

Approved: 1/25/94  
Date

## MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairman Rochelle Chronister at 1:30 p.m. on January 20, 1994 in Room 514-S of the Capitol.

All members were present except: Rep. Tim Carmody, excused  
Rep. Bob Mead, excused

Committee staff present: Julian Efird, Legislative Research Department  
Kathy Porter, Legislative Research Department  
Alan Conroy, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Jerry Cole, Committee Secretary  
Sharon Schwartz, Administrative Assistant

### Conferees appearing before the committee:

Keith Meyers, Department of Administration Personnel Office  
Rep. Denise Everhart, Sponsor of HB 2214  
Jane Star, Registered Nurse, University of Kansas Medical Center  
Myrlene Kelly, Executive Director, Kansas Association of Public Employees  
Brad Avery, Public Employees Service Organization  
Orion Jordan, Department of Administration, Director, Division of Facilities Management  
Richard Gonzalez, Department of Administration, Director, Division of Printing  
Rep. George Dean, Sponsor of HBs 2572, 2572 and 2573  
Susan Seltsam, Secretary of Administration  
Jean Turner, Director, Division of Information Systems and Communications

Others attending: See attached list

Chairman Chronister opened the hearing for **HB 2214**. The first individual to present testimony was Keith Meyers, Department of Administration. Meyers appeared as an opponent to the bill and offered reasons for his opposition. (See Attachment 1). Rep. Denise Everhart then gave the committee a brief overview of the bill and its history. She said that the point system currently in place regarding state employee leave of absences was abusive to personnel and basically discriminatory. Rep. Everhart told the committee that **HB 2214** sought to correct the abuse. Jane Star, RN at University of Kansas Medical Center, spoke to the committee about the center's leave system and favored the proposed legislation. (See Attachments 2 & 2a). Myrlene Kelly, KAPE also favored the bill and offered comments to that extent. (See Attachment 3). Brad Avery, representing the Public Employee Service Organization, spoke to the committee as a proponent of the bill as well. (See Attachment 4). Orion Jordan, Department of Administration testified in favor of the status quo. (See Attachment 5). Also appearing in opposition to the bill from the Department of Administration was Richard Gonzalez, who offered testimony about the advantages the point system had gleaned for the Division of Printing. (See Attachment 6). Chairman Chronister closed the hearing on **HB 2214**.

She then opened hearings on **HB 2571, HB 2572 and HB 2573**. Rep. George Dean, a member of the Joint Committee on Computers & Technology which sponsored the bills, was the first to address the committee. (See Attachment 7). Susan Seltsam, Secretary of Administration, spoke to members on concerns she had about **HB 2572** as it was currently written. (See Attachment 8). She was followed by Jean Turner, DISC Director, who also voiced concerns, made suggestions on **HB 2571 and hb 2573** and then requested the committee defer from recommending either. (See Attachments 9 & 10). Chairman Chronister closed the hearings on the three bills.

Rep. Dean made a motion to pass and favorably recommend **HB 2571**. The motion was seconded by Rep.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, Room 514-S Statehouse, at 1:30 p.m. on January 20, 1994.

Helgerson and carried.

Rep. Dean made a motion to pass and favorably recommend **HB 2573**. The motion was seconded by Rep. Kline and carried. Rep. Dean told the Chairman that a vote on HB 2572 be deferred until a figure for spending limitations be inserted into the bill.

Chairman Chronister turned the committee's attention to **HB 2564**, heard previously. Rep. Helgerson offered amendments to the bill. (See Attachment 11). Under the balloon amendments offered, Revisor Jim Wilson told the committee a technical change that was omitted in the printed copy need be made. Chairman Chronister voiced her concern on new section two, part two (Section 2 (2)). The committee came to a consensus on a language modification and changed the word "potential" to "significant anticipated" with regards to "changes in the current laws, regulations and policies" as set forth in the amendment. Rep. Helgerson made a motion to adopt the amendments as they had been modified. Rep. Glasscock seconded the motion and it carried. Chairman Chronister then told the committee they would hold the bill until Monday (January 24, 1994) when a new version would be submitted by the Revisor including the amendments as per modification. She adjourned the meeting at 3:30 p.m.

The next meeting is scheduled for January 24, 199~~3~~<sub>4</sub>.

# 1994 Appropriation Committee Guest List

1	NAME	ORGANIZATION
2	Roger Trautze	Ks Gov Consulting
3	Mike Heden	Hain, Ebert + 4 Jarr
4	Jim Kent	Ks State Treasurer
5	Bob Wunsch	KUMC
6	Orion Jordan	DofA / DFM
7	Brian R. Thompson	KAPE
8	Tues Bannon	KAPE
9	STEVE KEARNEY	KINI L.C.
10	MIKE SMITH	KDOIR
11	DAVE HERNANDEZ	EDS
12	Jerry Niebauer	KU-Lawrence
13	Charles Hurley	Logan.
14	Jerry Sloan	GTA
15	Mike Recht	AT&T
16	Martha Jenkins	Sprint
17	LORNE PHILLIPS	KDWGE
18	Jon McKenzie	KCC
19	Mary Adkins	DofA, DPS
20	B. Mariani	DofA
21	Rich Amgar	DofA
22	David Stevers	Rep. J. Wells Intern
23	ERIC SEXTON	WGU
24	Sue Peterson	Kansas State University
25	Elaine Frisbie	Div. of Budget
26	Debra McWhire	Kansas Board of Regents
27	TED D. AYRES	REGENTS STAFF
28	Myline Kelley	KAPF
29	James Stapp	KAPF
30	Ben Nelson	KDOT

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1994 Appropriation Committee Guest List

	NAME	ORGANIZATION
31	<i>Brenda Chang</i>	<i>PEGO</i>
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Thu, Jan 20, 1994

**Testimony To The  
HOUSE COMMITTEE ON APPROPRIATIONS**

**BY**

**D. Keith Meyers  
Human Resources Manager  
Department of Administration**

Ms. Chairperson, members of the committee, thank you for this opportunity to present testimony in opposition to House Bill 2214. My name is Keith Meyers and I am the Human Resources Manager for Department of Administration. In my capacity as Human Resources Manager, I work with the divisions within the agency to develop policies to address human resources related matters, including attendance.

In developing attendance policies, a need exists to strike a balance between an employee's ability to request and be approved for vacation leave and sick leave in accordance with K.A.R. 1-9-3, 1-9-4, and 1-9-5 and K.S.A. 75-2949e(a)(5) and (6) which establish that habitual or flagrantly improper use of leave privileges and a habitual pattern of failure to report for duty at the assigned time and place and to remain on duty are grounds for dismissal, demotion, and suspension.

Other important concepts to factor into attendance policies include:

- 1) **consistent application** (in order to avoid charges of disparate treatment);
- 2) **progressiveness** (in order to give employees the opportunity to correct inappropriate behavior); and
- 3) **reasonableness** (in order for suspensions and dismissals to be upheld if appealed to the Civil Service Board).

Under the policies developed in the Department of Administration, absences from work are defined as non-disciplinary and disciplinary. Points are assessed only for disciplinary absences. It is important to understand that points by themselves are not discipline. Points accumulate toward progressive disciplinary action (3 points - verbal warning; 4 points - written warning; 6 points - 1 day suspension proposal; 8 points - 3 day suspension proposal; and 9 points - dismissal proposal). Points keep employees apprised of their standing with the organization.

Points and discipline are maintained on a twelve month rolling basis. In other words, once a point or disciplinary action has aged twelve months, it may no longer be considered for future disciplinary action. This approach maximizes progressiveness and keeps employees from being permanently penalized for making improvement. However, the policy also has cumulative discipline provisions to deal with employees who do not make sustained improvement during a twelve month rolling period.

Used in conjunction with an advisory letter process, the policy can be an effective management tool for addressing problems

with attendance. [Exhibit #1] An attendance policy was implemented at the Division of Printing in 1987. At that time, 24 employees (26% of the total employees) with an average length of service of 9.75 years were carrying sick leave balances of less than 40 hours. This number dropped to 4 by 1991 and has increased to 11 currently (it should be noted that the current figure is skewed by 3 recent new hires and 3 employees whose leave balances have been depleted due to serious medical conditions).

[Exhibit #2] Looking at the broader measure of the total number of employees with leave balances less than 100, the number of employees falling in this category dropped from 34 in 1987 to 20 in 1991 and to 19 currently.

Advisory letters under this policy are given to any employees with five or more days' worth of undocumented sick leave use during each six month period. If this continues an additional six months, employees are then required to provide doctor's verification of absences until improvement occurs. If documentation is not provided, absences are subject to point assessment.

[Exhibit #3] In 1988, the division issued 17 advisory letters to employees meeting this criteria. This number dropped to 3 in 1991 and currently stands at 6. After the first six months in 1988, 7 employees met the criteria which required them to provide doctor's verifications. This dropped to 2 in 1991 and currently stands at 1.

Beyond being an effective management tool, I would like to review just how many employees are affected by points. In the Division of Facilities Management, 44% of the employees under the policy have points. The average point balance for employees with points is 2.2. Although 14 employees have been dismissed since the implementation of the policy, only one Facilities Management employee has been dismissed since 1990.

In the Division of Printing, 6.9% of the employees under the policy have points. The average point balance for employees with points is 2.2. Only 3 employees have been dismissed since the implementation of the policy at the Division of Printing.

With regard to reasonableness, this type of attendance policy has been tested by five Civil Service Board hearings involving dismissals. In each case the Board has upheld the policy; however, in one case a dismissal was modified due to outstanding medical circumstances, and in another case, a dismissal was modified due to outstanding cultural circumstances. When there truly is an issue around reasonableness, the Civil Service Board is available to address it.

The Department of Administration values its employees highly. Our divisions invest a great deal in their employees to help them become productive. To utilize a policy that would have the effect of unreasonably discharging employees would not be in their best interests. Management needs the flexibility to establish attendance policies as it sees fit within current statutes and regulations that will allow it to meet the objectives of the



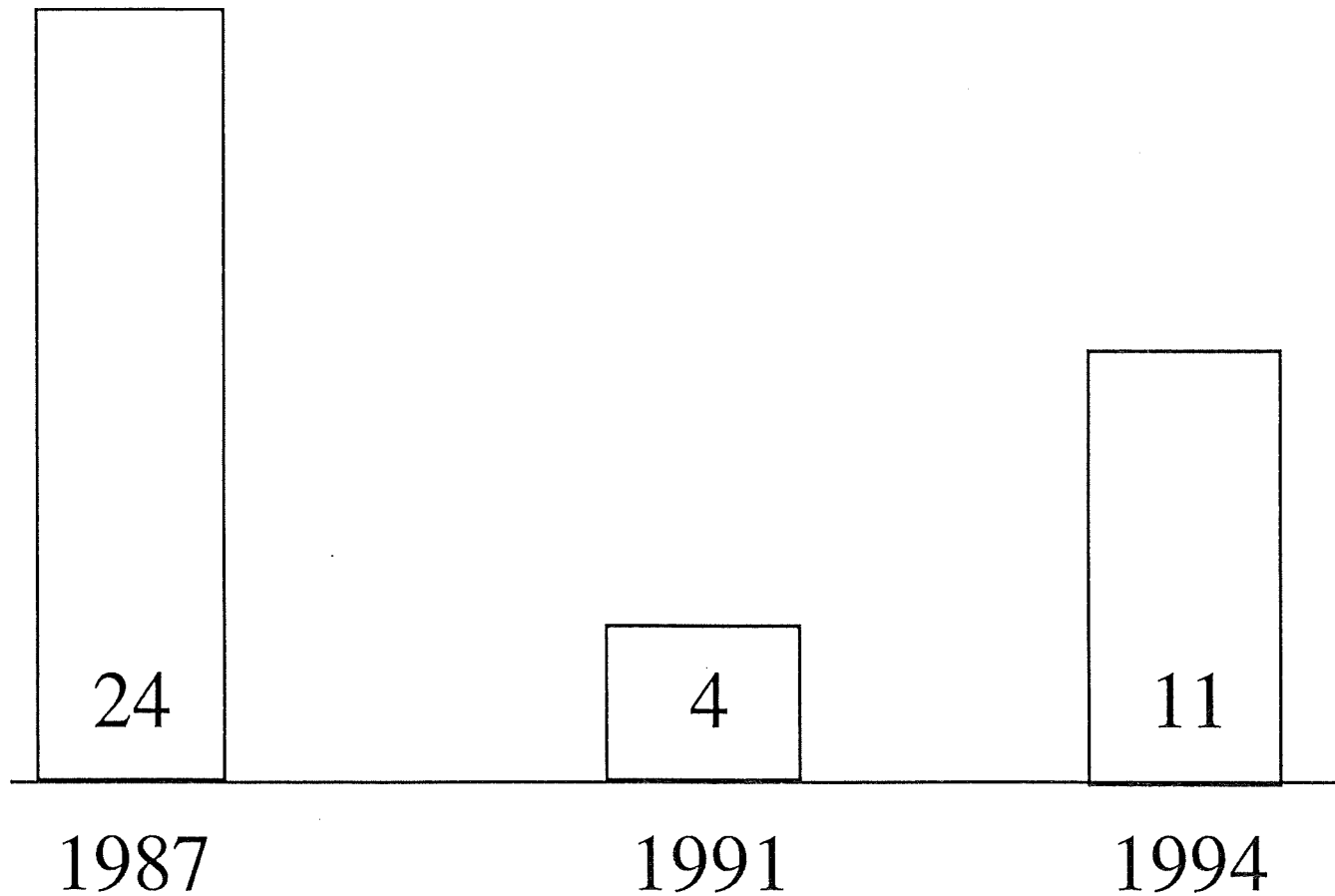
organization with efficient use of taxpayer dollars. The approach I have discussed provides a consistent, progressive, and reasonable approach toward that end.

Thank you for this opportunity to appear and I would appreciate your consideration of my additional written comments regarding paragraph (3) under Section 1 of the bill.

The Department of Administration has concern about the limiting effect of the language "progressive discipline shall not be required only when the appointing authority is able to demonstrate that the actions of the employee are [of] such severity so as to substantially impair the operations and functions of the state agency." There are circumstances where the standard of "substantially impair the operations and functions of the state agency" could be very difficult to establish (even where an employee has committed a crime relevant to work responsibilities). For example, this agency has recently dismissed three employees for theft of state property. While there is no question in our minds regarding the severity of such actions and need to proceed directly to dismissal, concern exists about how this standard would be applied in actions that proceed to the Civil Service Board and how consistent rulings could be under this undefined standard. An undefined or inconsistently applied standard could run counter to the state's and the public's interest.

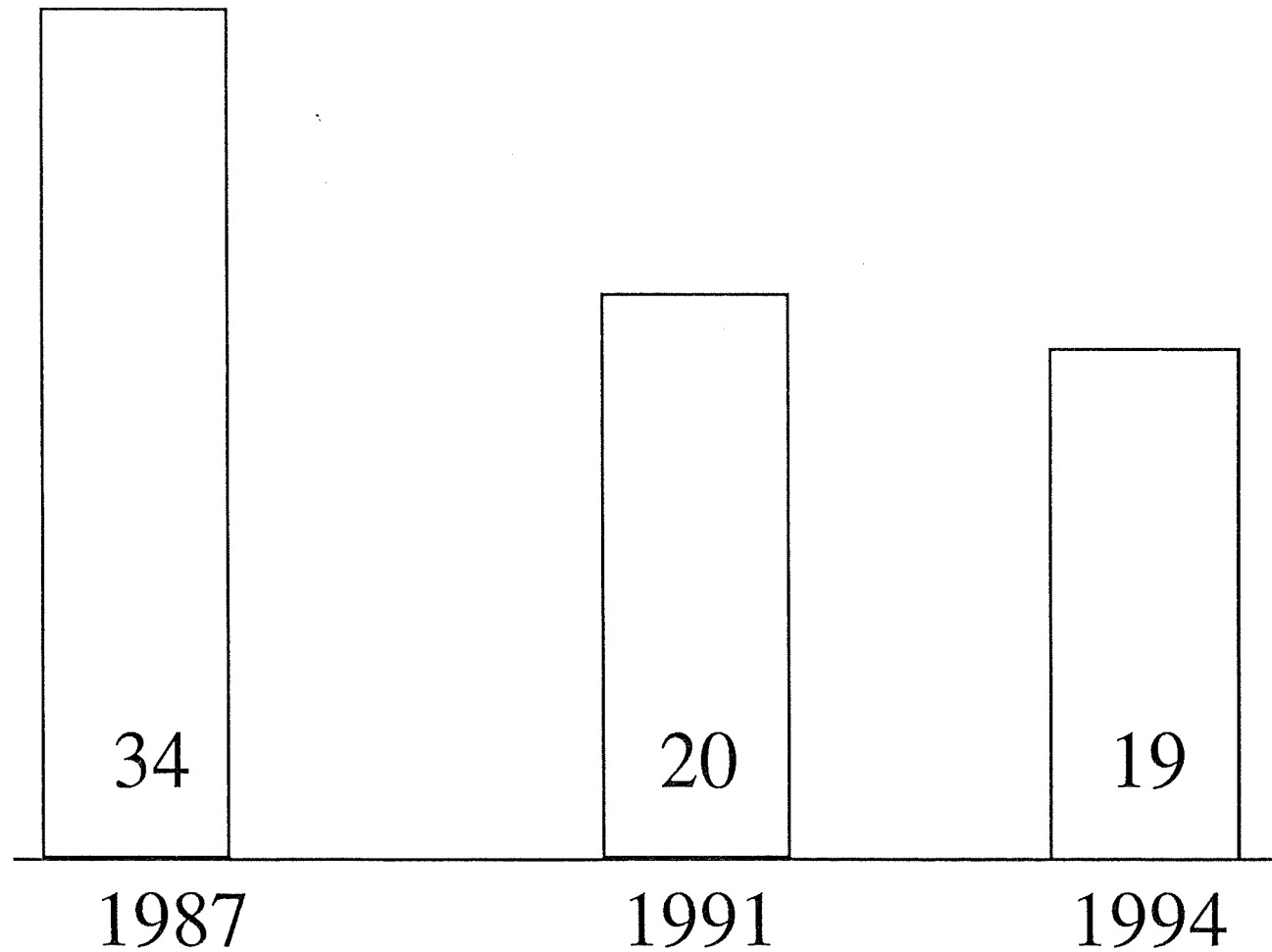
# EMPLOYEES WITH SICK LEAVE BALANCES LESS THAN 40 HOURS

DIVISION OF PRINTING



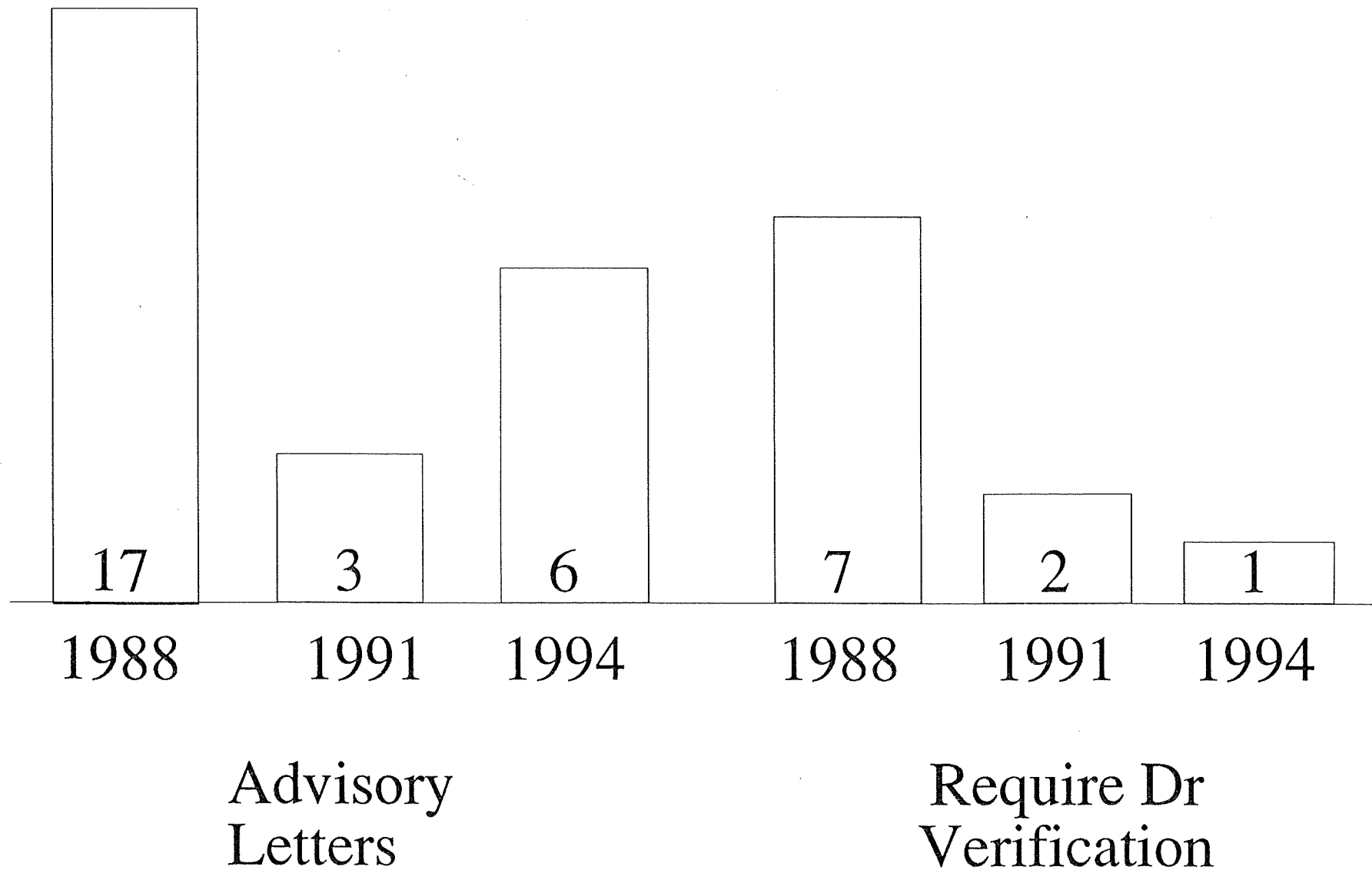
# EMPLOYEES WITH SICK LEAVE BALANCES LESS THAN 100 HOURS

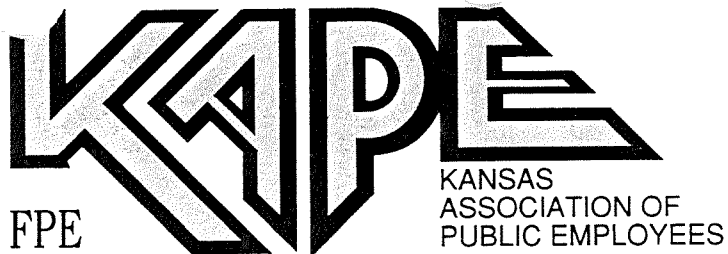
DIVISION OF PRINTING



# IMPROVED PATTERN/HABITUAL USE

## DIVISION OF PRINTING





1300 South Topeka Avenue Topeka, Kansas 66612 913-235-0262 Fax 913-235-3920

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TESTIMONY OF JANE STARR, RN

Kansas University Medical Center

In Support of  
House Bill 2214

The Department of Human Resources at the University of Kansas Medical Center implemented an attendance policy on July 1, 1992. Basically, the policy enforces the use of disciplinary action against employees for a set number of "incidents" involving lateness, absenteeism and "no call-no show" situations. (See Attendance Expectations policy provided).

Among employees at the medical center, it has been termed a "no fault" attendance policy because it really doesn't matter why you are absent. Employees have voiced feelings of being stripped of their benefits and being treated like a machine with no margin for sickness. Since its inception, this policy has lowered morale considerably by its mistrusting and unprofessional nature. It assumes the worst in people and is punitive. In fact, it has produced fear in employees to the extent that many report to work sick in order to circumvent disciplinary action. Needless to say, the hospital is not a place where you want sick employees since many patients with suppressed immune systems are susceptible to infections. The reverse is also true as health care workers



involved in direct patient care contract more illnesses due to the nature of their work.

We also feel that the KUMC attendance policy conflicts if not in letter, at the least in the intent of the federally mandated Family and Medical Leave Act (FMLA). FMLA provides job protection for employees who take leave for their own or their family's serious health conditions. KUMC's attendance policy has stripped employees the right to job protection due to illness. A KUMC employee may be disciplined or even terminated by using their accumulated sick leave. This policy is threatening if not discriminatory to employees with children or elderly dependents who typically are sick often. Single parents are especially affected.

It is our position that any absence that is legitimately necessary should not constitute grounds for disciplinary action since there is no abuse of benefits involved. Perhaps we could learn from private corporations and employers that use positive reward systems to encourage employee attendance.

Thank you for your time and concern on this issue.

Sincerely,

Jane A. Starr, RN  
Kansas University Medical Center  
Kansas City, Kansas

## ATTENDANCE EXPECTATIONS

There are several categories of attendance problems which represent misconduct. Definitions of these categories together with specific corrective steps are outlined below. As incidents of lateness or absenteeism occur the supervisor should counsel with the employee before taking the steps shown. These corrective steps may also be used for part-time employees by making appropriate modifications to the corrective actions shown. In general, a given number of incidents for a part-time employee should be considered more serious than for a full-time employee. In administering these attendance expectations it should be remembered that, under the Fair Labor Standards Act, employees exempt from overtime may not be placed on "Leave Without Pay" for anything less than a whole work day. Similarly, while they are expected to work at least 40 hours in a work week, many exempt employees will not have set work hours.

### LATENESS

Definition: Lateness occurs when an employee fails to report to work up to one (1) hour after the specified shift starting time. If more than one (1) hour is missed, the lost time is treated as an incident of absenteeism (see below). A department administrator may permit the employee to use rescheduled time or accumulated leave time in lieu of recording the employee late upon consideration of such factors as the consequences on the department of the lateness and the employee's past history of attendance problems. If the employee is recorded as late, and if the employee is eligible for overtime, the lost time for the employee should be recorded as "leave without pay". As incidents of recorded lateness occur during any continuous time period up to one (1) year, the following steps should be followed for full-time employees:

<u># of Incidents</u>	<u>Corrective Action</u>
6	Report of Employee Guidance/Discipline
8	3 Day Suspension
10	Dismissal

An employee who leaves his/her assigned work area (failure to remain) without permission or fails to report to an assigned work area as scheduled (for example, after a break) may have such cases counted as incidents of lateness or absenteeism, depending on the time missed. If other misconduct is also involved in a given case then additional disciplinary action may be warranted.

### EXCESSIVE ABSENTEEISM

Definition: An employee may be disciplined for excessive absenteeism when an employee has eight (8) or more incidents of unplanned absence (for any reason, whether excused or unexcused, including illness) during any continuous time period up to one (1) year. A single incident can be of any duration from as little as one (1) hour to any number of consecutive days off work. An incident ends when the employee returns to work. Leave time is considered unplanned when the employee does not request it in advance pursuant to the operating department's established procedure and time frame. However, the department may still grant the use of accumulated leave credits. If the pattern of absenteeism continues during any continuous time period up to one (1) year, the following steps should be followed for full-time employees:

<u># of Incidents</u>	<u>Corrective Action</u>
8	Report of Employee Guidance/Discipline
10	3 Day Suspension
12	Dismissal

## "NO CALL - NO SHOW"

Definition: An incident of absence/"no call-no show" occurs when an employee fails to notify his/her supervisor of his/her intention to be absent for one or more consecutive work shift(s). An employee who calls in to notify his/her department that part of a shift will be missed may be treated as a "no call-no show" if the employee subsequently fails to report. As incidents of absence/"no call-no show" occur during any continuous time period up to one (1) year, the following steps would be followed for full-time employees:

### Corrective Steps:

<u># of Incidents</u>	<u>Corrective Action</u>
1	Report of Employee Guidance/Discipline
2	3 Day Suspension
3	Dismissal

Any single incident of three (3) or more consecutive shifts may result in a three (3) day suspension. Any single incident of five (5) or more consecutive shifts may result in a presumed resignation (see below), or in a dismissal if the explanation provided by the employee for the absences is considered unreasonable.

## ABSENCE DUE TO MEDICAL-RELATED REASONS

Definition: Periods of absence due to medical-related reasons can cause problems in maintaining departmental services. When such repeated absence occurs, typically, an employee's paid sick leave is continually exhausted or is insufficient to cover periods of absence from work. In this situation, the employee should be placed on the "Medical Certification" requirement. Paid sick leave will then only be granted if the employee schedules an appointment to be seen at a medical facility and obtains a physician's statement which verifies that the illness was of such a serious nature as to preclude attendance at work for the dates of the absence. The employee is to present this medical statement to the department at the first available opportunity within the three working days requirement.

## ATTENDANCE PROBLEMS DURING INITIAL PROBATIONARY PERIOD

The first six months of employment is considered an initial probationary period. During this period, employees are expected to set the example they wish to project during their employment at the University. Incidents of absence, failure to report, or other related work rule violations that might develop during initial probation, may result in a departmental recommendation for dismissal.

## PRESUMED RESIGNATION

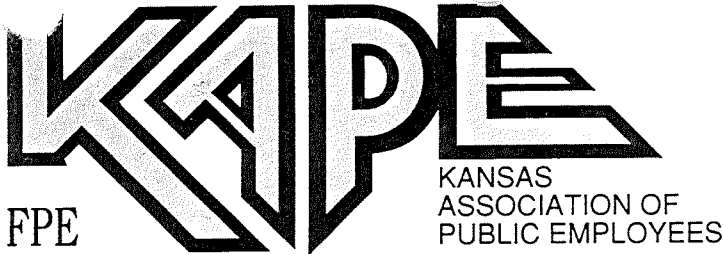
Five consecutive working days of unauthorized absence ("no call-no show") for which the employee is unavailable to provide explanation is considered to be abandonment of the employee's position and is a presumed resignation.

Human Resources should be advised on the fifth day of such an absence. After discussion with departmental supervisors, Human Resources will notify the employee by mail that a presumed resignation will be processed unless the employee returns to work or provides an explanation for the absence.

## GENERAL COMMENT

The success of these attendance expectations is dependent on consistent application across departments and supervisors. It is recognized, however, that exceptional circumstances, such as when an employee has a disability requiring accommodation, may alter individual incidents of corrective action. It should also be understood that each stage of corrective action is to include personal discussion between employee and supervisor with the intent of correcting whatever problem the employee may have in meeting his/her obligation to work as scheduled.





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TESTIMONY OF MYRLENE KELLEY

EXECUTIVE DIRECTOR, KANSAS ASSOCIATION OF PUBLIC EMPLOYEES

In Support of  
House Bill 2214

Distinguished members of the legislature, I appreciate the opportunity to appear before you today to speak in support of H.B. 2214. My name is Myrlene Kelley and, as you may have heard through the media, I am the acting executive director of KAPE, the Kansas Association of Public Employees. Even though I am basically doing the same job I have for the past five years, I seem to be receiving a lot of front page media attention these days. In my capacity with KAPE as well as my past ten years involvement in Kansas as a public employee representative, I have often heard employees comment that some of the shortfalls in financial compensation as a public employee are offset by a certain element of security through civil service protections for those who faithfully do their work. A basic premise of the civil service act states; "No permanent employee in the classified service shall be dismissed, demoted or suspended for political, religious, racial or other nonmerit reasons." Certain agencies of the state are now attempting to set aside those protections through the implementation of agency policies which can, in fact, result in the termination of classified employees for nonmerit reasons which are outside the



ability of the employee to control. Those policies assess "incidents" to employees not only for the abuse of sick leave use but also for its very intended legitimate use. An employee could have vast amounts of sick leave on the books and could be personally stricken, or have a family member stricken, by an illness causing the use of that earned and accrued time. Regardless of the reason for the use, those policies would result in the dismissal, demotion, or suspension of that employee. To add insult to injury, the action would come at a time when the employee would be most in need of the support and security provided by sufficient sick leave balances. It is important to remember that employees who have little or no time in their sick leave balance will only be minimally effected by these policies. Employees who have "banked" their leave for just such an emergency will potentially be the ones most penalized by those policies. In light of the fact that each absence counts as an "incident", the policies could even encourage abuse of sick leave. For example, if an employee was sick on a Tuesday, tried to return to work on a Wednesday, and had a relapse on Thursday, they would be charged with two "incidents". If in the alternative they became ill on the same Tuesday, they could be absent from work on Tuesday, Wednesday, and Thursday but only be charged with one "incident".

To endorse a program such as the Family Leave Act and then to dehumanize the application of our own sick leave through such punitive measures takes the objectiveness, fairness, and intent out of the process.

H.B. 2214 proposes to eliminate these punitive policies at K.S.A. 75-2949, subsection (2). Certainly KAPE recognizes the interest of the state in curbing sick leave abuse. KAPE shares that interest because the abuses of a few reflect negatively on the group as a whole. The policies that H.B. 2214 seeks to eliminate, however, are not the answer. They penalize the many for the sins of a few. H.B. 2214 also recognizes and underlines the necessity for the employer to address sick leave abuse where it seeks to amend K.S.A. 75-2949 subsection (3). That section of the proposed amendment continues to allow the state, as an employer, to take appropriate disciplinary action against an offending employee when the severity of the employee's actions so dictate. In total, the proposed amendments within the bill retain the integrity of the civil service protections and place discipline and responsibility for one's actions where they rightfully belong, at the feet of the employee who abuses the benefits provided through state employment. As such, KAPE strongly endorses H.B. 2214 and encourages its passage.

Again, I appreciate the opportunity to appear before you today, and I would be happy to answer for you any questions I am able.

TESTIMONY OF BRAD E. AVERY  
PUBLIC EMPLOYEES SERVICE ORGANIZATION

THE PUBLIC EMPLOYEES SERVICE ORGANIZATION IS IN ITS INFANCY, AND THIS IS THE FIRST OPPORTUNITY IT AS AN ORGANIZATION HAS HAD TO EXPRESS ITS VIEWS ON A PIECE OF LEGISLATION. HOWEVER, HB 2214 IS NOT NEW TO ME PERSONALLY SINCE I ASSISTED IN DRAFTING ITS LANGUAGE.

IT IS INTENDED TO ACCOMPLISH TWO GOALS. IN SECTION ONE, NEW PARAGRAPH TWO, THE BILL PROHIBITS THE APPLICATION OF LEAVE AND ATTENDANCE POLICIES TO CLASSIFIED STATE EMPLOYEES THAT ARE BASED ON WHAT IS TERMED A "POINT SYSTEM." POINT SYSTEMS WORK BY ASSESSMENTS TO THE EMPLOYEE FOR ALLEGED VIOLATIONS OF ATTENDANCE POLICIES OR THE EMPLOYEES LACK OF SICK OR ANNUAL LEAVE TO COVER AN EMERGENCY.

AS AN EXAMPLE, AN EMPLOYEE IS LATE FOR WORK BECAUSE HE OR SHE GOT STUCK OR HAD CAR PROBLEMS. THE EMPLOYEE WOULD BE GIVEN A POINT OR A FRACTION THEREOF, REGARDLESS OF WHETHER HE OR SHE WAS AT FAULT. ACCUMULATION OF ENOUGH POINTS WOULD RESULT IN THE EMPLOYEE BEING SUSPENDED OR TERMINATED, DEPENDING ON THE NUMBER OF POINTS ACCUMULATED.

I REPRESENTED AN INDIVIDUAL BEFORE THE CIVIL SERVICE BOARD WHO WAS TERMINATED BECAUSE HE HAD ACCUMULATED MORE POINTS THAN ALLOWABLE DUE TO ABSENCES AND LACK OF SICK OR ANNUAL LEAVE TO COVER THEM. HE WAS A SINGLE FATHER WHO HAD BOTH SUFFERED A SERIOUS ILLNESS HIMSELF AND WHOSE DAUGHTER HAD AN ACUTE MEDICAL CONDITION THAT REQUIRED HIM TO TAKE HER TO A DOCTOR ON A REGULAR BASIS FOR A NUMBER OF MONTHS.

THE AGENCY WAS WELL AWARE OF HIS CIRCUMSTANCE WHEN IT TERMINATED HIM. YET IT DID SO ANYWAY BECAUSE THE POINT SYSTEM REQUIRED IT.

TO MY KNOWLEDGE, THE POINT SYSTEM IS BEING APPLIED IN ONLY ONE AGENCY, THE BUILDING AND GROUNDS DIVISION OF THE DEPARTMENT OF ADMINISTRATION. THE INDIVIDUALS IN THIS AGENCY ARE TREATED DIFFERENTLY FROM ALL OTHER STATE EMPLOYEES WITHOUT JUSTIFICATION.

AS THE FORMER GENERAL COUNSEL AND EXECUTIVE DIRECTOR AT KAPE, THE LOUDEST AND MOST CONSTANT COMPLAINTS FROM STATE EMPLOYEES CAME ON THREE ISSUES: THE LACK OF A DECENT COLA; THE UNFAIRNESS OF RECLASSIFICATION, AND THE POINT SYSTEM. GETTING RID OF POINTS WILL GO A LONG WAY TOWARD DEMONSTRATING THE LEGISLATURE'S GOOD WILL TOWARD STATE EMPLOYEES IN AN ERA WHEN IT HAS CHOSEN TO DIVERT FINANCIAL RESOURCES AWAY FROM PAY INCREASES.

NEW PARAGRAPH THREE OF THE BILL SETS A STANDARD FOR THE ADMINISTRATION OF DISCIPLINE. THE WAY THAT THE COURTS HAVE INTERPRETED THE CIVIL SERVICE ACT ALLOWS AN APPOINTING AUTHORITY TO IMPOSE ANY TYPE OF DISCIPLINE (SUSPENSION, TERMINATION, DEMOTION) REGARDLESS OF THE SERVERY OF THE ACTION.

AS AN EXAMPLE, A STATE EMPLOYEE MAY BE FIRED FOR A VIOLATION OF THE LAW. RECEIVING A PARKING TICKET OR JAYWALKING IS A VIOLATION OF THE LAW AND THE COURT OF APPEALS HAS HELD THAT IF AN APPOINTING AUTHORITY CHOSE TO FIRE AN EMPLOYEE FOR SUCH MINOR ACTS, IT WOULD HAVE JUST CAUSE.

SUBSECTION THREE PROVIDES FOR BOTH CONSISTENT ADMINISTRATION OF DISCIPLINE AND PROGRESSIVITY. IF THE ACT IS SERIOUS ENOUGH TO SKIP PROGRESSIVITY, THE AGENCY MUST MAKE A SHOWING THAT THE EMPLOYEE'S ACTIONS IMPAIRED THE FUNCTIONS OF THE AGENCY.

THESE ARE COMMON SENSE NOTIONS ABOUT THE MATTER OF DISCIPLINE. UNFORTUNATELY, COMMON SENSE DOES NOT ALWAYS ENTER INTO AN AGENCY'S THINKING WHEN DEALING WITH THESE ISSUES. OFTEN TIMES THE PREJUDICE OF THE APPOINTING AUTHORITY PLACES THE EMPLOYEE IN THE POSITION OF HAVING TO FIGHT FOR HIS OR HER JOB.

HB 2214 WILL GO A LONG WAY TOWARDS PREVENTING THAT KIND OF INEQUITABLE AND UNJUSTLY PUNITIVE ACTION ON THE PART OF STATE AGENCIES.

TESTIMONY: HB 2214  
January 20, 1994

Department of Administration  
Division of Facilities Management

Orion M. Jordan, Director

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K.S.A. 75-2949 prohibits the habitual or flagrant misuse of leave. The purpose of this law is straight forward. Good attendance means that more employees are working and more work is being accomplished. High sick leave balances are beneficial to employees as protection to income if major illness strikes the employee.

The point system is a tool that can be applied if habitual or flagrant misuse of leave is occurring in a portion of the work force. The law does not define habitual or flagrant misuse. However, statistics provided by the Division of Personnel Services show that the Division of Facilities Management has the second lowest sick leave balances of all the divisions in the Department of Administration. This is an indicator of poor attendance. For this reason the point system is being used as a tool in the Division of Facilities Management. If I see improvement in this situation, I will be the first to consider discontinuation of the point system in the division.

I would not recommend that the Legislature mandate the discontinuance of this tool. The point system is a tool that can be applied, discontinued, and reapplied as circumstances dictate. Passage of House Bill 2214 would eliminate this flexibility.

Chairman  
Committee Members

HB 2214

I am Rich Gonzales and it is a pleasure to appear before this committee to discuss the benefits we have experienced at the Division of Printing from our association with the "Attendance Policy."

1. Since implementation of this policy there has been a noticeable improvement in morale among Division employees.

Prior to the policy, we had what could be described as part-time permanent employees in some of our departments.

We now have, thanks to the policy, a work environment that favors the conscientious not the abusive employee.

In fact, we now are operating with fewer people but are doing a much larger volume of work.

2. Increased Service - we now operate our plant 24 hours a day year round which allows us to maximize our building, equipment, manpower, thus we are able to give our customers much quicker turnaround times on their jobs.

A good example would be the great pride we take in our overnight service to the Legislature, regardless of the demands placed upon us.

3. Reduced rates - because of several key factors such as a large increase in workload, a smaller more efficient dependable workforce to name a few, we have been able to reduce our rates noticeably without sacrificing either service or quality to our customers.

ATTACHMENT 6

In conclusion, I would like to say that the attendance policy has worked well for the Division of Printing and I would not hesitate to recommend its use to anyone.

If there are any further questions I would be glad to answer them.



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## JOINT COMMITTEE ON COMPUTERS AND TELECOMMUNICATIONS

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The Joint Committee on Computers and Telecommunications (JCCT) was established in 1992 by K.S.A. 46-2101 *et seq.*, which provides for its duties and authorizes the Committee to introduce legislation. The JCCT has authority to determine its own agenda and to meet upon the call of its Chair. Topics and proposals also may be referred to the JCCT by the Legislative Coordinating Council (LCC). The four main duties assigned the JCCT by its authorizing legislation include:

- studying computers, telecommunications, and information technologies used by state agencies;
- reviewing proposed new acquisitions, including budget estimates, and making recommendations to the Legislature;
- monitoring newly implemented technologies; and
- making reports to legislative committees as deemed appropriate and introducing legislation.

The JCCT is one of four such joint legislative committees nationally. Two of those committees, the Florida Legislative Information Technology Resource Committee and the Oregon Joint Committee on Information Management and Technology (formerly called the Joint Committee on Data Processing), preceded the Kansas enactment by nearly a decade. However, Wisconsin recently established a Joint Committee on Information Policy about the same time the Kansas entity was created.

During the 1994 interim, the JCCT reviewed a number of matters referred to the Committee by legislation and encountered by the Committee during hearings on agency plans and budgets. As a result of its deliberations, the JCCT recommends the following three House bills.

### **Bills to be Considered by House Appropriations Committee on January 20, 1994**

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**Plan and Budget Bill (1994 H.B. 2571).** After discussing the two versions of 1993 H.B. 2538 (which remains in Conference Committee at the start of the 1994 Session), the Committee recommends introduction of a bill requiring that all agencies submit by July 1 of each year information technology plans covering a five-year period and to include budgeted expenditures for major projects. The bill includes the basic provisions used for capital improvement plans which are submitted to the Joint Committee on State Building Construction pursuant to K.S.A. 46-1702 and 75-3717b. H.B. 2571 carries out this recommendation.

The bill provides that whenever an agency proposes an information technology project estimated to cost \$250,000 or more, the agency must prepare an information technology budget estimate, to be submitted to the Division of the Budget and the Legislative Research Department by July 1. This estimate and accompanying program statement would include a detailed justification for the project; request for appropriations for the preliminary planning, development, and implementation phases of the project; and detail of each phase of the project, and cost estimates for various items necessary for the project. In addition, each state agency would be required to submit copies of its five-year information technology management plan to DISC and the Legislative Research Department by July 1 of each year.

It was noted that based on this year's (FY 1994) budgeted projects, there would be approximately ten to 15 projects in any one year that would exceed the \$250,000 threshold.

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**Needs Analysis Bill (1994 H.B. 2572).** The Committee recommends a second bill which would prohibit a vendor conducting a needs analysis from submitting a bid for any project recommended in the analysis. A waiver of this provision is authorized under certain circumstances. H.B. 2572 carries out this recommendation.

The Committee believes that needs analysis should play an important role in planning new applications, systems, and other projects. The JCCT will use these documents as one basis for its future consideration of projects and funding requested by state agencies. The Committee concurs with Post Audit reports which highlight the importance of such needs analyses preceding projects.

**Acquisition Bill (1994 H.B. 2573).** The Committee recommends a third bill similar in substance to portions of 1993 H.B. 2538 (which remains in Conference Committee at the start of the 1994 Session). This new bill incorporates the provisions of DISC Guideline 3608.00 which sets out requirements for acquisition of data processing and telecommunications hardware, software, and services. H.B. 2573 carries out this recommendation.

The provisions of the bill provide that a written advanced planning document must be approved by the Secretary of Administration before any acquisition of data processing or telecommunications equipment, products, or services. The Secretary of Administration would be responsible for monitoring data processing and telecommunications system development projects. If such projects exceed a specified threshold, agencies would be required to present such projects, including budget estimates and advanced planning documents, to the JCCT at least 30 days before entering into any contracts related to the project. However, the Secretary of Administration could waive the 30-day period if it is determined it would be detrimental to the efficient operations of state government. The requirement for an annual report by the JCCT to the LCC by December 1 each year would be eliminated in the bill. The bill also contains a provision that DISC shall prepare a statewide comprehensive plan for information management.

The bill includes a requirement for a detailed explanation of the project implementation plan which must specify a schedule for completion of the project. The bill also includes a requirement that agencies which have projects that are subject to monitoring by the Secretary of Administration shall provide to the Secretary a progress report, at least quarterly, until the project is completed. The bill specifies that the cost threshold be \$50,000 for any fiscal year or \$250,000 for the entire acquisition. The bill provides that the JCCT will receive a quarterly exceptions report of instances when the Secretary of Administration has granted waivers of the 30-day waiting period for submission of information to the JCCT.

HOUSE APPROPRIATIONS COMMITTEE  
January 20, 1994

TESTIMONY PRESENTED BY SUSAN M. SELTSAM  
SECRETARY OF ADMINISTRATION

Madam Chair and Members of the Committee:

House Bill 2572 is an act relating to the acquisition of data processing and telecommunications equipment, products and services; prohibiting certain persons from bidding thereon. Section 1 (b) states that "No person who conducts a needs analysis for any state agency shall submit a bid to provide any data processing or telecommunications equipment, products or services or a bid to provide the whole or any part of a data processing or telecommunications system development project which equipment, products, services or project was recommended by the needs analysis conducted by such person, unless the director of purchases determines that such person is the only available source in the marketplace for the equipment, products, services or project."

To not allow a vendor that has been awarded the needs analysis contract the opportunity to bid on any part of the recommendations from the needs analysis may place the state at risk. I believe qualified vendors may not bid on the needs analysis portion awaiting the implementation and design phase. This will limit competition and may lead to a lower quality work product which may have to be revisited during the implementation and design phase at an additional cost to the state. I have no knowledge of any instance where a vendor performed a needs analysis who subsequently bid the design and implementation phase separately caused a problem.

If there is concern that a needs analysis could be negotiated into an implementation and design contract, perhaps a change in the bills language to require that the needs analysis contract and the implementation and design contract utilize separate requests for proposal and bid submission would be prudent. Certainly requiring separate proposals and bids would enhance competition, provide the best work product possible to the state and provide for less risk.

In closing, thank you for the opportunity to appear and voice my concerns regarding HB 2572.

HOUSE APPROPRIATIONS COMMITTEE  
January 20, 1994

TESTIMONY PRESENTED BY JEAN L. TURNER  
DEPARTMENT OF ADMINISTRATION  
DISC DIRECTOR

Madam Chair and Members of the Committee.

House Bill 2571 - AN ACT concerning budget estimates of state agencies; information technology plan; submission of estimates.

HB 2571 - Section 1 (b) "not later than July 1 of each year, state agencies would submit to the Division of Budget a copy of information technology budget estimate." In Section 1 (a) is similar to current Guideline 3608 issued by the Division of Information Systems and Communications. Initially, Section 1 (a) the information technology budget estimate is to be provided only to the Division of Budget. In Section 1 (b) and (c) the information technology budget estimate is submitted to the Division of Budget, information systems and communications and legislative research. We recommend Section 1 (a) be submitted as Sections (b) and (c).

In closing, we would request deferring House Bill 2571. Re-inventing Kansas Government (RKG) information systems management study broadly addressed issues in this area and a bill will be introduced that would establish the Kansas Information Resource Council (KIRC). Kansas Information Resource Council would establish policies in these same areas, thus, we believe that this bill should be deferred. The bill we would recommend to be passed is the one that establishes the Kansas Information Resource Council which would establish policies and procedures in these same areas.

Thank you for the opportunity to appear and we request the committee defer House Bill 2571.

HOUSE APPROPRIATIONS COMMITTEE  
January 20, 1994

TESTIMONY PRESENTED BY JEAN L. TURNER  
DEPARTMENT OF ADMINISTRATION  
DISC DIRECTOR

Madam Chair and Members of the Committee.

House Bill 2573 - AN ACT concerning state agencies; relating to the acquisition of data processing and telecommunications equipment, products and services; amending K.S.A. 75-37,102, 75-4705; 75-4706 and 75-4707 and repealing the existing sections.

House Bill 2573, the language in Section 1 (a) through (h) the listing of definitions are similar to definitions in House Bill 2572. We recommend that the definitions be clarified and incorporated into one bill.

New section 1 (c) the data processing term that would better describe in the rapid changing of technology would be IT information technology all data, voice and video hardware, software, IT human resources and services. Call that optional language for data processing term. Section 2 (c) New Section 2 (a) prior to any acquisition agencies shall prepare a written advance planning document which has been approved by the Secretary of Administration. The Division of Information Systems and Communications Guideline 3608 parallels the referenced section 4.

Section 2 (c), currently the Division of Information Systems and Communications prescribes guidelines, standards, and policies and procedures.

In closing, we would request deferring House Bill 2573. Re-inventing Kansas Government (RKG) information systems management study broadly addressed issues in this area and a bill will be introduced that would establish the Kansas Information Resource Council (KIRC). Kansas Information Resource Council would establish policies in these same areas, thus, we believe that this bill should be deferred. The bill we would recommend to be passed is the one that establishes the Kansas Information Resource Council which would establish policies and procedures in these same areas.

Thank you for the opportunity to appear and we request the committee defer House Bill 2573.

## HOUSE BILL No. 2564

By Legislative Budget Committee

12-16

AN ACT relating to state finances; concerning budget estimates for certain state agencies; amending K.S.A. 1993 Supp. 75-3717 and repealing the existing section.

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

Section 1. K.S.A. 1993 Supp. 75-3717 is hereby amended to read as follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates for the next fiscal year, and all amendments and revisions thereof, except that, in lieu of such annual filing, each agency listed in subsection (f), not later than October 1, 1994, and every two years thereafter, shall file budget estimates for the next fiscal year and for the ensuing fiscal year thereafter.

Each agency listed in subsection (f) may file adjustments to such agency's budget that was approved by the legislature during a prior fiscal year. All such budget estimates, except as provided for office and storage space reports, shall be in the form provided by the director of the budget. Each agency's budget estimates shall include:

(1) A full explanation of the agency's request for any appropriations for the expansion of present services or the addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency; and

(2) a listing of all programs of the agency that provide services for children and their families and the following information regarding each such program: Of the amount of the agency's request for appropriations to fund the program, that amount which will be spent on services for children or families with children and the number of children or families with children who are served by the program.

(b) On or before July 1 of each year, each state agency shall prepare an office and storage space report as a part of the budget estimate for the next budget period. Each office and storage space report shall be filed with the division of the budget not later than July 1 of each year and shall specify the office and storage space

## PROPOSED AMENDMENTS TO HB 2564

For Consideration By House Appropriations Committee  
( 1-20-94 )

; and

(3) a strategic plan for agency operations for each year included in the budget estimate, except that for purposes of the budget estimates which are required to be filed not later than October 1, 1994, under this section, the provisions of this section requiring the inclusion of strategic plans in such budget estimates shall apply only to (A) the department of social and rehabilitation services, (B) each institution as defined by K.S.A. 76-12a01 or 76-12a18, and amendments thereto, under the jurisdiction of the secretary of social and rehabilitation services, (C) the department of corrections, and (D) each correctional institution as defined by K.S.A. 75-5202, and amendments thereto, under the jurisdiction of the secretary of corrections.

ATTACHMENT 11

1 requirements of the state agency for the next budget period and for  
2 each of the four ensuing fiscal years.

3 (c) At the same time as each state agency submits to the division  
4 of the budget a copy of its budget estimate or its office and storage  
5 space report, and all amendments and revisions thereof, each such  
6 state agency shall submit a copy of such estimate or such office and  
7 storage space report, and all amendments and revisions thereof,  
8 directly to the legislative research department for legislative use.

9 (d) The director of the budget shall require the agencies to submit  
10 a sufficient number of copies of their budget estimates, and all  
11 amendments and revisions thereof, including the office and storage  
12 space reports, to the director's office to satisfy the requirements of  
13 such office and one additional copy for legislative use which shall  
14 be retained in the division of the budget until the budget of the  
15 governor is submitted to the legislature. On or before the day that  
16 such budget is submitted to the legislature such legislative use copy,  
17 posted to reflect the governor's budget recommendations, shall be  
18 submitted to the legislative research department for use by the ways  
19 and means committee of the senate and the committee on appro-  
20 priations of the house of representatives. Following presentation of  
21 the governor's budget report to the legislature, the legislative re-  
22 search department may request and shall receive detailed information  
23 from the division of the budget on the governor's budget recom-  
24 mendations.

25 (e) The director of the budget may prepare budget estimates for  
26 any state agency failing to file a request.

27 (f) As used in this section, "services for children and their fam-  
28 ilies" includes but is not limited to any of the following services;  
29 whether provided directly or made accessible through subsidies or  
30 other payments:

31 (1) Financial support for children and families with children or  
32 enforcement of the obligation to support a child or a family with  
33 one or more children;

34 (2) prenatal care, health care for children or immunizations for  
35 children;

36 (3) mental health or retardation services for children;

37 (4) nutrition for children or families with children or nutritional  
38 counseling or supplements for pregnant or nursing women;

39 (5) child care, early childhood education or parenting education;

40 (6) licensure or regulation of child care or early childhood ed-  
41 ucation programs;

42 (7) treatment, counseling or other services to preserve families;

43 (8) care, treatment, placement or adoption of children without

1 functioning families;

2 (9) services to prevent child abuse and to treat and protect child  
3 abuse victims;

4 (10) services for children who are pregnant, substance abusers  
5 or otherwise involved in high risk behavior;

6 (11) services related to court proceedings involving children; and

7 (12) youth employment services.

8 (f) *On a biennial basis, the following state agencies shall file*  
9 *budget estimates under the provisions of subsection (a): Abstracters'*  
10 *board of examiners, adjutant general, attorney general—Kansas bu-*  
11 *reau of investigation, attorney general, behavioral sciences regula-*  
12 *tory board, board of accountancy, board of examiners in optometry,*  
13 *board of nursing, consumer credit commissioner, corporation for*  
14 *change, citizen's utility ratepayer board, council on vocational ed-*  
15 *ucation, department of civil air patrol, department of human re-*  
16 *sources, department of revenue—homestead property tax refunds,*  
17 *division of post audit, emergency medical services board, governor's*  
18 *department, insurance department, Kansas animal health depart-*  
19 *ment, Kansas arts commission, Kansas board of barbering, Kansas*  
20 *board of examiners in fitting and dispensing of hearing aids, Kansas*  
21 *commission on governmental standards and conduct, Kansas com-*  
22 *mission on interstate cooperation, Kansas commission on veterans*  
23 *affairs, Kansas dental board, Kansas development finance authority,*  
24 *Kansas healthy kids corporation, Kansas human rights commission,*  
25 *Kansas parole board, Kansas real estate commission, Kansas sen-*  
26 *tencing commission, Kansas state board of cosmetology, Kansas state*  
27 *grain inspection department, Kansas wheat commission, legislative*  
28 *coordinating council, legislative research department, legislature,*  
29 *lieutenant governor, ombudsman of corrections, office of revisor of*  
30 *statutes, office of the securities commissioner of Kansas, real estate*  
31 *appraisal board, secretary of state, state bank commissioner, state*  
32 *board of healing arts, state board of mortuary arts, state board of*  
33 *pharmacy, state board of technical professions, state board of vet-*  
34 *erinary examiners, state department of credit unions and state treas-*  
35 *urer.*

36 Sec. 2. K.S.A. 1993 Supp. 75-3717 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after  
38 its publication in the statute book.

**Insert attached New and Amendatory Sections and renumber sections accordingly**

**Make corresponding Title and Repealer amendments**



New Sec. 2. (a) The director of the budget and the director of the legislative research department shall prepare, on or before each September 4 and at such other times as conditions require as jointly determined by such directors, a joint estimate of major federal funding source revenues for the current fiscal year, the ensuing fiscal year and the second ensuing fiscal year. The joint estimates shall include separate estimates based on projections of:

(1) Major federal funding source revenues under the current provisions of law, regulations and policies; and

(2) major federal funding source revenues under <sup>significant anticipated</sup> ~~potential~~ changes in the current laws, regulations and policies, including projected funding allocations and changes in the proportions of mixed funding sources for state agency programs and activities, as jointly selected by such directors.

(b) The secretary of social and rehabilitation services, the director of the budget and the director of the legislative research department shall prepare, on or before each September 4 and at such other times as conditions require as jointly determined by the secretary and such directors, joint estimates of caseload rates for the department of social and rehabilitation services for the current fiscal year, the ensuing fiscal year and the second ensuing fiscal year.

(c) Upon request by the director of the budget and the director of the legislative research department, each state agency for which a joint estimate of major federal source revenues is being prepared under this section, shall provide such information and other assistance as may be required to prepare such joint estimate.

Sec. 3. K.S.A. 1993 Supp. 75-3721 is hereby amended to read as follows: 75-3721. (a) On or before the eighth calendar day of each regular legislative session, the governor shall submit the budget report to the legislature, except that in the case of the

regular legislative session immediately following the election of a governor who was elected to the office of governor for the first time, that governor shall submit the budget report to the legislature on or before the 21st calendar day of that regular legislative session.

(b) The budget report of the governor shall be set up in three parts, the nature and contents of which shall include the following:

(1) Part one shall consist of a budget message by such governor, including the governor's recommendations with reference to the fiscal policy of the state government for the ensuing budget-period current fiscal year and the ensuing fiscal year, describing the important features of the budget plan for each of the fiscal years included, embracing a general budget summary setting forth the aggregate figures of the budget plan so as to show the balanced relation between the total proposed expenditures and the total anticipated income for the current fiscal year and the ensuing fiscal year, with the basis and factors upon which the estimates were made, and the means of financing the budget plan for the-ensuing-budget-period each of the fiscal years included, compared with the corresponding figures for at least the last completed fiscal year and-the current-year, and the director of the budget shall prepare the figures for the governor for such comparisons.

(A) The budget plan shall not include ~~(A)~~ (i) any proposed expenditures of anticipated income attributable to proposed legislation that would provide additional revenues from either current or new sources of revenue, ~~(B)~~ (ii) any proposed expenditures of moneys in the ending balance in the state general fund required by K.S.A. 1993 Supp. 75-6702, and amendments thereto, or ~~(C)~~ (iii) any proposed expenditures of the moneys required to be transferred to the state cash operating reserve fund under K.S.A. 1993 Supp. 75-6703 and amendments thereto.

(B) The budget message shall include a report with recommendations regarding office and storage space requirements

of state agencies for the ensuing budget period. This report of office and storage space requirements shall include the cost estimates of the governor's recommendations therefor, including any moving expenses associated with such recommendations, and the recommended method of funding the governor's recommendations.

(C) Commencing with the budget report submitted during calendar 1996, the budget message shall include (i) the most recent joint estimates of revenue to the state general fund under K.S.A. 1993 Supp. 75-6701, and amendments thereto, or the estimates of the director of the budget in the event of a disagreement or failure to agree on joint estimates under that statute, (ii) a summation of the strategic plans of the state agencies, and (iii) the governor's priorities for the state.

(D) The general budget summary may be supported by explanatory schedules or statements, classifying the expenditures contained therein by state agencies, objects, and funds, and the income by state agencies, funds, sources and types. The general budget summary shall include all special or fee funds as well as the state general fund, and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

(2) Part two shall embrace the detailed budget estimates for each of the fiscal years included, both of expenditures and revenues, showing the requests of the state agencies, if any, and the incoming governor's recommendations thereon. It shall also include statements of the bonded indebtedness of the state, showing the actual amount of the debt service for at least the last completed fiscal year, and the estimated amount for the current fiscal year and for each of the next--budget--period ensuing fiscal years included, the debt authorized and unissued, and the condition of the sinking funds.

(3) Part three shall consist of a draft of a legislative measure or measures reflecting the incoming governor's budget for all of the fiscal years included in the budget report.

(c) The division of the budget shall compile a children's

budget document consisting of the information contained in agency budget estimates regarding programs that provide services for children and their families. Such document shall be provided to the joint committee on children and families; the Kansas commission on children, youth and families, established by the governor's executive order number 91-145; and other persons or entities on request.

(d) The division of the budget, upon request, shall furnish the governor or the legislature with any further information required concerning the budget.

(e) Nothing in this section shall be construed to restrict or limit the privilege of the governor to present supplemental budget messages or amendments to previous budget messages, which may include proposals for expenditure of new or increased sources of revenue derived from proposed legislation.

Sec. 4. K.S.A. 1993 Supp. 75-6701 is hereby amended to read as follows: 75-6701. (a) On or before each December 4 and on or before each April 4, the director of the budget and the director of the legislative research department shall prepare a joint estimate of revenue to the state general fund for the current fiscal year and the for each of the two ensuing fiscal ~~year~~ years.

(b) If prior to final adjournment of any regular session of the legislature any law is enacted providing for additional or less revenues to be deposited in the state treasury to the credit of the state general fund, the director of the budget and the director of the legislative research department shall prepare a joint estimate of such revenues for such fiscal years.

(c) In the event of a disagreement or failure to agree upon a joint estimate of revenue pursuant to subsection (a) or (b), the legislature shall utilize the estimates for such fiscal years of the director of the legislative research department and the governor shall utilize the estimates for such fiscal years of the director of the budget.