or a judgment and commitment order has been filed that could result in excess of one additional year or to serve.
- An INS detainer has been filed against the inmate and there is a possibility that deportation will follow release.
- The inmate is a validated gang member.
- The inmate is managed as a sex offender and has refused the facility-based sex offender's treatment program or was returned from the Sexual Predator Unit.
- The inmate was convicted of a disciplinary for behavior that occurred during the last 120-day period of his or her prior incarceration that resulted in a change in custody.
- The inmate absconded from supervision for over 120 days or was apprehended in a state other than to which released. (There is a 10 day revision on this exclusionary item. It only applies until it has been determined that there are no warrants from other jurisdictions).
- The inmate was classified as medium custody prior to the most recent release due to escape history.
- The inmate has a mental health issue that requires more structure and attention than can be provided in a minimum-security facility.

The bill became effective on July 1, 2002. It has had a direct and, we believe, an indirect impact on the custody composition of the inmate population. The direct impact as it affected a snapshot of the population on December 31, 2002 is summarized as follows.

There were 1,410 inmates whose most recent admission was for a condition violation without a new sentence.

Of the 1,410, there were 517 who were serving exclusively on a determinate sentence.

Of the 517, there were 338 who had been classified as medium or minimum at the time of their previous release and were within 90 days of release of December 31st.

Of the 338, there were 185 who were classified as minimum as of December 31st. The other 153 had either met one of the exclusionary criteria identified earlier or they were pending completion of a review for active warrants.

Of the 185, there 41 who would have had a higher custody classification had SB 652 not been passed.

Although the direct impact is lower than what we had expected to occur, we believe there has also been an impact from the bill regarding custody classification practices for the balance of the inmate population. Between June 30, 2002 (immediately prior to implementation of SB 652) and December 31, 2002, the inmate population increased by 194, but the number of inmates classified as minimum custody increased by 202, which means that all of the net growth in the inmate population during that time occurred in the minimum custody level.

The classification system used by KDOC consists of 11 objective point-based criteria and one non-point based criteria. The objective criteria include the following:

- Length of minimum sentence
- Length of time remaining to serve
- Criminal behavior involved in the current offense
- Past criminal behavior
- Escape history
- Escape characteristics
- Special skills and associates
- Institutional adjustment
- Behavioral characteristics
- Special needs
- Detainers

In those cases where the criteria do not accurately reflect the level of risk the inmate presents, an override supported by documentation may be approved to either raise or lower the inmate's custody. Although we have not done a formal review of classification-by-exception practices since July 1, 2002, we believe some overrides are being processed based on the policy established by SB 652 for determinate sentence condition violators.

TESTIMONY OF PATRICK J. HURLEY
ON BEHALF OF
ECONOMIC LIFELINES

TO

SENATE WAYS AND MEANS COMMITTEE

ON JANUARY 24, 2003

ON

SB 30

Senate Ways and Means
1-27-03
Attachment 2

Mr. Chairman and Members of the Committee.

I am Pat Hurley and appear on behalf of Economic Lifelines, the Coalition of statewide organizations dedicated to the full implementation of the 1999 Comprehensive Transportation Program.

Attached is a Resolution, which was adopted by our full Board in December 1999, which reflects our unanimous and continuing support for the full implementation of this program and completion of all projects. It further expresses our strongest possible opposition to any reduction in funding, which would result in the elimination of any of these projects. That remains our position today. That also reflects the unanimous expressions of the Governor's Transportation 2000 Committee at twelve weeks of hearings in 1998, which lead to the passage of this program and four weeks of hearings this fall where over 800 citizens expressed their continued support for completion of the program.

It is important that you keep in mind that the Legislature's passage of this program by over seventy percent of each house was not just a response to your constituents but a commitment by the Legislature that all of the announced projects would be completed within the ten-year program just as was done in the 1989 Highway Program. In fact, you memorialized this commitment by incorporating the list of all promised projects into the journal. Right now this program is threatened as never before due to the downturn of the state's economy. Last year the Legislature took the entire demand transfer of one hundred forty seven million dollars and in an unprecedented step borrowed another ninety-five million dollars from the Highway Fund, which was to be paid back on or before June 30 of this year.

The supplemental bill before your committee would break that commitment. We strongly oppose the failure of the Legislature to honor the commitment that they made just months ago. If that loan is not repaid in FY03 we would urge that you retain it as a loan to be paid at a specific future date during this program so that KDOT can count on that revenue in its cash-flow projections. This is critically important or you will have effectively taken another ninety-five million dollars permanently from the program.

Also, in the Governor's recommendations, the funding for the Highway Patrol is transferred to the Highway Fund for the remainder of FY03 and the continuance into FY04. That takes approximately another twenty-six million dollars per year from the Highway Program.

In addition, while not in this bill, the Governor has recommended nonrepayment of the ninety-five million dollar loan in FY04 as well as the taking of the Demand Transfer (\$128 million) for another fiscal year (FY04).

While we are still studying these numbers and are in communication with KDOT to try to determine the full impact of all of these proposed reductions of funding to the highway program it is incomprehensible to us that we can continue this practice and proclaim that the program will still be fully implemented on the time table of the original 1999 act.

While we recognize the unprecedented dire economic conditions of the state and the general fund in particular, it is vitally important that you keep in mind that the 1999 program, just as the 1989 program, is the single largest economic development program occurring in the state of Kansas at this time. Economists from Kansas State University and Kansas University have produced studies that were presented to the T2000 Committee this fall indicating extraordinarily positive benefits to the state's economy if this program is completed as scheduled and conversely the severely detrimental impact it would have on the state's economy and the ability to recover as quickly as possible if funding for the program continues to be diminished.

Economic Lifelines wants to work with the Governor and the Legislature and the Department of Transportation to figure out the best resolution for preserving this important program but it is clear that we cannot continue to use the Highway Fund as a bank for every possible scheme or idea which someone devises to take more and more funding from the revenue stream.

Thank you for hearing our concerns and we welcome the opportunity to work with both the Executive and Legislative branches to resolve this serious problem. I would be happy to answer any questions.



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RESOLUTION

A RESOLUTION OPPOSING REDUCTIONS IN FUNDING FOR THE 1999 COMPREHENSIVE TRANSPORTATION PROGRAM.

WHEREAS, The 1999 Kansas Legislature enacted a ten year Comprehensive Transportation Program authorizing expenditures for projects and programs in all modes;

WHEREAS, the Legislature approved a program including the following highway system program improvements over ten years;

- Routine and substantial maintenance;
- Construction and reconstruction, including major modifications and priority bridges;
- System enhancement projects - (\$1.05 billion);

WHEREAS, the Legislature approved increased assistance to local units of government over ten years including the following:

- an increase in the Special City and County Highway Fund;
- an increase in general local aid and in state aid for city connecting links maintenance from \$2000 to \$3000 per lane mile;
- new assistance for communities with railroad crossings not on the State Highway System;
- a program of credit enhancements for local units through the Kansas Transportation Revolving Fund;
- spending of at least \$3 million in each county for highway, bridge, and substantial maintenance projects over the ten years;

WHEREAS, the Legislature also approved funding for other modal elements over ten years including the following:

- a loan program for railroad rehabilitation projects;
- the Kansas Airport Improvement Program;
- an enhanced public transit program including expansion of transportation for elderly and disabled;

WHEREAS, the Legislature approved revenue enhancements including the following to help finance these program commitments:

- authority to issue \$995 million in twenty year bonds;
 - a gradual four cent increase in motor fuels taxes;
- a gradual increase in the sales tax demand transfers from the state general fund;

WHEREAS, communities throughout the state identified their transportation needs to the Governor's Transportation - 2000 Committee and to the Legislature as the basis for enactment of a program and the Legislature overwhelmingly enacted the ten year 1999 Comprehensive Transportation Program specifically to address as many of these identified transportation needs as possible and committed the necessary revenues to support such a program;

WHEREAS, pursuant to this program the Kansas Department of Transportation has already begun to identify projects in all modes which will be completed under this ten year program and is engaged in various stages of work on these projects;

AND WHEREAS, the Legislature must avoid reducing KDOT's funding in any individual year or on an overall basis to such a degree that it risks endangering the completion of projects and commitments due to the uncertainty of future occurrences over the life of the program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Economic Lifelines:

SECTION 1. That it does hereby reiterate its support for the implementation of the total 1999 Comprehensive Transportation Program and the completion of all projects and commitments thereunder and the full retention of all funding components necessary to do so;

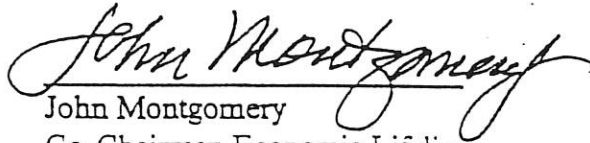
SECTION 2. That it does hereby express its strongest possible opposition to any reduction of funding of the 1999 Comprehensive Transportation Program, either on a yearly or overall basis, which could result in the elimination, modification or failure to complete any project which would otherwise be done under the program as originally enacted by the Legislature, or which would reduce the level of funding committed to local units of government;

SECTION 3. That it does hereby direct that copies of this resolution be presented to the Governor, and each individual member of the Kansas Senate and the Kansas House of Representatives.

ADOPTED BY THE BOARD OF DIRECTORS OF ECONOMIC LIFELINES ON,
THIS 17TH DAY OF DECEMBER, 1999.



Fred Berry
Co-Chairman Economic Lifelines



John Montgomery
Co-Chairman Economic Lifelines

DON MOLER
League of Kansas Municipalities

RANDY ALLEN
Kansas Association of Counties

JIM DEHOFF
Kansas AFL-CIO

KEN BLACK
Kansas Association of Airports

RON BUTTS
Kansas Public Transit Association

DAN RAMLOW
Kansas Contractors Association

BILL FULLER
Kansas Farm Bureau

MIKE KELLY
Kansas Motor Carriers Association

ED DESOIGNIE
Heavy Constructors Association
of Greater Kansas City Area

JOHN FOWLER
Kansas Chamber of Commerce
and Industry

ANN CHARLES
JOBS, Inc.

TIM WITSMAN
Wichita Area Chamber of Commerce

JIM DAHMEN
Mid-America, Inc.

JON DAVELINE
Hutchinson/Reno Co. Chamber of Commerce

JIM JONES
Kansas Asphalt Paving Association

GEORGE BARBEE
Kansas Consulting Engineers

AL SILVERSTEIN
Great Bend Chamber of Commerce

MAX ZIMMERMAN
S.P.I.R.I.T. Group

CAROL MEYER
Garden City Area Chamber of Commerce

KEN JOHNSON
Kansas Aggregate Producers Association

GEORGE WELLS
Kansas Cement Council

CHRISTY CALDWELL
Topeka Chamber of Commerce

MARY BIRCH
Overland Park Chamber of Commerce

BUD BURKE
US 69 Highway Association of Kansas

MARY TURKINGTON
Topeka, Kansas

HOWARD LOOMIS
Pratt, Kansas

JOHN KOGER
Kansas Good Roads

ROY WESTHOFF
Kansas Ready Mixed Concrete Association