

Approved: March 8, 2005  
Date

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on February 8, 2005 in Room 123-S of the Capitol.

All members were present.

### Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes  
Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Susan Kannarr, Kansas Legislative Research Department  
Matt Spurgin, Kansas Legislative Research Department  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

### Conferees appearing before the committee:

Senator Roger Reitz  
Randall Allen, Executive Director, Kansas Association of Counties  
Michael B. Kearns, Riley County Board of Commissioners  
Kevin A. Graham, Assistant Attorney General, Office of the Attorney General (written)

### Others attending:

See attached list.

### Bill Introductions

Chairman Umbarger explained that Attorney General Phill Kline and the Disability Rights Center of Kansas have partnered in the drafting of three bills: Senator Schmidt moved, with a second by Senator Schodorf, to introduce first, a bill regarding limiting the powers of a guardian to withhold or withdraw medical treatment; and, prohibiting conflicts of interest of guardians. Also, prevent conflict of interest with guardians/conservators (5rs0821); second, a bill establishing the protection and advocacy for Kansans with disabilities fund (5rs0812); and third, establishment on limits on use of seclusion rooms and restraints in public schools; and the establishment of a parent education training fund (5rs0899). Motion carried on a voice vote.

Copies of the following sets of minutes were distributed to the committee for review for the meetings of January 18, January 20, January 21, January 24, January 25 and January 26, 2005. The Chairman mentioned that if there are any corrections, additions or deletions to the minutes, please call his office. These sets of minutes are scheduled for approval by the committee at the February 10, 2005 meeting.

Chairman Umbarger opened the public hearing on:

### **SB 90--Payment of costs of litigation in civil commitment of sex predator cases**

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees on the bill:

Senator Roger Reitz testified before the Committee as one of the sponsors of **SB 90 (Attachment 1)**. Senator Reitz explained that the bill attempts to specifically authorize the State to pay for the cost of litigation involving civil action establishing whether a person is a sexual predator. He mentioned that these cases are initiated by the Attorney General and the sum total of all the court costs currently are paid by counties where the offender was originally tried in a criminal trial. Senator Reitz expressed concern that this is a financial burden that can be overwhelming for the county involved and should be borne by the State because

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on February 8, 2005 in Room 123-S of the Capitol.

prosecution is the responsibility of the Attorney General.

Randall Allen, Executive Director, Kansas Association of Counties, spoke in support of **SB 90** (Attachment 2). Mr. Allen mentioned that at their annual conference held in November 2004, their membership unanimously adopted a position supporting legislation requiring the State to pay the costs of cases filed under the Act. He also explained that county resources are very scarce and although they support the goals of the Act, all Kansas residents through their state taxes should share the cost of enforcement.

Michael B. Kearns, Riley County Board of Commissioners, testified in support of **SB 90** (Attachment 3). He noted that in 2003 alone, Riley County had two sexual predator cases that cost the county \$20,049.78. Mr. Kearns urged the Committee to amend the Act to require the State to pay the cost of cases filed under this Act.

Kevin A. Graham, Assistant Attorney General, Office of the Attorney General, provided written testimony on **SB 90** (Attachment 4). Mr. Graham was available for questions.

Following discussion, the Committee requested information from Mr. Allen regarding how much money the counties have spent in these cases that have been prosecuted by the Attorney General's Office. Mr. Allen responded that he would be able to provide this information to the Committee.

There being no further conferees to come before the committee, the Chairman closed the public hearing on **SB 90**.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2005 and FY 2006 were available to the committee.

**Subcommittee budget report on:**

**Kansas Department of Health and Environment (Attachment 5)**

Subcommittee Chairwoman Vicki Schmidt reported that the subcommittee on the Kansas Department of Health and Environment concurs with the Governor's recommendation in FY 2005 with comment and concurs with the Governor's FY 2006 recommendations with exception and comments.

Senator Morris moved, with a second by Senator Barone, to amend the subcommittee report to add language regarding that the Committee notes its appreciation for the efforts of people involved in the Kansas Mission of Mercy (KMOM) due to the Committee's belief in the valuable role oral healthcare plays in improving the public's health, and to include more detail about the mission. Motion carried on a voice vote.

Senator Betts moved, with a second by Senator Teichman, to adopt the subcommittee budget report as amended on the Kansas Department of Health and Environment in FY 2005 and FY 2006. Motion carried on a voice vote.

The meeting adjourned at 11:35 a.m. The next meeting is scheduled for February 9, 2005.