

Approved: April 5, 2001
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairman Kenny Wilk at 9:05 a.m. on March 15, 2001, in Room 514-S of the Capitol.

All members were present except: Representative Phil Kline

Committee staff present: Alan Conroy, Legislative Research
Rae Anne Davis, Legislative Research
Amy Kramer, Legislative Research
Debra Hollon, Legislative Research
Robert Waller, Legislative Research
Stuart Little, Legislative Research
Audrey Nogle, Legislative Research
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee:

Others attending: See Attached

Representative Wilk moved for the introduction of legislation regarding a workforce development program. Motion was seconded by Representative Neufeld. Motion carried.

Representative Campbell of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Juvenile Justice Authority for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 with notations and additions (Attachment 1). Motion was seconded by Representative Minor.

Representative Landwehr moved to amend the Budget Committee report on the Governor's budget recommendations for the Juvenile Justice Authority for FY 2001 by restoring the total \$1 million funding for the Juvenile Intake and Assessment System with 50 percent being funded from the SGF and 50% being funded by the Juvenile Detention Facilities Fund. Motion was seconded by Representative Pottorff.

The Committee discussed SRS's responsibility for non-offenders declared to be children in need of care or juveniles for whom SRS is responsible coming through the Juvenile Intake and Assessment System. SRS should be required to remit their share of the cost if it is determined they are non-offenders at the time of intake and are declared to be under SRS jurisdiction. It was pointed out that it is not the responsibility of the JJA to determine if a child is in need of care, that is in the SRS area. Thus far at least one-third of the intakes are CINC and two-thirds of the intakes are considered offenders.

Representative Neufeld made a substitute motion to adopt the Senate form of funding found in Item 1 of the Senate Subcommittee Recommendations in the Budget Committee report for funding the Juvenile Justice Authority for FY 2001. Motion was seconded by Representative Landwehr. Motion carried.

Representative Campbell moved for the adoption of the Budget Committee report on the Governor's budget recommendations for the Juvenile Justice Authority for FY 2001 as amended (Attachment 1). Motion was seconded by Representative Neufeld. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Juvenile Justice Authority for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with notations (Attachment 1). Motion was seconded by Representative Minor. Motion carried.

Representative Minor presented the Budget Committee report on the Governor's budget recommendations for the Atchison Juvenile Correctional Facility for FY 2001 and moved for the adoption of the Budget

Committee recommendations for FY 2001 (Attachment 1). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Minor presented the Budget Committee report on the Governor's budget recommendations for the Atchison Juvenile Correctional Facility for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with notations (Attachment 1). Motion was seconded by Representative Campbell. Motion carried

Representative Feuerborn presented the Budget Committee report on the Governor's budget recommendations for the Beloit Juvenile Correctional Facility for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 1). Motion was seconded by Representative Campbell. Motion carried.

Representative Feuerborn presented the Budget Committee report on the Governor's budget recommendations for the Beloit Juvenile Correctional Facility for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with notations (Attachment 1). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Larned Juvenile Correctional Facility for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 1). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Larned Juvenile Correctional Facility for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with notations and additions (Attachment 1). Motion was seconded by Representative Minor. Motion carried

Representative Minor presented the Budget Committee report on the Governor's budget recommendations for the Topeka Juvenile Correctional Facility for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 1). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Minor presented the Budget Committee report on the Governor's budget recommendations for the Topeka Juvenile Correctional Facility for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with notations (Attachment 1). Motion was seconded by Representative Feuerborn. Motion carried.

The Committee voiced concern regarding the sentencing guidelines which do not allow for the reduction of sentence for the successful completion of a rehabilitation program and indicated they would like to review the current guidelines.

Representative Feuerborn presented the Budget Committee report on the Governor's budget recommendations for the Adjutant General for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Feuerborn presented the Budget Committee report on the Governor's budget recommendations for the Adjutant General for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion was seconded by Representative Minor.

Item 2 of the Budget Committee report regarding adding \$25,000 from the SGF in order to receive a match of \$75,000 in federal funds was discussed as this was supposedly a one-time effort. Adjutant General Gardner explained that the agency was found to be in violation as this money which was ear-marked by the federal government for aircraft maintenance in 2001, so the money had to be returned but they could reapply for the matching funding in 2002. They had inadvertently used a portion of the money for building maintenance.

Representative Neufeld moved to conceptually amend the Budget Committee report by striking Item 4 which adds \$195,00 from the SGF to finance debt service payments and add a statement recommending the Governor issue a GBA acknowledging that the State should pay for bond indebtedness for capital

improvements for armories. Motion was seconded by Representative Landwehr. Motion carried.

Budget Committee members explained the necessity for adding \$250,000 from the EDIF as incentive for the Educational Assistance Program. Kansas has fallen far behind our adjoining states in this program. A letter from Colonel Gene A. Morris, National Guard Association of Kansas, praising the program was distributed (Attachment 3).

Representative Feuerborn moved to adopt the Budget Committee report on the Governor's budget recommendations for the Adjutant General for FY 2002 as amended and with the noted adjustments (Attachment 2). Motion was seconded by Representative Pottorff. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Kansas Bureau of Investigation for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Kansas Bureau of Investigation for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion was seconded by Representative Minor.

Kyle Smith, representing the Kansas Bureau of Investigation, explained the need for the "Meth Central" lab in Great Bend. This renovation of an already owned building can be done for a cost of \$113 per square foot for a total of \$293,000 but it must come from state funding as federal funds are not available for facilities. He explained the acceleration in the number of meth cases from 511 in 1999 to 707 in 2000. Without the necessary chemists, personnel, and laboratory availability the alleged meth lab operators are not found guilty because the state is unable to have the necessary lab information available at the time of the trials. This work cannot be contracted out as it would "bankrupt" the counties where the arrests are made. The KBI needs 13.0 FTE's for this two-year period including five chemists which can be a problem in hiring and retaining. The Committee discussed the fact that the federal government has committed to providing the money only for two years. After that the state might have to pick up the cost. Mr. Smith described the success of their forfeiture seizure experiences which have included the confiscation of two planes and over \$2 million in cash.

Representative Wilk moved to conceptually amend the Budget Committee report to recommend that the 13.0 FTE's be unclassified with a full review of the needs of the KBI at the end of the two year federal funding program regarding personnel needs. Motion was seconded by Representative Campbell. Motion carried.

Representative Campbell moved for the adoption of the Budget Committee report on the Governor's budget recommendations for the Kansas Bureau of Investigation for FY 2002 as amended and with the noted adjustment (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Minor presented the Budget Committee report on the Governor's budget recommendations for the Emergency Medical Services Board for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Minor presented the Budget Committee report on the Governor's budget recommendations for the Emergency Medical Services Board for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with adjustments (Attachment 2). Motion was seconded by Representative Campbell. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendation for the State Fire Marshal for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendation for the State Fire Marshal for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion was seconded by Representative Minor.

Representative Campbell made a substitute motion to conceptually amend the Budget Committee report to allow the Fire Marshal to access \$25,000 or less at the Fire Marshal's discretion per event (spill, disaster, etc.) without seeking the approval of the State Finance Council. Motion was seconded by Representative Minor.

The Committee was informed that rules and regulations regarding the Hazardous Maintenance Emergency Fund should be reviewed by the Joint Committee on Administrative Rules and Regulations by Omnibus. The Committee discussed the possibility of the fund being depleted very quickly in case of requests for help and this would be without the State Finance Council being aware of this depleted or reduced fund if an emergency situation arose which required assistance from the state.

Representative Campbell withdrew his substitute motion with the agreement of Representative Minor who withdrew his second.

Representative Shriver made a conceptual substitute motion to add to Item 1 of the Budget Committee report language which would require further review of this issue at Omnibus. Motion was seconded by Representative Neufeld. Motion carried.

Representative Feuerborn moved to amend the Budget Committee report to replace Item 1 of the Budget Committee report with the language found in Item 3 of the Senate Subcommittee Report for the State Fire Marshal for FY 2002. The motion was seconded by Representative Minor. Motion carried.

Representative Campbell moved to conceptually amend the Budget Committee to include language which would allow for discussion of allowing the State Fire Marshall to access funds in the amount of \$25,000 or less per event without seeking the approval of the State Finance Council for a trial period of one year. Motion was seconded by Representative Shriver. Motion carried.

Representative Campbell moved for the adoption of the Budget Committee report on the Governor's budget recommendations for the State Fire Marshal for FY 2002 as amended and with the noted adjustments and observations (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Feuerborn presented the Budget Committee report on the Governor's recommendation for the Kansas Highway Patrol for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Campbell. Motion carried.

Representative Feuerborn presented the Budget Committee report on the Governor's recommendation for the Kansas Highway Patrol for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion was seconded by Representative Campbell. Motion carried.

The Committee requested the Kansas Highway Patrol furnish them with the amount they have received from the asset forfeiture seizure program.

Representative Minor presented the Budget Committee report on the Governor's recommendation for the Kansas Parole Board for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Campbell. Motion carried.

Representative Minor presented the Budget Committee report on the Governor's recommendation for the Kansas Parole Board for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion was seconded by Representative Campbell. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's recommendation for the Kansas Sentencing Commission for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Feuerborn moved to reconsider the previous action. Motion was seconded by Representative Minor. Motion carried.

Representative Campbell made a substitute motion to conceptually amend the report by inserting the language found in Item 2 of the Senate Subcommittee Report on the Governor's budget recommendations for the

Kansas Sentencing Commission for FY 2001 in the Budget Committee report on the Governor's recommendations for the Kansas Sentencing Commission for FY 2001. Motion was seconded by Representative Minor. Motion carried.

Representative Campbell moved to amend the Budget Committee report by adding "The Budget Committee notes that \$53,105 was recommended by the Governor (during the 2000 Legislative Session) to be expended from the State Forfeiture Fund for CJIS expenses. However, the expenditure authority was inadvertently omitted from Senate Substitute for House Bill 2513. The Governor did not recommend increasing the agency's expenditure limitation by that amount in the current year. The Subcommittee recommends the fund be made no-limit to correct these errors, and those monies be used to finance the Criminal Justice Information System expenditures incurred during FY 2001. Motion was seconded by Representative Minor. Motion carried.

Representative Campbell moved for the adoption of the Budget Committee report on the Governor's recommendations for the Kansas Sentencing Commission for FY 2001 as amended (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Kansas Sentencing Commission for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion was seconded by Representative Minor.

Regarding Item 4 of the Budget Committee report, Barb Hinton, Legislative Post Audit, said the state was technically out of compliance with the federal government because this Kansas Sentencing Commission position has not been funded.

Representative Neufeld made a substitute motion to amend the report by adding that all positions named in Item 3 of the Senate Subcommittee Report be unclassified. Motion was seconded by Representative Toplikar. Motion carried.

Representative Campbell moved for the adoption of the Budget Committee recommendations for the Kansas Sentencing Commission FY 2002 as amended with the noted adjustments (Attachment 2). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Ombudsman of Corrections for FY 2001 and moved for the adoption of the Budget Committee recommendations with the noted adjustment (Attachment 4). Motion was seconded by Representative Feuerborn.

Representative Campbell made a substitute motion to amend the bill by striking Item 1 in the Budget Committee report on the Governor's budget recommendations for Ombusman of Corrections for FY 2001. Motion was seconded by Representative Feuerborn. Motion carried.

Representative Campbell moved to adopt the Budget Committee report on the Governor budget recommendations for the Ombudsman of Corrections for FY 2001 as amended (Attachment 4). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Campbell presented the Budget Committee report on the Governor's budget recommendations for the Ombudsman of Corrections for FY 2002 and moved for the adoption of the Budget Committee recommendations with the noted adjustment (Attachment 4). Motion was seconded by Representative Feuerborn. Motion carried.

Chairman Wilk announced that **HB 2566** and **HB 2533** have been referred to the Budget Committee on General Government and Human Resources.

The Committee adjourned at 10:45 a.m. The next meeting is scheduled for March 16, 2001.