

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:40 a.m. on March 6, 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  
Carolyn Rampey, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Robert Waller, Kansas Legislative Research Department  
Audrey Nogle, Kansas Legislative Research Department  
Michael Corrigan, Assistant Revisor of Statutes  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Dennis Priest, Program Administrator for Economic and Employment Support, Kansas  
Department of Social and Rehabilitation Services  
Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association  
Michael D. Pepoon, Director of Governmental Relations, Sedgwick County  
Randall Allen, Executive Director, Kansas Association of Counties  
Shawn Leisinger, Assistant Shawnee County Counselor

Others attending: See attached list

**Bill Introductions**

Senator Adkins moved, with a second by Senator Salmans, to introduce a bill regarding amendment of tax rolls by county appraiser after final determination of reduction in real property valuation through appeals process in certain circumstances (3rs0859). Motion carried on a voice vote.

Senator Jackson moved, with a second by Senator Schodorf, to introduce a bill concerning crime victims; relating to compensation for residents involving violent crimes committed outside the United States (3rs0911). Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2003 and FY 2004 were distributed to the committee.

Subcommittee report on:

**Kansas Department of Education (Attachment 1)**

Subcommittee Chairman Adkins reported that the Subcommittee concurs with the recommendations of the Governor for FY 2003.

Subcommittee Chairman Adkins reported that the Subcommittee concurs with the recommendation of the Governor with exceptions and comments for FY 2004.

Senator Adkins expressed concern that recent news was disturbing regarding the initiation of litigation by one school district against several others in the Kansas City Metropolitan area. He noted that he finds initiation

## CONTINUATION SHEET

of this litigation most disturbing because money will be going to courtrooms instead of classrooms and he believes that there is an opportunity to attempt to address that particular situation. He noted that the litigation was regarding a sales tax that was due to the allocation or the appropriateness of a sales tax that was approved by Johnson County voters, a portion of which would be distributed to school districts in the Johnson County area.

Senator Adkins explained that he would like to request legislation that would specifically state that when a school district receives revenue from another political subdivision, when that revenue is raised pursuant to law and approved by the voters, it shall be considered and treated as a donation to the receiving school district and may be appropriated by the Board of Education pursuant to K.S.A. 72-8210. He also noted that another idea that he is willing to pursue is to state that no funds appropriated under the State budget may be utilized by a school district for the purpose of paying for any cost of litigation against another school district, and if any school district wants to utilize funds for the purpose of pursuing litigation against another school district, they must use only those funds raised from local sources for purposes of supporting that litigation. Senator Adkins moved, with a second by Senator Jordan, to amend the subcommittee report to include a provision as to how funds raised in this manner would be treated by school districts. Committee questions and discussion followed.

Senator Kerr mentioned that no money appropriated from the State should be used for suing other school districts, or the State, and noted an opportunity for a friendly amendment to include it in Senator Adkins's motion. Committee discussion followed. Senator Adkins withdrew his motion, with approval of the second to the motion, and explained that he would consider coming back with a formal motion with a draft of a bill and he would work with Senator Kerr regarding his concerns.

Senator Adkins moved, with a second by Senator Barone, to adopt the subcommittee budget report on the Kansas Department of Education for the FY 2003 and FY 2004 budget as presented. Motion carried on a voice vote.

Chairman Morris opened the public hearing on:

### **SB 244--Disposition of body of indigent decedent**

Staff briefed the committee on the bill.

Dennis Priest, Program Administrator, Integrated Service Delivery, Kansas Department of Social and Rehabilitation Services (SRS), spoke regarding **SB 244** (Attachment 2). Mr. Priest explained that this legislation helps clarify the responsibilities of County Coroners regarding deceased persons. He noted a cross reference which is specific to Funeral Assistance benefits which until last year had been administered by SRS but appropriations for the program were transferred to the Kansas Department of Health and Environment.

Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association, Inc. (KFDA), spoke in support of **SB 244** (Attachment 3). Ms. Scott explained that the bill was introduced at the request of the KDFA to clarify provisions of K.S.A. 22a-214 with regard to the responsibility to bury indigent decedents. She noted that although they prefer to keep the financial responsibility to bury indigents with the state rather than county governments, they want to be prepared should that responsibility revert back to county governments.

Michael D. Pepoon, Government Relations, Sedgwick County Courthouse, testified in regard to **SB 244** and mentioned that Sedgwick County is not opposed to reviewing K.S.A. 22a-215 and making necessary changes to clarify ambiguities in current law (Attachment 4). Mr. Pepoon asked that for the reasons listed in his testimony that the committee oppose legislation that would shift the cost of indigent burials from the State of Kansas to counties.

Randall Allen, Executive Director, Kansas Association of Counties, spoke in regard to **SB 244** to express concerns in behalf of counties about the underlying assumption in **SB 244**, which is to shift the burden of the cost of indigent burial or cremation from the State to the counties (Attachment 5). Mr. Allen noted that the clarifications in **SB 244** are probably unnecessary if the State of Kansas adequately funds the cost of burying or cremating indigent decedents as provided in K.S.A. 39-713d.

CONTINUATION SHEET

Shawn Leisinger, Assistant Shawnee County Counselor, testified regarding **SB 244** and explained that the proposed changes would substantially increase the expense and labor associated with treatment of unclaimed bodies (Attachment 6). Mr. Leisinger noted some suggested changes in his written testimony.

Committee questions and discussion followed. Chairman Morris asked that the parties involved meet to discuss the bill and clarify the information in order to reach common ground.

The Chairman closed the public hearing on **SB 244**.

The meeting adjourned at 11:50 a.m. The next meeting is scheduled for March 7, 2003.

**SENATE WAYS AND MEANS COMMITTEE  
GUEST LIST**

DATE March 6, 2003

NAME	REPRESENTING
Elaine Frisbie	Div. of the Budget
Randall Allen	Ks. Assoc. of Counties
Scott Kenefobe	ICAC
Dennis Priest	SRS
Ken Seab	KDHE
Doug Bowman	CCECOS
Dale Dennis	USDE
Ron Ritzler	/
Kara Lolk	Intern - Sen. Downey
Himi Strunk	KS DD Council
Mike Pepoon	Sedgwick County
ERIK MITCHELL	SHAWNEE, LYON, DOUGLASS & OSAGE
Shawn Leisinger	Shawnee County

*ERIK MITCHELL*

FY 2003 and FY 2004

SENATE SUBCOMMITTEE REPORT

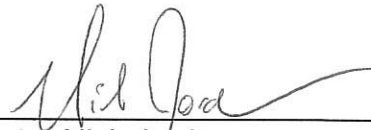
STATE DEPARTMENT OF EDUCATION




Senator David Adkins, Subcommittee Chair



Senator Jim Barone



Senator Nick Jordan



Senator Larry Salmans



Senator Jean Schodorf

Senate Ways and Means  
3-6-03  
Attachment 1

## Budget Committee Report

**Agency:** State Department of Education **Bill No.**

**Bill Sec.**

**Analyst:** Rampey

**Analysis Pg. No. 857**

**Budget Page No. 137**

Expenditure Summary	Agency Est. FY 03	Governor's Recommendation FY 03	Budget Committee Adjustments
All Funds:			
State Operations	\$ 25,206,282	\$ 25,065,709	\$ 0
Aid to Local Units	2,656,931,105	2,673,779,613	0
Other Assistance	31,333,240	31,333,240	0
Subtotal—Operating	\$ 2,713,470,627	\$ 2,730,178,562	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 2,713,470,627	\$ 2,730,178,562	\$ 0
State General Fund:			
State Operations	\$ 8,917,100	\$ 8,776,527	\$ 0
Aid to Local Units	2,305,861,552	2,322,710,060	0
Other Assistance	236,240	236,240	0
Subtotal—Operating	\$ 2,315,014,892	\$ 2,331,722,827	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 2,315,014,892	\$ 2,331,722,827	\$ 0
FTE Positions	208.3	208.3	0.0
Non FTE Uncl. Perm. Pos.	37.7	37.7	0.0
TOTAL	246.0	246.0	0.0

### Agency Est./Governor's Recommendation

Estimated expenditures from the State General Fund for FY 2003 are a change from the from the approved amount for the following reasons:

- A reduction of \$15,283,544 in general state aid (a \$27 reduction in Base State Per Pupil); a reduction of \$2,139,930 for special education; and a reduction of \$15,501 in out-of-state travel due to the August allotments.
- Reappropriated balances from FY 2002 totaling \$2,726,212.
- A requested supplemental appropriation of \$6,227,618 to fully fund KPERS-School.
- A requested supplemental appropriation of \$6,637,027 for general state aid and \$21,999,043 for supplemental general state aid.

- A requested supplemental appropriation of \$65,000 to fully fund the Governor's Teaching Excellence Awards Program.

The Governor's recommendation reflects the August 2002 allotment which reduced State General Fund expenditures for the State Department by \$17,438,975 and the November 2002 allotment which reduced State General Fund expenditures for agency operations by an additional \$349,182. The Governor makes no change to the State Department's estimate of reappropriated balances. The Governor recommends the supplemental appropriation for KPERS-School of \$6,227,618, but adds the money to the KPERS-School appropriation for FY 2004 in order to conserve State General Fund money in FY 2003. The Governor also approves the supplemental appropriation of \$21,999,043 for supplemental general state aid and recommends \$4,637,027 for general state aid. To fully fund the general state aid program in the current year, the Governor recommends a reappropriation of \$2,000,000 in savings from FY 2002 which had been earmarked for inservice education. The Governor does not approve the requested supplemental appropriation of \$65,000 for the Governor's Teaching Excellence Awards Program. The Governor recommends the lapse of \$254,991 for special education to maintain the excess costs level at 85.0 percent.

### **Budget Committee Recommendations**

The Budget Committee concurs with the recommendations of the Governor.

### **House Committee Recommendations**

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

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**Senate Subcommittee Report**

**Agency:** State Department of Education      **Bill No.**      **Bill Sec.**

**Analyst:** Rampey      **Analysis Pg. No.** 857      **Budget Page No.** 137

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### **Senate Subcommittee Recommendations**

The Senate Subcommittee concurs with the recommendations of the Governor.

## Budget Committee Report

**Agency:** State Department of Education **Bill No.**

**Bill Sec.**

**Analyst:** Rampey

**Analysis Pg. No. 857**

**Budget Page No. 137**

Expenditure Summary	Agency Req. FY 04	Governor's Recommendation FY 04	Budget Committee Adjustments
<b>All Funds:</b>			
State Operations	\$ 24,350,090	\$ 22,877,090	\$ 0
Aid to Local Units	3,056,325,788	2,697,661,227	0
Other Assistance	33,239,240	31,338,240	0
Subtotal—Operating	\$ 3,113,915,118	\$ 2,751,876,557	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 3,113,915,118</b>	<b>\$ 2,751,876,557</b>	<b>\$ 0</b>
<b>State General Fund:</b>			
State Operations	\$ 10,232,627	\$ 8,919,627	\$ 0
Aid to Local Units	2,694,049,303	2,335,384,742	0
Other Assistance	2,102,240	201,240	0
Subtotal—Operating	\$ 2,706,384,170	\$ 2,344,505,609	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 2,706,384,170</b>	<b>\$ 2,344,505,609</b>	<b>\$ 0</b>
FTE Positions	208.3	208.3	0.0
Non FTE Uncl. Perm. Pos.	35.7	35.7	0.0
<b>TOTAL</b>	<b>244.0</b>	<b>244.0</b>	<b>0.0</b>

### Agency Req./Governor's Recommendation

The State Department's request for FY 2004 from the State General Fund is \$2,706,384,170, an increase of \$391,369,278 over the estimate for the current year. The increase is almost entirely accounted for by the State Board of Education's enhancement package, which totals \$399,020,872 from the State General Fund. The single largest enhancement item is \$301,682,774 in order to increase Base State Aid Per Pupil to \$4,238, which includes increases in the at-risk and bilingual education weights, adding a weight for special education and funding it through the formula, decreasing the transportation mileage limit, and eliminating the vocational education weight.

The Governor recommends a total of \$2,344,505,609 from the State General Fund for FY 2004, an increase of \$12,782,782 over her recommendation for FY 2003. The Governor funds Base State Aid Per Pupil at the allotment rate of \$3,863 and funds special education as a weight in the school finance formula. The amount of money for special education in the formula would fund excess costs at the 83.4 percent level. The Governor provides no funding in FY 2004 for inservice education and recommends a discretionary grant pool of \$130,000 from which the State Board could make grants to small programs it considers meritorious.

The Governor's **statutory budget recommendation** contains no reduction for this agency.

## Budget Committee Recommendations

The Budget Committee concurs with the recommendations of the Governor, with the following exceptions and comments:

1. Continue to fund special education through the existing formula as a distinct categorical aid program. Under the Governor's recommendation, which would require a change in the law, special education is funded as a weight in the school finance formula. In funding special education as a categorical aid program, concur with the Governor's recommended amount of \$251,016,845, of which \$249,791,845 is from the State General Fund and \$1,225,000 is from the Children's Initiatives Fund. The total is the same as the current year and is estimated to fund excess costs in FY 2004 at approximately the 84 percent level. (Current year funding is at the 85 percent level.)
2. Continue the policy in recent years of allowing school districts that hire Reading Recovery Teacher Leaders to count the teachers as special education teachers for purposes of special education reimbursement, up to an aggregate limit of \$180,000. (This policy is by virtue of a proviso to the special education appropriation.)
3. Recommend the introduction of legislation to accomplish the Governor's proposal that special education be a weight in the school finance formula. The Budget Committee makes the recommendation for discussion purposes and does not make a recommendation on the bill at this time.
4. Call to the Committee's attention testimony presented on behalf of the School Finance Coalition by representatives of the Kansas Association of School Boards and the Kansas National Education Association. Contending that the Governor's budget is inadequate and that the needs of Kansans cannot be addressed within current revenues, the conferees cited state rankings compiled by "Quality Counts," a publication from *Education Week Magazine*, which shows that only seven states scored higher than Kansas on any component of the National Assessment of Education Progress (NAEP), and that all seven of the states spend more per pupil than Kansas. In response to a request from the Budget Committee for additional information from the publication, the representative of the Kansas Association of School Boards provided material that indicates that 22 states that have *lower* student achievement as measured by the NAEP also spend more per pupil than Kansas.

Budget Committee members observe that, in spite of the fact that Kansas consistently ranks high among the states on the basis of a number of indicators, Hispanic and African-American students and students who are disadvantaged (defined as students who receive free or reduced lunches) perform less well on state assessments than do students who are not members of a minority group or students who do not qualify for free or reduced lunches.

5. Attached to this report at the request of Representative Huebert is a table and graph that show total funding for elementary-secondary education from all revenue sources (local, state, and federal) for the school years 1989-90 through 2002-03 (estimated). "Total expenditures" includes general and supplemental

general state aid and all other categorical state aid and other assistance programs, the largest of which is special education. Also included is information that relates the expenditures to inflationary increases.

6. Recommend for consideration in the Omnibus Bill, in the event that future revenues become available, funding for statutory programs that are unfunded or underfunded in the Governor's budget recommendations. The programs are the Mentor Teacher Program (unfunded in the Governor's budget), the Inservice Education Program (unfunded in the Governor's budget), and the Governor's Teaching Excellence Awards Program (funded at \$56,000 in the Governor's budget, but underfunded by \$94,000).
7. Request that the State Department of Education provide by the end of the 2003 Session information on the administrative costs assessed by school districts which partner with not-for-profit Infant and Toddlers programs.

### **House Committee Recommendations**

The House Committee concurs with the recommendations of the Budget Committee, with the following exceptions:

1. In Item 4, state that on the basis of expenditures adjusted for regional cost differences, six, not seven, states that score higher than Kansas on any component of the NAEP also spend more per pupil than Kansas. Seven states that score higher than Kansas on at least one component of the NAEP spend more per pupil than Kansas on the basis of actual spending (unadjusted).
  2. In Item 7, request that information from the State Department of Education on costs assessed by school districts which partner with not-for-profit Infant and Toddlers programs be provided "as soon as possible," not by the end of the 2003 Session.
  3. State that the Budget Committee will monitor and review the effects on funding for education of administering mandated federal programs under the No Child Left Behind Act.
  4. Request that, within the \$130,000 available to the State Board of Education for discretionary grants, the State Board will consider Agriculture in the Classroom and Communities in Schools its highest funding priorities.
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**Senate Subcommittee Report**

**Agency:** State Department of Education **Bill No.** **Bill Sec.**

**Analyst:** Rampey **Analysis Pg. No.** 857 **Budget Page No.** 137

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The Governor recommends a total of \$2,344,505,609 from the State General Fund for FY 2004, an increase of \$12,782,782 over her recommendation for FY 2003. The Governor funds Base State Aid Per Pupil at the allotment rate of \$3,863 and funds special education as a weight in the school finance formula. The amount of money for special education in the formula would fund excess costs at the 83.4 percent level. The Governor provides no funding in FY 2004 for inservice education and recommends a discretionary grant pool of \$130,000 from which the State Board could make grants to small programs it considers meritorious.

The Governor's **statutory budget recommendation** contains no reduction for this agency.

### Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor, with the following exceptions and comments:

1. Continue to fund special education through the existing formula as a distinct categorical aid program. Under the Governor's recommendation, which would require a change in the law, special education is funded as a weight in the school finance formula. In funding special education as a categorical aid program, concur with the Governor's recommended amount of \$251,016,845, of which \$249,791,845 is from the State General Fund and \$1,225,000 is from the Children's Initiatives Fund. The total is the same as the current year and is estimated to fund excess costs in FY 2004 at approximately the 84 percent level. (Current year funding is at the 85 percent level.) The Subcommittee notes that the House Appropriations Committee has introduced legislation, for discussion purposes only, which would accomplish the Governor's recommendation to fund special education as a weight in the school finance formula.
2. Continue the policy in recent years of allowing school districts that hire Reading Recovery Teacher Leaders to count the teachers as special education teachers for purposes of special education reimbursement, up to an aggregate limit of \$180,000. (This policy is by virtue of a proviso to the special education appropriation.)
3. The Subcommittee wishes to call attention to several "pressure points" in school district budgets, or areas of expenditures that have increased greatly over the last two years. These include property insurance, textbooks, teachers' health insurance, and school busses and vehicle fuel. The table below shows amounts expended for these items for school years 1999-00 through 2002-03 (budgeted).

	1999-00	2000-01	% Increase	2001-02	% Increase (Decrease)	2002-03 (budgeted)	% Increase
Property Insurance <sup>1</sup>	\$6,472,692	\$7,074,451	9.3%	\$9,581,310	35.4%	\$11,501,025	20.0%
Textbooks <sup>2</sup>	See footnote.						
Teachers' Health Insurance <sup>3</sup>	\$39,417,160	\$47,931,675	21.6%	\$55,929,873	16.7%	\$64,213,158	14.8%
School Bus/Vehicle Fuel <sup>4</sup>	\$7,345,085	\$8,356,035	13.8%	\$6,679,403	(20.1)%	\$9,569,578	43.3%

1) Code 575—General and Supplemental General.  
 2) We have contacted an interlocal who in turn visited with several school administrators in their area. The school officials indicated that textbooks range from around \$35 to \$100 per textbook. They also indicated that the increased cost over the past three years has ranged from \$15 to \$35 per textbook. Companies have also developed supplemental materials with the textbooks become outdated fairly quickly as a result of rapid changes in technology and teaching methods.  
 3) Code 220—Health insurance for teaching staff.  
 4) Code 360—Transportation Fund.

Source: Kansas State Department of Education  
February 25, 2003

The Subcommittee notes that it was informed that the Kansas Association of School Boards is in the process of starting a self-insurance pool for property insurance in hopes of providing savings to school districts. The Subcommittee supports this effort. The Subcommittee also recognizes the difficulties many school districts face in obtaining employee health benefits and acknowledges the level of concern that school district officials and employees have about this issue.

4. The Subcommittee requests that, within the \$130,000 available to the State Board of Education for discretionary grants under the Governor's recommendation, the State Board will consider the Governor's Teaching Excellence Awards Program its highest funding priority. Under the program, which is statutory, school districts are required to pay annual bonuses of \$1,000 to teachers who attain National Board certification. The program is funded at \$56,000 in the Governor's budget, but an additional \$94,000 is needed to fully reimburse districts for the estimated number of awards in FY 2004.
5. The Subcommittee calls attention to the consistently high attainment of Kansas students on a variety of measures, including the ACT and SAT national college entrance examinations, the number of Kansas high school students who become National Merit semifinalists, and high scores on the National Assessment of Education Progress (NAEP). What makes these attainments even more laudable is the fact that, according to "Quality Counts" (a publication of *Education Week Magazine*), Kansas ranks 30<sup>th</sup> in spending per pupil (or 22<sup>nd</sup> in spending per pupil if expenditures are adjusted for regional cost differences) and 41<sup>st</sup> in teacher salaries (base salaries, excluding fringe benefits), as reported by the National Education Association. These statistics show that, while Kansas spends near the national average on elementary-secondary education, we obtain results that are anything but average, leading us to conclude that the state is able to attain outstanding results in a truly efficient manner.
6. The Subcommittee expresses its concern about the No Child Left Behind Act, which imposes an unprecedented level of federal control in the area of elementary-secondary education and raises the question about the federal government's role in paying for what it has mandated, particularly in view of funding shortfalls the federal government is facing. The experiences of the states with regard to possible levels of federal funding for mandated special education programs, which have never been attained, contributes to the Subcommittee's feeling of unease that federal funding will not be forthcoming to maintain programs that now are being implemented. The Subcommittee notes that federal funding under the No Child Left Behind Act has increased by about \$39.1 million from FY 2002 to FY 2003 and that assistance is being provided for test development, early-grade reading programs, and improving teacher quality. What concerns the Subcommittee, however, is whether that support will be there in the years ahead when states must meet federal deadlines to implement increased levels of testing, accountability measures, and improved teacher quality. According to the State Department of Education, additional costs for the law are estimated to be about \$40.0 million a year and include summer school and extended day programs, which will be necessary in order to assure that all students attain mandated yearly progress goals.

The Subcommittee also expresses its discomfort that the wisdom of the federal government is being imposed on states and local jurisdictions in the matter of the amount of testing that is necessary in our schools. Kansas has worked hard to develop state assessments that are adequate to measure performance but maintain a healthy balance between time out for tests and time needed for classroom instruction. The sheer number and frequency of tests that will be required under the new federal law leads to the concern that the balance has been tipped and not enough consideration has been given to the consequences of over-testing at the expense of instructional time.

The Subcommittee considered, but does not recommend at this time, a recommendation that the Kansas Legislature formally communicate to the Kansas Congressional Delegation its concern about the No Child Left Behind Act and its fear that the law will not be adequately funded. However, in the absence of formal communication, the Subcommittee urges that all opportunities be taken to interact with the Congressional Delegation so that it is aware of progress the state is making to implement the law and problems it may encounter along the way.

7. The Subcommittee notes that, under the Governor's recommendations for FY 2004, there is no funding for inservice education, a program that school districts are required to provide. As a result, school districts will have to pay for professional development activities from their own resources. The Subcommittee regrets that financial constraints force the state to cut back on a program it has traditionally supported.
8. The Subcommittee calls attention to a request by the House Education Committee for an interim study on issues relating to school consolidation. The request is that a joint committee be appointed with the specific charge of dealing with consolidation issues. The Subcommittee supports the request and is optimistic that the participation of legislators from both houses in an interim study will result in a worthwhile review of the subject and will conclude with recommendations for consideration by the 2004 Legislature.
9. The Subcommittee is mindful of litigation involving aspects of school finance presently pending in both federal and state district courts. The Subcommittee is respectful of the role of the courts in interpreting matters of law, but is convinced that policy concerning school funding should be made by the Legislature and the Governor, not by the Judicial Branch of government. The Subcommittee also is mindful of the fact that, depending on the outcome of the several cases, there could be significant financial consequences to the state.
10. The Subcommittee recognizes the effort of the Governor to address education policy through the formation of the Education Policy Team, which is charged with focusing on strategies and recommendations for accountability, efficiencies, and excellence in education from the preschool level through college. The Subcommittee supports the Team in its efforts, but encourages it to involve legislators in its activities whenever possible so that the findings and recommendations of the Team will be based on a collaborative effort that will have the support of a wider array of policy makers.
11. The Subcommittee endorses the request by the Senate Subcommittee on the Schools for the Deaf and Blind that there be an interim study to determine the



structure and funding method for the schools. The request was prompted by concern that the current salary plan for teachers at the schools places the faculty at a disadvantage when compared to what the surrounding school districts pay their teachers. In addition, the Subcommittee notes that officials at the two schools and at the State Department of Education have been directed to discuss the advantages and disadvantages of placing the schools within the school district finance formula and report back prior to consideration of the Omnibus Bill. The Subcommittee considers it important to address the appropriate placement of the schools in the state system of public education.

12. The Subcommittee endorses policy contained in Substitute for SB 83, which makes a number of changes to school district funds in an effort to clarify and simplify school district budgets and mandates that a summary or "school district profile" be produced each year and made available upon request to school district patrons and members of the public. The profile is a short summary that contains information about each school district's expenditures and revenues and allows for comparability among districts across the state. Many of the policies contained in SB 83 are the recommendations of the School District Budget Task Force appointed by the Legislative Educational Planning Committee and are intended to make information in school district budgets easier to understand, comparable, and accessible.
13. The Subcommittee requests that contact be made with the Education Commission of the States (or another similar compact or organization that represents states in education matters) for the purpose of encouraging the development of a multi-state data base that contains comparable information on teacher salaries. The Subcommittee is concerned that the only national data on teacher salaries currently available are limited to information about base salaries and exclude a number of other measures that make salary information relevant, such as fringe benefits (including health insurance), information on supplemental contracts and other pay, and adjustments for cost-of-living and regional differences. At a time when Kansas and other states are facing a shortage of teachers in certain teaching fields and geographic areas, it becomes increasingly important to have salary information that is relevant and comparable among school districts and among states.
14. The Subcommittee calls attention to a request by the State Department for \$160,000 from the Children's Initiatives Fund to contract for an independent evaluation of the four-year-old at-risk program and the parent education program. Both of these programs are funded all or in part from the Children's Initiatives Fund and a condition of that funding is that the effectiveness of programs should be documented. Information from Joyce Cussimano, Executive Director of the Kansas Children's Cabinet and Trust Fund, supports taking \$400,000 from programming funds for the four-year-old at-risk program and the parent education program for the purpose of hiring two additional staff positions at the State Department whose jobs would be to provide technical assistance for district staff for the purpose of helping districts comply with necessary quality standards. The Subcommittee understands that the State Department, while agreeing that additional staff would be helpful in administering the programs and ensuring that high quality standards are met, is reluctant to divert funds that presently are used to provide services to children and their families. For that reason, the Subcommittee requests that the Children's Cabinet and the State Department work out a mutually agreeable resolution to the issue of how best to administer the programs and document their effective-

ness that causes minimal disruption to the program delivery system in place. (Under the Governor's recommended budget for FY 2004, funding from the Children's Initiatives Fund will amount to \$4,500,000 for the four-year-old at-risk program and \$2,500,000 for the parent education program.)

Kansas Department of

# Social and Rehabilitation Services

Janet Schalansky, Secretary

**Senate Ways and Means Committee**  
March 6, 2003

**SB 244 - Concerning district coroners**

**Integrated Service Delivery**  
Dennis Priest, Program Administrator

For additional information contact:  
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Marianne Deagle, Director

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Senate Ways and Means  
3-6-03  
Attachment 2

**Kansas Department of Social and Rehabilitation Services**  
**Janet Schalansky, Secretary**

Senate Ways and Means Committee  
March 6, 2003

**SB 244 - Concerning district coroners**

Mr. Chairman and members of the Committee, thank you for the opportunity to appear on Senate Bill 244. My name is Dennis Priest, Program Administrator within the Integrated Service Delivery Division of the Department of Social and Rehabilitation Services. This legislation helps clarify the responsibilities of County Coroners regarding deceased indigent persons. The Department does not oppose the changes but does wish to bring to the Committee's attention a cross reference to Article 7 of Chapter 39 of Kansas Statutes Annotated, noted in Section 1(d).

This cross reference is specific to Funeral Assistance benefits which until last year had been administered by SRS. Appropriations for this program were transferred to the Kansas Department of Health and Environment effective July 1, 2002. In addition, the Governor's budget for FY 2004 does not provide funding to SRS for this program.

As such, we would recommend the cross reference be removed or otherwise modified to reflect the transfer of funding that has occurred.

Thank you again for the opportunity to testify.



**KANSAS FUNERAL DIRECTORS AND EMBALMERS ASSOCIATION, INC.**

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**EXECUTIVE DIRECTOR**

**PAM SCOTT**  
Topeka

March 6, 2003

To: Senate Ways and Means Committee

From: Pam Scott  
Executive Director

Re: Senate Bill No. 244

Chairman Morris and members of the Committee, the Kansas Funeral Directors and Embalmers Association (KFDA) appreciates the opportunity to appear before you today in support of Senate Bill No. 244.

Senate Bill No. 244 was introduced at the request of the KFDA to clarify the provisions of K.S.A. 22a-214 with regard to the responsibility to bury indigent decedents. Although we prefer to keep the financial responsibility to bury indigents with the state rather than county governments, we want to be prepared should that responsibility revert back to county governments.

Current law, K.S.A. 22a-215, provides that if there are not sufficient funds to bury an indigent, the state will pay to bury the deceased indigent if the deceased was on public assistance at the time of death and the deceased did not have sufficient assets to cover burial expenses. If the decedent was not on assistance and there is no immediate family or next of kin who will claim and take responsibility for the body, the law requires that the body be offered to the Department of Anatomy of the University of Kansas Medical School for donation for the promotion of medical and surgical science. A body will not be donated if the deceased objected to donation during his or her lifetime or the family objects. If none of these options are available, the county has the responsibility to bury the indigent decedent.

It is not our intent with this bill to change current law concerning indigent burials but it is our wish to clarify the counties' responsibility for the cost to bury indigent, unidentified and unclaimed deceased persons. Therefore, if we must go back to the pre-state funded funeral assistance program days when the county was responsible for indigent burials, the clarifications contained in the bill should make the transition smoother.

*Let's Renew in 2002!*

*Senate Ways and Means  
3-6-03  
Attachment 3*

Senate Bill No. 244 would:

- 1) Clarify that the county of residence of an unidentified or unclaimed deceased person shall be responsible for the necessary and reasonable expenses for burial or cremation should the responsibility for burial revert to the county governments pursuant to K.S.A. 22a-215.
- 2) Define “unclaimed dead bodies” to include dead bodies for which no immediate family or next of kin will accept financial responsibility for or direct disposition of the dead body. Occasionally the indigent deceased only has distant or estranged family members who refuse to accept financial responsibility or authorize disposition. The body is often left at a funeral home for a lengthy period of time because no one is taking responsibility for the body. The definitions in the bill will clarify that the county has the responsibility to authorize disposition of these unclaimed bodies.
- 3) Define an “indigent decedent” as a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person’s burial expenses and whose funeral and cemetery expenses are not payable by the state under the provisions of article 7 of chapter 39 of Kansas Statutes Annotated.

In summary, while we would prefer a state funded and administered program, we believe the amendments contained in Senate Bill No. 244 will be beneficial if the indigent burials once again become a county responsibility. We thank you for the opportunity to testify and ask for your support of this bill.



## GOVERNMENT RELATIONS

Sedgwick County Courthouse  
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[mpepoon@sedgwick.gov](mailto:mpepoon@sedgwick.gov)

**Michael D. Pepoon**  
**Director**

**TESTIMONY SB 244**  
**BEFORE THE SENATE COMMITTEE ON WAYS AND MEANS**  
**MARCH 6, 2003**

Chairman Morris and members of the committee, I appreciate the opportunity to testify in regard to SB 244. Sedgwick County is not opposed to reviewing K.S.A. 22a-215 and making necessary changes to clarify ambiguities in current law. But we are strongly opposed to any legislation that will create an unfunded mandate for counties and likewise burden Sedgwick County with a disproportionate share of the statewide expenses for such burials or cremations.

SB 244 amends K.S.A. 22a-215 to make it clear that it is the responsibility of a county to pay for the reasonable expenses for burial and cremation of a deceased indigent when said expenses are not provided for by the state of Kansas. For many years these expenses were paid for out of the funeral assistance program in the Kansas Department of Social and Rehabilitation Services (SRS). In FY 2003 the program and its funding was transferred to the Kansas Department of Health and Environment—although the program continued to be administered by SRS through an interagency agreement. Absent continued funding by the state of Kansas, the burden of providing for indigent burials or cremations will be shifted in state FY 2004 to counties.

According to funeral assistance expenditure records (county by county) as prepared by SRS for FY 2001, Sedgwick County had by far the greatest number of funerals and received the largest amount of state assistance. SRS records indicate that there were 168 indigent funerals in Sedgwick County amounting to \$90,270 in assistance. The next highest figures were from Unified Government in Wyandotte with 72 funerals and \$37,741 in assistance. Approximately 20% of all indigent funerals in the entire state of Kansas occurred in Sedgwick County.

This raises an important issue as to why Sedgwick County has such a disproportionate share of these funerals and whether the program should be administered statewide, rather than locally. It makes sense that SRS is the proper agency to handle indigent burial expenses because it is the state agency with the most information concerning indigent citizens and best equipped to deal with issues of indigent assistance. This would provide for uniformity across the state of Kansas and not penalize a particular region for having quality hospitals, private or government related social services, or for having a regional coroner's office.

For the above reasons we would ask the committee to oppose legislation that would shift the cost of indigent burials from the state of Kansas to counties.

**"Sedgwick County...working for you."**

Senate Ways and Means  
3-6-03  
Attachment 4



**KANSAS**  
ASSOCIATION OF  
**COUNTIES**

**Testimony concerning SB 244**  
**Senate Ways and Means Committee**  
**March 6, 2003**  
**Presented by Randall Allen, Executive Director**  
**Kansas Association of Counties**

Mr. Chairman and members of the committee, my name is Randall Allen, Executive Director of the Kansas Association of Counties. Thank you for the opportunity to present testimony on Senate Bill 244.

I am here today to express concerns in behalf of counties about the underlying assumption in SB 244, which is to shift the burden of the cost of indigent burial or cremation from the State to counties. As you know, current law (K.S.A. 39-713d) provides that the Secretary of SRS *may* pay funeral and cemetery expenses for indigent decedents from appropriated State funds. In the absence of available funds, the financial burden for such expense falls to counties to pay from counties' general funds. SB 244 appears to clarify that the *county of residence* would assume financial responsibility for the burial or cremation of indigent decedents. It almost seems that the bill anticipates the defunding of the SRS budget for these expenses and an accompanying shift of the financial burden to counties.

In addition to our concern about shifting an expense of nearly \$500,000 annually to county property taxpayers as an unfunded mandate, we submit that the Department of Social and Rehabilitation Services has an appropriate role in the burial of indigent decedents since it (not the counties) has the means to determine whether a decedent was receiving income assistance. As such, off-loading this budget problem to counties when the State, not counties, has responsibility for the social welfare system, seems illogical in a practical sense, however tempting it is as a short-term budget remedy. Simply put, the clarifications in SB 244 are probably unnecessary if the State of Kansas adequately funds the cost of burying or cremating indigent decedents as provided in K.S.A. 39-713d. We urge the committee to consider our comments as you consider both SB 244 and the FY 04 budget.

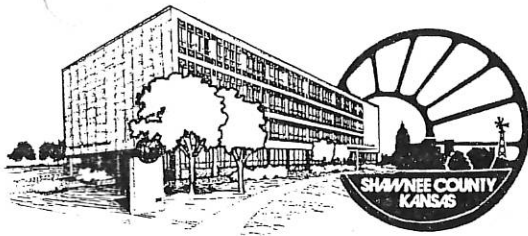
Thank you for listening to my comments.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randall Allen or Judy Moler by calling (785) 272-2585.

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Senate Ways and Means  
3-6-03  
Attachment 5





## Shawnee County Office of County Counselor

RICHARD V. ECKERT  
County Counselor

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Senate Bill 244  
Ways and Means Committee Meeting  
March 6, 2003  
10:30 a.m. in Room 123-South

**Testimony of  
Shawn Leisinger, Assistant Shawnee County Counselor on behalf of  
the Board of County Commissioners of the County of Shawnee, Kansas and  
the Shawnee County Coroner, Dr. Erik Mitchell**

Senate Bill 244 would amend, and, for all practical purposes, replace K.S.A. 2002 Supp. 22a-215, which describes the current process used to deal with unclaimed bodies in the State of Kansas. The proposed changes would substantially increase the expense and labor associated with treatment of unclaimed bodies. The language provided at lines 14 to 16 in the bill changes the determinative factor from the **unclaimed** status of the corpse to an evaluation of the **indigent nature** of the deceased. The second major change relates to the language found in lines 24 to 29 of the bill which would require any particular county to be responsible for the costs of burial or cremation of **residents** of that particular county.

The current evaluation of whether a body is claimed or not is generally a simple process. The Coroner's Office staff makes a diligent effort to identify any information that might help them locate family of the deceased. If, after exhausting all avenues, no relative can be found, then the County takes on the responsibility of disposition of the remains. Currently Shawnee County is lucky enough to have a local mortuary that will cremate decedents for a flat fee of \$350.00. In some cases family members can not afford to claim the body but will accept the ashes, which limits the County disposition expense. Shawnee County has generally averaged about six to eight of these cases a year amounting to an annual cost of up to approximately \$3200.00. Under the current legislation we can pursue recovery of these expenses from any property found with the decedent which we diligently attempt to do. Only about one or two of these cases will involve any assets we can pursue, however. Further, the expense both in time and resources, to recover any minimal assets that may be found can be substantial.

Thankfully, with the cooperation of a local mortuary, our cremation costs are kept at a reasonable level. We are able to control the expense and have actually helped other local counties to take advantage of these reduced rates as well. This process would be ruined if the County were required to pay the costs of any county resident found anywhere in the state. Any controls over the process and costs would be, for all practical purposes, gone.

Senate Ways and Means  
3-6-03  
Attachment 6

As any good attorney knows, terms like “**necessary and reasonable expense for burial or cremation**” are ripe for a variety of interpretations. If one our “residents” was traveling at the time of their death, our choices would then be between paying whatever fee the local mortuary cared to charge or arranging to have the body picked up and transported back to Shawnee County at substantial expense. The cost to a county with a substantial number of residents, such as Shawnee, would increase exponentially.

In a manner of closing, let me state that this particular statute, K.S.A. 22a-215, is difficult enough to comply with in its present form. It is a continual struggle to determine whether a particular family is truly destitute, and actually unable to claim the body, or simply wants the county to foot the bill. We then must wrestle with whether to turn the ashes over to such a family and thus potentially encourage folks to abuse the system. Our Coroner’s Office staff work hard to identify family members of deceased individuals that are often estranged from their families or illegally in the country, so this process is routinely quite burdensome. **While the current process could use some improvement, this bill would accomplish just the opposite!** First, under SB 244 the counties would be forced to figure out how to establish that the decedent was, in fact, “indigent”. Second, the counties would lose the opportunity to recover the costs for all of this effort from any assets found with the body. Finally, the County could easily be forced to pay whatever rate was offered to cremate or transport the body of a resident from any corner of the state.

#### WHAT NEEDS TO BE CHANGED?

1. Delete entirely, or at least develop a simple test for determining the “indigent” nature of the decedent. The best process would be to leave the determinative factor of whether the body was “claimed” in place as the statute currently provides.
2. Leave any responsibility for unclaimed bodies with the county in which the person died. While Shawnee County often ends up dealing with illegal nationals, we are at least able to control our costs in receiving cremation services. How would residency deal with illegal nationals?
3. Leave in place, or expand, the opportunity for the county to recover the cost of such final disposition from not only the assets found with the body, but any other assets which may be identified as belonging to the deceased. Allow such assets to be paid out to the responsible county on a simple order of the Court determining that the requirements of the statute have been met.

Please feel free to contact me at (785)-233-8200, ext. 4042 with any questions or for any additional information you would like Shawnee County to provide.