

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Stephen Morris at 12:15 p.m. on April 1, 2004, in Room 123-S of the Capitol.

All members were present except:

Senator David Adkins- excused

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Leah Robinson, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Norman Furse, Revisor of Statutes
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Senator John Vratil
Jean Krahn, Executive Director, Kansas Guardianship Program
Jim Maag, Member, Kansas Guardianship Program
Barb Conant, on behalf of Terry Humphrey, Kansas Trial Lawyers Association (written)
Karen Braman, R.Ph., Deputy Director, Governor's Office of Health Planning and Finance
Joe Fritton, Deputy Director, Division of Facilities Management
Representative Tom Holland
Trudy Aron, Executive Director, American Institute of Architects
Scott Heidner, Executive Director, Kansas Consulting Engineers (written)

Others attending:

See Attached List.

Chairman Morris opened the public hearing on:

HB 2902--Kansas guardianship program, volunteers under the Kansas torts claims act

Staff briefed the committee on the bill.

Chairman Morris welcomed the following conferees:

Senator John Vratil appeared before the committee upon the request of the Chairman to comment on **HB 2902** because he had some concerns when he learned that the bill involved the Tort Claim Act. He noted that, as he understood it, the bill provided immunity to those volunteers who participated in the Guardianship Program. He explained that his only purpose in testifying to the committee was to clarify what the Tort Claims Act does and what it does not do. Senator Vratil mentioned that it is not providing immunity, it is shifting responsibility to the state. He noted another statute which does grant some immunity to volunteers under certain circumstances, but it is not what is being dealt with here. (No written testimony was provided.)

Jean Krahn, Executive Director, Kansas Guardianship Program (KGP), testified in support of **HB 2902** (Attachment 1). Ms. Krahn explained that **HB 2902** amends the Tort Claims Act to extend liability protections to KGP volunteers similar to the board and staff. Such coverage would be reassuring to those persons currently serving in the program and help in recruiting new volunteers who may be concerned about personal liability issues should they agree to become part of the program.

Jim Maag, Member, Kansas Guardianship Board, spoke in support of **HB 2902**. (No written testimony was submitted.) Mr. Maag mentioned that Kansas should be very proud that there are many people that are there to help.

CONTINUATION SHEET

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Written testimony was submitted by Barb Conant on behalf of the Kansas Trial Lawyers Association in support of **HB 2902** (Attachment 2).

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2902**.

Chairman Morris called the committee's attention to discussion of:

HB 2899--Appropriations for FY 2004 and FY 2005, supplemental appropriations for various state agencies, and

SB 442--Fees for services provided by the state treasurer's office

The Chairman explained that **SB 442** is stalled in the House and the committee discussed amending **SB 442** into **HB 2899**.

Senator Schodorf moved, with a second by Senator Jackson, to remove the contents of **HB 2899**, amend the contents of **SB 442** into **HB 2899** and propose a **Senate Substitute for HB 2899**. Motion carried on a voice vote. Senator Barone and Senator Helgerson requested to be recorded as voting "No" on the motion.

Senator Schodorf moved, with a second by Senator Bunten, to recommend Senate Substitute for HB 2899 favorable for passage as amended. Motion carried on a voice vote.

Chairman Morris called the committee's attention to discussion of:

HB 2902--Kansas guardianship program, volunteers under the Kansas torts claims act

Senator Kerr moved, with a second by Senator Jackson, to recommend HB 2902 favorable for passage. Motion carried on a roll call vote.

Chairman Morris opened the public hearing on:

HB 2939--Health care data governing board, membership

Staff briefed the committee on the bill.

The Chairman welcomed Karen Braman, R.Ph., M.S., Deputy Director, Governor's Office of Health Planning and Finance, who testified in support of **HB 2939** (Attachment 3). Ms. Braman explained that **HB 2939** would add three members to the Health Care Data Governing Board. She mentioned that the intent of the bill is to enhance the Health Care Data Governing Board membership by adding end-users of the data and explains it further in her written testimony.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2939**.

Senator Barone mentioned that **HB 2895** is currently in the Senate Commerce Committee and has not had a hearing. He explained that **HB 2895** provides for staggered terms for the Kansas Apprenticeship Council. Senator asked that the committee consider amending **HB 2895** into **HB 2939**. Committee discussion followed.

Senator Barone moved, with a second by Senator Downey, to amend HB 2939 by placing the contents of HB 2895 into the bill. Motion carried on a voice vote.

Senator Downey moved, with a second by Senator Helgerson, to recommend HB 2939 favorable for passage as amended. Motion carried on a roll call vote.

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 12:15 p.m. on April 1, 2004, in Room 123-S of the Capitol.

The Chairman opened the public hearing on:

HB 2748--Surplus property; transferring certain functions to the secretary of administration

Staff briefed the committee on the bill.

Chairman Morris welcomed Joe Fritton, Deputy Director, Division of Facilities Management, Kansas Department of Administration, who testified in support of **HB 2748** (Attachment 4). Mr. Fritton explained that **HB 2748** transfers the operation of Federal and State surplus property programs to the Kansas Department of Administration.

Written testimony was submitted by Roger Werholtz, Secretary, Kansas Department of Corrections, in support of **HB 2748** (Attachment 5).

There being no further conferees to appear before the committee, Chairman Morris closed the public hearing on **HB 2748**.

Senator Barone moved, with a second by Senator Jackson, to recommend **HB 2748** favorable for passage. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

HB 2749--Statehouse art and history committee amended to include memorials

Staff briefed the committee on the bill.

Chairman Morris welcomed Joe Fritton, Deputy Director, Division of Facilities Management, Kansas Department of Administration, who testified in support of **HB 2749**. (Mr. Fritton's written testimony is found in Attachment 4 under the testimony of **HB 2748**). Mr. Fritton explained that **HB 2749** expands the duties of the Statehouse Art and History Committee to include memorials on the grounds of the Capitol Complex.

There being no further conferees to appear before the committee, Chairman Morris closed the public hearing on **HB 2749**.

Senator Kerr moved, with a second by Senator Barone, to amend **HB 2749** to strike the word "state" on page 2, line 7 of the bill and on the same line following the word "donor," add the words "if any". Motion carried on a voice vote.

Senator Jackson moved, with a second by Senator Downey, to recommend **HB 2749** favorable for passage as amended. Motion carried on a voice vote.

The Chairman opened the public hearing on:

HB 2752--Capital improvement projects, architectural, engineering and land surveying services

Staff briefed the committee on the bill.

Chairman Morris welcomed the following conferees on the bill:

Representative Tom Holland spoke in support of **HB 2752** in its current form. Representative Holland explained that the bill strengthens existing penalties for any employer knowingly employing illegal immigrants or using them as contractors and establishes a hotline within the Kansas Attorney General's Office. (No written testimony was provided.)

CONTINUATION SHEET

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Joe Fritton, Deputy Director, Division of Facilities Management, Kansas Department of Administration, who testified in support of **HB 2752**. (Mr. Fritton's written testimony is found in Attachment 4 under the testimony of **HB 2748**). Mr. Fritton explained that he supports **HB 2752** as originally written. He had no comments on the amendments. In his written testimony, Mr. Fritton explained that the Department of Administration, in its effort to streamline state government, asks that the committee pass the portion of the bill associated with fees and limits for architectural and engineering services.

Trudy Aron, Executive Director, American Institute of Architects, testified in support of **HB 2752** as originally introduced (Attachment 6). Ms. Aron mentioned that they have no position on the amendments made by the House in new section 4.

Written testimony was submitted by Scott Heidner, Executive Director, Kansas Consulting Engineers, in support of the portions of **SB 2752** offered by the State (Attachment 7).

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **HB 2752**.

The meeting adjourned at 1:15 p.m. The next meeting is scheduled for April 22, 2004, the first day of the Omnibus Session.