

Approved: March 19, 1993  
Date

## MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 11:00 a.m. on March 16, 1993 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Leah Robinson, Legislative Research Department  
Scott Rothe, Legislative Research Department  
Norm Furse, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

### **HB 2045 -- APPROPRIATIONS FOR FY94, JUDICIAL COUNCIL, STATE BOARD OF INDIGENTS' DEFENSE SERVICES, JUDICIAL BRANCH**

#### **JUDICIAL COUNCIL (Attachment 1)**

Senator Morris presented the FY93 and FY94 subcommittee reports. It was moved by Senator Morris and seconded by Senator Kerr that the reports be adopted. The motion carried on a voice vote.

#### **BOARD OF INDIGENTS' DEFENSE SERVICES (Attachment 2)**

The FY93 report was reviewed by Senator Morris. Senator Kerr inquired whether the subcommittee had discussed expansion of efficiencies of the public defender system in rural areas. It was noted that the FY94 report removes the limitation on FTE positions, thereby providing the agency with the flexibility to use public defenders in counties where they are needed.

Senator Morris read the FY94 subcommittee report. Members discussed at length the subcommittee's recommendation (#2) to appropriate \$50,000 from the SGF for a management analysis with an outside body. Senator Kerr explained that the Legislature has been historically reluctant to recommend public defenders because they represent FTE positions. He emphasized the importance of resolving this issue by adopting the recommendations of the outside body, adding that he believed it was not within the scope of Legislative Post Audit to provide an organizational plan for this agency. Senator Rock expressed his opinion that savings could be generated by developing standards for the term "indigent." Senator Moran told members that a Judiciary interim committee would study any portion of this issue if the Committee so desired. Senator Rock moved, Senator Moran seconded, that item 2 of the FY94 subcommittee report be conceptually amended to include a definition of "indigent," how the defense of indigents is handled by the court system, and that an interim study monitor the progress of the Post Audit study. The motion carried on a voice vote.

Senator Morris moved, Senator Kerr seconded that the FY93 report and the FY94 report as amended be adopted. The motion carried on a voice vote.

#### **JUDICIAL BRANCH (Attachment 3)**

The FY93 and FY94 subcommittee reports were reviewed by Senator Lawrence. A tabulation of the ending balances in the Judiciary Technology Fund and the Judicial Branch Education Fund was distributed (Attachment 4). In answer to Senator Brady, Senator Rock stated that the Judicial Branch and the subcommittee did not concur with the House recommendation on expenditures from the Education Fund because they did not believe the Law Library to be an appropriate use for the fund. There was concern expressed that the fees for both funds are generated at the district court level and are spent by the judicial

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 16, 1993.

branch. It was noted that \$150,000 is appropriated in FY93 to study the computer system of the district courts, though no money is appropriated for the purchase of computers at this point. Senator Brady moved and Senator Kerr seconded that item 4 (Attachment 3-8) be deleted from the FY94 subcommittee report. The motion carried on a voice vote.

It was moved by Senator Lawrence and seconded by Senator Rock that the FY93 report and the FY94 report as amended be adopted. The motion carried on a voice vote.

Senator Kerr moved that HB 2045 as amended be recommended favorable for passage. The motion was seconded by Senator Morris and carried on a roll call vote.

The Committee resumed the subcommittee report on:

### HB 2086 -- APPROPRIATIONS FOR FY94, AGRICULTURAL AND NATURAL RESOURCES AGENCIES

#### STATE CONSERVATION COMMISSION (Attachment 5)

Senator Rock presented the FY93 and FY94 subcommittee reports. It was moved by Senator Rock and seconded by Senator Morris that the reports be adopted. The motion carried on a voice vote.

#### KANSAS WATER OFFICE (Attachment 6)

The FY93 and FY93 subcommittee reports were read by Senator Rock. In answer to a question regarding the source of the agency's revenue, Attachment 7 was distributed. Staff noted that projections of receipts have been reasonably accurate. It was moved by Senator Rock and seconded by Senator Moran that the FY93 and FY94 subcommittee reports be adopted. The motion carried on a voice vote.

#### WILDLIFE AND PARKS (Attachment 8)

Senator Moran reviewed the FY93 and FY94 subcommittee reports. In reference to item 1 of the FY94 report, Senator Moran noted that \$212,000 was the appraised value of the property. He added that by 1997 a mechanism is to be in place that will control flooding.

Senator Lawrence told members that \$3,125,000 has been allocated by the federal government and the city of Wichita has committed \$500,000 for the Wichita Education Center. Senator Moran told members that the agency had not indicated what would happen to the project without the state appropriation. He added that the subcommittee's intent was to sustain current programs rather than to add new programs. Concern was expressed that the agency had not viewed this item as a priority. It was moved by Senator Lawrence and seconded by Senator Rock that the FY94 subcommittee report be amended by deleting recommendation 2. The motion carried on a voice vote.

It was moved by Senator Moran and seconded by Senator Brady that the FY93 report and the FY94 report as amended be recommended favorable for passage. The motion carried on a voice vote.

Senator Rock moved, Senator Kerr seconded that HB 2086 as amended be recommended favorable for passage. The motion carried on a roll call vote.

## INTRODUCTION OF BILLS

It was moved by Senator Kerr and seconded by Senator Moran that bill draft 3 RS 1245 as requested by Senator Vidricksen be introduced. The motion carried on a voice vote.

The Chairman adjourned the meeting at 12:05 P.M.

The next meeting is scheduled for March 17, 1993.



## GUEST LIST

COMMITTEE: SENATE WAYS AND MEANS

DATE: March 16, 1993

[illegible]

# SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 2087

Bill Sec. New

Analyst: Rothe

Analysis Pg. No. 69

Budget Page No. 352

<u>Expenditure Summary</u>	<u>Agency Est. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>House Adjustments</u>
State Operations:			
State General Fund	\$ 254,415	\$ 235,733	\$ 3,515
Publications Fee Fund	13,048	13,048	--
Total	<u>\$ 267,463</u>	<u>\$ 248,781</u>	<u>\$ 3,515</u>
FTE Positions	4.0	4.0	--

## Agency Estimate/Governor's Recommendation

The agency's FY 1993 expenditure estimate of \$267,463 is \$97 below the amount approved by the 1992 Legislature. The approved amount reflects a number of expenditure initiatives approved by the 1992 Legislature, including an increase in Judicial Council Advisory Committee meetings from 20 to 40 (\$23,000), \$17,925 to prepare, print and distribute a supplement to *PIK-Criminal 2d* associated with passage of the Sentencing Guidelines Act (including 10 additional meetings) the creation of a no-limit Publications Fee Fund to permit the preparation and sale of legal publications, and \$5,000 for start-up costs. In FY 1993 the Council plans to publish and sell the supplement to *PIK-Criminal 2d*, the supplement to *PIK Civil 2d*, and *PIK-Criminal 3rd*.

The Governor's FY 1993 recommendation of \$248,781 is a reduction of \$18,682 from the agency's estimate, including a reduction in the number of advisory committee meetings from 50 to 39 (\$1,379 per meeting for travel). The Governor also recommends the deletion of capital outlay expenditures (\$3,515).

## House Subcommittee Recommendation

**FY 1993.** The Subcommittee concurs with the Governor's recommendation with the following adjustment:

1. Add \$3,515 from the State General Fund for capital outlay. The Subcommittee recommends the restoration of funds deleted by the Governor for the purchase of a printer and software. The Council's nine-year old word processor and printer stopped working in late FY 1992. The Council utilized savings from the existing appropriation and purchased a new microcomputer system in FY 1992. At the beginning of FY 1993 the Council shifted funds from other expenditures to purchase a new printer and software for \$3,515. The Council did not request a supplemental appropriation for FY 1993. The Subcommittee is not trying to encourage any agency to circumvent the budget process by buying capital outlay

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that was not specifically approved. However, when a small agency's only computer stops working, a new computer must be purchased.

2. The Subcommittee concurs with the Governor's recommendation to reduce the number of advisory committee meetings from 50 to 39 for both fiscal years 1993 and 1994, but asks the Senate Subcommittee to review the request again. The House Subcommittee was unable to determine which advisory committees would not be able to meet as a result of the reduction.

### House Committee Recommendation

The Committee concurs with the recommendation of the Subcommittee.

### House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>House Adjustments FY 93</u>	<u>House Rec. FY 1993</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 3,515	\$ 239,248	\$ --
Publications Fee Fund	--	13,048	--
TOTAL	<u>\$ 3,515</u>	<u>\$ 252,296</u>	<u>\$ --</u>
FTE Positions	--	4.0	--

### Senate Subcommittee Recommendation

**FY 1993.** The Senate Subcommittee concurs with the recommendations of the House with the following observation:

1. The Subcommittee reviewed supplemental information prepared by the Council to justify an increase in the number of Council meetings currently approved in the budget for fiscal years 1993 and 1994. The Subcommittee notes that committee meetings are vital to the work required of the Council. K.S.A. 20-2203 states that it shall be the continuous duty of the Council to survey and study the judicial department of the state, the volume and condition of business in the courts, the methods of rules and procedures, the time elapsing between the initiation and conclusion of litigation, and the condition of dockets; to receive and consider suggestions from judges, members of the bar, public officials and citizens concerning faults in the administration of justice; and to recommend methods of simplifying civil and criminal procedure. While it is clear that ongoing research is vital to the mission of the agency, the Council did not convince the Senate Subcommittee that additional meetings above the 39 recommended were

imperative to the accomplishment of such research. The Council needs to provide a definitive rationale for the meeting request. The Subcommittee urges the Council to review the research needs of each of its committees, determine the number of meetings needed to accomplish the research goals of each committee, and insert the results in the FY 1995 budget request.



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Senator Stephen Morris  
Subcommittee Chair



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Senator Dave Kerr



## SUBCOMMITTEE REPORT

**Agency:** Judicial Council

**Bill No.** 2045

**Bill Sec.** 2

**Analyst:** Rothe

**Analysis Pg. No.** 69

**Budget Page No.** 352

<u>Expenditure Summary</u>	<u>Agency Req. FY 94</u>	<u>Gov. Rec. FY 94</u>	<u>House Adjustments</u>
State Operations:			
State General Fund	\$ 261,519	\$ 229,173	\$ --
Publications Fee Fund	21,653	21,653	--
Total	<u>\$ 283,172</u>	<u>\$ 250,826</u>	<u>\$ --</u>
FTE Positions	4.0	4.0	--

### Agency Request/Governor's Recommendation

The Council requests FY 1994 expenditures of \$283,172, an increase of \$15,709 above the FY 1993 estimate. The requested increase includes a salary reserve of \$12,051 to be utilized if an executive assistant on disability leave returns (and displaces her less-costly replacement). Other increases are generally associated with merit pay and fringe benefit increases. In FY 1994 the Council plans to publish and sell the supplements to *PIK-Criminal 3rd* and *Kansas Probate Forms*.

The Governor recommends FY 1994 expenditures of \$250,826, a reduction of \$32,346 from the agency's request. The recommendation includes a reduction in the number of requested committee meetings from 50 to 39 (\$1,381 per meeting), the elimination of capital outlay (\$4,800) and the elimination of a requested salary reserve (\$12,051).

### House Subcommittee Recommendation

**FY 1994.** The Subcommittee concurs with the Governor's recommendation with the following notes:

1. The Subcommittee notes that the creation of the no-limit Publications Fee Fund by the 1992 Legislature has successfully resolved the Council's long-term financial inability to publish new and supplemental legal publications.
2. The Subcommittee concurs with the Governor's recommendation to reduce the number of advisory committee meetings from 50 to 39 for both fiscal years 1993 and 1994, but asks the Senate Subcommittee to review the request again. The House Subcommittee was unable to determine which advisory committees would not be able to meet as a result of the reduction. The following table shows the Council's budget and number of meetings since FY 1981:

<u>Fiscal Year</u>	<u>Budget</u>	<u>No. of Meetings</u>
1981	\$ 147,621	62
1982	141,121	49
1983	201,385	60
1984	179,115	55
1985	160,301	34
1986	177,496	55
1987	185,903	41
1988	209,386	53
1989	215,416	64
1990	230,543	52
1991	222,808	40
1992	213,562	29
1993 (Gov. Rec.)	248,781	39
1994 (Gov. Rec.)	250,826	39

#### House Committee Recommendation

The Committee concurs with the recommendations of the Subcommittee.

#### House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>House Adjustments FY 1994</u>	<u>House Rec. FY 1994</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 229,173	\$ --
Publications Fee Fund	--	21,653	--
TOTAL	<u>\$ --</u>	<u>\$ 250,826</u>	<u>\$ --</u>
FTE Positions	--	4.0	

#### Senate Subcommittee Recommendation

FY 1994. The Senate Subcommittee concurs with the recommendations of the House and makes the same observation as that made in the FY 1993 Subcommittee Report concerning meetings.



  
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Senator Stephen Morris  
Subcommittee Chair

  
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Senator Dave Kerr

# SUBCOMMITTEE REPORT

Agency: Board of Indigents'  
Defense Services

Bill No. --

Bill Sec. --

Analyst: Rothe

Analysis Pg. No. 73

Budget Page No. 330

<u>Expenditure Summary</u>	<u>Agency Est. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>House Adjustments</u>
State Operations:			
State General Fund	\$ 8,317,568	\$ 7,151,700	\$ 1,205,539
Special Revenue Funds	249,767	251,836	--
Subtotal	\$ 8,567,335	\$ 7,403,536	\$ 1,205,539
Other Assistance:			
State General Fund	408,157	408,157	--
TOTAL	\$ 8,975,492	\$ 7,811,693	\$ 1,205,539
FTE Positions	80.0	80.0	--

## Agency Estimate/Governor's Recommendation

The Legislature approved total expenditures of \$7,893,066 for FY 1993, including \$7,575,088 from the State General Fund and \$317,978 from the Indigents' Defense Services Fund. The Board's revised estimate of expenditures of \$8,975,492 includes a supplemental request of \$1,130,563 from the State General Fund to pay for assigned counsel claims and \$20,074 from the State General Fund for other operating expenditures. The revised estimate also reflects a new expenditure of \$9,357 from a federal drug defense grant that is expected to be renewed for FY 1993 and a reduction in expenditures of \$77,568 from the Indigents' Defense Services Fund.

The Governor recommends total expenditures of \$7,811,693 for FY 1993, a reduction of \$1,163,799 from the Board's revised estimate. The Governor's recommendation does not include supplemental financing from the State General Fund for assigned counsel (\$1,130,563) or for state operations (\$20,074). The recommendation includes several minor reductions totaling \$13,162. The Governor concurs with the Board's salary turnover savings estimate of 4.2 percent in FY 1993 compared with actual rates of 1.6 percent in FY 1992 and 2.5 percent in FY 1991 percent.

## House Subcommittee Recommendation

**FY 1993.** The Subcommittee concurs with the Governor's recommendation with the following adjustment:

1. Add \$1,205,539 from the State General Fund in FY 1993 to fully finance the estimated current year shortfall in assigned counsel payments. The agency estimates that the FY 1993 appropriation from the State General Fund for assigned counsel approved by the 1992 Legislature of \$3,992,045 will be exhausted

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Attachment 2



by March, 1993. The shortfall is due to a caseload increase of 23 percent in the last year and a carryover of 792 unpaid claims from FY 1992. The Subcommittee reviewed the 1987 Kansas Supreme Court opinion in *State ex rel. Stephan v. Smith* which prompted the 1988 Legislature to approve an increase in the assigned counsel hourly rate from \$35 to \$50. A 1988 Interim Special Committee on Judiciary (the last interim committee to study this agency) reviewed the Court decision and previous studies on the agency and made no substantive recommendations. A 1988 Judicial Council study recommended that a statewide public defender system should not be adopted, but instead recommended a mixed plan of regional public defender delivery and assigned counsel financed from the State General Fund. The Subcommittee also reviewed Subcommittee Reports from 1987 to the present and discovered that one or both houses have annually recommended supplemental financing for assigned counsel, and have recommended or urged the establishment of additional public defender offices, particularly in Wyandotte and Leavenworth counties. The Subcommittee believes the Legislature has no choice but to finance the shortfall for the current year, and further addresses assigned counsel in the FY 1994 Subcommittee Report.

2. The Subcommittee wishes it to be known that anytime anyone from anywhere who would like to present the state with a windfall of unexpected funds, the Subcommittee knows of a good place to use it.

#### House Committee Recommendation

The Committee concurs with the recommendations of the Subcommittee.

#### House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>House Adjustments FY 1993</u>	<u>House Rec. FY 1993</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 1,205,539	\$ 8,357,239	\$ --
Special Revenue Funds	--	251,836	--
Subtotal	<u>\$ 1,205,539</u>	<u>\$ 8,609,075</u>	<u>\$ --</u>
Other Assistance:			
State General Fund	\$ --	\$ 408,157	\$ --
TOTAL	<u>\$ 1,205,539</u>	<u>\$ 9,017,232</u>	<u>\$ --</u>
FTE Positions	--	80.0	--

**Senate Subcommittee Recommendation**

**FY 1993.** The Senate Subcommittee concurs with the recommendation of the House with the following observation:

1. The Senate Subcommittee concurs that the Legislature has no choice but to finance the shortfall for the current year, and directs the attention of the Committee to the recommendations of the FY 1994 House and Senate Subcommittee Report.



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Senator Steve Morris  
Subcommittee Chair



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Senator Dave Kerr



## SUBCOMMITTEE REPORT

**Agency:** Board of Indigents' Defense Services

**Bill No.** 2045

**Bill Sec.** 3

**Analyst:** Rothe

**Analysis Pg. No.** 73

**Budget Page No.** 330

<u>Expenditure Summary</u>	<u>Agency Req. FY 94</u>	<u>Gov. Rec. FY 94</u>	<u>House Adjustments</u>
State Operations:			
State General Fund	\$ 10,885,891	\$ 7,422,073	\$ --
Special Revenue Funds	170,000	170,000	--
Subtotal	<u>\$ 11,055,891</u>	<u>\$ 7,592,073</u>	<u>\$ --</u>
Other Assistance:			
State General Fund	594,952	408,157	--
TOTAL	<u><u>\$ 11,650,843</u></u>	<u><u>\$ 8,000,230</u></u>	<u><u>\$ --</u></u>
FTE Positions	118.0	80.0	--

### Agency Request/Governor's Recommendation

The Board's request for FY 1994 totals \$11,650,843, including \$11,055,891 for agency operations and \$594,952 for a grant to Legal Services for Prisoners, Inc. (LSP). Requested expenditures from the Indigents' Defense Services Fund of \$170,000 are \$70,410 less than estimated for FY 1993 due to the elimination of the Shawnee County Misdemeanor Contract halfway through the current year. The FY 1994 request reflects a total increase of \$2,675,351 and 38.0 FTE positions above the revised FY 1993 estimate. Most of the increase can be attributed to a request to add 20.0 FTE new positions to existing offices (\$642,185), to establish a new public defender office in Wyandotte County (\$523,580 and 13.0 FTE positions) and Leavenworth County (\$163,398 and 5.0 FTE positions), to cover expected increases in assigned counsel expenditures (\$368,033), and to increase the assigned counsel in-court rate from \$50 to \$65 per hour (\$438,795).

The Governor recommends total expenditures of \$7,592,073 for agency operations and \$408,157 for the grant to LSP. The recommendation is a reduction of \$3,650,613 from the amount requested. The recommendation does not include funding for new positions, new public defender offices, increased assigned counsel expenditures, or for an increase in the assigned counsel in-court hourly rate. The Governor recommends financing for salary step movement for classified employees and a 2.5 percent salary pool for unclassified employees. The Governor concurs with the Board's estimate of turnover savings of 4.2 percent in FY 1994.

### House Subcommittee Recommendation

**FY 1994.** The Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Merge the Operating Expenditures account and the Assigned Counsel and Other Professional Payments account of the State General Fund into one line item. The Subcommittee also recommends the elimination of the FTE position limitation on the agency. The Subcommittee believes the agency needs as much flexibility as possible to manage its responsibilities within limited financial resources. The annual backlog of unpaid cases, requests for supplemental appropriations, and increase in caseloads, will continue indefinitely under current conditions. A single appropriation will not only permit the agency to shift financing to assigned counsel, but will also enable the agency to hire additional attorneys as needed to defend indigent defendants at a cost estimated to be 31 percent less than assigned counsel payments. If the agency is permitted to look at the defense system as a whole it may be more able to address the burgeoning caseload assigned to agency attorneys, adjust to an imposed turnover rate of 4.2 percent which forces the agency to wait a minimum of 30 days before replacing positions, and reduce the increasing number of cases assigned to private counsel in counties with public defender offices.

The Subcommittee cites the example of the Public Defender Office in Shawnee County which began refusing new cases in January until the average caseload falls from 109 cases to 74 cases per attorney (which is still 80 percent above the national standard). During the January shutdown (which continues), 80 cases were assigned to private counsel at a rate of \$50 per hour. The cost of the shutdown in January alone would have paid for an additional Attorney I. To function within limited state resources the agency needs the flexibility to rapidly replace vacant attorney positions, to hire temporary legal assistance (perhaps student interns) to address peak caseloads, and to possibly reassign agency attorneys to handle only the most difficult and expensive felony cases and relegate assigned counsel to lighter felony cases and conflict cases.

2. In return for the generous flexibility recommended in Item 1, above, the Subcommittee strongly recommends that the agency open its doors wide for a complete post audit of agency operations and financing. The recommendation for an audit to be performed by the Legislative Division of Post Audit, last performed in 1978, is not meant to seek wrong doing on anyone's part. The audit is meant to focus on reviewing the current agency structure and should suggest ways to operate more efficiently and cost-effectively. The audit should examine the relationship between the legal and non-legal members of the Board and how they work with each other. The audit should examine the relationship between the non-legal administrative director of the agency and the chief public defenders (who manage each of the public defender offices) and how they work with one another. The audit should compare Kansas's method of providing counsel to indigent defendants to methods in other states. Hourly rates of compensation should be compared with other states, as well as whether rate caps are applied. The backlog of unpaid assigned counsel cases should be reviewed to determine the most efficient method of reimbursement and to suggest ways to eliminate future backlogs.

The Subcommittee is asking for a great deal from the agency and hopes that a positive review by the Legislative Division of Post Audit as well as continued

scrutiny by the Legislature will result in an agency which is managed efficiently and in a cost-effective manner.

3. The agency estimates that the FY 1993 appropriation from the State General Fund for assigned counsel approved by the 1992 Legislature of \$3,992,045 will be exhausted by March, 1993. The shortfall is due to a caseload increase of 23 percent in the last year and a carryover of 792 unpaid claims from FY 1992. The Subcommittee reviewed the 1987 Kansas Supreme Court opinion in *State ex rel. Stephan v. Smith* which prompted the 1988 Legislature to approve an increase in the assigned counsel hourly rate from \$35 to \$50. A 1988 Interim Special Committee on Judiciary (the last interim committee to study this agency) reviewed the Court decision and previous studies on the agency and made no substantive recommendations. A 1988 Judicial Council study recommended that a statewide public defender system should not be adopted, but instead recommended a mixed plan of regional public defender delivery and assigned counsel financed from the State General Fund. The Subcommittee also reviewed Subcommittee Reports from 1987 to the present and discovered that one or both houses have annually recommended supplemental financing for assigned counsel, and have recommended or urged the establishment of additional public defender offices, particularly in Wyandotte and Leavenworth counties.

#### House Committee Recommendation

The Committee concurs with the recommendation of the Subcommittee.

#### House Committee of the Whole Recommendation

The House concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>House Adjustments FY 1994</u>	<u>House Rec. FY 1994</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 7,422,073	\$ 85,147
Special Revenue Funds	--	170,000	--
Subtotal	<u>\$ --</u>	<u>\$ 7,592,073</u>	<u>\$ 85,147</u>
Other Assistance:			
State General Fund	\$ --	\$ 408,157	\$ --
TOTAL	<u>\$ --</u>	<u>\$ 8,000,230</u>	<u>\$ 85,147</u>
FTE Positions	--	80.0	--

## Senate Subcommittee Recommendation

FY 1994. The Senate Subcommittee concurs with the recommendations of the House with the following adjustments:

1. The Senate Subcommittee concurs with the recommendations and observations made by the House. The Subcommittee agrees that the financial problems presented by this agency have been occurring for a number of years and will only get worse without immediate action. The Senate Subcommittee strongly recommends that the post audit of this agency be a very high priority of the Joint Legislative Post Audit Committee and that the audit commence quickly so that audit recommendations can be reviewed and acted upon by the 1994 Legislature.
2. The Senate Subcommittee is unsure whether the Legislative Division of Post Audit has the resources to complete an audit of such magnitude within a short time frame, especially when so many other audit requests are being suggested by other Legislators. The Subcommittee recommends the addition of \$50,000 from the State General Fund to enable the agency to contract with a university for a management analysis. The Center for Urban Studies at Wichita State University, for example, estimates it would charge approximately \$100,000 for an agencywide analysis of the administrative office, five public defender offices, assigned counsel, Board responsibilities, and comparisons with other states. The Center for Urban Studies presumes the cost would be less if done in cooperation with the Legislative Division of Post Audit.
3. Add \$4,158 from the State General Fund for the replacement of outdated office manuals and lawbooks for all agency offices. The Governor's total capital outlay recommendation of \$1,000 for FY 1994 provided for textbooks for only one office. It is an inefficient use of time for agency attorneys to be forced to spend time running back and forth to local libraries because their office textbooks are out-of-date.
4. Add \$30,989 for 31 very basic desktop computers and monitors to complete the computerization of the agency. While acknowledging that the \$69,000 appropriated last year was less than needed to complete the job, the Subcommittee suspects that the approved computers were distributed inefficiently, were too powerful for simple word processing needs, and included an attempt at networking (which was never the intent of the Legislature). The Subcommittee believes that every attempt should be made to force this agency to become more efficient, and completion of the computerization project can only help.





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Senator Steve Morris  
Subcommittee Chair



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Senator Dave Kerr

# SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rothe

Analysis Pg. No. 87

Budget Page No. 354

<u>Expenditure Summary</u>	<u>Agency Est. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>House Adjustments</u>
State Operations:			
State General Fund	\$ 58,042,166	\$ 57,835,648	\$ 25,000
Jud. Technology Fund	657,109	480,669	150,000
J.B. Education Fund	783,497	336,909	100,000
Special Revenue Funds	1,515,827	1,515,827	--
Total	<u>\$ 60,998,599</u>	<u>\$ 60,169,053</u>	<u>\$ 275,000</u>
FTE Positions:			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	218.0	218.0	--
Nonjudicial Personnel	1,454.5	1,454.5	--
Total	<u>1,689.5</u>	<u>1,689.5</u>	<u>--</u>

## Agency Estimate/Governor's Recommendation

The Judicial Branch has submitted a revised estimate of expenditures for FY 1993 of \$60,998,599, \$58,163 less than the amount approved by the 1992 Legislature. The estimate includes a reduction of \$132,826 in expenditures from the State General Fund and an increase of \$74,663 in expenditures from special revenue funds. The estimate reflects a number of initiatives approved by the 1992 Legislature, including \$50,000 appropriated to finance a study to determine the computer automation needs of the Judicial Branch, \$96,171 to increase travel for judges and justices, the creation of the Judiciary Technology Fund with revised estimated expenditures \$657,109, and the creation of the Judicial Branch Education Fund with revised estimated expenditures of \$753,497. The FY 1993 revised budget includes a turnover rate of 1.7 percent compared to actual turnover of 2.3 percent in FY 1992.

The Governor recommends \$60,169,053 in FY 1993, a decrease of \$829,546 from the amount estimated by the Court. The reduction includes \$206,518 from the State General Fund, \$176,440 from the Judiciary Technology Fund and \$446,588 from the Judicial Branch Education Fund. Recommended reductions include \$181,518 from salaries (\$34,329 for fringe benefit corrections and \$147,189 to increase the turnover rate from 1.7 percent to 2.0 percent), the elimination of a contingency fund to be used at the discretion of the Chief Justice (\$25,000), and \$623,028 from other operating expenditures of the district courts. The latter reduction includes the elimination of a proposed computer needs analysis of the district courts (\$150,000 from the Judiciary Technology Fund) and a reduction of \$385,248 of expenditures from the Judicial Branch Education Fund for travel associated with judicial education.

SWAM  
March 16, 1993  
Attachment 3

### **House Subcommittee Recommendation**

**FY 1993.** The Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Restore \$150,000 in expenditures from the no-limit Judiciary Technology Fund deleted by the Governor for a computer needs analysis for the district courts. The Subcommittee believes it is a proper use of the new Fund to determine the level of incompatibility of the current 31 judicial district computer systems and to determine the real computer needs of the court system as a whole. The Subcommittee's recommended expenditure would result in an estimated ending Fund balance of \$100,416 for FY 1993.
2. Restore \$100,000 in expenditures from the no-limit Judicial Branch Education Fund deleted by the Governor. The Governor's recommendation of expenditures from the Fund is \$446,588 below the amount estimated by the agency. The Subcommittee believes the purpose of the Fund, created by the 1992 Legislature, is to increase education and training opportunities for new and existing judges and nonjudicial employees. Though the agency's original estimate of expenditures appears to be high, the Governor's recommended cut midway through the year may be burdensome to the agency. The Subcommittee's recommended expenditure would result in an estimated ending Fund balance of \$700,280 for FY 1993.
3. Restore \$25,000 in both FY 1993 and FY 1994 from the State General Fund deleted by the Governor for a contingency for possible expenditures authorized at the discretion of the Chief Justice. The Governor did not eliminate the proviso authorizing the expenditure for FY 1993. She just reduced the total appropriation by \$25,000.
4. The Subcommittee reviewed the Governor's recommendation to increase the agency's salary turnover rate from 1.7 percent to 2.0 percent. Although the agency continues to impose a minimum 30-day wait before filling vacant positions, the Subcommittee does not believe the recommended turnover rate is excessive for the current year.

### **House Committee Recommendation**

The Committee concurs with the recommendation of the Subcommittee.

### **House Committee of the Whole Recommendation**


The House concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>House Adjustments FY 1993</u>	<u>House Rec. FY 1993</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$25,000	\$57,860,648	\$ --
Judicial Technology Fund	150,000	630,669	--
J.B. Education Fund	100,000	436,909	--
Special Revenue Funds	--	1,515,827	--
TOTAL	<u>\$275,000</u>	<u>\$60,444,053</u>	<u>\$ --</u>
FTE Positions:			
Appellate Court Judges and Justices	--	17.0	--
District Court Judges	--	218.0	--
Nonjudicial Personnel	--	1,454.5	--
TOTAL	<u>--</u>	<u>1,689.5</u>	<u>--</u>

#### Senate Subcommittee Recommendation

FY 1993. The Senate Subcommittee concurs with the recommendations of the House.

  
\_\_\_\_\_  
Senator Barbara Lawrence  
Subcommittee Chair

  
\_\_\_\_\_  
Senator Richard Rock



# SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 2045

Bill Sec. 4

Analyst: Rothe

Analysis Pg. No. 87

Budget Page No. 354

<u>Expenditure Summary</u>	<u>Agency Req. FY 94</u>	<u>Gov. Rec. FY 94</u>	<u>House Adjustments</u>
State Operations:			
State General Fund	\$ 61,501,593	\$ 59,654,553 <sup>(a)</sup>	\$ (416)
Jud. Technology Fund	722,333	459,683 <sup>(a)</sup>	75,000
J.B. Education Fund	719,611	398,359	275,000
Special Revenue Funds	1,584,172	1,595,172	--
Total	<u>\$ 64,527,709</u>	<u>\$ 62,107,767</u>	<u>\$ 349,584</u>
FTE Positions:			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	218.0	218.0	--
Nonjudicial Personnel	1,461.5	1,454.5	--
Total	<u>1,696.5</u>	<u>1,689.5</u>	<u>--</u>

- a) The Governor's recommendation incorporates Budget Amendment No. 1 which increases financing from the State General Fund by \$37,970 and reduces financing from the Judiciary Technology Fund by the same amount reflecting the Governor's intent.

## Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$64,527,709 for FY 1994, an increase of \$3,529,110 (5.8 percent) above the FY 1993 estimate. The request includes \$60,830,087 for salaries (94.3 percent of the total request) and \$3,697,622 for other operating expenditures. The FY 1994 request for the district courts accounts for 87.4 percent of the total request. The Court requests 7.0 FTE new nonjudicial positions (\$238,524), \$600,000 from the State General Fund to upgrade the Judicial Center computer system, \$586,750 from the Judiciary Technology Fund for a computer upgrade for the district courts, and an FY 1994 turnover rate of 1.3 percent.

The Governor recommends \$62,107,767 in FY 1994, a decrease of \$2,419,942 from the agency's request. The recommendation includes \$59,742,913 for salaries (a reduction of \$1,087,174) and \$2,364,854 for other operating expenditures (a reduction of \$1,332,768). The recommended reduction in salaries includes the deletion of 7.0 FTE requested new positions, a reduction of nonjudicial personnel actions (\$105,532), and a reduction of \$734,363 associated with an increase in the turnover rate to 2.5 percent compared to the requested rate of 1.3 percent. The Governor concurs with the request for a 2.5 percent unclassified salary increase and classified step movement. The largest deletions from other operating expenditures include a reduction in travel (\$342,929) associated with district court education, the elimination of financing associated with a computer upgrade for district courts (\$586,750), and a reduction of \$250,000 from the \$600,000 requested to

upgrade the Judicial Center computers. The \$350,000 recommended for the computer upgrade would be financed from the Judiciary Technology Fund rather than from the State General Fund.

### House Subcommittee Recommendation

**FY 1994.** The Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Concur with Governor's Budget Amendment No. 1 to add standard proviso language to the FY 1994 appropriations bill (H.B. 2045) to permit the implementation of the Governor's recommended salary increase of 2.5 percent for justices, judges and magistrate judges.
2. Concur with Governor's Budget Amendment No. 1 to shift \$37,970 in financing of a portion of the Judges of the District Court Program to the State General Fund from the Judiciary Technology Fund, as intended. The net result of the GBA is to increase expenditures from the State General Fund by \$37,970 and to reduce expenditures from the Judiciary Technology Fund by \$37,970.
3. Increase expenditures by \$75,000 from the Judiciary Technology Fund (from \$350,000 recommended by the Governor to \$425,000) to replace the Judicial Center WANG minicomputer. The Subcommittee reviewed initial results of a recently completed study (financed by a \$50,000 appropriation from the State General Fund in FY 1993) which estimates possible five year costs totaling \$1,857,456, including \$685,100 in FY 1994. The five-year cost would provide for 134 MacIntosh microcomputers, hardware, software, training, and 2.0 FTE new positions. The Subcommittee concurs with the Governor that the Judiciary Technology Fund is a more appropriate source of financing than the State General Fund, and increases the Governor's recommendation based on the release of the study results. The Subcommittee recommends an ending Judiciary Technology Fund balance of \$318,751 based on its FY 1993 recommendation and on FY 1994 Recommendations No. 2 and 3.
4. The Subcommittee concurs with the Governor's deletion of maintenance funds for district court facsimile machines in both FY 1993 and FY 1994. The Subcommittee agrees that it is the responsibility of the counties to maintain the 124 FAX machines financed by the Judiciary Technology Fund in FY 1993. Under an ongoing agreement, the state is responsible for financing judicial and nonjudicial personnel costs while the counties are responsible for other operating expenditures.
5. Restore \$150,000 in expenditures from the no-limit Judicial Branch Education Fund deleted by the Governor. The Governor's recommendation of expenditures from the Fund is \$321,252 below the amount requested by the agency. The Governor had recommended an FY 1994 ending Fund balance of \$1,074,776. The Subcommittee, which recommends additional expenditures from the Fund of \$100,000 in FY 1993 and \$150,000 in FY 1994, recommends an ending balance of \$824,776.

6. Increase expenditures by \$125,000 from the Judicial Branch Education Fund to offset expenditures from the State General Fund by the same amount for the Law Library. While the Committee believes the Library serves a legitimate educational function, the use of the Judicial Branch Education Fund to offset the State General Fund for the Law Library should be a one-time occurrence. This recommendation would further reduce the FY 1994 ending Fund balance to \$699,776.
7. Restore \$25,000 in both FY 1993 and FY 1994 from the State General Fund deleted by the Governor for a contingency for possible expenditures authorized at the discretion of the Chief Justice. The Subcommittee further recommends the addition of a proviso that contingency expenditures shall only be made if contingency expenditures are also authorized from appropriations made to the Governor's Department.
8. Add \$99,584 from the State General Fund to upgrade the salaries of all 31.5 FTE appellate court attorneys. The proposed upgrades, shown in the following table, would parallel the salary ranges for attorneys in the state's classified service.

Position	FTE	Current Range	Proposed Range
Research Attorney	17.0	22	26
Central Research Attorney	9.0	22	26
Central Research Attorney II	1.0	25	28
OJA Staff Attorney	1.0	26	28
Appellate Reporter II	3.5	26	28

9. The Subcommittee reviewed the Governor's recommendation to increase the agency's salary turnover rate from 1.3 percent to 2.5 percent for FY 1994. The Subcommittee concurs with the Governor and notes that the FY 1994 rates will be reviewed by the Subcommittee in 1994.
10. The Subcommittee reviewed a request to establish a central research staff for the Supreme Court, including the addition of 5.0 FTE positions (three attorneys and two clerical positions). The Governor deleted requested financing of \$168,713. The Subcommittee concurs that tight financial times restrict the addition of new positions for FY 1994 and hopes that technological advances in the Judicial Center will alleviate the need for additional clerical employees.
11. The Subcommittee concurs with the Governor's reduction of \$41,822 from a request to add 1.0 FTE Court Services Specialist for juvenile probation matters. No changes should be made until the Legislature has finalized action on proposed consolidation plans for court services, community corrections, and juvenile probation.

### House Committee Recommendation

The Committee concurs with the recommendations of the Subcommittee with the following adjustment:

1. Add a proviso to the Judiciary Technology Fund that funds for computer acquisition shall only be released by the State Finance Council after a needs analysis has been reviewed and the Judicial Center computerization project has been recommended by the Joint Committee on Computers and Telecommunications.

### House Committee of the Whole Recommendation

The House concurs with the recommendations of the Committee.

Expenditure Summary	House Adjustments FY 1994	House Rec. FY 1994	Senate Subcommittee Adjustments
State Operations:			
State General Fund	\$ (416)	\$ 59,654,137	\$ 199,426
Judiciary Technology Fund	75,000	534,683	200,000
J.B. Education Fund	275,000	673,359	(199,426)
Special Revenue Funds	--	1,595,172	--
TOTAL	<u>\$ 349,584</u>	<u>\$ 62,457,351</u>	<u>\$ 200,000</u>
FTE Positions:			
Appellate Court Judges and Justices	--	17.0	--
District Court Judges	--	218.0	--
Nonjudicial Personnel	--	1,454.5	--
TOTAL	<u>--</u>	<u>1,689.5</u>	<u>--</u>

### Senate Subcommittee Recommendation

FY 1994. The Senate Subcommittee concurs with the recommendations of the House with the following adjustments:


1. Reduce the Appellate Operations account by \$37,970 and increase the District Court Operations account by \$37,970 as a technical adjustment.
2. Make a technical adjustment to the Judiciary Technology Fund proviso to limit the expenditure approval requirement to computer system acquisitions only. This was the intent of the House.
3. The Subcommittee recommends positive consideration of S.B. 320 by the Committee. The bill codifies a salary increase for all justices and judges to



generally provide for the equivalent of a salary step movement, or approximately 2.5 percent. The Governor's recommendation for FY 1994 already includes a 2.5 percent salary increase for all justices and judges totaling \$410,567. The increase would be automatic when the bill goes into effect in FY 1995.

4. Restore expenditures of \$125,000 from the State General Fund for the Law Library and reduce a like amount from the Judicial Branch Education Fund. The Senate Subcommittee does not agree with the House's recommendation to offset State General Fund expenditures with expenditures from the Judicial Branch Education Fund. The Senate Subcommittee does not believe the House's proposed shift of funds can be limited to a "one-time occurrence."
5. Increase expenditures from the State General Fund by \$74,426 for dues to the National Center for State Courts and reduce expenditures from the Judicial Branch Education Fund by \$74,426. The Senate Subcommittee does not agree with the Governor's recommendation to shift financing of the annual dues to the new Judicial Branch Education Fund.
6. Increase expenditures by \$200,000 from the Judiciary Technology Fund (from \$425,000 recommended by the House to the \$625,000 requested by the Judicial Branch) to replace the Judicial Center WANG computer. The Senate Subcommittee learned that a partial purchase of equipment in FY 1994 would delay by one year the elimination of the \$7,000 monthly WANG maintenance contract until FY 1996. The recommendation of the Senate Subcommittee would leave an FY 1994 ending balance of \$118,751 in the Judiciary Technology Fund.

  
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Senator Barbara Lawrence  
Subcommittee Chair

  
\_\_\_\_\_  
Senator Richard Rock



# JUDICIARY TECHNOLOGY FUND

	AGENCY REQUEST FY 1993	GOV. REC. FY 1993	HOUSE REC. FY 1993	SENATE SUBCMTE. REC. FY 1993
<i>Beginning Balance</i>	0	0	0	0
District Court Clerk Fees	731,085	731,085	731,085	731,085
Total Available	731,085	731,085	731,085	731,085
Expenditures	657,109	480,669	630,669	630,669
<i>Balance Forward</i>	73,976	250,416	100,416	100,416

	AGENCY REQUEST FY 1994	GOV. REC. FY 1994	HOUSE REC. FY 1994	SENATE SUBCMTE. REC. FY 1994
	73,976	250,416	100,416	100,416
	753,018	753,018	753,018	753,018
	826,994	1,003,434	853,434	853,434
	722,333	497,653	534,683	734,683
	104,661	505,781	318,751	118,751

SWAM  
March 16, 1993  
Attachment 4

# JUDICIAL BRANCH EDUCATION FUND

	AGENCY REQUEST FY 1993	GOV. REC. FY 1993	HOUSE REC. FY 1993	SENATE SUBCMTE. REC. FY 1993
<i>Beginning Balance</i>	0	0	0	0
District Court Clerk Fees	507,626	507,626	507,626	507,626
Other Fines	150,000	150,000	150,000	150,000
Transfer from Municipal Judges Training Fund	479,563	479,563	479,563	479,563
Total Available	1,137,189	1,137,189	1,137,189	1,137,189
Expenditures	783,497	336,909	436,909	436,909
<i>Balance Forward</i>	353,692	800,280	700,280	700,280

	AGENCY REQUEST FY 1994	GOV. REC. FY 1994	HOUSE REC. FY 1994	SENATE SUBCMTE. REC. FY 1994
	353,692	800,280	700,280	700,280
	522,855	522,855	522,855	522,855
	150,000	150,000	150,000	150,000
	--	--	--	--
	1,026,547	1,473,135	1,373,135	1,373,135
	719,611	398,359	673,359	473,933
	306,936	1,074,776	699,776	899,202



# SUBCOMMITTEE REPORT

Agency: State Conservation Commission

Bill No. 2087

Bill Sec. New

Analyst: West

Analysis Pg. No. 386

Budget Page No. 130

<u>Expenditure Summary</u>	<u>Agency Est. FY 93</u>	<u>Revised Gov. Rec. FY 93</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 1,292,387	\$ 1,293,268	\$ 1,279
Local Aid	4,831,233	4,340,447	(899,676)
Other Assistance	6,062,475	5,799,247	899,676
TOTAL	<u>\$ 12,186,095</u>	<u>\$ 11,432,962</u>	<u>\$ 1,279</u>
State General Fund:*			
State Operations	\$ 433,032	\$ 433,913	\$ 1,279
Local Aid	124,772	124,772	--
Other Assistance	5,695,228	5,695,228	--
	<u>\$ 6,253,032</u>	<u>\$ 6,253,913</u>	<u>\$ 1,279</u>
FTE Positions	11.0	11.0	--

\* The amounts listed for the State General Fund include \$5,820,000 designated as being financed by the State General Fund portion of the State Water Plan Fund.

## Agency Estimate/Governor's Recommendation

The agency estimates current year expenditures will total \$12,186,095. The estimate includes \$1,753,690 reappropriated from FY 1992 for the Watershed Dam Construction (\$218,837), Land Treatment Cost Share (\$263,228), Multipurpose Small Lakes (\$121,543), and Nonpoint Source Pollution Assistance (\$1,150,082) programs. The estimate also includes the addition of \$41,355 and 1.0 special project position associated with a federal grant for water and soil conservation.

The Governor's revised current year recommendation represents increased State General Fund expenditures of \$881 and decreased State Water Plan Fund expenditures of \$754,014 when compared to the agency's estimate. Recommended State General Fund expenditures reflect an increase of \$1,139 in salaries for revised fringe benefit calculations and a net decrease of \$457 in other operating expenses. The Governor recommends that \$754,014 of current year State Water Plan Fund financing be reappropriated to FY 1994 for the Land Treatment Cost Share (\$263,228), Multipurpose Small Lakes (\$121,543), Nonpoint Source Pollution Assistance (\$150,406), and Watershed Dam Construction (\$218,837) programs.

SWAM  
March 16, 1993  
Attachment 5

### **House Subcommittee Recommendations**

The House Subcommittee concurs with the Governor's current year recommendations, with the following adjustments:

1. Add a section to H.B. 2087 for the \$881 State General Fund supplemental appropriation recommended by the Governor but inadvertently omitted from the bill.
2. Concur with GBA No. 1 which shifts \$754,014 in State Water Plan Fund financing from FY 1993 to FY 1994. No adjustment appears in the subcommittee adjustments column as it is already reflected in the revised Governor's recommendation.
3. As a technical adjustment, shift expenditures for nonpoint source pollution assistance from aid to local units to other assistance as the recipients are not local units of government.
4. Add \$1,279 from the State General Fund for equipment for a federally financed special project position, as requested by the agency.

### **House Committee Recommendation**

The House Committee concurs with the recommendations of the Subcommittee.

### **House Committee of the Whole Recommendation**

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




<u>Expenditure Summary</u>	<u>House Adj.</u>	<u>House Rec. FY 93</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 1,279	\$ 1,294,547	\$ (1,279)
Local Aid	(899,676)	3,440,771	--
Other Assistance	899,676	6,698,923	--
TOTAL	<u>\$ 1,279</u>	<u>\$ 11,434,241</u>	<u>\$ (1,279)</u>
State General Fund:*			
State Operations	\$ 1,279	\$ 435,192	\$ (1,279)
Local Aid	--	124,772	--
Other Assistance	--	5,695,228	--
	<u>\$ 1,279</u>	<u>\$ 6,255,192</u>	<u>\$ (1,279)</u>
FTE Positions	--	11.0	

\* The amounts listed for the State General Fund include \$5,820,000 designated as being financed by the State General Fund portion of the State Water Plan Fund.

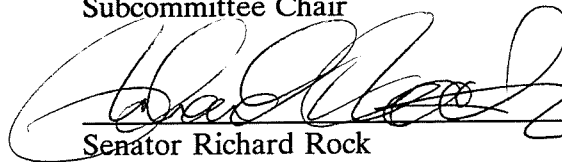
#### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House, with the following adjustment:

1. Delete the \$1,279 from the State General Fund added by the House for equipment for a federally-financed special project position. The Subcommittee believes that if the equipment is critical to the agency funding can be found within the existing resources.



Senator Robert Vancrum  
Subcommittee Chair



Senator Richard Rock

# SUBCOMMITTEE REPORT

Agency: State Conservation Commission Bill No. 2086 Bill Sec. 7  
 Analyst: West Analysis Pg. No. 386 Budget Page No. 130

<u>Expenditure Summary</u>	<u>Agency Req. FY 94</u>	<u>Gov. Rec. FY 94</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 1,541,488	\$ 1,008,914	\$ (89,839)
Local Aid	5,746,165	4,073,884	(760,000)
Other Assistance	8,947,777	5,770,161	874,839
TOTAL	<u>\$ 16,235,430</u>	<u>\$ 10,852,959</u>	<u>\$ 25,000</u>
State General Fund:*			
State Operations	\$ 606,949	\$ 994,468	\$ (89,839)
Local Aid	778,700	--	--
Other Assistance	6,000,000	5,449,933	114,839
	<u>\$ 7,385,649</u>	<u>\$ 6,444,401</u>	<u>\$ 25,000</u>
FTE Positions	13.0	11.0	--

\* The amounts listed for the State General Fund include \$6,000,000 designated as being financed from the State General Fund portion of the State Water Plan Fund.

## Agency Request/Governor's Recommendation

The agency requests an FY 1994 budget of \$16,235,430. State Water Plan Fund financing of \$14,849,781 is requested for the Watershed Dam Construction (\$2,820,088), Land Treatment Cost Share (\$9,335,316), Multipurpose Small Lakes (\$933,663), Nonpoint Source Pollution Assistance (\$1,660,714), and Riparian and Wetland (\$100,000) programs. The Riparian and Wetland program is a new program to provide financial assistance to landowners who wish to restore or protect riparian and wetland areas. State General Fund financing of \$1,385,649 is requested for aid to state conservation districts (\$778,700) and agency administration (\$606,949). The request for administration includes \$78,754 for 2.0 additional unclassified Resource Planner positions and \$58,974 for position classification actions on 6.0 existing positions. Of the amounts requested for the agency's aid and assistance programs, \$934,539 is requested for technical assistance contracts.

The Governor recommends a revised FY 1994 budget of \$10,852,959. State General Fund financing of \$444,401 is recommended for agency administration. State Water Plan Fund financing of \$10,408,558 (which includes \$754,014 reappropriated from FY 1993) is recommended for Conservation District Aid (\$778,700), and the Watershed Dam Construction (\$1,474,652), Land Treatment Cost Share (\$6,000,000), Multipurpose Small Lakes (\$1,055,206), Nonpoint Source Pollution Assistance (\$1,000,000), and Riparian and Wetland (\$100,000) programs. Of the

\$10,408,558 recommended for the agency's aid and assistance programs, \$564,513 is recommended for technical assistance contracts.

### **House Subcommittee Recommendation**

The House Subcommittee concurs with the Governor's FY 1994 recommendation, with the following adjustments:

1. Make a technical adjustment to the bill to reflect the correct amount of State General Fund financing available to reappropriate from FY 1993 (\$14,093).
2. As a technical adjustment, shift expenditures for nonpoint source pollution assistance from aid to local units of government to other assistance as the recipients are not local units of government.
3. As a technical adjustment, reduce technical assistance under the Land Treatment Cost Share program from \$286,839 to \$172,000 and increase other assistance by an equal amount. The Subcommittee was informed that the \$172,000 figure is the amount intended by the Governor. The Subcommittee also notes that as this funding has been designated as coming from the State General Fund portion of the State Water Plan Fund, reported State General Fund state operations expenditures are also reduced.
4. Add a line item to the bill to permit expenditures for the Riparian and Wetlands program, as noted in GBA No. 1.
5. Concur with the recommendation in GBA No. 1 which shifts \$754,014 in State Water Plan Fund expenditures from FY 1993 to FY 1994. No adjustment appears in the subcommittee adjustments column as it is already reflected in the revised Governor's recommendation.
6. The Subcommittee notes that FY 1994 will be the third year in which the Conservation District Aid is financed by the State Water Plan Fund. The Subcommittee notes that the funding source for this program traditionally has been from the State General Fund and that the program is not identified as a State Water Plan program by the Kansas Water Authority. Due to the Subcommittee's concern regarding the condition of the State General Fund, the Subcommittee does not recommend shifting the funding source for this program at this time but wishes to express concern about the practice of shifting general fund financed programs to previously dedicated special revenue funds.
7. Add \$25,000 from the State General Fund for salary increases for the agency's unclassified personnel. The Subcommittee was informed that the agency is losing experienced staff to other agencies which have classified positions with similar duties and higher pay. The Subcommittee notes that unclassified personnel were not included in the recent comprehensive Classification and Job Rate Study. The Subcommittee would further note that one of the six positions for which the agency is requesting classification actions is a classified position which must be addressed by the Division of Personnel Services (DPS). The Subcommittee was informed that DPS did not recommend the requested classification action. The

Subcommittee encourages the agency to continue to pursue the reclassification of the Administrative Officer III position.

### House Committee Recommendation

The House Committee concurs with the recommendations of the Subcommittee.

### House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 94</u>	<u>House Rec. FY 94</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (89,839)	\$ 919,075	\$ --
Local Aid	(760,000)	3,313,884	--
Other Assistance	874,839	6,645,000	(100,000)
TOTAL	<u>\$ 25,000</u>	<u>\$ 10,877,959</u>	<u>\$ (100,000)</u>
State General Fund:*			
State Operations	\$ (89,839)	\$ 904,629	\$ --
Local Aid	--	--	--
Other Assistance	114,839	5,564,772	--
	<u>\$ 25,000</u>	<u>\$ 6,469,401</u>	<u>\$ --</u>
FTE Positions	--	11.0	--

- \* The amounts listed for the State General Fund include \$6,000,000 designated as being financed from the State General Fund portion of the State Water Plan Fund.

### Senate Subcommittee Recommendation

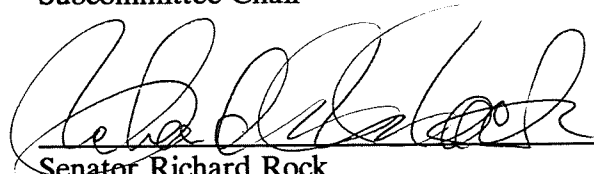
The Senate Subcommittee concurs with the recommendations of the House, with the following adjustment:

1. The Subcommittee carefully reviewed the projected FY 1994 ending balance in the State Water Plan Fund which would be reduced to \$15,479 under the Governor's recommendation. This balance is dangerously low. The Subcommittee recommends a reduction in State Water Plan Fund transfers and expenditures of \$100,000. The Subcommittee notes that FY 1994 would be the first year of funding for the Riparian and Wetland program and questions the wisdom of beginning a new program at this time. However, the Subcommittee was informed

that statutory authority for the program has existed since 1989. At the request of the agency, the Subcommittee recommends that the agency be given the flexibility to determine which program or programs would absorb the \$100,000 reduction.



\_\_\_\_\_  
Senator Robert Vancrum  
Subcommittee Chair



\_\_\_\_\_  
Senator Richard Rock



# SUBCOMMITTEE REPORT

Agency: Kansas Water Office

Bill No. 2087

Bill Sec. 26

Analyst: West

Analysis Pg. No. 392

Budget Page No. 610

<u>Expenditure Summary</u>	<u>Agency Est. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 4,511,054	\$ 4,504,522	\$ (18,000)
Local Aid	300,000	300,000	--
	<u>\$ 4,811,054</u>	<u>\$ 4,804,522</u>	<u>\$ (18,000)</u>
State General Fund:			
State Operations	\$ 1,498,229	\$ 1,491,697	\$ (18,000)
FTE Positions	22.0	22.0	--

## Agency Request/Governor's Recommendation

The agency's current year estimate of \$4,811,054 represents an increase of \$489,477 from special revenue funds when compared to the budget authorized by the 1992 Legislature. The State Finance Council authorized the release of \$300,000 for cost increases for a flood control project at Halstead. Other revisions include a net increase of \$123,079 in payments under the Water Marketing Program and the reappropriation of \$66,398 in federal funds from FY 1992.

The Governor's current year recommendation of \$4,804,522 reflects a decrease of \$6,532 in State General Fund financing from the agency's estimate for salaries (\$1,511) and other operating expenses (\$5,021).

## House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's current year recommendation, with the following adjustments:

1. Shift State Water Plan Fund financing of \$50,000 from the Riparian Ecosystem study to the Milford Lake Yield study, as requested by the agency.
2. Reduce current year salaries by \$18,000 due to recent staff vacancies and reappropriate the savings to FY 1994 to provide additional funding for stream gaging.

SWAM  
March 16, 1993  
Attachment 6

### House Committee Recommendation

The House Committee concurs with the recommendation of the Subcommittee.

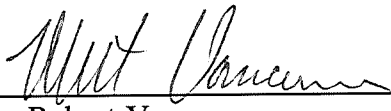
### House Committee of the Whole Recommendation

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

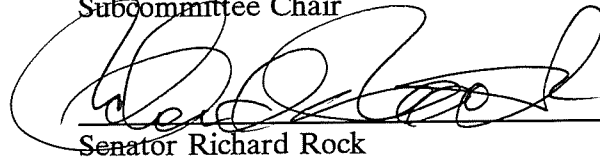
<u>Expenditure Summary</u>	<u>House Adj. FY 93</u>	<u>House Rec. FY 93</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (18,000)	\$ 4,486,522	\$ --
Local Aid	--	300,000	--
	<u>\$ (18,000)</u>	<u>\$ 4,786,522</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ (18,000)	\$ 1,473,697	\$ --
FTE Positions	--	22.0	--

### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.



Senator Robert Vancrum  
Subcommittee Chair



Senator Richard Rock

## SUBCOMMITTEE REPORT

**Agency:** Kansas Water Office

**Bill No.** 2086

**Bill Sec.** 8

**Analyst:** West

**Analysis Pg. No.** 392

**Budget Page No.** 610

<u>Expenditure Summary</u>	<u>Agency Req. FY 94</u>	<u>Gov. Rec. FY 94</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 4,955,079	\$ 4,568,613	\$ (5,166)
State General Fund:			
State Operations	\$ 1,793,645	\$ 1,526,226	\$ 18,000
FTE Positions	23.5	22.0	--

### Agency Request/Governor's Recommendation

The agency requests expenditures of \$4,955,079 in FY 1994. The request is financed by \$1,793,645 from the State General Fund, \$1,297,000 from the State Water Plan Fund, and \$1,864,434 from other special revenue funds. The request includes the conversion of the current Geographic Information System (GIS) Manager position from a contract basis to a classified FTE and the addition of a 0.5 FTE Information Technology Consultant. The State Water Plan Fund request would finance GIS database development (\$300,000), water related research (\$872,000), the Geography Resource Center (\$50,000), and water conservation education efforts (\$75,000).

The Governor recommends FY 1994 expenditures of \$4,568,613, financed by \$1,526,226 from the State General Fund, \$1,177,953 from the State Water Plan Fund, and \$1,864,434 from other special revenue funds. The Governor does not recommend the addition of any FTE positions above the current year amount. State Water Plan Fund financing is recommended for salaries (\$47,787), GIS database development (\$300,000), the GIS data access and support center (\$120,000), water related research (\$587,000), the Geography Resource Center (\$50,000), and water conservation education efforts (\$75,000).

### House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's FY 1994 recommendation, with the following adjustments:

1. As a technical adjustment, authorize the expenditure of prior year State Water Plan Fund allocations, estimated to be \$1,834, which reappropriate to FY 1994.
2. Add \$18,000 from FY 1993 salary savings to maintain the state's stream gaging system. The Subcommittee was informed that the system has declined from 105 surface water stations in FY 1985 to 71 stations today and that the Governor's recommended funding level of \$272,350 for stream gaging would result in a further

shrinkage of the system to 68 stations due to inflation. The Subcommittee notes that the data acquired from stream gaging is basic to the State Water Plan.

3. Reduce FY 1994 State Water Plan Fund expenditures for the Republican Subbasin Evaluation study by \$25,000. In conjunction with the Subcommittee's FY 1993 recommendation No. 1, this provides \$175,000 for the study over the two-year period, the same amount as included in the agency's request for FY 1994.

### House Committee Recommendation

The House Committee concurs with the recommendations of the Subcommittee.

### House Committee of the Whole Recommendation

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

<u>Expenditure Summary</u>	<u>House Adj. FY 94</u>	<u>House Rec. FY 94</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (5,166)	\$ 4,563,447	\$ (25,000)
State General Fund:			
State Operations	\$ 18,000	\$ 1,544,226	\$ --
FTE Positions	--	22.0	--

### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House, with the following adjustment:

1. Reduce State Water Plan Fund financing for the Western Kansas Educational Assistance program from \$75,000 to \$50,000, the same amount as the current year. The Subcommittee notes that the balances in the State Water Plan Fund are reduced from \$973,330 at the end of FY 1993 to \$15,479 under the Governor's recommendations and \$45,479 under the recommendations of the House at the end of FY 1994. The Subcommittee believes that these ending balances are too low, especially if across-the-board cuts reduce the State General Fund demand transfer to the State Water Plan Fund.



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Senator Robert Vancrum  
Subcommittee Chair



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Senator Richard Rock

# STATE WATER PLAN FUND FY 1993 and FY 1994 RESOURCE ESTIMATE

	FY 1993 Governor's Rec.	FY 1993 House Adj. From Gov.	FY 1993 Sen. Adj. From Gov.	FY 1994 Governor's Rec.	FY 1994 House Adj. From Gov.	FY 1994 Sen. Adj. From Gov.
BEGINNING BALANCE	\$784,335	--	--	\$973,330	--	--
RECEIPTS:						
State General Fund	\$5,820,000	--	--	\$6,000,000	--	--
EDIF	2,000,000	--	--	2,000,000	--	--
Municipal Fees	3,300,000	--	--	3,300,000	--	--
Industrial Fees	1,000,000	--	--	1,000,000	--	--
Stock Fees	250,000	--	--	250,000	--	--
Fertilizer Fees	2,149,188	--	--	2,121,539	--	--
Pesticide Fees	753,800	--	--	738,700	--	--
Fines	57,277	--	--	57,277	--	--
Subtotal - Receipts	\$15,330,265	--	--	\$15,467,516	--	--
TOTAL AVAILABLE	\$16,114,600	--	--	\$16,440,846	--	--
LESS TRANSFERS:						
Board of Agriculture	\$311,919	--	--	\$600,000	--	--
State Conservation Commission	9,958,018	--	--	9,654,544	--	(100,000)
Health and Environment	2,238,333	--	--	3,079,787	--	--
University of Kansas	200,000	--	--	913,083	--	--
Kansas Water Office	1,068,000	--	--	1,177,953	(25,000)	(50,000)
Wildlife and Parks	1,365,000	--	--	1,000,000	(5,000)	(5,000)
Subtotal - Transfers	\$15,141,270	--	--	\$16,425,367	(\$30,000)	(\$155,000)
ENDING BALANCE	\$973,330	--	--	\$15,479	\$30,000	\$155,000

\* Does not include expenditures from prior year allocations from the State Water Plan Fund

## REAPPROPRIATION (FROM PRIOR YEAR ALLOCATIONS) EXPENDITURE ANALYSIS \*

	FY 93-94 Transfers	FY 93-94 Expenditures	FY 93-94 Difference
Board of Agriculture	\$911,919	\$1,008,897	\$96,978
State Conservation Commission	19,612,562	21,366,252	1,753,690
Health and Environment	5,318,120	8,581,665	3,263,545
University of Kansas	1,113,083	1,113,083	--
Kansas Water Office	2,220,953	2,222,787	1,834
Wildlife and Parks	2,360,000	2,360,000	--
TOTAL	\$31,536,637	\$36,652,684	\$5,116,047

\*Based on the Governor's recommendations as modified by the Legislature.

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March 16, 1993  
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**STATE WATER PLAN FUND**  
**FY 1993 and FY 1994 EXPENDITURES**

Agency/Program	FY 1993 Governor's Rec.	FY 1993 House Adj. From Gov.	FY 1993 Sen. Adj. From Gov.	FY 1994 Governor's Rec.	FY 1994 House Adj. From Gov.	FY 1994 Sen. Adj. From Gov.
<b>Board of Agriculture</b>						
Conservation Plan Coordination	\$195,000	--	--	\$148,489	--	--
Water Data Base Renovation	29,712	--	--	--	--	--
Interstate Water Issues	135,696	--	--	--	--	--
Subbasin Management Plan	--	--	--	500,000	--	--
<b>Total - Board of Agriculture</b>	<b>\$360,408</b>	<b>--</b>	<b>--</b>	<b>\$648,489</b>	<b>--</b>	<b>--</b>
<b>State Conservation Commission</b>						
Conservation District Aid	\$776,700	--	--	\$778,700	--	--
Watershed Dam Construction	1,405,815	--	--	1,474,652	--	--
Multipurpose Small Lakes	1,602,969	--	--	1,055,206	--	--
Benefit Area Program	172,534	--	--	--	--	--
Nonpoint Source Pollution Asst.	1,399,676	--	--	1,000,000	--	--
Land Treatment Cost Share	5,600,000	--	--	6,000,000	--	--
Riparian and Wetland Program	--	--	--	100,000	--	--
Undesignated Reduction	--	--	--	--	--	(100,000)
<b>Total - Conservation Commission</b>	<b>\$10,957,694</b>	<b>--</b>	<b>--</b>	<b>\$10,408,558</b>	<b>--</b>	<b>(\$100,000)</b>
<b>Health and Environment</b>						
Contamination Remediation	\$1,632,170	--	--	\$2,981,276	--	--
Local Environmental Aid	1,670,000	--	--	1,670,000	--	50,000
Nonpoint Source Program	362,219	--	--	216,000	--	--
<b>Total - Health and Environment</b>	<b>\$3,664,389</b>	<b>--</b>	<b>--</b>	<b>\$4,867,276</b>	<b>--</b>	<b>\$50,000</b>
<b>University of Kansas</b>						
Dakota Aquifer Study	\$200,000	--	--	\$200,000	--	--
Sunflower Landfill Remediation	--	--	--	713,083	--	--
<b>Total - University of Kansas</b>	<b>\$200,000</b>	<b>--</b>	<b>--</b>	<b>\$913,083</b>	<b>--</b>	<b>--</b>
<b>Kansas Water Office</b>						
Water Related Research	\$348,000	--	--	\$587,000	(\$25,000)	(\$25,000)
GIS Data Base Development	458,720	--	--	300,000	--	--
GIS Data Support Center	120,000	--	--	120,000	--	--
GIS Resource Manager	41,280	--	--	47,787	--	--
Geography Resource Center	50,000	--	--	50,000	--	--
West. Kansas Educational Assist.	50,000	--	--	75,000	--	(25,000)
<b>Total - Kansas Water Office</b>	<b>\$1,068,000</b>	<b>--</b>	<b>--</b>	<b>\$1,179,787</b>	<b>(\$25,000)</b>	<b>(\$50,000)</b>
<b>Wildlife and Parks</b>						
Cheyenne Bottoms	\$1,000,000	--	--	\$1,000,000	(\$180,000)	(\$180,000)
Cheney Reservoir Riprap	100,000	--	--	--	175,000	175,000
Lake Crawford Dam Study	100,000	--	--	--	--	--
Easement Acquisition	150,000	--	--	--	--	--
Madtom Research	15,000	--	--	--	--	--
<b>Total - Wildlife and Parks</b>	<b>\$1,365,000</b>	<b>--</b>	<b>--</b>	<b>\$1,000,000</b>	<b>(\$5,000)</b>	<b>(\$5,000)</b>
<b>TOTAL EXPENDITURES</b>	<b>\$17,615,491</b>	<b>--</b>	<b>--</b>	<b>\$19,017,193</b>	<b>(\$30,000)</b>	<b>(\$105,000)</b>

\* Includes expenditures from prior year allocations from the State Water Plan Fund

# SUBCOMMITTEE REPORT

Agency: Wildlife and Parks

Bill No. --

Bill Sec. --

Analyst: Duncan

Analysis Pg. No. 401

Budget Page No. 616

Expenditure	Agency Est. FY 93	Governor's Rec. FY 93	House Sub. Adjustments
All Funds:			
State Operations	\$ 23,160,649	\$ 22,710,104	\$ --
Local Aid	300,000	330,008	--
Subtotal -- Operations	\$ 23,460,649	\$ 23,040,112	\$ --
Capital Improvements	9,970,317	9,700,317	--
TOTAL	\$ 33,430,966	\$ 32,740,429	\$ --
State General Fund:			
State Operations	\$ 3,615,237	\$ 3,603,083	\$ --
Capital Improvements	935,395	935,395	--
TOTAL	\$ 4,550,632	\$ 4,538,478	\$ --
Economic Development Initiatives Fund:			
State Operations	\$ --	\$ --	\$ --
Capital Improvements	548,124	--	--
TOTAL	\$ 548,124	\$ --	\$ --
State Water Fund:			
State Operations	\$ 165,000	\$ 165,000	\$ --
Capital Improvements	1,586,579	1,316,579	--
TOTAL	\$ 1,751,579	\$ 1,481,579	\$ --
FTE Positions	410.0	410.0	--

## Agency Estimate/Governor's Recommendation

The agency estimates current year expenditures for state operations will total \$23,160,649, an increase of \$14,712 over \$23,146,477, the amount approved by the 1992 Legislature, as adjusted by the State Finance Council. The request includes \$3,615,237 from the State General Fund, \$14,958,145 from the Wildlife Fee Fund, \$789,653 from the Boating Fee Fund, \$2,623,852 from the Parks Fee Fund, and \$1,173,762 from other funding sources. The agency estimates capital improvements in FY 1993 totaling \$9,970,317, which includes \$935,395 from the State General Fund. The capital improvement estimate includes \$6,190,795 which was appropriated for FY 1993 and \$3,779,522 in reappropriated funds.

The Governor recommends state operations of \$22,710,104, a reduction of \$420,537 from the agency's estimate. The recommendation decreases salaries and wages (\$51,996), freight (\$10,195), printing and advertising (\$32,770), rents (\$12,760), travel and subsistence (\$36,093), fees-other services (\$69,798), professional fees (\$57,338), utilities (\$16,445), other contractual services (\$15,285), feed (\$19,535), motor vehicle parts (\$93,528), scientific supplies (\$8,750), and other supplies and

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Attachment 8

materials (\$87,832); and increases repairing and servicing (\$55,111), maintenance materials (\$21,147), and office supplies (\$15,530). The recommendation includes \$3,603,083 from the State General Fund, \$14,606,557 from the Wildlife Fee Fund, \$778,467 from the Boating Fee Fund, \$2,585,919 from the Parks Fee Fund, and \$1,136,078 from other funds. The Governor recommends \$9,700,317 for capital improvements, a reduction of \$270,000 from the State Water Fund for land acquisition.

### House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

### House Committee Recommendation

Concur.

### House Committee of the Whole Recommendation

Concur.

Expenditure	House Adj. FY 93	House Rec. FY 93	Senate Sub. Adjustments
All Funds:			
State Operations	\$ --	\$ 22,710,104	\$ --
Local Aid	--	330,008	--
Subtotal -- Operations	\$ --	\$ 23,040,112	\$ --
Capital Improvements	--	9,700,317	--
TOTAL	\$ --	\$ 32,740,429	\$ --
State General Fund:			
State Operations	\$ --	\$ 3,603,083	\$ --
Capital Improvements	--	935,395	--
TOTAL	\$ --	\$ 4,538,478	\$ --
Economic Development Initiatives Fund:			
State Operations	\$ --	\$ --	\$ --
Capital Improvements	--	--	--
TOTAL	\$ --	\$ --	\$ --
State Water Fund:			
State Operations	\$ --	\$ 165,000	\$ --
Capital Improvements	--	1,316,579	--
TOTAL	\$ --	\$ 1,481,579	\$ --
FTE Positions	--	410.0	--

**Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the recommendations of the House.



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Senator Jerry Moran  
Subcommittee Chair



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Senator Bill Brady



# SUBCOMMITTEE REPORT

Agency: Wildlife and Parks

Bill No. 2086

Bill Sec. 9

Analyst: Duncan

Analysis Pg. No. 401

Budget Page No. 616

Expenditure	Agency Req. FY 94	Governor's Rec. FY 94	House Sub. Adjustments
All Funds:			
State Operations	\$ 23,504,152	\$ 22,690,773	\$ --
Local Aid	300,000	300,000	--
Subtotal -- Operations	\$ 23,804,152	\$ 22,990,773	\$ --
Capital Improvements	10,179,362	5,567,842	338,150
TOTAL	\$ 33,983,514	\$ 28,558,615	\$ 338,150
State General Fund:			
State Operations	\$ 3,628,799	\$ 3,587,800	\$ --
Capital Improvements	687,150	--	--
TOTAL	\$ 4,315,949	\$ 3,587,800	\$ --
Eco. Dev. Initiatives Fund:			
State Operations	\$ --	\$ --	\$ --
Capital Improvements	1,613,150	--	213,150
TOTAL	\$ 1,613,150	\$ --	\$ 213,150
State Water Fund:			
State Operations	\$ 150,000	\$ --	\$ --
Capital Improvements	3,585,270	1,000,000	(5,000)
TOTAL	\$ 3,735,270	\$ 1,000,000	\$ (5,000)
FTE Positions	410.0	410.0	--

## Agency Request/Governor's Recommendation

1. **State Operations.** The agency requests a state operations budget of \$23,504,152, including \$3,628,799 from the State General Fund, \$15,073,527 from the Wildlife Fee Fund, \$799,929 from the Boating Fee Fund, \$2,797,002 from the Parks Fee Fund, \$260,000 from the Nongame Wildlife Improvement fund, and \$944,895 from other Special Revenue Funds. The agency is not requesting any new initiatives or new FTE positions for FY 1994.

The Governor recommends state operations of \$22,690,773 in FY 1994, a reduction of \$813,379 from the agency's request. Recommended reductions are for salaries and wages (\$28,285); freight (\$15,760); printing and advertising (\$103,015); rents (\$150,000); repairing and servicing (\$6,757); travel and subsistence (\$62,974); fees-other services (\$22,021); professional fees (\$81,161); utilities (\$8,160); other contractual services (\$27,553); feed and forage (\$7,790); fuel (\$5,295); maintenance materials (\$20,329); motor vehicle supplies (\$19,612); professional supplies (\$26,070); office supplies (\$4,900); research supplies (\$10,000); other supplies and materials (\$73,148); and capital outlay (\$140,549). The Governor's recommendation includes \$3,587,800 from the State General Fund, \$14,551,264 from the Wildlife Fee Fund, \$2,754,953 from the Parks Fee Fund, \$775,766 from the Boating Fee Fund, \$244,696 from the Nongame Fund, and \$776,294 from other funds.

**2. Local Aid.** The agency requests payment of \$300,000 from the federal Land and Water Conservation Fund to aid local units of government to assist in the financing of recreational facilities. The FY 1994 request is the same amount as the current year. The Governor concurs with the agency's FY 1994 request for local aid.

**3. Capital Improvements.** The Department requests \$10,179,362 in FY 1994 for 28 capital improvement projects. The request includes \$687,150 from the State General Fund, \$746,152 from the Wildlife Fee Fund, \$3,585,270 from the State Water Fund, \$1,613,150 from the Economic Development Initiatives Fund, \$1,500,000 from the Highway Fund, \$1,852,600 from federal funds, and \$195,040 from other funding sources. Major items of expenditure include State Water Plan financing for the continued renovation of Cheyenne Bottoms (\$1,000,000), the phased development of Hillsdale State Park (\$1,000,000), and dam repair and maintenance (\$1,000,000); EDIF funding for rails to trails development (\$1,065,750); and development of the interior of the Wichita Education Center (\$902,500); and the utilization of State Highway Funds for road maintenance of Department access roads (\$1,500,000).

The Governor recommends \$5,567,842 for 13 capital improvement projects, a \$4,611,520 decrease from the agency's request. The recommendation includes \$435,152 from the Wildlife Fee Fund, \$1,000,000 from the State Water Fund, \$1,500,000 from the State Highway Fund, \$1,000,000 in federal funds, and \$190,040 from other funding sources. In addition, the Governor recommends the establishment of the General Facilities Building Fund (GFBF) to be financed by the dedication of 15 percent of gaming receipts. Five projects, totaling \$1,442,650 would be financed from this fund: Hillsdale State Park (\$750,000); a portion of rehabilitation and repair (\$259,900); campground renovation (\$335,250); Toronto sewage pumps (\$50,000); and handicapped access renovation (\$47,500). The Governor's recommendation also includes \$2,000,000 in funding for Cheyenne Bottoms -- \$1,000,000 from the State Water Fund and \$1,000,000 in federal matching funds.

#### **House Subcommittee Recommendation**

The House Subcommittee concurs with the recommendation of the Governor with the following adjustments:

#### **Capital Improvements:**

1. Shift \$175,000 (from the State Water Fund) to continue the Cheney State Park shoreline stabilization project. To fund this project, the Subcommittee intends to shift State Water Plan funding recommended by the Governor for Cheyenne Bottoms renovation to Cheney State Park and to replace the Water Fund moneys at Cheyenne Bottoms with funding recommended for land acquisition and wetlands acquisition. The following adjustments achieve this goal:
  - ▶ delete \$150,000 (\$50,000 from the Nongame Improvement Fund and \$100,000 from the Wildlife Fee Fund) for land acquisition.
  - ▶ delete \$30,000 (\$15,000 from the Migratory Waterfowl Fund and \$15,000 from the Wildlife Fee Fund) for wetlands acquisition.
  - ▶ shift \$175,000 from the State Water Fund for Cheyenne Bottoms renovation to Cheney State Park.



- ▶ add \$180,000 (\$115,000 from Wildlife Fee Fund, \$15,000 from the Migratory Fee Fund and \$50,000 from the Nongame Improvement Fund) to restore \$175,000 in State Water Funds shifted to Cheney State Park.
  - ▶ Lapse \$5,000 from the State Water Fund.
2. Add \$150,000 (from the Wildlife Fee Fund) for rehabilitation of the Smokey Hill river channel at Cedar Bluff Reservoir.
  3. Add \$213,150 from the EDIF to implement the first phase of a rails to trails project from Ottawa to Iola. The Subcommittee learned that federal transportation enhancement funds are available for trail development. Federal monies would cover 80 percent (\$852,600) of the cost when the state provides a twenty percent match. The Subcommittee further recommends the establishment of a separate line item entitled Federal Grants Fund - Rails to Trails.

It is not the Subcommittee's intent for the state to provide operating expenses and maintenance for the Rails to Trails project once it is completed. The Subcommittee recommends that a user fee be assessed and that a bill be introduced to establish a "Rails to Trails Fund". The bill should give the Kansas Wildlife and Parks Commission authority to establish a fee and promulgate rules and regulations pertaining to use of the trail. Although the Subcommittee specifically intends for the bill to include language which ties funds received from user fees to the trail; the Subcommittee also intends to allow the agency flexibility to shift excess funds to the Park Fee Fund to be used for park maintenance.

4. Delete \$20,000 from the Wildlife Fee Fund for hunting access. The agency's request and Governor's recommendation inadvertently included operating expenditures for this capital improvement project.
5. As directed by the 1992 Legislature, the Department presented to the Subcommittee a report on recently revised fee schedules and the agency's plan to adequately fund its long term budgetary needs. In the course of this discussion, both the agency and the Audubon Society noted the possibility of charging a public land access fee to target those people who use public lands but do not have a current hunting license, fishing license or park permit. The Subcommittee directs the Department to complete a study on this issue and to make a report to the 1994 Legislature regarding the feasibility of issuing this permit.

#### **House Committee Recommendation**

The House Committee concurs, with the following adjustments:

1. Strike item number 3 recommended by the Subcommittee.

In addition, the Committee adopts the following capital improvement recommendations made by the Joint Committee on State Building Construction:

2. Add \$375,000 from the Park Fee Fund and \$375,000 from the EDIF and delete \$750,000 recommended by the Governor from the GFBF for Hillsdale State Park development.
3. Add \$259,900 from the Park Fee Fund and delete \$259,900 recommended by the Governor from the GFBF for park rehabilitation and repairs.
4. Add \$335,250 from the EDIF and delete \$335,250 recommended by the Governor from the GFBF for campground renovation.
5. Add \$50,000 from the Park Fee Fund and delete \$50,000 recommended by the Governor from the GFBF for replacement of sewage pumps at Toronto State Park.
6. Add \$47,500 from the State General Fund and delete \$47,500 recommended by the Governor from the GFBF for handicapped access renovation.
7. Add \$302,337 from the EDIF and \$148,913 from the Wildlife Fee Fund in FY 1994 and FY 1995 for a total of \$451,250 each year for the Wichita Education Center.

#### House Committee of the Whole

The House Committee of the Whole concurs with the following adjustment:

1. Add \$212,000 from the Wildlife Fee Fund to purchase land adjacent to Cheyenne Bottoms which habitually floods.

Expenditure	House Adj.	House Rec. FY 94	Senate Subcommittee Adjustments
<b>All Funds:</b>			
State Operations	\$ --	\$ 22,690,773	\$ --
Local Aid	--	300,000	--
Subtotal -- Operations	\$ --	\$ 22,990,773	\$ --
Capital Improvements	788,360	6,356,092	(643,250)
<b>TOTAL</b>	<b>\$ 788,360</b>	<b>\$ 29,346,865</b>	<b>\$ (643,250)</b>
<b>State General Fund:</b>			
State Operations	\$ --	\$ 3,587,800	\$ --
Capital Improvements	47,500	47,500	--
<b>TOTAL</b>	<b>\$ 47,500</b>	<b>\$ 3,635,300</b>	<b>\$ --</b>
<b>Eco. Dev. Initiatives Fund:</b>			
State Operations	\$ --	\$ --	\$ --
Capital Improvements	1,012,587	1,012,587	92,663
<b>TOTAL</b>	<b>\$ 1,012,587</b>	<b>\$ 1,012,587</b>	<b>\$ 92,663</b>
<b>State Water Fund:</b>			
State Operations	\$ --	\$ --	\$ --
Capital Improvements	(5,000)	995,000	--
<b>TOTAL</b>	<b>\$ (5,000)</b>	<b>\$ 995,000</b>	<b>\$ --</b>
<b>FTE Positions</b>	<b>--</b>	<b>410.0</b>	<b>--</b>

### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House with the following adjustments:

1. Delete \$212,000 from the Wildlife Fee Fund for Cheyenne Bottoms land acquisition. The Subcommittee notes that the agency is currently negotiating for land adjacent to Cheyenne Bottoms. This land, which habitually floods, has been the subject of several claims against the state which have totalled \$140,000 since 1980. The Subcommittee encourages continued discussions for this property but believes that it is premature to fund this request. The Subcommittee cautions the agency to limit negotiations to the appraised value of the land and directs the agency to report the status of the negotiations to the 1994 Legislature.
2. Delete \$451,250 (\$302,337 from the EDIF and \$148,913 from the Wildlife Fee Fund) in FY 1994 and FY 1995 for the Wichita Education Center. The Subcommittee notes that this project was 24th in priority out of 28 projects requested by the agency, was not recommended by the Governor, and no conferees spoke on its behalf. The Subcommittee believes that the \$302,337 approved by the House from the EDIF could more effectively be used to maintain ongoing projects.
3. Shift \$375,000 from the Park Fee Fund to the EDIF for Hillsdale State Park development. During the last Legislative Session, the Senate Subcommittee

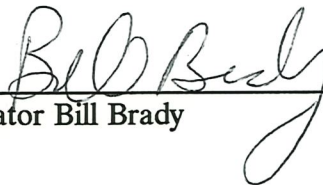
expressed concern about the ending balances of the agency's fee funds, and directed the Department to evaluate its fee structures. As a result, the Department increased a number of fees beginning in January 1993. Apparently because of the high ending balance, the House replaced some of the money recommended by the Governor from the GFBF with money from the Park Fee Fund. The agency expressed concern about spending down two fee funds, the Wildlife Fee Fund, and more particularly, the Park Fee Fund. The agency testified that, based on the House recommendation, expenditures from the Park Fee Fund would exceed receipts by \$486,853 in FY 1994, \$555,650 in FY 1995 and \$625,823 in FY 1996. The Subcommittee notes that historically funding for Hillsdale State Park has been from the EDIF, the State Water Fund or State General Funds. The Subcommittee believes that the EDIF is a more appropriate funding source for Hillsdale.

4. Add \$20,000 from the EDIF for final planning for the Cheyenne Bottoms Visitor Education and Information Center. The agency requested \$25,000 for this project. The Subcommittee learned that the Kansas Audubon Council has identified Cheyenne Bottoms as one of its highest priorities and has set aside \$5,000 to be used for the design phase of the center. The Subcommittee notes that to date \$10,267,000 (including federal funding) has been approved for Cheyenne Bottoms renovation, and the estimated project cost is projected to total \$20,230,818. The Subcommittee believes that it is imprudent to spend over 20 million dollars on a project without promoting it. The Subcommittee notes that the agency anticipates that the total project cost for the visitor center will be \$550,000. The Subcommittee believes that the visitor center would not only promote Cheyenne Bottoms but would also be a resource, both economically and educationally, for surrounding communities. The Subcommittee directs the agency, to include in the plan, projections for enhanced economic activities and an evaluation of local and private funding sources.



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Senator Jerry Moran  
Subcommittee Chair



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Senator Bill Brady