

Approved _____
Date 6/16/89

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by SENATOR WINT WINTER, Acting Chairman at _____
Chairperson

9:10 a.m. ~~p.m.~~ on APRIL 25, 1989 in room 123-S of the Capitol.

All members were present except:

All Present

Committee staff present:

Research Department: Fiscal Staff
Revisor: Norman Furse
Committee Staff: Judy Bromich, Pam Parker

Conferees appearing before the committee:

OMNIBUS BILL (Continued from April 24, 1989)

Department of Social and Rehabilitation Services (SRS)

A. Children's Services Study - (Attachment 1 and 2) Staff stated that the lowest study cost estimate is \$150,000 by the American Humane Association and the highest was \$375,000 by Michael Petit for a comprehensive study of the Kansas Child Welfare System. The Committee recommended \$225,000 with a proviso allowing for the expenditure of any additional funds from grants and donations.

D. Technical Adjustment - Staff noted that the actual dollar amount will not be known until Congress appropriates the funds. The Committee chose to skip this item.

H. SB 15 - The Committee did not recommend this item.

I. HB 2333 - In answer to questions, Ben Coates, SRS, stated that at this time there are approximately 200 people eligible for the self-sufficiency trust fund beneficiaries and in managing this fund, receipt and disbursement decisions must be made by the staff. According to Mr. Coates, an Accountant II position would cost about \$20,000 to \$25,000 annually. The Committee recommended an Accountant II position to work with the self-sufficiency trust fund for FY 1990 from the State General Fund. The Committee strongly recommended the Department pursue the possibility of a federal match for this position.

K. HB 2168 - It was explained by Senator Rock that the initial intent of HB 2168 was to encourage interaction between the courts and foster parents and to devise a simplistic form to be used as a conduit. The Committee did not recommend this item.

N. GBA No. 3, Item No. 7 -- Changes to the CAECSES Computer System - In answer to questions, staff stated that in order to receive federal matching funds for the CAECSES system a statewide, uniform computer system for the automated eligibility determination is needed. The issue of the \$1,284,000 for the expanded CPU capacity was not discussed in the Subcommittee meetings during this session. Mr. Duncan, SRS, stated that two studies were done, one by the Division of Information Systems and Communication (DISC), and one by IBM who is the vendor for the computer, which tracks the performance of the first half of the CAECSES mainframe. The results of the studies were completed late last fall which was too late to be considered in the Governor's regular budget and the Division of Budget advised the Department to request this item in a Governor's Budget Amendment GBA. This item was discussed in the House subcommittee. He stated that the average pay back is 65 percent federal funds and 35 state funds for five years.

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The Committee passed over this item and the Chairman asked that the Senate Subcommittee meet with SRS for further study of the funding mechanism for the CAECSES system.

LETTER - A letter from Secretary Barton, SRS, dated April 25, 1989 addressed to Senator Winter and Representative Goossen was discussed. (Attachment 3) The Committee recommended a proviso to the FY 1990 appropriation from the State General Fund for Youth Services, giving authority to SRS to spend up to \$100,000 out of current funds to purchase liability insurance for foster parents.

A member of the Committee brought attention to the fact that there has been a cut in federal block grant funds in the amount of \$265,000. The Department has made a decision on which mental health centers will receive those cuts. She said that the Federal Government has reduced the amount of money which can be used for administrative costs from 10 percent to five percent in the mental health block grants. State funds need to be appropriated to replace federal funds which have been used for salaries in the mental health services area. She stated that in FY 1989, \$53,908 has been lost because of the 5 percent reduction for administrative costs. For FY 1990, \$265,000 was lost from federal fund reduction. Mental Health and Retardation Services is asking for \$67,824 for two Community Based Technical Support positions currently funded by the Block Grant. There is \$127,042 needed in FY 1990 to replace funds lost for administrative salaries. The Committee recommended the addition of \$513,976 for mental health administrative and operational costs.

Staff stated that special project positions that had been funded out the block grant are not counted as state employees. It was the recommendation of the Committee to consider special project positions as state employees.

Following discussion, the Committee recommended the addition of \$40,543 from the State General Fund for FY 1990 for the continuation of a special projects position responsible for mental retardation community placements.

LARNED STATE HOSPITAL

A problem with the Phase III job rate and classification at Larned State Hospital and the need of additional salary differentials for the mental health technicians working in the security units was discussed and it was pointed out that the same situation will occur if the new 256-bed corrections mental health facility is located at Larned State Hospital. Al Nemec, SRS, indicated the need for resolve in the very near future. It was pointed out that the unit at Larned State Hospital is the only mental health security unit in the state, however the Committee was cautioned about setting a precedent due to similar situations in other agencies. During discussion it was felt the issue needs an indepth review. Senator Feleciano moved, Senator Burke seconded, recommend \$200,000 for the implementation of salary adjustments for the security units at Larned State Hospital and to allow the Department of SRS implement the proper program to adjust the problem. This is to be implemented in FY 1990. The motion carried.

Topeka State Hospital

Staff announced that Topeka State Hospital had received word from the Health Care Financing Administration (HCFA) that the hospital had passed it's

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Reasonable Assurance Survey which is the first step toward achieving recertification. HCFA will return within 30 days at which time a full survey will be conducted and should they pass that survey, they will receive recertification.

Kansas Neurological Institute

A. Senate Subcommittee Recommendations - The Committee recommended \$118,110 in FY 1990 for 5.0 FTE mental retardation specialist positions.

C. Work Therapy Patient Benefit Fund - A correction to the Omnibus memorandum (Attachment 4, April 24, 1989 minutes). The year the Work Therapy Patient Benefit Fund is to be implemented is FY 1990. This information had been omitted.

Winfield State Hospital and Training Center

A. Senate Subcommittee Recommendation - It was reported that a plan has not been developed to date for recruitment of nurses. No action was taken on this item.

Senator Salisbury spoke about a memorandum dated April 10 from SRS that she had received stating that an additional \$41,687 is needed to fund salaries at Winfield State Hospital and Training Center that were upgraded as a result of Phase III job classification study. Secretary Barton stated that this item is a budget amendment request the Governor did not incorporate into a Budget Amendment. No action was taken on this item.

Public Broadcasting Commission

A. KANZ-FM Radio Station (Pierceville) - Following discussion, the Committee passed on this item pending further information. Following lunch, discussion continued and Senator Hayden moved, Senator Gaines seconded, to recommend the addition of \$150,000 from the State General Fund in FY 1990 for relocation of KANZ-FM to Garden City. State funds are to be matched in \$25,000 increments as funds are raised by the Commission. The motion carried.

State Historical Society

B. HB 2144 - The Committee recommends \$7,500 for FY 1990 for contractual anthropological studies.

Board of Barber Examiners

A. GBA No. 3, Item No. 21 - The Committee recommended funding for a full-time administrative assistant and a half-time office assistant in FY 1990 from special revenue funds.

Department of Commerce

A. SB 21 - The Committee recommended \$100,000 in FY 1990 for 2 FTE positions, a Program Director and a Secretary, for the administration of the Kansas Export Finance program with the operating expenses coming from the Economic Development Incentive Fund.

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B. HB 2485 - The Committee recommended \$100,000 from the EDIF in FY 1990 for financial assistance payments to Kansas small business concerns for expenses related to participation in overseas trade shows.

The meeting was recessed for lunch.

AFTERNOON SESSION

INTRODUCTION OF BILLS

Senator Parrish moved, Senator Salisbury seconded, to introduce bill draft 9 RS 1436, an act concerning municipal universities; relating to residence of students for the purpose of determination of out-district state aid entitlement, and bill draft 9 RS 1338, an act concerning Washburn university; relating to residence of students for the purpose of determination of entitlement from the municipal university fund. The motion carried.

Dick Nierman, former Mayor of Halstead, distributed and reviewed information relating to the Halstead Flood Control Project Provisional Allocation dated April 25, 1989. (Attachment 4) He stated that the city is dedicated to this project and their mill levy will be in excess of 80 mills. If they can get the agreement signed, the project is due to go to bid in the fall of 1989 and it would go to contract in the spring of 1990. It would be a two year project. It was stated that the federal government has to have assurance that Halstead has access to \$300,000.

Senator Burke moved, Senator Gaines seconded, to appropriate \$300,000 for the Halstead flood control project to the Kansas Water Office and provide that this money is for the purpose of authorizing them to enter into a contract and the release of the money would be on the approval of the Finance Council. The motion carried.

Staff stated that House Sub. for HB 2021, relating to the enterprise zone program, requires cities, counties, businesses and enterprise zones to report through the Department of Revenue to the Department of Commerce on various elements of the enterprise zone and the Department of Commerce is required to make an annual report to the Legislature. The agency has indicated that this reporting would require \$50,366 and 1.75 FTE for the data processing. Duties would include collecting data on enterprise zones, the incentives being offered and there are forms individual companies have to send in with their tax returns. The Committee took no action on this request.

Kansas, Inc.

A. GBA No. 3, Item No. 25 - It was felt this item was premature so it was denied.

Secretary of State

A. SB 243 - Staff stated that this bill is currently in conference committee. The item was denied.

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Board of Agriculture

A. HB 2133 - The Committee recommended off-setting \$14,408 State General Fund expenditures with the \$14,408 available in the Seed Examination Fee Fund for FY 1990.

C. SB 272 - The Committee recommended adding \$246,192 from the State General Fund and 6 FTE positions in FY 1990 due to the transfer of the Petroleum Measurement Enforcement Program (PMEP) from the Department of Revenue to the Department of Agriculture. The Committee recommends that the House bill requiring the doubling of one-half cent per barrel in FY 1990 be used to fund their recommendation.

D. SB 3 - The Committee recommended the addition of one FTE Attorney II and one FTE secretary I in the amount of \$69,404 in FY 1990 from the State General Fund except for \$4,800 from the Pesticide Use Fees.

E. SB 2 - The Committee recommended in FY 1990 one FTE and \$39,629, of which \$19,119 is from fees and \$20,500 is from the State General Fund.

F. HB 2293 - The Committee denied this item.

LETTER - A letter to Senator Winter dated April 5, 1989 from Senator Fred Kerr regarding U.S.D.A. Reporting Project was discussed. (Attachment 5) It was determined that further information was needed before a recommendation could be made by the Committee.

LETTER - A letter to Senator Winter from Robert Paris dated April 19, 1989 regarding a white wheat study. (Attachment 6) There was discussion concerning a pilot project with respect to white wheat. Don Jacka, Board of Agriculture, stated they have provided staff information for the White Wheat Association. The Association is asking for this project to provide for the feasibility of establishing a program to determine the identity, preservation and special marketing for white wheat as a product itself. The Committee recommended the addition of \$35,000 in FY 1990 from the State General Fund to the Marketing Division allowing the Board of Agriculture to contract for the white wheat study with the Agricultural Value Added Processing Center which is associated with Kansas State University.

State Fair Board

It was pointed out that the State Fair Subcommittee recommended the State Fair not be required to provide matching funds this year and next for capital improvements. Consequently, such a bill was introduced and to date is still in the House Appropriations Committee. The Committee recommended that the State Fair Board not be required to make a transfer from the State Fair Fee Fund in FY 1989 and FY 1990 to the State Fair Capital Improvement Fund.

Kansas Highway Patrol

A. SB 358 - Capt. Shearer stated that the position of an assistant Attorney General to be assigned to the Kansas Highway Patrol was not in the Governor's recommendation, however they do need the position. He explained that this request was in their "C" level budget. It was not recommended by the Governor and therefore they decided not to pursue it. The Patrol cannot place this person in service without statutory approval. Following discussion, it was the Committee's recommendation to delete \$35,660 from the State General Fund in FY 1990 and the assistant attorney general position.

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LETTER - A letter addressed to Senate Ways and Means Acting Chairman Senator Winter from Donald Pickert, Superintendent, Kansas Highway Patrol, dated April 24, 1989 regarding a supplemental budget request for FY 1989. (Attachment 7) The recommendation made by the Committee was to add \$48,835 from the State General Fund for FY 1989. This includes \$10,000 for damage to a Corvette and \$38,835.29 for A.T.&T. billings.

Kansas Department of Transportation

A. HB 2014 - Staff stated that this bill was in conference committee. The Committee passed over this item.

Regents Institutions - Systemwide Issues

A. GBA No. 3, Item 16 - Utilities - The Committee recommended the addition of \$668,447 for unanticipated utility expenses at Kansas State University in FY 1989. In regard to FY 1990 Systemwide Utility Expenditures, the Committee made no changes to the Governor's recommendations.

B. GBA No. 3, Item 16 -- General Fee Funds - A letter from President Wefald, Kansas State University, to Senator Winter dated April 4, 1989. (Attachment 8) No action.

Board of Regents

A. HB 2279 - The Committee concurred with the Governor's recommendation of the Board to reflect the addition of 1.0 FTE position for the agency to administer the nursing student scholarship program and that the position be funded within the \$435,000 from the Medical Scholarship Repayment Fund originally recommended for the program.

University of Kansas

The Acting Chairman announced that the Geological Survey at KU needs confirmation to proceed on the Dakota Project. Currently the project is funded with Oil Overcharge funds and if that does not continue a supplemental will be required next year. It was the recommendation of the Committee to add \$200,000 from the State General Fund to be used in the event the Oil Overcharge Funds are not approved.

Emporia State University

A. HB 2339 - Staff stated that information had been received from the Kansas Development Finance Authority that no action was needed on this item and the Committee passed over it.

University of Kansas Medical Center

LETTER - A letter addressed to Alan Conroy dated April 21, 1989 from Marlin Rein, University of Kansas Medical Center. (Attachment 9) The Committee recommended clarification of the position classifications authorized to receive a 10 percent salary shift differential in FY 1990. Those employees are nursing personnel, respiratory therapists, radiology technologists, medical technicians and medical technologists.

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Kansas Public Employees Retirement System (KPERs)

- A. HB 2403 - The Committee passed over this bill since it was in conference committee.
- B. GBA No. 3, Item No. 3 - The Committee recommended, as the latest estimate from the Department of Education, to add the additional required \$2,860,360 from State General Fund for FY 1990 to fund the KPERs local school employer contributions.

Kansas Bureau of Investigation

- B. GBA No. 3 -- KBI Headquarters - The Committee held this item for recommendations from the Joint Committee on State Building Construction.

LETTER - A letter addressed to Senator Winter dated April 19, 1989 from Gene M. Olander, District Attorney, Kansas Third Judicial District, Topeka, regarding DNA testing. Also, an Executive Summary regarding DNA Profiling was included from the KBI. (Attachments 10 and 11 respectively) In answer to questions, David Johnson, Director, KBI, stated it costs approximately \$350 per test and there is a minimum of three tests per request. The expert witness fee is \$1,000 per day plus expenses so it is expensive to do by private laboratory. He stated that there is \$60,020 for capital outlay and \$27,000 for supplies and consumables and the balance is for FTE training. He said there were only a small but growing number of states which do this testing and only two private laboratories. He stated they would be able to at least get the program started if they had the funds for capital outlay, supplies and consumables. They could use existing staff, however it would create a backlog of some of their other work. Then next year they could return and request the remainder. The Committee recommended the addition of \$90,000 from the State General Fund in FY 1990 for the KBI to acquire the ability to conduct DNA examinations.

Department of Administration

- A. House Subcommittee Recommendation - Concern was expressed regarding the issue of the future of computers within the state system. Senator Allen asked for an interim study of computers in the Division of Information Systems and Communication. Senator Harder moved, Senator Allen seconded, to add \$3,478,209 from the State General Fund in FY 1990 to restore the Central Management Information System and Computing Operations account and restore the Central Mail Services Fund, Information Technology Fund and the Information Technology Reserve Fund which were all removed from HB 2064. The request for an interim study on computers was a part of the motion. During discussion, Sherry Brown, Department of Administration answered a question by stating that they do not plan on buying any more hardware to implement the results of the Pete Marwick study. She hastened to add that she was sure that the computer that they have has served a number of agencies in state government and it will eventually be upgraded whether they implement the Kansas Financial Information Systems (KFIS) or not. The motion carried.

Senator Feleciano moved, Senator Rock seconded, an appropriation of \$15,000 to remove the plywood from the windows overlooking the rotunda of the inner-core offices. The motion carried.

Senator Feleciano asked to return to the Regents section of the bill and add wording in the appropriation language proviso authorizing Wichita State

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University to obtain financing from the finance authority for \$144,550 to repay a loan made to the University for residence hall improvements. It was the consensus of the Committee to recommend this item.

Kansas Development Finance Authority (K DFA)

A. HB 2020 - The Committee recommended that on April 15, 1990 or as funds are available, \$1 million be transferred from the EDIF to capitalize the Kansas Basic Enterprise Loan Guarantee Fund.

Judicial Branch

It was pointed out that in the Judicial salaries within the Judicial branch, the Governor vetoed the lines which contain the district court operations, salaries and wages, amounting to \$48.2 million. It includes judges as well as non-judicial personnel. Senator Rock moved, Senator Parrish seconded, to recommend a 7 percent salary increase for a full year and to remove the judge from Chase County and handle that in a separate line item. During discussion, a substitute motion was offered by Senator Harder and seconded by Senator Burke to provide each justice and judge a total of 6.5 percent base salary increase for all of FY 1990. \$4,774,109 for appellate operations in FY 1990 and \$48,291,850 for district court operations for FY 1990. Following discussion, the substitute motion carried.

Senator Allen moved, Senator Hayden seconded, to recommend the addition \$18,633 as a separate line item for one-quarter year for a judge in the 5th judicial district. During discussion, Senator Feleciano offered a substitute motion which was seconded by Senator Johnston to put the judge from the 5th judicial district in the same line item with each justice and judge. The substitute motion failed. The original motion passed.

LETTER - A letter addressed to Senator Winter, Acting Chairman, Senate Ways and Means dated April 24, 1989 from Jerry Sloan, Fiscal Officer, Office of Judicial Administration, requesting the addition of a proviso granting an appropriation to the Appellate operations - other operating expenditures account to provide that up to \$25,000 may be used for contingencies, at the discretion of the Chief Justice. (Attachment 12) The Committee so recommended.

Board of Indigents' Defense Services

A. House Subcommittee Recommendation - The Committee recommended \$108,120 in FY 1990 from the State General Fund for the Board of Indigents' Defense Services to contract with Legal Services for Prisoners (LSP) and the two new branch offices be established as outlined in Attachment 4, April 24, 1989.

D. HB 2200 - The Committee recommended the establishment of "no limit" funds in FY 1990 for the newly created Crime Victims Compensation Fund and the Crime Victims Assistance Fund. The Committee also recommended \$65,944 from the State General Fund and 2.0 FTE positions in FY 1990 for the establishment of a Victims Rights Coordinator and a support staff position within the Office of the Attorney General.

State Corporation Commission

A. Commissioner Salaries - The Committee recommended adjusting this item with the previously recommended 6.5 percent base salary increase for justices and judges.

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Department of Health and Environment

C. GBA No. 3, Item No. 23 - No action was needed on this item.

Kansas Water Office

The Committee recommended the addition of \$35,000 from the State General Fund in FY 1990 for an interbasin water transfer study.

School for the Visually Handicapped

The Committee recommended the appropriation of \$27,645 and establishment of a position for a mobility instructor for outreach orientation to serve primarily students west of Highway 183.

Senator Kerr offered a motion to add \$200,000 to the budget of KSIR to help salary inequities. Following discussion, Senator Kerr withdrew his motion.

Department of Human Resources

The Committee recommended restoring \$69,319 from the state General Fund and 2.0 FTE positions to continue the Apprenticeship program in FY 1990.

Senator Allen moved, Senator Harder seconded, to introduce the Omnibus Bill from the Session of 1989. The motion carried.

Senator Allen moved, Senator Johnston seconded, to report the Omnibus Bill favorably for passage. The motion carried on a roll call vote.

The meeting was adjourned.

STATE OF KANSAS

MIKE HAYDEN, Governor

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Docking State Office Building, Topeka, Kansas 66612-1570

(913) 296-3271

April 24, 1989

WINSTON BARTON
Secretary

THELMA HUNTER GORDON
Special Assistant

TIM OWENS
General Counsel

ANN ROLLINS
Public Information
Director

Administrative
Services

J. S. DUNCAN
Commissioner

Adult Services
JAN ALLEN
Commissioner

Alcohol and Drug
Abuse Services
ANDREW O'DONOVAN
Commissioner

Income Maintenance/
Medical Services
JOHN ALQUEST
Commissioner

Mental Health/
Retardation Services
AL NEMEC
Commissioner

Rehabilitation
Services
GABE FAIMON
Commissioner

Youth Services
ROBERT BARNUM
Commissioner

The Honorable Wint Winter
State Senator
State Capitol, Room 120-S
Topeka, KS 66612

The Honorable Duane Goossen
State Representative
State Capitol, 171-W
Topeka, KS 66612

Dear Senator Winter and Representative Goossen:

During the session, both the House Appropriations and the Senate Ways and Means committees discussed the potential cost of a comprehensive study of the Kansas Child Welfare System. In response to these discussions, SRS requested cost estimate information from four major consulting firms. A copy of the information request is attached. All four firms responded, a listing of their cost estimates is displayed below:

Price Waterhouse	\$200,000 - 250,000
Michael Petit Associates	\$350,000 - 375,000
American Humane Association	\$150,000 - 200,000
Child Welfare League	\$325,000 - +

As you can see the estimates range from \$150,000 to \$375,000 without a great deal of consistency among potential bidders. I have information on each of these firms, as well as, samples of their previous work available. If you would like to see some of it I will be glad to make it available (it is quite voluminous). If you need additional information please give me a call at 296-3765.

Sincerely,

Ben Coates
Director

BSC:mp

ATTACHMENT 1
SWAM 4-25-89

EVALUATION OF KANSAS SYSTEM SERVING CHILDREN & FAMILIES

Kansas is seeking a nationwide professional standard-setting organization with experience in evaluating state systems to evaluate and to identify system changes and resource deficiencies in the system serving Kansas families and children identified with abuse, neglect, truancy, delinquency and status offenses.

SCOPE: The public child welfare agency administers a statewide program. Therefore, scope of the study must be statewide. For purposes of this study the system will be defined as including the state child welfare agency, the juvenile court system, health, law enforcement, the education system and private providers of child welfare services. The interaction and coordination among agencies is a key element of interest. Specific attention should be given to:

- Review of pertinent statutes, regulations and agency policies.
- Administrative structures.
- Staff qualifications, recruitment and training.
- Analysis of workload standards/staffing patterns.
- Current practice and procedures.
- Adequacy of budget/resources.
- Community commitment.
- Client outcomes.
- Adequacy of quality assurance functions.

TIME OF PROJECT: One year to 18 months with possible start date as early as 10/1/89.

OUTCOME EXPECTED: An action document with specific recommendations, possibly for all three branches of government. Interim reports would be expected at the end of each six month work period.

METHODOLOGY: May be determined by the applicant with the understanding that this is not to be a paper review. The expectation is that interviews and study in the field will be a substantial part of this evaluation. Any methodology should be sensitive to the needs of staff and minimize disruption while on site, and must include a statewide perspective.

APPLICATION REQUIREMENTS: Applicant must demonstrate experience in conducting such studies in other states and submit copies of the end products.

- Provide history of evaluation/research work with references.
- Provide statement of availability and possible start date.

- Submit estimate or range of cost of such a study as described above.
- Provide names and qualifications of individuals who would be principally responsible for assessment.
- Respond with acknowledgement of interest within 10 days of receipt of this request.

Please provide this information no later than April 14, 1989. This will not be considered to be a bid, but only an estimate. We are soliciting your help on this effort in order to supply our legislature information on the potential cost of such a study once funds are appropriated, we will issue an official RFP to solicit actual bids.

Please send your responses to:

Ben Coates
Director of Policy
Social and Rehabilitation Services
606-N, Docking State Office Bldg.
Topeka, KS 66612

Phone Number (913) 296-3765
Fax Number (913) 296-1158

APR 21 1989

HAEL PETIT ASSOCIATES

HUMAN SERVICES CONSULTANTS

April 13, 1989

SRS
Omnibus —
350 to 400
SRS

Ben Coates, Director of Policy
Kansas Department of Social
and Rehabilitation Services
606-N, Docking State Office Building
Topeka, KS 66612

Dear Ben:

Michael Petit asked me to respond to your recent inquiry about the elements of an evaluation of the Kansas children and families service system. I have enclosed a summary of my general observations about how such a project might be approached.

I note that your request for comments indicates that you are seeking a "standard-setting" organization. As you are aware, Michael Petit Associates does play any role in setting standards or monitoring performance by states. However, we are well acquainted with the standards which are being used nationally and have complete confidence in our ability to address issues of quality and performance. It may also be of interest to you to know that we have worked with the Child Welfare League of America in the past and have no doubt that a joint evaluation project could be developed.

Of course, we believe that Michael Petit Associates, on its own, would provide a solid resource for this project. We continue to find that our combination of experience in both direct service and administration is a valuable asset in undertaking this type of work.

You will see from my summary that I believe that this evaluation could be substantially completed in about a year. However, I am suggesting that a part of the overall project be a period of follow-up and direct work on implementation. This is a sound approach to assuring that an assessment process results in realistic, "implementable" recommendations. It also helps to bridge that notorious gap between planning and action. If you are able to begin the process in October, this would also enable you to have firm recommendations and plans in advance of the subsequent legislative session.

We would be able to begin work on an evaluation on October 1, 1989 or sooner. The nature of our workload is such that we can generally schedule major projects with about two to three months notice. We also try to maintain enough flexibility so that we can invest smaller amounts of time in preliminary work with even less lead time. Therefore, I am confident that we can be available to meet the demands of your eventual project schedule.

(207) - 775-1197
FAX: (207) 761-0628

P.O. BOX 1071

PORTLAND, MAINE 04104

ATTACHMENT 2
SWAM 4-25-89

Given the broad scope of the proposed evaluation and the necessarily limited detail in your preliminary statement, it is difficult to develop firm estimates of cost. I have included only a simple statement of a range, \$ 350,000 to \$400,000, in my summary. However, I did do a rather detailed projection of a budget for a process which would involve extensive field interviews in a variety of settings throughout the state. This resulted in a figure of approximately \$ 368,000. Once a more detailed set of project specifications have been developed, it will be possible to do a more exacting estimate. Depending on the final requirements, this figure could move significantly in either direction.

I would also like to point out that a very useful limited overview of the system could probably be done for considerably less than a detailed evaluation of this sort. A thorough assessment of the system is worth a sizeable investment. However, if adequate resources are not available, a less exhaustive review can still provide valuable insights into a system's strengths and weaknesses.

I am sending a copy of this letter and my summary to you on the FAX machine today and forwarding the entire package you requested by Federal Express. Let me know if there is any additional information I can provide.

I would enjoy the opportunity to work on this project with you. It looks like it will be a very interesting undertaking.

Sincerely,



Robert B. McKeagney

cc: Michael Petit



STATE OF KANSAS

MIKE HAYDEN, Governor

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Docking State Office Building, Topeka, Kansas 66612-1570

☎ (913) 296-3271

April 25, 1989

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Abuse Services
ANDREW O'DONOVAN
Commissioner

Income Maintenance/
Medical Services
JOHN ALQUEST
Commissioner

Mental Health/
Retardation Services
AL NEMEC
Commissioner

Rehabilitation
Services
GABE FAIMON
Commissioner

Youth Services
ROBERT BARNUM
Commissioner

The Honorable Wint Winter
State Senator
State Capitol, Room 120-S
Topeka, KS 66612

The Honorable Duane Goossen
State Representative
State Capitol, 171-W
Topeka, KS 66612

Dear Senator Winter and Representative Goossen:

Federal regulations require us to either purchase liability insurance for foster parents or to provide them with funds to purchase their own. In the past, we have budgeted for this item and intended to pass the monies through to foster parents. However, none of these parents have been able to find a carrier that would sell an individual policy.

Youth Services has located a carrier who will provide a group policy and will charge on a per capita per month basis for foster families that actually have children in residence.

The Agency assumed that this would solve the problem. However, the Attorney General's office provided an opinion which states that SRS must have a specific appropriation in order to buy insurance. A copy of the letter from the Attorney General's office is attached.

SRS would like to have a statement placed in the Omnibus bill that gives us authority to spend up to \$100,000 out of current funds to purchase liability insurance for foster parents. This is not a request for additional money, but a request for language that will make it clear that a portion of the foster care funds have been appropriated for this purpose.

If you have any questions, please contact Ben Coates at 296-3765.

Sincerely,

Winston Barton
Secretary

WB:BSC:mp

ATTACHMENT 3
SWAM 4-25-89

to Sue McKenna
we must have an specific
appropriation to purchase liability
insurance, right?
Laws out this year

I fear.
Thanks
Russell

APR 19 1989

Sue McKenna
Youth Services
4-20-89

APR 20 1989

GENERAL

LEGAL

PEKA 66612-1597

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Russell L. Northup
Foster Care/Licensing Specialist
Department of Social and Rehabilitation Services
Docking State Office Bldg., 6th Floor
Topeka, Kansas 66612-1570

Dear Mr. Northup:

Attorney General Stephan has requested that I respond to your letter dated April 6, 1989 regarding the purchase of liability insurance to cover family foster care providers. You state that the State of Kansas receives federal funds which are matched by state funds and are appropriated to your agency. You further state that the federal guidelines expect the state agency to provide liability insurance.

Pursuant to K.S.A. 1988 Supp. 75-4101(a), a state agency may not purchase any insurance except as provided by the Surety Bonds and Insurance Act. An agency may purchase liability insurance in accordance with K.S.A. 75-4114. That section states that liability insurance may be purchased by the committee on surety bonds and insurance within the limitations of appropriations made by the legislature for such purchase. Therefore, if the proposed insurance is to be purchased using appropriated funds, there must be an appropriation for insurance. If the federal guideline imposes the purchase as a requirement, then this should create no problem in obtaining the appropriation.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Mark W. Stafford

Mark W. Stafford
Assistant Attorney General

MWS:bas
cc: Fran Welch
Division of Purchases

Handwritten notes:
... for ...
...
... next

City of Halstead

303 Main, Box 147

Halstead, Kansas 67056

316-835-2286

HALSTEAD FLOOD CONTROL PROJECT PROVISIONAL ALLOCATION

April 25, 1989

The City of Halstead is near to reaching an agreement with the United States government, Army Corps of Engineers, which would provide for flood control for the city, a project which has been pursued for well over twenty years.

Halstead was included in a federal authorization bill in October 1986, and has been a part of continuing appropriation legislation each year since. Most of that funding has been being used by the Corps for engineering.

The City of Halstead must now sign an agreement with the Corps ("LCA") which promises that the city will fund 25% of the estimated cost of \$8.1 million, or \$2.025 million. To assure this level of commitment, it is projected that the mill levy in Halstead will be required to be raised about 60%, to over 80 mills.

The City must also assure that it will pay 25% of any overruns which may occur during the course of construction. This point has been troublesome for the City, in that it is, in effect, a "blank check". Through efforts of the Kansas Water Office, it appears that the Corps will accept a compromise on the "blank check" aspect. The city has been told that the Corps would accept an arrangement that would call for a "contingency fund" of \$1.2 million, to cover uncertainties; of that total, Halstead's share would be \$300,000 (or 25%).

Though this compromise is certainly acceptable, the city simply does not have the resources to assure the Corps of this commitment. Consequently, the city is urging its elected state representatives to seek legislation which would provide a \$300,000 provisional allocation, which monies would be used only if needed, and would not be expected to be needed.

Halstead must resolve this dilemma in the immediate future or risk losing the entire project. Though Halstead's flooding problems are well-known, it must also be pointed out that the loss of this \$8.1 million (\$6 million of federal dollars) project would be an immediate economic loss to the state.

ATTACHMENT 4
SWAM 4-25-89

STATE OF KANSAS

SENATOR FRED KERR
ROUTE 2
PRATT, KANSAS 67124
(316) 672-6605



SENATE MAJORITY LEADER
STATE CAPITOL BUILDING
TOPEKA, KANSAS 66612
(913) 296-2497

TOPEKA

SENATE CHAMBER
OFFICE OF MAJORITY LEADER

April 5, 1989

Senator Winter
State Capitol
Topeka, KS 66612

RE: U.S.D.A. Reporting Project

Dear Senator Winter,

Enclosed please find a copy of a memorandum concerning a one year pilot project and feasibility study of a state/federal project regarding U.S.D.A. market reporting for markets in Pratt, Junction City, Syracuse, Salina, and Fort Scott. Steve Kearney of my office, Ken Boughten and Eldon Fastrup of the Department of Agriculture and Jill Wolters of the Revisors Office have been working on this project and will be resources for you if any other information is required.

Please consider a line item on the omnibus appropriations bill for the Department of Agriculture in keeping with the budget statement that is attached. The pilot project would entail the expenditure of approximately \$30,000 for FY 1990 for the "data collection and reporting from various livestock markets" in this joint state/federal pilot project and feasibility study.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fred Kerr", written over a horizontal line.

Fred Kerr
Majority Leader

FK/las

cc: Senators Oleen, Vidricksen, Walker, Hayden

ATTACHMENT 5
SWAM 4-25-89

April 2, 1968

BUDGET STATEMENT

	FY90
Personnel	
Contract Reporters	\$ 15,000
Market Analysis, Clerical and Professional Services	10,500
Travel and Subsistence	2,000
Printing	500
Office Supplies	200
Communications	1,500
Computer Service	300
	<u>\$ 30,000</u>

Kansas Association of Wheatgrowers

PRESIDENT
Robert Paris
HC 2, Box 330
Dighton, KS. 67839
316-397-2140

1ST VICE-PRESIDENT:
Robert W. Deyoe
Rt. 1 Box 87
Ulysses, KS. 67880
316-356-2651

2ND VICE-PRESIDENT:
Milton Giedinghagen
327 North Buckeye
Stafford, KS. 67578
316-234-5729

SEC/TREASURER:
Morris Krug
Route #1 Box 18
Russell, KS. 67665
913-483-2633

April 19, 1989

Senator Wint Winter, Jr.
737 Indiana
Lawrence, Kansas 66044

Dear Senator Winter;

I am writing to ask your help in obtaining funding for a cooperative project between the **Kansas Board of Agriculture** and the **American White Wheat Producers Association**.

The **ANWPA** was formed to promote the orderly production and marketing of an alternative crop in **Kansas** with a great deal of value-added potential. With its sweeter tasting bran, and higher flour extraction rate, **Hard White Wheat** has a great deal of consumer appeal, both domestically and in the export market.

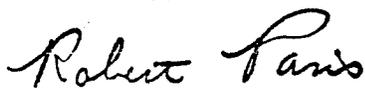
In addition to a specialty bread line, such as that envisioned by the **Dillon Stores, Inc.**, there is a great deal of interest in other ethnic foods and snack foods. **White Wheat** tortillas are already available in grocery stores in **Kansas, Oklahoma, Texas** and **New Mexico**. And the **KSU Small Business Development Center** is even developing a number of recipes for **White Wheat Pilaf**. All of these ideas provide the consumer with a good tasting, highly nutritious product, and the producer with a better price.

In addition, these products will create new jobs around the state. For instance, we expect to attract cereal manufacturers to **Kansas**. This should also provide a boost to the storage and transportation industry, since the **White Wheat** must be kept separate from traditional **Hard Red Winter Wheat**.

Due to the economic development potential for our state, I would urge you to support a **\$35,000** supplemental appropriation to the **Board of Agriculture** budget, in the **Omnibus Appropriation Bill** for this joint proposal, when the **Legislature** returns for the "veto session." I am enclosing a project outline, and some background information on the **American White Wheat Producers Association**, for your convenience.

For the reasons stated above, I strongly believe this is a worthy project for state support. I would urge you to vote for this proposal, and to encourage your colleagues to do likewise.

Sincerely,



Robert Paris,
President

RP/ht
enc

ATTACHMENT 6
SWAM 4-25-89

KANSAS HIGHWAY PATROL

Service—Courtesy—Protection

Handwritten mark



Mike Hayden
Governor

Col. Donald L. Pickert
Superintendent

April 24, 1989

Subject: Supplemental Budget Request for FY 1989

Senate Ways and Means Committee
Senator Wint Winter Jr., Acting Chairman
Room 120-S, Capitol Building
Topeka, Kansas 66612

Dear Senator Winter:

We are requesting "Supplemental Budget" funding from State General Funds in the amount of \$48,835 to make payment of two unbudgeted items.

House Bill #2421 has been approved by the Claims Committee and the Legislature for payment of:

- 1.) \$10,000 for damage to a Corvette which was vandalized while impounded at our Wichita Troop (Division) Headquarters.
- 2.) \$38,835.29 for A.T. & T. billings which erroneously terminated on 6-23-86 and was not noted by the agency. After the Highway Patrol, State Headquarters office was added to the Kans-A-N system in early FY 1989, the vendor was asked to pick up their "Horizon" instruments which had been in use. It was at this point that they noted the error and submitted their claim.

Our agency could have paid the A.T. & T. monthly billings if they had been received:

FY 1987	1000-02	\$664,941 Lapsed
FY 1987	1000-02	58,921 Carryover
FY 1988	1000-02	11,003 Carryover

The cost of these claims should be paid from our Program 7001-Highway Patrol, Operations. Funding from this program is estimated to be \$116,091 short for FY 1989 as reflected in our attached projection, which includes a \$10,000 reduction in Travel Expense, Object 250, recommended by the House Appropriations Committee. We have not yet determined the impact of gasoline prices which have been rapidly increasing from our normal average of \$.77 per gallon (includes bulk gasoline usage), to over \$1.00 per gallon from service stations of major oil companies.

122 SW SEVENTH STREET
TOPEKA, KANSAS 66603-3847 (913) 232-9200

ATTACHMENT 7
SWAM 4-25-89

Page Two
April 24, 1989
Senator Winter

We will plan to control current year expenditures to cover the \$116,091 shortage and possible gasoline increase. However, your favorable consideration of funding to cover this rather large "claim" would be very much appreciated.

Should you need any further information, please let us know.

Very truly yours,

Raymond L Shearer

for DONALD PICKERT
SUPERINTENDENT

cc: Representative Bill Buntin, House Appropriations Committee
Scott Rothe, Legislative Research Analyst
Michael F. O'Keefe, Director of the Budget



Office of the President

Anderson Hall
Manhattan, Kansas 66506
913-532-6221

Judy

Omnibus Bill
File

April 4, 1989

DEAR SENATOR WINTER,

First, on behalf of Kansas State, I want to apologize for the error on estimating fees that one of our budget people made in October of 1988. The mistake was not discovered until February 23, 1989.

Second, we have put in place procedures and safeguards so that this will not happen again. Moreover, I will be making some significant personnel changes to make sure this does not happen again.

Third, as Ray Hauke has indicated, KSU followed precisely the procedures established by the Kansas Board of Regents for reporting general fees and that the error was totally technical in nature.

Fourth, our request to correct the error will not increase the total K-State budget. It will remain exactly the same. Thus, the request is not for additional funds but only for a different mix of state general funds and general fee funds at the same total funding level.

ATTACHMENT 8
SWAM 4-25-89



Office of the President

Anderson Hall
Manhattan, Kansas 66506
913-532-6221

Fifth, I do not believe that our Kansas State students should suffer by a reduction in our FY 1989 or FY 1990 budget as a result of an accounting error. If our budget was reduced by \$1.9 million, it would completely wipe out, in effect, our Year 2 of the Margin of Excellence programmatic initiatives. For KSU, this would be a disaster for our faculty, staff, and students. They would never understand why we should lose \$1.9 million because of an inadvertent technical error.

Finally, we are grateful to you for all of your past support for public higher education and for K-State. I would deeply appreciate any help you could give us in resolving this problem.

Sincerely,
Jon Wetald

The University of Kansas Medical Center

April 21, 1989

Mr. Alan Conroy
Legislative Research Dept.
State House
Topeka, KS 66612

Dear Alan:

With the Legislative wrap-up session coming next week, I need to share with you several items I believe to be technical, which I hope the Legislature could address with regards to the University of Kansas Medical Center. A couple of these issues we previously discussed. A third item, which is a bit more involved, needs to be addressed in order to carry out Legislative intent.

The first two items are those I previously discussed. The position limitation on the Medical Center does not include the additional positions which were approved under the Margin of Excellence. The other item that I also spoke with you concerns the revised estimate on the funds necessary for transfer to the NDSL Program. In our original submission we did indicate \$35,000 would be sufficient. When we submitted our revised income estimate this Spring, I was advised that to utilize loan funds available next year would require a transfer of \$45,000 from the General Fees Fund.

WMC

The last item relates to shift differential. As you recall, the Legislature did authorize an increase to 10% of base salary for a number of hospital employee categories. At the time the bill was being considered by the Senate, I foolishly thought that if we changed the reference to Health Care personnel the authorization would be sufficiently clear. I assumed Senate Bill 350 would be enacted as introduced. It now appears that if Senate Bill 350 is enacted, it will be in a more restrictive form. In any regard, it is necessary to designate all the classes of positions eligible for the ten percent shift differential. For that reason, I would request that the proviso which currently is limited to health care personnel be stricken and that we substitute in lieu thereof the following: "Nursing Personnel, Respiratory Therapists, Radiology Technologists, Medical Technicians, and Medical Technologists." This is the group of classes that comprised our request for FY' 90 which both Houses of the Legislature agreed to. Again, I believe the matter is technical and will in no way alter total expenditures for FY 1990.

Please advise if you feel some additional explanation of the request is needed.

Sincerely,

M. Rein
Marlin L. Rein
Assoc. University Director for
Business and Fiscal Affairs

ATTACHMENT 9
SWAM 4-25-89

Gene M. Olander

District Attorney

Kansas Third Judicial District

Suite 212 • Courthouse • Topeka, KS 66603 • 913/291-4330

KBI

ASSISTANT DISTRICT ATTORNEYS

C. William Ossmann
Randy M. Hendershot
James J. Welch
David Debanham
Sue Carpenter
Kenneth R. Smith
Jean M. Schmidt
Eric S. Rosen
Amy A. McGowan
Jane Lindhout
Susan Stanley

OFFICE MANAGER
WITNESS COORDINATOR
Kathy Murphy

INVESTIGATORS
Donald M. Murphy
William T. Thoman



April 19, 1989

Senator Wint Winter, Jr.
Vice Chairperson
Senate Ways and Means
State Capitol Building
Topeka, Kansas 66612

Re: DNA Testing

Dear Senator Winter:

I realize that it is very late in the session to consider new items for purpose of additional appropriations. I would, however, direct your attention to the article concerning DNA testing that appeared in the Friday, April 14th issue of the Topeka Capital Journal, a copy of which I am enclosing and indicates a circumstance involving a subject here in Shawnee County who was eventually exonerated as a rape suspect.

It is my sincere belief that expanding the KBI laboratory capacity to enable them to also do DNA testing would be a tremendous benefit, not only to the prosecutors in this state, but also to defendants who are charged with crime.

My understanding for the additional expenditure would involve approximately \$180,000.00 and perhaps that would create some problems, however, many of us feel that expanding the KBI capability to provide DNA testing would be a great benefit to the people of the State of Kansas and I would urge your serious consideration in the matter.

Yours very truly,

Gene M. Olander
District Attorney

GMO/tb

Enclosure

cc: Senate Ways and Means Committee Members

ATTACHMENT 10
SWAM 4-25-89



DAVID E. JOHNSON
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL
STATE OF KANSAS
1620 TYLER
TOPEKA, KANSAS 66612-1837
(913) 232-6000

KBI



ROBERT T. STEPHAN
ATTORNEY GENERAL

EXECUTIVE SUMMARY

DNA PROFILING

"Advances in DNA technology represent perhaps one of the most significant breakthroughs of the century in its ability to identify a rapist or murderer based on trace amounts of biological evidence left at the scene of a crime."

John W. Hicks, Deputy
Assistant Director, FBI

INTRODUCTION

There is a revolution in forensic biology. Individuals can be positively identified by a technique that examines the genetic material present in all biological samples. DNA typing is now a reality.

DNA, Deoxyribonucleic acid, is present in the cells of all living organisms. Sequences of DNA make up the genes which determine such traits as eye color, height and disease susceptibility. The DNA make up is the same for all cells within the same individual and it is also unique to that individual.

HOW DNA PROFILING WORKS

The test involves extracting the DNA from samples found at a crime scene such as semen, blood or tissue and chemically dividing it into fragments. Because of naturally occurring variations in the DNA molecule from one person to the next, the fragments will form a pattern that serves as an identity profile. This pattern can then be compared with the DNA pattern obtained from a suspect's blood specimen.

Lifecodes - one of the two private companies doing DNA analysis - states that if the two DNA patterns match, investigators can conclude with an average of 99.9 percent certainty that the biological specimens are from the same individual. Cellmark, the second of the two private companies performing DNA analysis states: "For paternity applications, the odds that two related individuals will have the same DNA fingerprint have been calculated to be on average, 30 billion to 1."

APPLICATIONS IN FORENSIC SCIENCE

With proper funding for personnel, training and equipment for DNA analysis, the Kansas Bureau of Investigation will have a powerful tool for the identification of suspects through the examination of biological

ATTACHMENT 11
SWAM 4-25-89

material. This biological identification has been compared to fingerprints because it has the potential of identifying individuals to the exclusion of all others.

It is anticipated that the costs associated with the forensic application of DNA testing will be substantially offset by savings in investigative manhours. DNA analysis will be able to identify perpetrators of crimes sooner in the investigative process - and to clear suspects more readily - so that investigative resources can be more productively focused.

DNA AND THE INVESTIGATION OF CASES

* **Forcible Rape:** Identity of the rapist is very difficult to establish by traditional means of analyzing biological evidence. DNA technology offers an unprecedented opportunity to obtain strong evidence from semen specimens - specific enough to support a suspect's guilt or innocence. The availability of the DNA analysis also could have a major impact on conviction rates for this type of crime.

* **Other Crimes.** Because of the variety of biological materials that can be analyzed for DNA - blood, semen, saliva, tissue - this technology can be used to investigate any crime in which biological evidence from the assailant can be retrieved - homicides, assaults and robberies. It should be noted that DNA analysis may also be done on hair - type of evidence that is frequently left at the crime scene.

* **Investigating Serial Crimes.** This technology will be especially useful in investigations of "serial" crimes. For examples, if several rapes have been committed in a certain area, DNA testing results will determine if investigators should be looking for one suspect or multiple suspects.

* **Reopening Unsolved Cases.** Since DNA maintains its integrity in dried specimens for prolonged periods, the test offers investigators the opportunity to reopen investigations of unsolved crimes. The DNA patterns from the old evidence can be compared with DNA patterns of recently apprehended suspects or with the DNA of suspects previously cleared on the basis of inconclusive evidence.

DNA AND THE PROSECUTION OF CASES

In the past three months, Kansas has had two homicide cases where DNA analysis was used to place the victim and suspect into contact with each other. In one case, semen on the victim was identified as coming from the suspect. In the other case, the victim's blood was identified on the suspect's truck. In both cases, the prosecutors felt that the DNA analysis played a crucial role in obtaining first degree murder convictions.

It is anticipated that as the criminal justice system becomes better acquainted with the potential power of DNA technology, that additional savings in court time may be realized through shorter trials or increased number of pleas.

CONCLUSION

A major break through has occurred in forensic science. Biological evidence left at the scene of a crime can be positively identified to a specific individual through DNA analysis - just as fingerprints are used to identify individuals.

During 1987, there 788 rapes, 110 homicides and 5,897 aggravated assaults reported in Kansas. In many of these violent crimes - especially sexual assaults - biological evidence is left at the scene or on the victim. DNA profiling of this biological evidence can play a significant role in the investigation and prosecution of these cases.



Jud

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612-1507

(913) 296-2256

April 24, 1989

Hon. Wint Winter, Jr
Acting Chairman, Ways and Means
Kansas State Senate
Statehouse, Room 120 South
Topeka, KS 66612

Dear Senator Winter:

During the budget formulation process it was decided that a sum of money should be provided for contingencies to be expended at the discretion of the Chief Justice of the Supreme Court. This provision was included in the Governor's budget and has been approved by both houses and approved by the Governor.

However, it has been discovered that the appropriation act does not spell out the intent of the legislative enactment. It would be much easier for us in our dealings with the Director of Accounts and Reports if a proviso could be added to the line item granting an appropriation for "Appellate operations--other operating expenditures" substantially as follows:

"Provided further, that \$25,000' of this account may be used for contingencies without limitation, at the discretion of the Chief Justice."

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Sloan", with a long horizontal flourish extending to the right.

Jerry Sloan
Fiscal Officer

JS:emk

cc: Budget Division

ATTACHMENT 12
SWAM 4-25-89