

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on March 22, 2005, in Room 514-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Legislative Research Department  
J. G. Scott, Legislative Research Department  
Amy VanHouse, Legislative Research Department  
Reagan Cussimano, Legislative Research Department  
Amy Deckard, Legislative Research Department  
Susan Kannarr, Legislative Research Department  
Robert Waller, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Administrative Assistant  
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Deb Miller, Secretary, Department of Transportation  
Ed Geer, Department of Transportation

Others attending:

See attached list.

- Attachment 1 Proposed **Substitute for House Bill No. 2245**
- Attachment 2 Budget Committee Report on **Sub for HB 2245**
- Attachment 3 Update on Statewide Communications System Improvement effort with an 800 MHZ radio access system by Deb Miller, Secretary of the Department of Transportation
- Attachment 4 Proposed Amendment on **HB 2108**
- Attachment 5 Budget Committee Report on **HB 2108**
- Attachment 6 Proposed Amendment on Sub **SB 211**

Representative Feuerborn introduced Miami County 4-H members from his district who were visiting in the Capitol today.

**Discussion and Action on HB 2245 - Kansas fireworks act.**

Susan Kannarr, Legislative Research Department, explained that the Budget Committee has recommended a substitute bill for **HB 2245** to incorporate a number of amendments as proposed by the State Fire Marshal's office. **Substitute Bill for HB 2245** would create the Kansas Fireworks Act under the authority of the Office of the State Fire Marshal. The bill would require persons who intend to sell fireworks or articles pyrotechnic or to discharge display fireworks or articles pyrotechnic to obtain a license from the State Fire Marshal and allow the State Fire Marshal to charge fees for these licenses. All fees collected would be deposited in the State Fire Marshal's fee fund. The main difference between the original bill and the substitute bill pertains to the age limitations in the original bill which prohibited anyone under the age of 16 from selling or purchasing fireworks. The substitute bill removes this language (Attachment 1).

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on Sub for HB 2245 and moved to adopt the Budget Committee report to recommend Sub for HB 2245 favorable for passage (Attachment 2). The motion was seconded by Representative Sharp. Motion carried.

Responding to a question from the Committee concerning non-profit organizations, the Budget Committee stated that the legislation does not restrict sale of fireworks by non-profit organizations. It also gives more control to the local community.

Chair Neufeld recognized Deb Miller, Secretary of the Department of Transportation, who presented an

## CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 22, 2005 in Room 514-S of the Capitol.

update on the Statewide Communications System Improvement effort with an 800 MHz radio access system (Attachment 3). The 800 MHz radio system would allow emergency responders statewide to communicate during a crisis in the state. After researching the proposal and because of funding challenges, the Department of Transportation is recommending a pilot program in southeast Kansas to upgrade to an interoperable statewide trunked 800 MHz system which would allow local emergency responders to use the improved system without buying 800 MHz radios until they have funding available. One-time funds have been accumulated for a system upgrade in the pilot district. The program would then be extended to other districts as funding becomes available.

With reference to questions from the Committee, Ms. Miller and Ed Geer, Department of Transportation, provided the following responses:

- The program will be a long-term project because of shortage of funding for the complete program at this time.
- System would not be limited to emergency use; could be used to transfer data by law enforcement on a daily basis.
- Cost of converting entire system would be approximately \$55 million statewide; cost under the interoperable system would be approximately \$45 million.
- Counties could use federal Homeland Security funds to fund upgrade of equipment.
- Startup costs for some improvements in the pilot program would only need to be made one time to create the backbone for the system; consequently, the expense to expand the project to other districts should require less funding.

The Chair thanked Ms. Miller for her presentation.

### **Discussion and Action on HB 2108 - Water plan storage act; determination of rates for withdrawal and use of water; disposition of moneys.**

Amy VanHouse, Legislative Research Department, explained that **HB 2108** would amend the Water Plan Storage Act to adjust the rates for the withdrawal and use of water by Water Marketing Program participants. The bill would base the operation, maintenance, and repair costs portion on estimated costs for the upcoming year rather than costs from the preceding year. The bill also changes the depreciation reserve cost portion so that it is annually determined by the Kansas Water Authority as an amount necessary to meet the capital development and maintenance plan. Further, the bill allows for direct payment of administration and enforcement costs from the Water Marketing Fund. A balloon amendment was recommended by the Committee (Attachment 4).

Representative Schwartz, Chair of the Agriculture & Natural Resources Budget Committee, presented the Budget Committee report and moved to adopt the Budget Committee report to recommend **HB 2108** favorable for passage as amended (Attachment 5). The motion was seconded by Representative Powell. Motion carried.

### **Hearing on HB 2507 - Reduce the number of lawyers required to serve on joint committee on special claims against the state.**

Amy Deckard, Legislative Research Department, explained that **HB 2507** concerns the composition of the joint committee on special claims against the state. An amendment to **HB 2507** would remove the provision that mandates that the two House members and two Senate members on the Joint Claims Committee shall be attorneys licensed to practice law in the state of Kansas.

Representative Feuerborn moved to adopt the amendment to **HB 2507** that would remove the provision which mandates that the two House members and two Senate members on the Joint Claims Committee shall be attorneys licensed to practice law in the state of Kansas and require only one attorney member which could be from either the house or the senate. The motion was seconded by Representative Sawyer. Motion carried.

The hearing on **HB 2507** was closed.

Representative Feuerborn moved to recommend **HB 2507** favorable for passage as amended. The motion was seconded by Representative Light. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on March 22, 2005 in Room 514-S of the Capitol.

**Continued Hearing on Sub SB 211 - Death benefit for dependents of certain national guard members.**

Representative Henry moved to adopt a balloon on Sub SB 211 (Attachment 6). The motion was seconded by Representative Ballard. Motion withdrawn.

The Committee expressed concern with several aspects of the legislation:

- Language in Line 30 and Line 38 pertaining to the word “while” should be changed to read “as a result of”.
- Unidentified fiscal impact of the legislation. Fiscal impact of the legislation in case of multiple casualties while on active duty in a combat zone.
- Intent of the legislation in case a guardsman dies as a result of natural causes while on active duty in a combat zone.


Colonel King, Kansas National Guard, responded to several questions from the Committee.

Representative Henry moved to amend Sub for SB 211 by deleting the word “while” in Lines 30 and 38 and insert “as a result of federal active duty in a combat zone”. The motion was seconded by Representative Ballard. Motion carried.

Because of the Committee concerns, Chair Neufeld appointed the following to serve on a subcommittee to clarify the provisions of **Sub SB 211**:

Representative Newton, Chair; Representative McLeland, Representative Bethell, Representative Henry and Representative Gatewood.

The meeting was adjourned at 10:20 a.m. The next meeting will be “on call of the Chair”.

  
\_\_\_\_\_  
Melvin Neufeld, Chair

# HOUSE APPROPRIATIONS COMMITTEE

March 22, 2005

9:00 A.M.

| NAME             | REPRESENTING       |
|------------------|--------------------|
| Harl McWarren    | KSFMO              |
| Dennis Phillips  | KSCFF              |
| Ed Redman        | "                  |
| ROBERT HARRISON  | KDOC               |
| Uilleann Dubois  | Budget             |
| <del>_____</del> | DOB                |
| Marci Ferrill    | KDOT               |
| Deb Miller       | KDOT               |
| Edwin Geer       | KDOT               |
| Jaci Vogel       | KDOT               |
| Crystal Gatewood |                    |
| Susan Lee        | KWO                |
| John Funder      | KWO                |
| Richard Sammons  | Kenex A 1000       |
| Tommy Bruno      | Motorola           |
| <del>_____</del> | HEW Lita Film      |
| Phil Bradley     | KS Fireworks Arsen |
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## PROPOSED Substitute for HOUSE BILL NO. 2245

By Committee on Appropriations

AN ACT concerning fireworks; enacting the Kansas fireworks act.

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

Section 1. (a) Sections 1 through 8, and amendments thereto, shall be known and may be cited as the "Kansas fireworks act".

(b) This act shall be administered by the state fire marshal.

Sec. 2. As used in this act, unless the context otherwise requires:

(a) "Consumer fireworks" means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition and labeling regulations of the U.S. consumer product safety commission, as set forth in title 16, code of federal regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive materials and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336 and UN0337 by the U.S. department of transportation at 49 CFR 172.101. This term shall not include fused setpieces containing components which together exceed 50 mg of salute powder.

(b) "Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks." Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U.S. department of transportation at 49 CFR 172.101. This term also includes fused setpieces containing components which together exceed 50 mg of salute powder.

(c) "Articles pyrotechnic" means pyrotechnic devices for

HOUSE APPROPRIATIONS

DATE 3-22-2005ATTACHMENT 1

professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use and such articles meeting the weight limits for consumer fireworks but not labeled as such and classified by U.S. department of transportation regulations in 49 CFR 172.101 as UN0431 or UN0432.

(d) "Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration or detonation. The term shall include consumer fireworks, display fireworks, and articles pyrotechnic. Fireworks shall not include:

- (1) Novelty items;
- (2) highway flares, railroad flares or fuses, ships' distress signals, smoke candles or other emergency distress devices;
- (3) rockets and rocket motors as defined in the 2000 edition of the national fire protection association code 1125 and 1127;
- (4) signal or starting pistols;
- (5) small arms ammunition; or
- (6) devices used during the course of research or testing by an approved laboratory or research facility.

(e) "Licensed display fireworks operator" means a person licensed to operate an outdoor display of display fireworks.

(f) "Licensed proximate pyrotechnic operator" means a person licensed to operate indoor or outdoor articles of pyrotechnic.

(g) "Manufacturer" means any person engaged in the manufacture of fireworks of any kind in the state of Kansas. Manufacturer shall also include the assembly of consumer fireworks or component parts into a finished item or assortment, but shall not include repackaging finished goods into an assortment.

(h) "Distributor" means any person who:

- (1) Sells, delivers, transports, consigns, gives, imports, exports or otherwise furnishes consumer fireworks to any person for the purpose of resale to a retailer or any other distributor or reseller within the state of Kansas;

(2) sells, intends to sell, offer for sale, possess with intent to sell, or consigns display fireworks or articles pyrotechnic to any person, distributor, municipality or any other organization within the state of Kansas;

(3) produces, conducts or provides a licensed operator or imports any display fireworks or articles pyrotechnic of any kind within the state of Kansas for profit;

(i) "distributor" shall not include:

(1) Anyone who transports fireworks from one state to another state through the state of Kansas and such fireworks ultimate destination is not within the state of Kansas;

(2) anyone who sells consumer fireworks during a fireworks season as a seasonal retailer; or

(3) freight delivery companies or common carriers as defined in U.S. department of transportation 49 CFR 171.8.

(4) an out-of-state person who sells, transports, delivers, or gives fireworks to a licensed manufacturer or distributor.

(j) "Hobbyist manufacturer" means any person who manufactures consumer fireworks, display fireworks or articles pyrotechnic for their personal use.

(k) "Person" means any individual, partnership, firm, company, association, corporation, not-for-profit organization, municipality or limited liability corporation.

(l) "Seasonal retailer" means a person who receives consumer fireworks and sells, delivers, consigns, gives or otherwise furnishes consumer fireworks only to the public for their personal use and only during a fireworks season.

(m) "Storage" means the safekeeping of fireworks in a warehouse or magazine or comparable appropriate depository. Consumer fireworks that are located at the destination of their retail sale and that are being held in anticipation of retail sale shall not be considered as in storage.

(n) "Fireworks season" means a period in time as set forth in the regulations authorized to be adopted by the state fire marshal during a calendar year in which seasonal retailers are

permitted to sell consumer fireworks to the public.

(o) "Fireworks display" means a private or public production of display fireworks or articles pyrotechnic, or both, which are intended for use and designed to produce visible or audible effects for entertainment purposes by combustion, deflagration or detonation.

Sec. 3. (a) Any person who intends to sell, offer for sale, possess with intent to sell, any consumer fireworks, display fireworks or articles pyrotechnic or discharge, use, display fireworks or articles pyrotechnic shall first obtain the appropriate license from the state fire marshal.

(b) The types of license shall be as follows:

- (1) Manufacturer;
- (2) hobbyist manufacturer;
- (3) distributor (consumer, display or articles pyrotechnic);
- (4) display fireworks operator; and
- (5) proximate pyrotechnic operator (articles pyrotechnic).

(c) Before a license holder may operate, they must satisfy the requirements of this act and regulations adopted by the state fire marshal.

(d) The license holder shall be at least 21 years of age prior to applying for the license.

(e) Each license shall be valid for the period specified in subsection (f) of this section. Licenses shall not be transferable.

(f) The state fire marshal shall have the authority to fix, charge and collect fees as provided in this subsection:

(1) A manufacturer license shall be valid for a period of one year. The annual license fee shall not be less than \$400 or more than \$600.

(A) A holder of a manufacturer license is not required to have any additional licenses in order to manufacture and sell any fireworks defined by this act.

(2) A hobbyist manufacturer license shall be valid for a period of four years. The license fee shall not be less than \$50



or more than \$80.

(3) A distributor license of consumer, display and articles pyrotechnic shall be valid for a period of one year. The annual fee shall not be less than \$300 or more than \$500.

(4) A display fireworks operator license shall be valid for a period of 4 years. The license fee shall not be less than \$40 or more than \$80.

(5) A proximate pyrotechnics operator license shall be valid for a period of 4 years. The license fee shall not be less than \$40 or more than \$80.

(g) A permit to conduct a fireworks display shall be obtained by the sponsor or operator of a fireworks display from and approved by the local municipality where the fireworks display is to be discharged.

Sec. 4. (a) The state fire marshal may deny, suspend, revoke or refuse any license or permit issued under this act if the state fire marshal finds that the applicant or permit holder has:

(1) Violated any provision of the Kansas fire prevention code, and amendments thereto, or any rules and regulations promulgated hereunder;

(2) been convicted of a felony in the past five years;

(3) failed, neglected or refused to provide direct supervision over any unlicensed person who assisted in the performance of a fireworks display;

(4) provide known false information in conjunction with an application for a license issued under this act;

(5) made any known misrepresentation in conjunction with an application for a license issued under this act; or

(6) violated any provision of this act or any rule and regulation promulgated hereunder.

Sec. 5. Any person aggrieved by any order or ruling issued pursuant to the provisions of this act may appeal such order or ruling to the state fire marshal within 15 days from the date of the service of such order by filing a notice of such appeal in the office of the state fire marshal. The state fire marshal or

the state fire marshal's authorized representative shall hear such person within 30 days after the receipt of such notice of appeal and the hearing shall be held in accordance with the provisions of the Kansas administrative procedure act. The state fire marshal shall file a decision thereon and, unless by authority of the state fire marshal the order is revoked or modified, the order shall be complied with within the time fixed in such decision.

Sec. 6. (a) Any person who discharges display fireworks or articles pyrotechnic shall obtain a written permit for a fireworks display issued by the local municipality.

(b) Nothing shall prohibit the use of consumer fireworks in any display fireworks, except those fireworks prohibited by K.S.A. 31-155 et seq., and amendments thereto.

Sec. 7. (a) The owner of any display fireworks storage facility shall obtain a storage site permit from the state fire marshal for permanent or temporary storage. Storage permits are not required for day boxes used at a display site.

(b) A storage site permit shall be valid for a period of four years. The fee for a storage site permit shall be not less than \$25 or more than \$75.

Sec. 8. In the administration of this act:

(a) All fees collected pursuant to this act shall be transmitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state fire marshal fee fund.

(b) The state fire marshal is hereby authorized to adjust the amount of such fee or fees by rule and regulation.

(c) Any rules and regulations of the state fire marshal adopted pursuant to this act may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(d) All rules and regulations of the state fire marshal

pertaining to fireworks regulated by this act in existence on the effective date of this act shall continue to be effective until revised, amended, revoked or nullified pursuant to law.

Sec. 9. This act shall take effect and be in force on and after January 1, 2006.

House Public Safety Budget Committee

Recommended Substitute for House Bill 2245

  
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Representative Bill Light, Chair

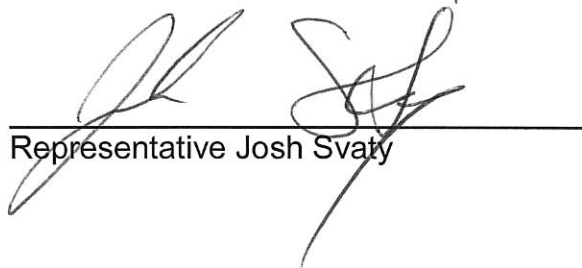
  
\_\_\_\_\_  
Representative Joann Flower

  
\_\_\_\_\_  
Representative Mitch Holmes

  
\_\_\_\_\_  
Representative Melvin Neufeld

\_\_\_\_\_  
Representative Mary Pilcher-Cook

  
\_\_\_\_\_  
Representative Bonnie Sharp

  
\_\_\_\_\_  
Representative Josh Svaty

HOUSE APPROPRIATIONS

DATE 3-22-2005

ATTACHMENT 2

## House Public Safety Budget Committee

### Recommendation of Substitute Bill for House Bill 2245

#### Brief

HB 2245 would create the Kansas Fireworks Act under the authority of the Office of the State Fire Marshal.

The bill would require persons who intend to sell fireworks or articles pyrotechnic or to discharge display fireworks or articles pyrotechnic to obtain a license from the State Fire Marshal. License types include manufacturers, hobbyist manufacturer; distributor, display fireworks operator; and proximate pyrotechnic operator. All licensees would be required to be at least 21 years of age prior to applying for the license. Licenses would not be transferable.

The bill would allow the State Fire Marshal to charge license and permit fees. All fees would be remitted to the Fire Marshal Fee Fund. License terms and fees would be as follows:

- Manufacturer license: valid for a period of one year and fees would be not be less than \$400 or more than \$600.
- Hobbyist manufacturer license: valid for four years and fees would be not be less than \$50 or more than \$80.
- Distributor license of consumer, display and articles pyrotechnic: valid for one year and fees would be not be less than \$300 or more than \$500.
- Display fireworks operator license: valid for 4 years and fees would be not be less than \$40 or more than \$80.
- Proximate pyrotechnics operator license: valid for 4 years and fees would be not be less than \$40 or more than \$80.

Permits to conduct a fireworks display would be required to be obtained from the local municipality where the display would take place.

The bill would allow the State Fire Marshal to deny, suspend, revoke, or refuse any license or permit if the applicant or permit holder under specified conditions including the violation of this act or the fire prevention code.

The bill would require the owner of a display fireworks storage facility to obtain a storage permit from the state fire marshal for permanent or temporary storage. The permit would be valid for four years and the Fire Marshal would be allowed to charge a fee of not less than \$25 or more than \$75 for this permit.

The bill would give the Fire Marshal rule and regulation authority, authority to incorporate national fire prevention codes and allows current regulations covering fireworks to remain effective until amended pursuant to this law.

The act will take effect on January 1, 2006.

## Background

The Public Safety Budget Committee made amendments and recommended the substitute bill. As introduced the bill would have prohibited anyone under the age of 16 from selling or purchasing fireworks and would have prohibited such persons from discharging fireworks unless supervised by an adult. The Budget Committee also deleted language that was unnecessarily duplicative of the Fire Marshal's current statutory or regulatory authority.

Proponents appearing on the bill included the State Fire Marshal and the Kansas Fireworks Association who proposed amendments to the bill. No opponents appeared on the bill.

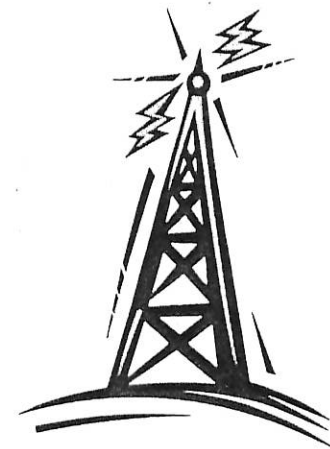
The fiscal note indicates that activities in this bill would generate \$46,790 in additional fees from the sale of licenses and permits and require expenditures of \$60,343 from the Fire Marshal Fee Fund and 1.0 FTE position (two half-time positions) in FY 2006. According to the fiscal note, these duties were formerly performed by positions funded by a federal grant that was not renewed for FY 2006.

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# Statewide Communications System Improvement Effort Update



**2005**





# Statewide Communication Problem

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2-3

- **Emergency responders can't effectively communicate during crisis**
- **KDOT recognized opportunity for improvement using existing infrastructure**
  - **\$36 million invested in communication system statewide**
  - **Previously only public safety entities using 800 MHz radios could access system**





# Recent Accomplishments

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3-3

- **KDOT approached 2004 Legislature with more open view**
- **HB 2756 passed (2004) to improve communications across Kansas**
  - Allows KDOT to lease tower space to non-KDOT users (public and private)
  - Provides KDOT a mechanism to lease radios to public safety agencies
- **Temporary communications solution**
  - Mobile emergency response towers/trailers



# HB 2756

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3-4

**Specifically authorizes KDOT to:**

- **Purchase and lease communication system equipment to public safety agencies**
- **Establish the communication system revolving fund**
- **Authorize the issuance of revenue bonds**



# Current Status

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3-5

- **Moving forward to implement HB 2756**
- **Radio Business Plan completed**
- **Rules and regulations in final approval stages**
- **Radio lease costs and access fees being studied**
- **Regional forums were held with public safety entities**



# Regional Forums

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3-6

- **Public safety entities recognize the need for improved communications systems**
- **Many worry about being able to afford new equipment**
- **Some public safety entities want to use existing equipment as much as possible while others want to upgrade**



# Limitations of HB 2756

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3-7

- **Broader use of 800 MHz incrementally improves situation by allowing 800 MHz users to talk within a region**
- **Does not allow responders to communicate between regions**
- **Lease costs still too high for many local responders**
- **Analysis indicated making system improvements provides greater statewide benefits**



# Options To Improve Statewide Communication

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3-8

- **Option 1: Open tower space and lease radios (HB 2756)**
- **Option 2: Upgrade current system to statewide trunked 800 MHz system**
- **Option 3: Upgrade current system to interoperable statewide trunked 800 MHz system**

**Funding for all options is yet to be identified**



# **Option 1: Open Tower Space and Lease Radios (HB 2756)**

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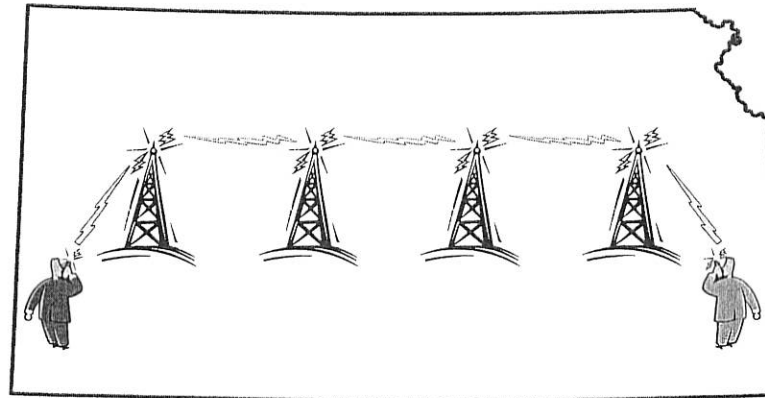
6-9  
3-9

- **Helps some local agencies upgrade to 800 MHz radio**
- **More 800 MHz users improve communication**
- **Lease payments may still be too costly**
- **Costs depend on level of interest local agencies have in leasing radios**



# Option 2: Upgrade to a Statewide Trunked 800 MHz System

3-10



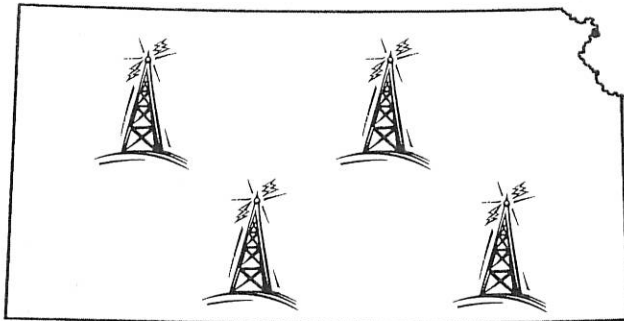
- Provides seamless communication between towers for 800 MHz users
- Provides integrated voice and data capability for 800 MHz users
- Allows greater user capacity
- Have to have 800 MHz radios to use system
- Concern not enough leasers to retire debt





# Option 3: Upgrade to an Interoperable Statewide Trunked 800 MHz System

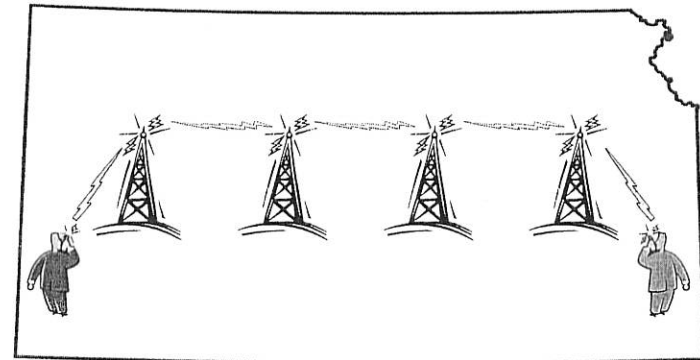
3-11



Non 800 MHz System



Statewide Trunked 800 MHz



Increases cost of system infrastructure, but because most non-800 MHz radios can continue to be used, overall cost may be lower. Fewer radios leased so a funding mechanism is needed.



# Recommendation

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3-12

- **Option 3 – upgrade to interoperable statewide trunked 800 MHz system**
- **Local emergency responders can use improved system without buying 800 MHz radios**
- **Provides true interoperability**
- **Funding is an issue**



# **Recommendation: Funding Approach and Location**

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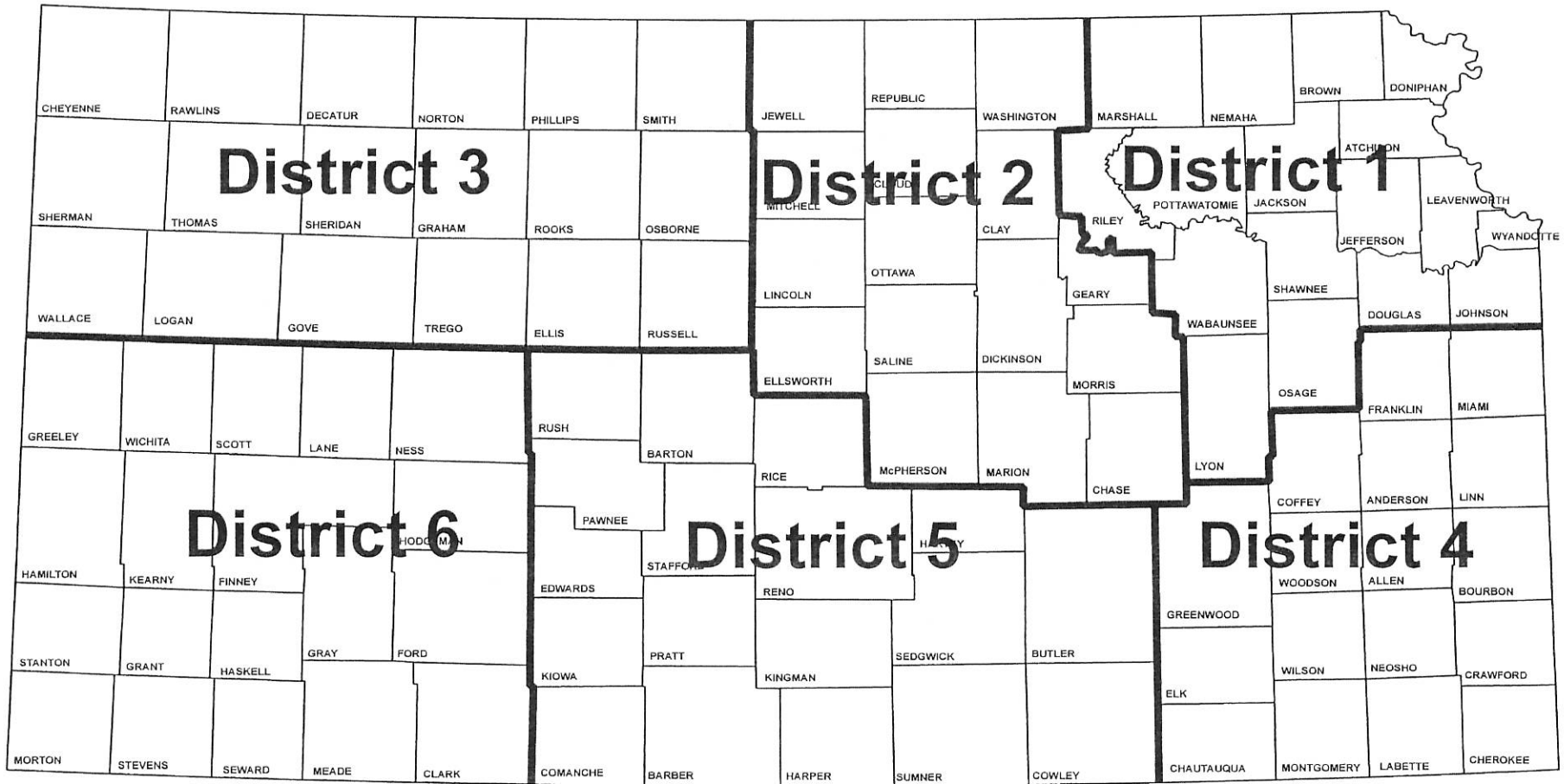
3-13

- **One-time funds have been accumulated for a system upgrade in a pilot district**
  - **Pilot recommendation is to upgrade Southeast Kansas first due to the critical infrastructure (Wolf Creek Nuclear Power Plant)**
- **Upgrade region by region (using KDOT's existing infrastructure and districts) as funds are available**



# District Map

3-14





# Funding Approach - 2005

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3-15

## Estimated Startup Cost

- Initial est. for leasing radios/tower space\*      \$ 2 M + ?
  - Equipment upgrade costs (SEK/District 4)      \$16 M
  - Microwave backbone      \$ 3 M
- Estimated Cost \$ 21 M

## Funds available

- KDOT-Fed Safety Funds      \$ 8 M
  - Fed Homeland Security Funds      \$ 5.3 M
    - KHP/ODP (one time dollars - Sept '05 Deadline)
  - KDOT radio budget (FY 05 & 06)      \$ 4 M
  - \*Issue debt to fund radios?      \$ \_\_\_ ?
- Currently Available      \$ 17.3 M



## Funding Approach (con't)

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3-16

- **Working to secure additional federal funds for Pilot Project**
  - Request to Congress for \$3 million
- **Considering using authority provided in HB 2756 to issue debt to pay for initial purchase of radios/equipment to lease**
- **A funding source is needed to upgrade remainder of state**



# Closing the Funding Gap – Beyond 2005

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3-17

- **Seek additional Federal funds  
(Congressional earmarks and Homeland  
Security funds)**
- **Explore other funding options**



# **Commitment to Security and Emergency Communications**

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3-18

- **Governor established Homeland Security Council**
- **Council identified communication as a top priority and allocated \$4M federal funds for this effort**
- **\$36 million already invested in statewide communication infrastructure**
- **Non-partisan support of HB 2756**



1 costs for the upcoming year divided by the greater of: (A) Fifty percent  
2 of the total amount of water under each contract from the state's con-  
3 servation storage water supply capacity in the preceding year; or (B) the  
4 total amount of water withdrawn under each contract from the state's  
5 conservation storage water supply capacity in the preceding year; and

6 (5) an amount equal to ~~\$.025~~ as a depreciation reserve cost to be  
7 dedicated for the purposes provided for in K.S.A. 82a-1315b, and amend-  
8 ments thereto, as follows: (A) For calendar years prior to 2007, an amount  
9 equal to \$.025; and (B) for calendar year 2007 and subsequent years, an  
10 amount not less than \$.025, which is equal to the amount necessary to  
11 meet the needs of the water marketing program capital development and  
12 storage maintenance plan, as approved by the Kansas water authority.

13 (b) In computing such rates, the director shall consider the state's  
14 conservation water supply capacity from all sources as though impounded  
15 in one single reservoir. No water supply capacity of a reservoir shall be  
16 considered to be in such capacity until the year in which the state incurs  
17 contract obligations for the project. The rate so fixed for each year shall  
18 be the same for each contract under K.S.A. 82a-1305, and amendments  
19 thereto, for withdrawal from every reservoir. The rate fixed for each  
20 twelve-month period from January 1 to December 31 shall be the same  
21 for every contract under K.S.A. 82a-1305, and amendments thereto.

22 Sec. 2. K.S.A. 2004 Supp. 82a-1315b is hereby amended to read as  
23 follows: 82a-1315b. (a) The director, subject to approval of the authority,  
24 shall acquire or develop conservation storage water supply capacity in  
25 impoundments deemed necessary to implement the state water plan.

26 (b) That portion of all moneys received by the state treasurer pur-  
27 suant to K.S.A. 82a-1315a, and amendments thereto, which is not attrib-  
28 utable to: (1) The annual repayment on water storage costs in federal  
29 reservoirs as computed under subsection (a)(1) of K.S.A. 82a-1308a, and  
30 amendments thereto; (2) the operation, maintenance and repair costs  
31 associated with the state's conservation water supply capacity; and (3) the  
32 costs in administering and enforcing the provisions of this act, shall be  
33 deposited in the state treasury to the credit of the state conservation  
34 storage water supply fund which is hereby established. The director shall  
35 provide the treasurer with an accounting of the total remittances and shall  
36 deposit money only to the credit of the state conservation storage water  
37 supply fund after the full amount of the costs attributable to the water  
38 marketing fund from the preceding calendar year have been repaid. For  
39 purposes of calculating the rate in K.S.A. 82a-1308a, and amendments  
40 thereto, effective beginning calendar year 1986, all moneys received pur-  
41 suant to this act since 1975 shall be credited for repayment of the com-  
42 ponents in the following order: paragraphs (1), (4), (3), (2), (5) of sub-  
43 section (a) of K.S.A. 82a-1308a, and amendments thereto.

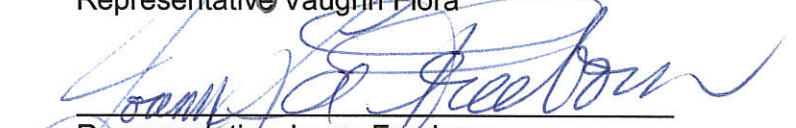
**Agriculture and Natural Resources Budget Committee**

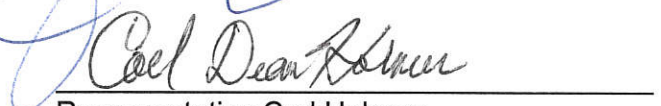
**House Bill 2108**

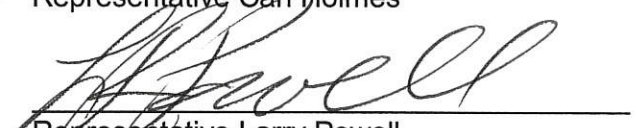
The Agriculture and Natural Resources Budget Committee recommends the bill be amended by striking on page 2, line 10, "not less than \$.025", which establishes a minimum amount to be set to meet the needs of the capital development and storage maintenance plan. The Budget Committee recommends the bill favorably for passage, as amended.

  
Representative Sharon Schwartz, Chair

  
Representative Vaughn Flora

  
Representative Joann Freeborn

  
Representative Carl Holmes

  
Representative Larry Powell

  
Representative Tom Sloan

  
Representative Jerry Williams

**HOUSE APPROPRIATIONS**

DATE 3-22-2005

ATTACHMENT 5

# Agriculture and Natural Resources Budget Committee

## Recommendations on House Bill 2108

### Brief

HB 2108 would amend the Water Plan Storage Act to adjust the rates for the withdrawal and use of water by Water Marketing Program participants. The bill would base the operation, maintenance, and repair costs portion on estimated costs for the upcoming year rather than costs from the preceding year. The bill also changes the depreciation reserve cost portion so that it is annually determined by the Kansas Water Authority as an amount necessary to meet the capital development and maintenance plan. Further, the bill allows for direct payment of administration and enforcement costs from the Water Marketing Fund.

### Background

The Kansas Water Office testified in favor of the bill. There were no opponents.

The fiscal note from the Division of the Budget indicates that the bill has no fiscal impact and states that according the Kansas Water Office, internal accounting and budgeting procedures would be simplified for the agency.

### Recommendation

The Agriculture and Natural Resources Budget Committee recommends the bill be amended by striking on page 2, line 10, "not less than \$.025", which establishes a minimum amount to be set to meet the needs of the capital development and storage maintenance plan. The Budget Committee recommends the bill favorably for passage, as amended.

Substitute for SENATE BILL No. 211

By Committee on Federal and State Affairs

3-2

10 AN ACT concerning the Kansas national guard; providing for certain  
11 death benefits; amending K.S.A. 75-3713b and repealing the existing  
12 section.

13  
14 WHEREAS, The Kansas national guard has a proud tradition of mil-  
15 itary service with thousands of Kansans having answered the call of the  
16 nation and served in the national guard; and

17 WHEREAS, There have been instances in which the dependents of  
18 members of the Kansas national guard have been left without adequate  
19 financial resources when a national guard member has been killed while  
20 on federal active duty; and

21 WHEREAS, Members of the Kansas national guard are now being  
22 asked to serve extended periods of federal active duty in combat areas;  
23 and

24 WHEREAS, Members of the Kansas national guard provide Kansas  
25 and its citizens valuable benefits through their service inside this state  
26 and through their recently extended periods of federal active duty in  
27 combat areas outside of Kansas; and

28 WHEREAS, The state of Kansas should provide ~~each~~ [a death ben-  
29 efit for dependents of any] member of the Kansas national guard [who  
30 dies while] on federal active duty in a combat area ~~\$250,000 in life in-~~  
31 ~~surance coverage~~. Now, therefore,

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

33 New Section 1. (a) In addition to any other benefits provided to  
34 members of the Kansas national guard, the state of Kansas shall provide  
35 an aggregate death benefit of \$250,000 to the surviving spouse and any  
36 dependent child or children of any member of the Kansas national guard  
37 who, after November 1, 2004, ~~has suffered a combat death resulting in~~  
38 ~~the award of the purple heart~~ [dies while on federal active duty in a  
39 combat area].

40 (b) The death benefit provided by this section shall be paid from  
41 amounts allocated therefor from the state emergency fund in accordance  
42 with K.S.A. 75-3713b, and amendments thereto.

43 (c) For the purpose of carrying out the provisions of subsection (a),

On page 1, in line 39, after the period, by inserting: "1  
member of the Kansas national guard dies after November  
2004, while on federal active duty in a combat area, and th  
is no surviving spouse or dependent child of such memt  
then the death benefit shall be provided to such membe  
designated beneficiary or beneficiaries. If there is no survivi  
spouse or dependent child of such member and such meml  
has not designated a beneficiary, then the death benefit shall  
part of such member's estate and shall be disbursed as provic  
by law."

HOUSE APPROPRIATIONS

DATE 3-22-2005  
ATTACHMENT 6