

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on January 15, 2008, in Room 123-S of the Capitol.

All members were present except:
Senator Jay Emler- excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
Kristen Clarke Kellems, Assistant Revisor of Statutes
Kimbra Caywood McCarthy, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Cody Gorges, Kansas Legislative Research Department
Reed Holwegner, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research
Heather O'Hara, Kansas Legislative Research Department
Leah Robinson, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks

Chairman Umbarger welcomed all committee members back to the Legislative Session and welcomed Senator Greta Goodwin as a new member on the committee.

The Chairman recognized J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department, who provided an update on the new assignments of the Fiscal Staff ([Attachment 1](#)). Jill Wolters, Senior Assistant, Revisor of Statutes Office, introduced Kristen Clarke Kellems from the Office of the Revisor of Statutes, who will be serving on the Committee with her. Alan Conroy, Director, Kansas Legislative Research Department, mentioned that their office has been relocated to the garden Level of the Statehouse and that everyone is invited to an open house on Wednesday, January 23, 2008.

The Chairman welcomed J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, who presented an overview of the Agency ([Attachment 2](#)). Secretary Hayden addressed some of the following Wildlife and Parks initiatives that are in the Governor's FY 2009 recommendations:

- funding to provide for "Open Admissions" at the state parks;
- proposal to provide on-going funding for infrastructure maintenance and improvements at the state parks from the Expanded Lottery Act Revenues Fund;
- \$1.5 million from the Expanded Lottery Act Revenues Fund to finance flood repairs at the state parks that was incurred in 2007; and
- nine additional positions to administer state parks.

Chairman Umbarger opened the public hearing on:

HB 2587--Creating the wildlife and parks nonrestricted fund

Staff briefed the Committee on the bill.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on January 15, 2008, in Room 123-S of the Capitol.

J. Michael Hayden, Secretary, Kansas Department of Wildlife and Parks, explained that the bill would have little impact to the State General Fund (Attachment 3). **HB 2587** provides that the interest earnings from investment of idle funds in the Wildlife and Parks Non-Restricted Fund will be deposited to the fund.

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **HB 2587**.

Senator Teichman moved, with a second by Senator Kelly, to recommend **HB 2587** favorable for passage and be placed on the Consent Calendar. The vote was not taken at this meeting and was held over to another meeting of the Committee.

Chairman Umbarger turned the Committee's attention to consideration of:

HB 2491--Increasing transfer of certain balances in the motor carrier license fees fund to the state highway fund

Staff briefed the Committee on the bill. A hearing was held on **HB 2491** in the 2007 Legislative Session on March 22, 2007.

Consideration of **HB 2491** was held over to another meeting of the Committee.

Copies of a report were distributed to the Committee from the Kansas Corporation Commission titled, Critical Analysis of the State and Federal Definitions of "Commercial Motor Vehicle," as required in 2007 **SB 357**. Copies of the report are available at the Kansas Corporation Commission.

The meeting adjourned at 11:35 a.m. The next meeting was scheduled for January 16, 2008.

LEGISLATIVE FISCAL ANALYST ASSIGNMENTS—FY 2009

J. G. SCOTT (6-4397)

JGScott@klrd.state.ks.us
 422 Legislative Coordinating Council
 425 Legislative Research Department
 428 Legislature
 540 Division of Post Audit
 579 Revisor of Statutes
 604 School for the Blind
 610 School for the Deaf

LEAH ROBINSON (6-4447)

LeahR@klrd.state.ks.us
 652 Department of Education
 622 Secretary of State
 082 Attorney General
 252 Governor
 446 Lieutenant Governor
 Coordinator, Budget Data

AMY DECKARD (6-4429)

AmyD@klrd.state.ks.us
 629 Dept. of Social and
 Rehabilitation Services
 170 Health Policy Authority
 039 Department on Aging
 Coordinator, Children's Initiatives Fund

AUDREY DUNKEL (6-3183)

AudreyD@klrd.state.ks.us
 561 Board of Regents
 246 Fort Hays State University
 379 Emporia State University
 367 Kansas State University
 367 KSU-Veterinary Medical Center
 367 KSU-Agricultural Extension
 385 Pittsburg State University
 682 University of Kansas
 683 University of Kansas Medical Center
 715 Wichita State University
 Coordinator, Joint Committee on State
 Building Construction

JULIAN EFIRD (6-3535)

JulianE@klrd.state.ks.us
 173 Department of Administration
 710 Department of Wildlife and Parks
 365 Kansas Public Employees Retirement
 System
 450 Kansas Lottery
 553 Racing and Gaming Commission
 176 Kansas Development Finance
 Authority
 Coordinator, Joint Committee on
 Information Technology

CODY GORGES (8-3184)

CodyG@klrd.state.ks.us
 296 Department of Labor
 694 Comm. Veterans Affairs/Soldiers
 Home/Veterans Home
 331 Insurance Department
 270 Health Care Stabilization Board
 of Governors
 261 Kansas Guardianship Program
 625 Securities Commissioner
 159 Department of Credit Unions
 028 Accountancy Board
 531 Board of Pharmacy
 167 Dental Board

REED HOLWEGNER (6-4404)

ReedH@klrd.state.ks.us
 677 Judicial Branch
 349 Judicial Council
 565 Department of Revenue
 562 Board of Tax Appeals
 328 Board of Indigents' Defense Services
 300 Department of Commerce
 360 Kansas Inc.
 371 Kansas Technology Enterprise Corp.
 Coordinator, Economic Development
 Initiatives Fund

AARON KLAASSEN (6-4396)

AaronK@klrd.state.ks.us
 434 State Library
 359 Kansas Arts Commission
 288 State Historical Society
 670 State Treasurer
 206 Emergency Medical Services Board
 482 Board of Nursing
 102 Behavioral Sciences Regulatory Board
 105 Board of Healing Arts

KIMBRA CAYWOOD MCCARTHY (8-7260)

KimbraC@klrd.state.ks.us
 410 Larned State Hospital
 494 Osawatomie State Hospital
 555 Rainbow Mental Health Facility
 363 Kansas Neurological Institute
 507 Parsons State Hospital
 247 Governmental Ethics Commission
 100 Board of Barbering
 149 Board of Cosmetology
 204 Mortuary Arts Board
 266 Hearing Aid Examiners

HEATHER O'HARA (6-7792)

HeatherO@klrd.state.ks.us
 046 Department of Agriculture
 143 Kansas Corporation Commission
 122 Citizen Utility Ratepayer Board
 709 Kansas Water Office
 055 Animal Health Department
 373 Kansas State Fair Board
 634 State Conservation Commission
 488 Optometry Board
 Coordinator, Water Plan Fund

MICHAEL STEINER (6-4181)

MichaelS@klrd.state.ks.us
 350 Juvenile Justice Authority
 325 Beloit Juvenile Correctional Facility
 355 Atchison Juvenile Correctional Facility
 412 Larned Juvenile Correctional Facility
 352 Kansas Juvenile Correctional Complex
 016 Abstracters Board
 543 Real Estate Appraisal Board
 549 Real Estate Commission
 663 Board of Technical Professions
 700 Board of Vet. Medical Examiners

AMY VANHOUSE (6-4443)

AmyV@klrd.state.ks.us
 264 Department of Health and Environment
 276 Department of Transportation
 034 Adjutant General
 280 Highway Patrol
 083 Attorney General-Kansas Bureau
 of Investigation
 234 Fire Marshal
 529 Commission on Peace Officers Standards
 and Training
 Coordinator, Fiscal Database

JAROD WALTNER (8-7041)

JarodW@klrd.state.ks.us
 521 Department of Corrections
 177 Ellsworth Correctional Facility
 195 El Dorado Correctional Facility
 313 Hutchinson Correctional Facility
 400 Lansing Correctional Facility
 408 Larned Correctional Facility
 581 Norton Correctional Facility
 660 Topeka Correctional Facility
 712 Winfield Correctional Facility
 626 Sentencing Commission
 523 Parole Board
 058 Commission on Human Rights
 094 Bank Commissioner

**AGENCY NUMBER LISTED NEXT TO
 AGENCY NAME**

Senate Ways and Means
 1-15-08
 Attachment 1

LEGISLATIVE FISCAL ANALYST ASSIGNMENTS—FY 2009

Abstracters Board **MICHAEL STEINER** (6-4181)
 Accountancy Board **CODY GORGES** (6-3184)
 Adjutant General **AMY VANHOUSE** (6-4443)
 Administration, Department of **JULIAN EFIRD** (6-3535)
 Aging, Department on **AMY DECKARD** (6-4429)
 Agriculture, Department of **HEATHER O'HARA** (6-7792)
 Animal Health Department **HEATHER O'HARA** (6-7792)
 Arts Commission, Kansas **AARON KLAASSEN** (6-4396)
 Atchison Juvenile Correctional Facility **MICHAEL STEINER** (6-4181)
 Attorney General **LEAH ROBINSON** (6-4447)

Bank Commissioner **JAROD WALTNER** (8-7041)
 Barbering, Board of **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Behavioral Sciences Regulatory Board **AARON KLAASSEN** (6-4396)
 Beloit Juvenile Correctional Facility **MICHAEL STEINER** (6-4181)

Citizen Utility Ratepayer Board **HEATHER O'HARA** (6-7792)
 Commerce, Department of **REED HOLWEGNER** (6-)
 Corrections, Department of **JAROD WALTNER** (8-7041)
 Cosmetology, Board of **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Credit Unions, Department of **CODY GORGES** (6-3184)

Dental Board **CODY GORGES** (6-3184)

Education, State Department of **LEAH ROBINSON** (6-4447)
 El Dorado Correctional Facility **JAROD WALTNER** (8-7041)
 Ellsworth Correctional Facility **JAROD WALTNER** (8-7041)
 Emergency Medical Services Board **AARON KLAASSEN** (6-4396)
 Emporia State University **AUDREY DUNKEL** (6-3183)

Fair Board, Kansas State **HEATHER O'HARA** (6-7792)
 Fire Marshal, State **AMY VANHOUSE** (6-4443)
 Fort Hays State University **AUDREY DUNKEL** (6-3183)

Governmental Ethics Commission **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Governor **LEAH ROBINSON** (6-4447)
 Guardianship Program, Kansas **CODY GORGES** (6-3184)

Healing Arts, Board of **AARON KLAASSEN** (6-4396)
 Health and Environment, Department of **AMY VANHOUSE** (6-4443)
 Health Care Stabilization Bd. of Gov. **CODY GORGES** (6-3184)
 Health Policy Authority, Kansas **AMY DECKARD** (6-4429)
 Hearing Aid Examiners **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Highway Patrol **AMY VANHOUSE** (6-4443)
 Human Rights, Commission on **JAROD WALTNER** (8-7041)
 Hutchinson Correctional Facility **JAROD WALTNER** (8-7041)

Indigents' Defense Services, Board of **REED HOLWEGNER** (6-4404)
 Insurance Department **CODY GORGES** (6-7260)

Judicial Branch **REED HOLWEGNER** (6-4404)
 Judicial Council **REED HOLWEGNER** (6-4404)
 Juvenile Justice Authority **MICHAEL STEINER** (6-4181)

Kansas Bureau of Investigation (Attorney Gen.) **AMY VANHOUSE** (6-4443)
 Kansas Corporation Commission **HEATHER O'HARA** (6-7792)
 Kansas Development Finance Authority **JULIAN EFIRD** (6-3535)
 Kansas Juvenile Correctional Complex **MICHAEL STEINER** (6-4181)
 Kansas Inc. **REED HOLWEGNER** (6-4404)
 Kansas Lottery **JULIAN EFIRD** (6-3535)
 Kansas Neurological Institute **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Kansas Public Employees Retirement System **JULIAN EFIRD** (6-3535)
 Kansas State University **AUDREY DUNKEL** (6-3183)
 KSU-Agricultural Extension **AUDREY DUNKEL** (6-3183)
 KSU-Veterinary Medical Center **AUDREY DUNKEL** (6-3183)
 Kansas Technology Enterprise Corp. **REED HOLWEGNER** (6-4404)

Labor, Department of **CODY GORGES** (6-3184)
 Lansing Correctional Facility **JAROD WALTNER** (8-7041)
 Larned Correctional Facility **JAROD WALTNER** (8-7041)
 Larned Juvenile Correctional Facility **MICHAEL STEINER** (6-4181)
 Larned State Hospital **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Legislative Coordinating Council **J. G. SCOTT** (6-4397)
 Legislative Research Department **J. G. SCOTT** (6-4397)
 Legislature **J. G. SCOTT** (6-4397)
 Lieutenant Governor **LEAH ROBINSON** (6-4447)

Mortuary Arts Board **KIMBRA CAYWOOD MCCARTHY** (8-7260)

Norton Correctional Facility **JAROD WALTNER** (8-7041)
 Nursing, Board of **AARON KLAASSEN** (6-4396)

Optometry Board **HEATHER O'HARA** (6-7792)
 Osawatomie State Hospital **KIMBRA CAYWOOD MCCARTHY** (8-7260)

Parole Board **JAROD WALTNER** (8-7041)
 Parsons State Hospital **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Peace Officers Standards and Training, Comm. of **AMY VANHOUSE** (6-4443)
 Pharmacy, Board of **CODY GORGES** (6-3184)
 Pittsburg State University **AUDREY DUNKEL** (6-3183)
 Post Audit, Division of **J. G. SCOTT** (6-4397)

Racing and Gaming Commission **JULIAN EFIRD** (6-3535)
 Rainbow Mental Health Facility **KIMBRA CAYWOOD MCCARTHY** (8-7260)
 Real Estate Appraisal Board **MICHAEL STEINER** (6-4181)
 Real Estate Commission **MICHAEL STEINER** (6-4181)
 Regents, Board of **AUDREY DUNKEL** (6-3183)
 Revenue, Department of **REED HOLWEGNER** (6-4404)
 Revisor of Statutes **J. G. SCOTT** (6-4397)

School for the Blind **J. G. SCOTT** (6-4397)
 School for the Deaf **J. G. SCOTT** (6-4397)
 Secretary of State **LEAH ROBINSON** (6-4447)
 Securities Commissioner **CODY GORGES** (6-3184)
 Sentencing Commission **JAROD WALTNER** (8-7041)
 Social and Rehabilitation Services, Dept. of **AMY DECKARD** (6-4429)
 State Conservation Commission **HEATHER O'HARA** (6-7792)
 State Historical Society **AARON KLAASSEN** (6-4396)
 State Library **AARON KLAASSEN** (6-4396)
 State Treasurer **AARON KLAASSEN** (6-4396)

Tax Appeals, Board of **REED HOLWEGNER** (6-4404)
 Technical Professions, Board of **MICHAEL STEINER** (6-4181)
 Topeka Correctional Facility **JAROD WALTNER** (8-7041)
 Transportation, Department of **AMY VANHOUSE** (6-4443)

University of Kansas **AUDREY DUNKEL** (6-3183)
 University of Kansas Medical Center **AUDREY DUNKEL** (6-3183)

Veterans Affairs/Soldiers Home/Veterans Home **CODY GORGES** (6-3184)
 Veterinary Medical Examiners, Board of **MICHAEL STEINER** (6-4181)

Water Office, Kansas **HEATHER O'HARA** (6-7792)
 Wichita State University **AUDREY DUNKEL** (6-3183)
 Wildlife and Parks, Department of **JULIAN EFIRD** (6-3535)
 Winfield Correctional Facility **JAROD WALTNER** (8-7041)



KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

Overview of KDWP FY 2009 Governor's
Budget Recommendations and
Status of Flood Repair Projects
to
Senate Committee on Ways and Means

By J. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks

January 15, 2008

The Kansas Department of Wildlife and Parks (KDWP) appreciates the opportunity to discuss the Governor's FY 2009 recommendations for the Department before the Committee. The Governor's recommendations include several major initiatives that are important to the Department and the public we serve. The Governor has included funding to provide for "Open Admissions" at the state parks. The recommendation would eliminate the current ½ price vehicle entrance fee and still retain all other existing fees for camping and other services. The state parks are an asset to the public and adoption of the "Open Admissions" policy would encourage the public to participate in outdoor recreation activities. An amount of \$1.6 million from the State General Fund is provided for this initiative.

Another major initiative included in the Governor's recommendations is a proposal to provide on-going funding for infrastructure maintenance and improvements at the state parks in the amount of \$3 million from the Expanded Lottery Act Revenues Fund. The state parks have an extensive infrastructure of facilities such as shower buildings, utilities, and campsites that are continuously in need of maintenance or replacement. A dedicated funding source would allow KDWP to effectively plan for capital improvement needs.

The Governor has also provided \$1.5 million from the Expanded Lottery Act Revenues Fund to finance flood repairs at the state parks that was incurred in 2007. In addition, KDWP will allocate a portion of this funding to local communities to assist in their park repairs from flooding that occurred during 2007 and develop greenways. Attached is a table for the Governor's FY 2009 capital improvement recommendation to the Department.

KDWP has statewide responsibilities to serve the public that include law enforcement, state parks, and public land management. To assist in the accomplishment of these tasks, the Governor has recommended nine additional positions for the Department in FY 2009. The recommendation includes 4.0 additional law enforcement positions, 2.0 additional positions to administer the state parks, 1.0 position to assist in operations of the Jamestown Wildlife Area which has had a major expansion, 1.0 position to assist in the education and information program at the Kansas Wetlands Education Center, and 1.0 position to provide technical IT support to the Department.

KDWP has been asked to provide an update on flood repair to Department property resulting from the flooding that occurred during 2007. As noted above, the Governor has recommended \$1.5 million in FY 2009 to repair flood damage at the state parks and provide funds to local units of government for greenway development. In addition, KDWP is authorized to utilize any federal funds that may be available. It should be noted that the repair of the Prairie Spirit Rail Trail is to be financed with existing funds authorized for FY 2008 and reimbursements from FEMA.

KDWP has utilized the funding provided by the State Council at the October 17, 2007, meeting to repair the flood damage that occurred at public land areas. The Department has not yet utilized all of the funds and still has several state fishing lakes and wildlife areas to repair this spring. The Cheyenne Bottoms Wildlife Area was not included in the agency request for damage repair. At the time of the State Finance Council request, the "Bottoms" were still flooded and a damage estimate could not be prepared. The floodwater has receded and there is extensive damage to dikes and levees within the area. An estimate of the damage is being prepared and will be provided when available. KDWP will utilize funding already provided or request additional funding to repair the area, depending on need.

If members of the Committee have any questions, please advise. Thank you.

Attachment (1)

FY 2009 Gov Rec

(a)

| | SGF | Gaming | PFF | BFF | WF - F | WFF | BF - F | WCF | WCF - F | LWCF | Other Funds | Roads Fund | Total |
|-----------------------------------|------|--------------|------------|------------|------------|------------|-----------|------------|------------|------------|-------------|--------------|--------------|
| Parks Maj Maint | | 3,000,000 | 500,000 | | | | | | | \$ 400,000 | \$ 34,000 | | \$ 3,934,000 |
| Flood Damage/Green Space Dev | | 1,500,000 | | | | | | | | | | | \$ 1,500,000 |
| Wetlands Acquisition/Development | | | | | | | | | \$ 100,000 | | \$ 350,000 | | \$ 450,000 |
| Land Acquisition | | | | | | | | \$ 500,000 | | | | | \$ 500,000 |
| Public Lands Major Maintenance | | | | | | | | \$ 150,000 | | | | | \$ 150,000 |
| Bridge Maint | | | | | | | | | | | \$ 200,000 | | \$ 200,000 |
| River Access | | | | | | | \$ 50,000 | | | | | | \$ 50,000 |
| Road Maint | | | | | | | | | | | | \$ 1,592,000 | \$ 1,592,000 |
| Federally Mandated Boating Access | | | | | \$ 200,000 | \$ 280,000 | | | \$ 823,500 | | | | \$ 1,303,500 |
| Coast Guard Boating Projects | | | | 100,000 | | | | | | | | | \$ 100,000 |
| | | | | | | | | | | | | | \$ - |
| | \$ - | \$ 4,500,000 | \$ 500,000 | \$ 100,000 | \$ 200,000 | \$ 280,000 | \$ 50,000 | \$ 650,000 | \$ 923,500 | \$ 400,000 | \$ 584,000 | \$ 1,592,000 | \$ 9,779,500 |

(a) \$350,000 for wetland acq/dev from Migratory Waterfowl Fund; \$200,000 for bridge maint from Bridge Repair Fund; \$34,000 for parks maj maint from Pvt Gifts & Donations Fund



KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

Testimony on House Bill No. 2587
to
Senate Committee on Ways and Means

By J. Michael Hayden, Secretary
Kansas Department of Wildlife and Parks

January 15, 2008

The Kansas Department of Wildlife and Parks (KDWP) is requesting committee approval of House Bill No. 2587 which is new legislation creating the “Wildlife and Parks Non-Restricted Fund”. This fund has been authorized in the annual appropriation bills for the Department since the 1995 Legislative Session. The fund was originally created at the request of the Legislative Post Auditor as a means for KDWP to gain better control of restricted and non-restricted funds within the agency.

The creation of the Wildlife and Parks Non-Restricted Fund within appropriation bills has allowed KDWP to deposit funds that by state or federal law are not required to be restricted in use and to use the funds as deemed necessary. As cited in the bill, K.S.A. 32-990 – 32-9994, and K.S.A. 32-1173, the receipts from the sale of hunting and fishing licenses, park permits, and boating permits are dedicated funding sources and must be deposited to the funds listed in the citations above. The major revenue source to the fund has been the sale of the Department magazine.

The bill will have a minor fiscal impact to the State General Fund. House Bill No. 2587 provides that interest earnings from investment of idle funds in the Wildlife and Parks Non-Restricted Fund will be deposited to the fund. For FY 2006, the earnings were \$3,926. The bill will become effective upon publication in the Statute Book.

During the 2007 session, the bill was placed on the consent calendar of the House of Representatives upon the recommendation of the Committee on Appropriations and passed the House by a vote of 121-0. If the members of the Committee have any questions, please advise. Thank you.