

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on February 10, 2005, in Room 514-S of the Capitol.

All members were present except:

Representative Lane- excused
Representative Weber- excused

Committee staff present:

Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Amy VanHouse, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Audrey Dunkel, Legislative Research Department
Debra Hollon, Legislative Research Department
Susan Kannarr, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Matt Spurgin, Legislative Research Department
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Analyst
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Debra Prideaux, Executive Director, Fort Hays State University, Alumni & Governmental Relations
Pat Scalia, Director, Board of Indigents' Defense Services

Others attending:

See attached list.

- Attachment 1 Technical Amendment to **HB 2183**
- Attachment 2 Testimony by Debra Prideaux, Fort Hays State University
- Attachment 3 Testimony by Debra Prideaux, Fort Hays State University
- Attachment 4 Budget Committee Report on Human Rights Commission
- Attachment 5 Overview of Board of Indigent's Defense Services(BIDS) by Pat Scalia, Director
- Attachment 6 Omitted copy of testimony of Feb 8th, from Pat Hurley, HealthyKansas Coalition

Hearing on HB 2183 - Fort Hays state university, memorial union renovation capital improvement project.

Deb Hollon, Legislative Research Department, explained that the **HB 2183** concerned the bonding authority for Fort Hays State University. The capital improvement bill, passed by the FY 2004 Legislature, contained bonding authority of \$5.7 million for the Memorial Union renovation. The university has requested that the bonding authority be expanded from \$5.7 million to \$6.5 million for the proposed \$7.2 million Memorial Union Renovation project.

Jim Wilson, Revisor of Statutes, explained there is a need for a technical amendment to the bill that would delete specific language which could cause some difficulty in the sale of the bonds (Attachment 1).

Debra Prideaux, Executive Director, Fort Hays State University Alumni & Governmental Relations, presented testimony to further explain the need for the amendment (Attachment 2).

Chair Neufeld closed the hearing on **HB 2183**.

Representative Bethell moved to adopt the technical amendment to **HB 2183** and report the bill as amended, favorable for passage. The motion was seconded by Representative Pottorff. Motion carried.

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Hearing on HB 2347 - Fort Hays state university conveyance of certain real estate to city of Hays.

Deb Hollon, Legislative Research Department, explained that **HB 2347** would authorize Fort Hays State University to sell and convey a tract of real estate located in Ellis County to the City of Hays.

Debra Prideaux, Executive Director, Fort Hays State University Alumni & Governmental Relations, presented testimony to further explain the land sale (Attachment 3).

The Chair noted that action on **HB 2347** would not be taken today as the Building Committee is scheduled to review the bill later today. Appropriations Committee action will be taken at a later date.

Chair Neufeld closed the hearing on **HB 2347**.

Representative Schwab, member of the General Government & Commerce Budget Committee, presented the Budget Committee report on the Human Rights Commission for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 4). The motion was seconded by Representative Pottorff. Motion carried.

Responding to a question from the Committee concerning the \$16,105 increase in the budget, the Budget Committee referred the question to Ruth Glover, Assistant Director, Human Rights Commission, who stated that the Division of Budget recommended that the agency re-appropriate a capital outlay request from FY 2006 to FY 2005.

Representative Schwab, member of the General Government & Commerce Budget Committee, presented the Budget Committee report on the Human Rights Commission for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 4). The motion was seconded by Representative Pottorff. Motion carried.

The Chair recognized Pat Scalia, Director, Board of Indigents' Defense Services, who presented an overview of the agency (Attachment 5).

Referencing the Chanute office and the new Independence office, Ms. Scalia stated that the Independence office is carrying one of the highest caseloads per attorney of any office in the system - over 200 with an average of 198 statewide - making the Independence office, which is a satellite office of Chanute, operate at a very cost-effective basis. Ms. Scalia noted that there is no indication of a slow-down in caseloads in the Chanute office, so it would not be cost effective to close that office in the foreseeable future. Responding to a question from the Committee concerning the court decision on capital punishment, Ms. Scalia stated that all of the four death penalty cases in the court system at the present time, are proceeding to trial. The Judge in the fifth capital murder case, in which there was a conviction in Barton County, has indefinitely stayed proceedings on the second phase of the sentencing, awaiting the result of research on the Court ruling.

The Chair thanked Ms. Scalia for her presentation.

Written testimony, which was omitted from the testimony of Pat Hurley, HealthyKansas Coalition on February 8, 2005, was distributed to the Committee (Attachment 6).

Chair Neufeld returned the Committee's attention to discussion of **ERO 33**.

Representative Landwehr moved to recommend the adoption of **HR 6015**. The motion was seconded by Representative Bethell. Motion carried.

Responding to a question regarding house rules as applied to **ERO 33**, Jim Wilson, Revisor of Statutes, stated that the Committee can make a recommendation by introducing a resolution, one way or the other, or make no recommendation. Technically, House rules do not require that a hearing be held. The subject matter has been discussed in Committee. If the Committee makes no recommendation by Saturday, February 12, 2005, the ERO will be back in the jurisdiction of the Committee of the Whole. The motion on the table allows the Committee to adopt a recommendation and present a Committee report on the resolution to the Committee

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of the Whole.

The Chairman declared that testimony has been received; testimony was presented by interested conferees; and final action regarding **HR 6014** and **HR 6015**, both of which have been re-referred to Appropriations Committee, was in order.

Representative Gatewood moved for a substitute motion to report **ERO 33** without recommendation. The motion was seconded by Representative Feuerborn. Division requested. Motion failed on vote of 7-14.

During discussion of **ERO 33**, the Committee voiced a number of concerns and comments.

Summary of comments from Committee members in support of the motion to adopt **HR 6015**:

- It is the intent of the Social Services Budget Committee to have continued discussion on the reorganization plan for the Department of Social and Rehabilitation Services.
- The Committee has a number of concerns about the missing details or plans for the executive reorganization order.
- Agree with many of the sections of the ERO and plan to move forward on the reorganization; however, have a number of concerns about the missing details of the plan.
- The Committee felt it is important to have the Legislature's input into the reorganization discussion.
- Some of the portions of the reorganization could be made during the current year, with additional parts of the reorganization to be continued in the following year after time to do more research.
- The motion before the Committee, will allow the resolution to go to the Committee of the Whole, and give the Budget Committee time to further study the elements contained in the ERO.
- Major questions include reductions in Department on Aging, major changes in budget, very little detail, too short of a period of time to adequately study the reorganization; being advanced without legislative input, other aspects need to be studied, look at major changes, look at children's programs.
- The deadline for action by the Committee of the Whole is March 13th.
- Would like to discuss the possible need for an interim committee to study the reorganization issue.
- Unanswered questions include: Why are the major state agencies purchases excluded such as Corrections and Juvenile Justice? Why are the governmental purchasers of health services such as mental health centers, local health departments, not included? Why has the Legislature not been involved in the design in order to help carry out the reorganization.
- Complete information on staff to be transferred, the exact number of staff to be transferred and number of classified versus non-classified employees has not been provided.

Summary of comments from the Committee against the motion to adopt **HR 6015**:

- There was no prior posting or notification of the Committee action to be taken today on **ERO 33**, **HR 6014** or **HR 6015**.
- Felt that ample testimony has been given to the Committee to make a final decision to approve the ERO.
- The reorganization provides greater accountability, increase in efficiency, increased purchasing power and streamlining the Department of Social and Rehabilitation Services (SRS).
- Provides enhanceability - ability to negotiate with the federal government.
- Moving **HB 6015** to the House floor will send the wrong message to the Committee of the Whole.
- There is a need for reform in SRS.
- No one has indicated that the current system is satisfactory.
- There were three days of testimony and discussion on **ERO 33** before the full Committee with adequate information provided.
- Felt that a lot of time has been spent on the reorganization by the Department of Administration and the Governor's office.
- ERO has been in Committee for 26 days.
- Legislative branch of government is primarily a policy setting phase of government. Executive branch should be allowed to do their job to create more efficient government.

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Representative Schwartz introduced her intern, Laura Day. Representative Sawyer introduced his intern, Elizabeth Cook.

The meeting was adjourned at 10:40 a.m. The next meeting will be held on Friday, February 11, 2005.

Melvin Neufeld, Chair