

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 6, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Senator Derek Schmidt

Others attending:

See attached list.

SB 486 -Appointment of certain state officers subject to confirmation by the senate

Chairman Brungardt opened the hearing on **SB 486**

Senator Derek Schmidt appeared in favor of the bill. (Attachment 1) The purpose of the bill is to update the process by which the Senate exercises its constitutional authority to consent to the nomination of certain officials. It amends the Confirmations Oversight Act to fill holes in the current process. This was recommended unanimously by the Confirmations Oversight Committee.

SB 486 clarifies that the following state officers, already subject to Senate confirmation, could not exercise any power, duty or function until confirmation under the requirements noted in the bill:

Credit Union Administrator	State Fire Marshal
Secretary of Wildlife & Parks	State Librarian
Adjutant General	Executive Director of the State Historical Society
General Officers commissioned under the Adjutant General	Secretary of Administration
Executive Director of the Board of Healing Arts	Secretary of Transportation
Members of the Central Interstate Low-Level Radioactive Waste Commission	Secretary of Revenue
Secretary of Agriculture	Director of the Property Valuation Division
Superintendent of the Highway Patrol	Director of the Alcoholic Beverage Control Division
Director of the Kansas Water Office	Secretary of Corrections
Secretary of Commerce	Secretary of Social & Rehabilitation Services
Executive Director of the Kansas Lottery	Secretary of Health & Environment
Executive Director of the Racing Commission	Secretary of Labor
Executive Director of the State Gaming Agency	Secretary on Aging
Director of the Kansas Bureau of Investigation	Securities Commissioner
State Bank Commissioner	Long-Term Care Ombudsman
	Executive Director of the Kansas Health Policy Authority

The person seeking appointment must consent to a background investigation conducted by the Kansas Bureau of Investigation and to the release of tax information by the Department of Revenue and federal Internal Revenue Service to determine that the person is current in payment of taxes.

The committee had several questions and staff will address and get back to the committee.

Chairman Brungardt closed the hearing on **SB 486**.

The Adjutant General's Department State Comptroller provided the committee an email response on the rental

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 6, 2008 in Room 526-S of the Capitol.

fees at the armories around the state. (Attachment 2)

Discussion and Final Action:

SB 397 - Consumption of alcohol at national guard armories

Philip Bradley withdrew the second amendment offered on the bill, on knowingly and unknowingly.

Senator Barnett offered an amendment on server training and the committee requested it be a stand alone bill.

Senator Barnett requested a bill introduction that has to do with server training.

Senator Barnett moved that this request should be introduced as a committee bill. Senator Brownlee seconded the motion. The motion carried.

Senator Barnett moved the amendment to delete the word "containing" and insert "that reasonably appears to contain" in KSA 41-2615 (c 2). Senator Reitz seconded the motion. The motion carried.

Senator Reitz moved to pass **SB 397** out favorably as amended. Senator Vratil seconded the motion.

Senator Francisco asked that the bill be held until the Director of ABC speaks to the committee the next day.

The committee took no action and the Chairman will hold the bill.

SB 454 - Municipalities; consolidation and reorganization; political and taxing subdivision

Discussion on whether the intent of the bill was if question 1 did not pass then would there be a need to vote on question 2. (Page 4, line 8 - 13) It was stated that which taxing subdivisions be abolished and to list them so the voters would know.

Senator Vratil moved to strike the word "other" after shall in line 10 page 4, and adding "the following" with a blank line. Senator Francisco seconded the motion. The motion carried.

Senator Barnett moved to amend page 1, line 37 from 10 to 20 % and delete new sec 2 (a). Senator Ostmeyer seconded the motion. The motion failed.

Senator Barnett moved to amend by deleting new section 2 page 1. Amendment lost to no second.

Senator Barnett moved to amend by striking new section 5 and remove the optional debt. Senator Ostmeyer seconded the motion. The motion failed.

Senator Vratil moved the Randall Allen amendment in deleting new section 7. Senator Reitz seconded the motion. The motion carried.

Senator Vratil moved to pass **SB 454** out favorably as amended. Senator Reitz seconded the motion. Motion carried.

Senator Ostmeyer requested to be recorded as a no vote.

The meeting was adjourned at 11:40 am. The next scheduled meeting is February 7, 2008.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 2-06-08

NAME	REPRESENTING
Joan Wagner	K DOR
Lynn Robinson	K DOR
ROGER BASINGER	D of A
Tony Weingartror	KBI
Mark Tomb	LKM
Don Moler	LKM
Wick Dunham	KS wine & spirits wholesalers.
Phil Bradley	KUBA
CV Cozzoradis	KDA
Lindsey Douglas	Hein Law Firm
JOHN COEN	SEN J SCHMIDT
Eric Montgomery	Sen. P Schmidt
SEAN MILLER	CAPITOL STRATEGIES
Karl Wenger	Kearney & Associates

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Senator Derek Schmidt
Majority Leader

Committee Assignments

Chair: Confirmation Oversight
Vice Chair: Assessment & Taxation
Organization Calendar & Rules
Member: Judiciary
Agriculture
Legislative Post Audit

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Testimony in Support of Senate Bill 486
Presented to the Senate Federal & State Affairs Committee
by Senator Derek Schmidt

February 6, 2008

Mr. Chairman, members of the committee, thank you for the opportunity to appear before you today in support of Senate Bill 486.

The purpose of this bill is to update the process by which the Senate exercises its constitutional authority to consent to the nomination of certain officials. It amends the confirmations oversight act to fill holes in the current process. This bill was recommended unanimously by the Confirmations Oversight Committee.

This measure builds on last year's Senate Bill 389, which passed the Senate 40 to 0 on March 28, 2007. The main impetus for that legislation was the relatively new phenomenon of having legislative appointing authorities for various Senate-confirmable positions. As we have moved down that path, as with the Health Policy Authority, we discovered that there was little or no authority to do certain routine matters in connection with an appointee of the legislative branch -- such as ordering KBI background checks.

Last year, the House of Representatives took no action on that bill. Since then, the Confirmations Oversight Committee has further refined the measures in the bill over this past interim, and the revised proposal is before you today.

The principal substantive difference between this year's bill and last year's is that this year's bill also proposes that all positions that are subject to Senate confirmation also be subject to interim approval by the Confirmations Oversight Committee. This is intended to address the mishmash approach in current law, which leads to the peculiar outcome that certain officials, such as members of the KPERS board, are subject to confirmations oversight committee consideration if their appointment is made in the interim but other officials, such as cabinet secretaries, are not. The bill before you makes that process uniform and makes clear that all Senate-confirmable positions are subject to interim consideration by the Confirmations Oversight Committee.

Mr. Chairman, I won't bore the committee with details of the legislation. Those are available in the bill explainer developed by the Legislative Research Department.

I would stand for questions.

Sen Fed & State

Attachment 1
2-06-08

Connie Burns - Armory Rentals

From: "Harper, Janice" <Jlharper@agtop.state.ks.us>
To: <connieb@house.state.ks.us>
Date: 2/6/2008 8:37 AM
Subject: Armory Rentals
CC: "Talley, Tracey" <Tracey.Talley@us.army.mil>, "Silsby, Cliff COL" <Cliff.Silsby@us.army.mil>, "Woolpert, Bruce COL" <Bruce.Woolpert@us.army.mil>

Connie,

In response to your request concerning the charge to rent armories throughout the state: We do not have set rates for the armories. The Commanders of each armory are responsible for setting their own rental scale. Each city throughout Kansas is different in regard to the availability of rental facilities and the way the community uses the armories. The guidance to the Commanders is to make sure they charge a reasonable amount to include a utility reimbursement. They are to insure they do not undercut other facilities that rental of their facility is their business. It is very important to be responsible to the community and to insure we do not interfere with the commerce of the city. Of course on the other hand you have to consider that the armories may not be as good a facility for some purposes as those facilities in which it is their business. Sorry I do not have any additional information.

Janice

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Sen Fed & State

Attachment 2
2-06-08