

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on July 1, 2005, in Room 514-S of the Capitol.

All members were present except:

Representative Ballard- excused
Representative Bethell- excused
Representative Newton- excused
Representative Sawyer- excused
Representative Schwab- excused

Committee staff present:

Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Michele Alishahi, Legislative Research Department
Audrey Dunkel, Legislative Research Department
Matt Spurgin, Legislative Research Department
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Assistant
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Brad Bryant, Deputy Assistant Secretary of State, Elections and Legislative Matters
Harriet Lange, President, Kansas Association of Broadcasters
Kyle Kessler, Department of Social and Rehabilitation Services (SRS)

Others attending:

See attached list.

- Attachment 1 Bill Explanation on 2005 Special Session Appropriations Bill
- Attachment 2 Testimony on Special Constitutional Amendment, Brad Bryant, Secretary of State's Office

Chair Neufeld explained that the Senate removed the contents of two bills, **HB 2004** and **HB 2005**, passed out of this Committee earlier during the Special Session, and used these two bills for other purposes. The Senate then passed **SB 1** and **SB 4** to address the issues recommended by the Committee in **HB 2004** and **HB 2005**.

Hearing on SB 1 - Life insurance coverage for certain national guard members.

J. G. Scott, Legislative Research Department, explained that **SB 1**, similar to **HB 2005**, would require the State of Kansas to reimburse premiums for \$250,000 in life insurance coverage to members of the Kansas National Guard called to federal active duty in a combat zone (as defined by the Internal Revenue Service). The main difference between the two bills involves the appropriation of \$390,000 to cover 2,000 Guard members in **SB 1** as opposed to \$323,115 being appropriated in **HB 2005** to cover 1,657 Guard members. The Senate bill makes no provision for additional Guard members above the 2,000 limit. In addition, **SB 1** was amended on the Senate floor to make available for Tax Year 2004, the vehicle registration tax exemptions allowed for military personnel who are in the full-time military service, are absent from the state on military orders on the date of application for registration and maintain their vehicle outside Kansas, or are members of the military service and are mobilized or deployed on the date of application for registration. The Committee noted that the vehicle registration tax exemption would be funded through county budgets.

With no conferees to come before the Committee, the hearing on **SB 1** was closed.

Representative Gatewood moved to recommend **SB 1** favorable for passage. The motion was seconded by Representative Schwartz. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 1:30 P.M. on July 1, 2005 in Room 514-S of the Capitol.

Hearing on SB 4 - Appropriations for FY 2006, attorney general, death penalty litigation.

J. G. Scott, Legislative Research Department, explained the differences between **SB 4**, as passed by the Senate, and **HB 2004**, as passed by the House (Attachment 1). The Committee noted that **SB 4** deletes the provision on media advertising which was amended into **HB 2004** on the floor of the House.

Brad Bryant, Deputy Assistant Secretary of State Elections and Legislative Matters, presented information to the Committee on an estimated cost of \$1.75 million to hold an election on a special day, proposed for September 6th, to put a constitutional amendment before the voters of the state (Attachment 2). Mr. Bryant stated that part of the funds would be used for publication of the of the proposed constitutional amendment which would be required to be published three times in each county newspaper. The majority of the funds would be used to reimburse the counties for the direct expenses of holding the special election. Mr. Bryant noted that there are no specific county budgets for special elections and that the expense varies greatly between counties because of the number of registered voters and the number of polling places.

Harriet Lange, President, Kansas Association of Broadcasters, spoke to the Committee in support of the Senate amendment which would repeal Section 83 of **2005 Senate Sub. for HB 2482**, regarding media advertising, which required language indicating that media advertising by state agencies was funded with taxpayer dollars.

The Chair closed the hearing on **SB 4**.

Representative Landwehr moved to reinstate the language of HB 2004, as amended by the House Committee of the Whole (COW), concerning media advertising. The motion was seconded by Representative Schwartz. After discussion, Representative Landwehr withdrew the motion with approval from the second.

During discussion, the Committee voiced differing opinions on the media advertising including (1) taxpayers are entitled to know when tax dollars are being spent on advertising; and (2) media advertising should not be restricted as it is important for citizens to know what state services are available to them.

Responding to a question from the Committee, Kyle Kessler, Department of Social and Rehabilitation Services (SRS), indicated that the majority of Health Wave advertising is handled internally through Medicaid.

Responding to a question from the Committee concerning the definitions of "media advertising" and "state agency," Jim Wilson, Revisor of Statutes, stated that **HB 2004** as amended by the House COW, amends the section in **2005 Senate Sub for HB 2482** pertaining to media advertising. Mr. Wilson stated that the House passed version of **HB 2004** contained the definition of a "state agency" in K.S.A. 75-3701, the section applied only to moneys appropriated from the state treasury and a definition of media advertising was also contained in the House version.

Representative Landwehr moved to amend SB 4 by reinstating the House amendment pertaining to media advertising contained in HB 2004, as amended by the House COW, on page 2, lines 20 through 43 and on page 3, lines 1 through 10; except that (1) "media advertising" means all forms of advertising expressed or otherwise communicated, in any fashion, utilizing or otherwise through the use of billboards, newspapers, handbills, or mailings, or television, radio, or cable broadcasting; (2) the specific statement in printed media advertising will be in eight-point print or larger; and (3) the remaining categories of media advertising shall be studied in an interim committee. The motion was seconded by Representative Hutchins. Motion carried.

Jim Wilson indicated that this amendment would apply to any state agency or entity who receives funds appropriated from the state treasury, even though they may be funded through other resources as well, but the amendment would only apply to expenditures of moneys appropriated from the state treasury.

Representative Landwehr moved to amend SB 4 by reinstating the language in Section 2 of HB 2004 as amended by the House COW, relating to the Attorney General, making an appropriation for the Young Kansans – Safe Kids Program. The motion was seconded by Representative McCreary. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 1:30 P.M. on July 1, 2005 in Room 514-S of the Capitol.

Representative Feuerborn moved to amend SB 4 by striking Section 3, relating to the Adjutant General which was also contained in SB 1, in its entirety. The motion was seconded by Representative Landwehr. Motion carried.

Representative Feuerborn moved to amend SB 4 by striking Section 4, relating to a lapse of moneys appropriated for the State Board of Indigents' Defense Services, in its entirety. The motion was seconded by Representative Landwehr. Motion carried.

With regard to the House COW amendments to **HB 2004** pertaining to membership qualifications for the Joint Committee on Children's Issues, Jim Wilson advised the Committee that these provisions constitute a change in the general law, are outside the subject of an appropriation bill and would not be in compliance with the state constitution.

Representative Landwehr moved to amend SB 4 by inserting language to provide for the Legislative Coordinating Council to appoint a special committee to address children's issues, including oversight of children's HealthWave insurance program, and other matters as assigned, whose representative members are not required to have membership on the House Appropriations Committee or the House Insurance Committee. The motion was seconded by Representative Pottorff. Motion carried.

Representative Powell moved to amend SB 4 by adding an appropriation of \$1.75 million to the Secretary of State's budget for FY 2006 from the State General Fund (SGF) for a special election concerning a constitutional amendment with the provision that these funds can only be spent on a special election pertaining to a constitutional amendment and, if not spent on a special election, the funds will revert to the SGF. The motion was seconded by Representative McLeland. Motion carried.

Representative Hutchins moved to recommend SB4 as amended favorable for passage. The motion was seconded by Representative Powell. Motion carried.

The meeting was adjourned at 3:05 p.m. The next meeting of the Committee will be on "call of the Chair".



Melvin Neufeld

Bill Explanation on 2005 Special Session Appropriations Bills

Senate Bill 4 Senate Adjustments	House Bill 2004, 2005 House Adjustments	Conference Bill Conference Committee
Sec. 2 — Attorney General	Sec. 2—Attorney General	Sec. — Attorney General
<p>1. Add \$150,000 from the State General Fund in FY 2006 for costs related to the state's appeal before the United States Supreme Court of the Kansas Supreme Court's decision in State v. Marsh, which held the Kansas death penalty statute unconstitutional.</p> <p>2. Remove the expenditure limitation on the aggregate amount which may be transferred from the State General Fund to the agency's Tort Claims Fund. 2005 SB 225 set a limit of \$1,295,804 on the transfer for FY 2006.</p> <p>3. Did not recommend.</p>	<p>1. In HB 2004, add \$150,000 from the State General Fund in FY 2006 for costs related to the state's appeal before the United States Supreme Court of the Kansas Supreme Court's decision in State v. Marsh, which held the Kansas death penalty statute unconstitutional. (House floor amendment to HB 2004 - original amount recommended was \$200,000).</p> <p>2. In HB 2004, concur with the Senate position.</p> <p>3. In HB 2004, add \$250,000 from the State General Fund in FY 2006 for the Young Kansans - Safe Kids Program. The funding must be matched with non-state monies on a dollar for dollar basis. (Floor amendment).</p>	<p>1.</p> <p>2.</p> <p>3.</p>
Sec. — Social and Rehabilitation Services	Sec. 2—Social and Rehabilitation Services	Sec. — Social and Rehabilitation Services
<p>1. Did not consider.</p>	<p>1. In HB 2004, transfer \$250,000 from the Social Welfare Fund to the State General Fund in FY 2006 to fund the Young Kansans - Safe Kids Program in the Office of the Attorney General. (Floor amendment).</p>	<p>1.</p>
Sec. 3 —Adjutant General	Sec. —Adjutant General	Sec. — Adjutant General
<p>1. Transfer \$390,000 from the State General Fund to the newly created National Guard Life Insurance Premium Reimbursement Fund, and appropriate the new fund with a \$390,000 expenditure limitation to finance the provisions of Senate Bill 1, regarding payment of life insurance premiums for National Guard members called to active duty in a combat zone. (Also funded as a floor amendment to SB 2).</p>	<p>1. In HB 2005, transfer \$353,115 from the State General Fund to the newly created National Guard Life Insurance Premium Reimbursement Fund, and appropriate the new fund with a \$353,115 expenditure limitation to finance the provisions of House Bill 2005, regarding payment of life insurance premiums for National Guard members called to active duty in a combat zone. Additionally, add language allowing the transfer of additional funding to the newly established fund by the State Finance Council (upon certification by the Director of the Division of Budget) if the balance of the fund is insufficient to finance the provisions of HB 2005.</p>	<p>1.</p>

HOUSE APPROPRIATIONS
DATE 7-01-2005
ATTACHMENT 1

**Senate Bill 4
Senate Adjustments**

**House Bill 2004, 2005
House Adjustments**

**Conference Bill
Conference Committee**

Sec. 4 — Board of Indigents' Defense Services

1. Lapse \$304,922 from the State General Fund in FY 2006, which had been budgeted for costs related to the State v. Rader case (Floor amendment).

Sec. 5 — Media Advertising

1. Delete provisions of 2005 Sub. for HB 2482 (Omnibus Bill), which required language indicating that media advertising by state agencies was funded with taxpayer dollars (Floor amendment).

Sec. — Committee Membership

1. Did not consider.
2. Did not consider.

Sec. — Board of Indigents' Defense Services

1. Did not consider.

Sec. 4—Media Advertising

1. In HB 2004, modify the media advertising requirements contained in 2005 Sub. for HB 2482 (Omnibus Bill) to clarify the applicability of the requirement, including the types of situations, types of advertising covered, and specific language required to comply with the provisions. (Floor amendment).

Sec. 3—Committee Membership

1. In HB 2004, delete the requirement that one member of Joint Committee on Children's Issues be a member of the House Committee on Insurance. (Floor amendment)
2. In HB 2004, delete the requirement that one member of Joint Committee on Children's Issues be a member of the House Appropriations Committee (Floor amendment).

Sec. — Board of Indigents' Defense Services

- 1.

Sec. — Media Advertising

- 1.

Sec. — Committee Membership

- 1.
- 2.

RON THORNBURGH
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STATE OF KANSAS

House Committee on Appropriations

Testimony on Special Constitutional Amendment Election

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

July 1, 2005

1. Counties' responsibility to conduct elections
2. Statewide constitutional amendment elections
 - Special day
 - Regular election day
3. Funding
 - Secretary of State
 - County reimbursement
4. Compare to presidential preference primary
 - Mechanism for funding and reimbursement
5. Direct vs. indirect expenses

HOUSE APPROPRIATIONS

DATE 7-01-2005
ATTACHMENT 2