

MINUTES

LEGISLATIVE COORDINATING COUNCIL

August 19, 2003

Members participating:

President Dave Kerr, Chairperson
Speaker Doug Mays, Vice-Chairperson
Senator Lana Oleen, Majority Leader
Senator Anthony Hensley, Minority Leader
Representative Clay Aurand, Majority Leader
Representative John Ballou, Speaker Pro Tem
Representative Dennis McKinney, Minority Leader

The meeting was called to order by President Kerr at 2:25 p.m. in Room 123-S, State Capitol. Senator Hensley participated in the meeting by telephone conference call.

CONSENT AGENDA

Representative Ballou moved that the minutes of the June 26, 2003, meeting be approved. Speaker Mays seconded the motion and the motion carried. Representative Aurand moved that holidays for legislative personnel for calendar year 2004, including one discretionary day, be the same as those designated by the governor for executive branch personnel. Representative Ballou seconded the motion and the motion carried. Speaker Mays moved that 250 sets of the House and Senate Journals be printed and that the charge for each volume of the House and Senate Journals be fixed at \$40 plus tax and handling. Representative McKinney seconded the motion and the motion carried.

REPORT OF SUBCOMMITTEE ON ADMINISTRATION

Speaker Mays presented to the Council the report of the Subcommittee on Administration. Speaker Mays reported the following subcommittee recommendations: That the legislature's budget and the budgets of the legislative staff agencies be prepared as outlined in the memorandum from the Kansas Legislative Research Department to the Legislative Coordinating Council; that the Kansas Legislative Research Department be authorized to enter into an agreement with the Kansas Health Institute to receive a three-year grant to finance an additional principal analyst within the department dedicated primarily to health policy issues; that the legislature be approved to sponsor, along with the Agency for

Health Care Research and Quality (AHCRQ) of the United States Department of Health and Human Services, and the Kansas Health Institute, a legislator health policy conference in Topeka, Kansas, on November 3-5, 2003, at the Capitol Plaza Hotel and that legislators from the following standing committees be authorized to receive up to two days of legislative compensation and subsistence (but no travel days) for attendance at the conference: Senate Committee on Public Health and Welfare, House Committee on Health and Human Services, Senate Committee on Financial Institutions and Insurance, House Committee on Insurance, Senate Committee on Ways and Means, House Committee on Appropriations and the Legislative Coordinating Council; that the standing committee computer pilot project proposed by Representative Jim Morrison for the House Committee on Health and Human Services proceed with support from the Information Network of Kansas, Inc.; that Mr. Don Heiman be hired as the new Legislative Chief Information Technology Officer (LCITO) pursuant to a contract to be signed by President Kerr with a maximum of \$38,000 per year compensation and a maximum of \$2,000 per year travel expenses over a three-year period, the contract to be effective September 1, 2003, and to provide that the Legislative Chief Information Technology Officer is employed only for projects directed by the Legislative Coordinating Council or the Joint Committee on Information Technology (JCIT), or both; that the number of approved interim meeting days for the Joint Committee on Information Technology during the 2003 interim be clarified as eight days, including a two-day meeting held in June; that an additional interim committee topic on closure or consolidation of state hospitals be assigned to the Special Committee on Appropriations and Ways and Means; that a Select Joint Committee on School Finance be created to conduct a comprehensive review of school finance including a review of current formula for potential improvements or development of a different formula and that the committee have 21 members (13 from the House of Representatives and eight from the Senate) to be appointed by the President and the Speaker in consultation with the minority leaders, have a chairperson from the House of Representatives until the first day of the 2004 legislative session and a chairperson from the senate thereafter until December 31, 2004, and submit an interim progress report prior to the commencement of the 2004 legislative session and a final report not later than December 31, 2004; that a school-based budget working group be created to study the possible development of a school building-based budget and zero-based budget model for potential use by local school districts in Kansas, that the working group have 11 members composed of six legislators (three from the Senate and three from the House) and five non-legislators to be appointed by the President and the Speaker in consultation with the minority leaders, and that the working group be chaired by a member of the Senate and be authorized five meeting

days during the 2003 interim; that the Joint Committee on State-Tribal Relations be authorized three additional meeting days for a total of four meeting days during the 2003 interim and the joint committee be authorized to travel within the state to view Indian lands in trust or proposed lands that could be placed in trust; that legislative compensation for Senator Adkins to be a speaker at the Council of State Governments' Legislative Briefing on the Interstate Compact for Juveniles in Las Vegas, NV, October 14-16, 2003, be approved; and that mileage reimbursement to drive to the airport for out-of-state meetings not be included as part of the current \$500 maximum reimbursement limitation for legislators, however, mileage reimbursement would be part of the \$500 maximum if a legislator drives to an out-of-state meeting. Speaker Mays moved that the recommendations of the subcommittee be approved. Senator Oleen seconded the motion. In addition, Senator Oleen suggested that approval be given for two legislators to attend a new officers orientation for the National Conference of State Legislatures in Denver, CO, October 8-9, 2003. It was agreed that the new officers orientation proposal be included as a recommendation under the subcommittee's proposals. Speaker Mays made a substitute motion, seconded by Senator Oleen, that the Council approve all of the recommendations of the subcommittee and approve the new officers orientation proposal. President Kerr divided the substitute motion so that the Council would consider the recommendation concerning the standing committee computer pilot project and, at the request of Representative McKinney, the recommendation to create a school-based budget working group separately from the remainder of the motion. The remainder of the substitute motion was considered and that part of the motion was approved.

President Kerr called the Council's attention to the school-based budget working group proposal. Representative McKinney suggested with regard to the creation of a school-based budget working group that the legislature has already made progress in improving and making budgets understandable and that the cost of the working group would be approximately \$8,000. President Kerr agreed that the legislature has made real progress in making school budgets more understandable but feels that there is a need to take the next step to review school-based budgeting to determine if this approach should be the policy of the state. After review of the substance of the school-based budget working group proposal, Speaker Mays moved that a school-based budget working group be created. Senator Oleen seconded the motion. The motion carried with Representative McKinney voting against the motion.

The second item considered separately by the Council was the recommendation of the subcommittee that the standing committee computer pilot project proposed by Representative Jim Morrison for the Committee on Health and Human Services of the House of

Representatives be implemented with the support of the Information Network of Kansas, Inc. President Kerr noted that questions were raised in the subcommittee about the cost of the pilot project, the participation of the Information Network of Kansas, Inc., about the implementation of a similar pilot project for a Senate committee and whether personal use could be made of the computers. Speaker Mays explained the background of the project, that the proposal is to use the computers exclusively to conduct committee business and that the request is for Legislative Coordinating Council support of the project so that the project may move ahead with the assistance of the Information Network of Kansas, Inc. Senator Oleen stated that it would be helpful to have a Senate committee involved in this type of project but that more time is needed to consider the matter. Senator Hensley stated that he also feels it would be helpful to have a similar Senate pilot project but needs more time to consider the proposal. It was stated that it would cost around \$60,000 to add a Senate committee to the proposed project. Senator Oleen proposed that because she just became aware of the project today she would like to have some time to gain information about the project and suggested that the matter be brought back to the Council at the September meeting. Representative Aurand expressed the view that the subcommittee recommendation has nothing to do with a Senate pilot project. Representative McKinney moved that the subcommittee recommendation on this matter be approved. Representative Aurand seconded the motion. Speaker Mays suggested that the Senate may opt in at any time upon approval of the Legislative Coordinating Council if the Senate chooses. After further discussion by members of the Council, the question was called for and the motion failed on a vote of four to three, with all House members voting in favor.

REPORT OF SUBCOMMITTEE ON FACILITIES AND PLANNING

Senator Oleen presented the report of the Subcommittee on Facilities and Planning to the Council. The subcommittee continued its review of the legislative intern program and received comments and recommendations from coordinators from educational institutions participating in the program. The comments and recommendations presented were discussed and will be considered by the subcommittee in developing its recommendations. The report and recommendations of the subcommittee regarding the legislative intern program will be reported to the Council at a future meeting.

The subcommittee received an update from Mr. David Larson, Director of Computer Services, on discussions and activities at the 2003 NCSL annual meeting regarding state versions of the federal Digital Millennium Copyright Act of 1998 (DMCA). The Communications, Technology and Interstate Commerce Committee of

NCSL adopted the "super DMCA" issue for a study topic. The subcommittee will continue to monitor this subject and will receive further information about the model legislation developed by the Motion Picture Association of America and what actions other states have taken on this subject.

Senator Oleen reported that the subcommittee continued discussion of the legislative mailing policies and procedures. Mr. Jeff Russell, Director of Legislative Administrative Services, presented information and recommendations concerning administration of the postage allowance in LCC Policy 38. The subcommittee will make recommendations on these matters to the Council at a future meeting.

Senator Oleen also reported that the subcommittee reviewed a number of recommendations to the Kansas legislature contained in recent Legislative Post Audit Reports. The subcommittee recommends that the program audit recommendations related to valuing commercial buildings for property tax purposes and contained in 2003 SB 99 be assigned to the Special Committee on Assessment and Taxation for study during this interim period. The subcommittee also recommended that a letter of commendation be sent to the Post Auditor and the staff of the Division of Post Audit for the 2003 national Excellence in Evaluation Award and the 2003 national Legislative Staff Achievement Award that were presented by the National Legislative Program Evaluation Society at the recent NCSL annual meeting. Senator Oleen noted that this is the third time in 26 years that the Division of Post Audit has received the national Excellence in Evaluation Award.

The subcommittee reviewed the request by Duane Goossen, Director of the Budget, about delivering fiscal notes to legislators by e-mail instead of hand delivery. Pat Saville, Secretary of the Senate, presented a memorandum of recommendations prepared by Mrs. Saville, Janet Jones, Chief Clerk of the House of Representatives, and Sharon Schwartz, Division of Legislative Administrative Services. After reviewing the memorandum and receiving comments from Mrs. Saville and Mr. Goossen, the subcommittee recommends adopting the recommendations for delivering copies of fiscal notes to legislators and legislative staff by e-mail during the next legislative session, as set forth in the memorandum.

The subcommittee received a brief review of the progress of the capitol restoration project from Barry Greis, Capitol Architect, and Jeff Russell, Director of Legislative Administrative Services. Senator Oleen noted that the project was reported to be on time and within the budget, that the parking garage is currently scheduled to open the first week of April, 2004, and that

legislative parking will be adjusted for the 2004 regular session in the same manner as the parking assignments were made for the 2003 regular session. Senator Oleen also announced that Mr. Greis will be conducting a tour for interested members of the Council after the meeting is adjourned.

Senator Oleen moved that the subcommittee recommendations that 2003 SB 99, relating to valuing commercial buildings for property tax purposes, be assigned to the Special Committee on Assessment and Taxation as a study topic, and that fiscal notes prepared by the Division of the Budget be delivered primarily by e-mail to legislators and legislative staff during the next legislative session, as set forth in the memorandum by Pat Saville, Secretary of the Senate. Representative Aurand seconded the motion and the motion carried.

Senator Oleen moved that the Council send a letter congratulating and commending the Post Auditor and the staff of the Division of Post Audit on being awarded the 2003 national Excellence in Evaluation Award and the 2003 national Legislative Staff Achievement Award that were presented by the National Legislative Program Evaluation Society. Representative McKinney seconded the motion and the motion was adopted.

OTHER MATTERS

Speaker Mays pointed out that under K.S.A. 46-1202 a majority votes of five members of the Legislative Coordinating Council is required for any action of the Council, except that action relating solely to one house of the legislature may be authorized by the unanimous vote of the members of the Legislative Coordinating Council who are members of that house of the legislature. Speaker Mays stated his opinion that, based on this statutory language, the motion for approval of the subcommittee language dealt with the House of Representatives alone and that the four-vote rule would apply. President Kerr stated his opinion that the matter relates to the legislature as a whole and not just to the House of Representatives, that the legislature is in the process of computerizing and that this project does not affect just one part of the legislature and that while the Senate is not disinterested in computerization of the legislature it needs more time for the consideration of this proposal. Senator Hensley indicated that just a little more time was being requested to become familiar with the proposed project. Senator Oleen stated that she does not view this proposal as a single-house decision and feels that it would be a courtesy to the Senate not to pursue this approach. Representative Ballou expressed support for voting on the motion based upon the Speaker's position. President Kerr ruled that the issue was one for the legislature as a whole and not solely an issue for one house of the legislature and therefor a motion on the matter is out of

order. President Kerr stated that the matter would be brought up at the September meeting of the Legislative Coordinating Council.

Prior to the meeting members of the Council received a memorandum from Governor Sebelius on designated holidays for 2004, Policy 1 travel authorizations from President Kerr and Speaker Mays, a memorandum from President Kerr designating Senator Oleen as a member of the Steering Committee for Capitol Restoration, an e-mail from Senator Adkins concerning a Council of State Governments meeting, a memorandum from Mrs. Janet Jones and Mrs. Pat Saville on the permanent journal order, a memorandum from Mr. Jeff Russell on travel approval, a memorandum from Mr. Russell on LCC Policy 38 correspondence and mailing, information from Senator Oleen on audit report recommendations to the Kansas legislature, a memorandum from Mr. Alan Conroy concerning legislative staff agencies budget preparation, a Policy 4 report from Mr. Conroy on legislative research department out-of-state travel for fiscal year 2003, a Policy 4 report from Mr. Russell on legislative administrative services out-of-state travel for fiscal year 2003 and an updated version of the LCC Policies including the LCC's roles and responsibilities statement concerning the statehouse preservation and restoration project from the December 11, 2002, meeting.

The next meeting of the Council was scheduled for September 16, 2003, at 2:00 p.m.

On motion the meeting was adjourned.

Prepared by

Norman J. Furse,
Revisor of Statutes,
as Secretary

Approved by

President Dave Kerr, Chairperson