

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chair Melvin Neufeld at 12:30 p.m. on March 27, 2003, in Room 514-S of the Capitol.

All members were present except: Representative Andrew Howell - excused
Representative Barbara Ballard - excused

Committee staff present: Amy Deckard, Legislative Research Department
Becky Krahl, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Robert Chapman, Legislative Research Department
Julian Efird, Legislative Research Department
Martha Dorsey, Legislative Research Department
J. G. Scott, Legislative Research Department
Jim Wilson, Revisor of Statutes
Nikki Feuerborn, Administrative Analyst
Shirley Jepson, Committee Secretary

Conferees appearing before the committee: Tuck Duncan, Kansas Wine & Spirits Wholesalers Association
Robert Longino, Alcohol Beverage Control
Jim Conant, Department of Revenue
Kathy Porter, Office of Judicial Administration
Roger Werholz, Secretary of Corrections

Others attending: See attached

- Attachment 1 Fiscal Note on **HB 2458**
- Attachment 2 **HB 2458** testimony, Tuck Duncan, Kansas Wine & Spirits Wholesalers
- Attachment 3 **HB 2053** testimony, Kathy Porter, Office of Judicial Administration
- Attachment 4 **HB 2053** Budget Committee Recommendation
- Attachment 5 Fiscal Note on **HB 2461**
- Attachment 6 **HB 2461** testimony by Roger Werholtz

Hearing on HB 2458--Transferring the duties of the division of alcoholic beverage control to the Kansas highway patrol.

Julian Efird, Legislative Research Department, explained the bill which would transfer the Alcohol Beverage Control Division (ABC) from the Department of Revenue to the Kansas Highway Patrol. This bill would help implement one of the Governor's budget recommendations; it was also recommended by the Public Safety Budget Committee.

A fiscal note on **HB 2458** from Division of the Budget, was distributed (Attachment 1).

Tuck Duncan, Kansas Wine & Spirits Wholesalers Association, presented testimony in opposition to the transfer at this time. Mr. Duncan noted that they do not oppose the concept; however, the bill does not address all of the concerns of the proposed movement of the ABC and there is not sufficient time to complete the details for such a transfer of authority. Mr. Duncan stated that the bill does not transfer all of the functions relating to ABC; particularly the duties of the licensing and compliance functions. Attached to Mr. Duncan's testimony, is a copy of the testimony he presented to the Taxation Committee (Attachment 2).

Robert Longino, Alcohol Beverage Control, expanded on the problems not addressed by the bill, concerning the Licensing and Compliance Section. Mr. Longino indicated that the 38 FTE's addressed in the bill are administration and enforcement positions and the bill does not transfer all the employees working within ABC functions; it some FTE's in the Division of Taxation of the Department of Revenue. He explained that the concept has merit; however, **HB 2458**, as written poses some serious problems.

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Jim Conant, Department of Revenue, explained how the transfer would affect the duties of Department of Revenue personnel especially those positions that interact with both the Department of Revenue and the Alcoholic Beverage Control Division.

The Hearing on **HB 2458** was closed.

Hearing and action on HB 2053--Authorizes the expenditure of funds by the Judicial Branch for a Seal of Justice in the Supreme Court Courtroom of the Judicial Center.

Carolyn Rampey, Legislative Research Department, explained the bill which authorizes the expenditure of funds by the Judicial Branch from the State General Fund or any special revenue fund for a replica of the Seal of Justice in the Supreme Court Courtroom of the Judicial Center.

Kathy Porter, Office of Judicial Administration, presented testimony voicing concern about the funding if the bill is passed (Attachment 3). Ms. Porter did not have a position on the bill but suggested that the seal could ideally be funded from private donations to the gift and benefit fund.

Representative McCreary, Chair of the Tax, Judicial, Transportation and Retirement Budget Committee, informed the Committee that the Budget Committee recommends amending the bill as follows: "The Supreme Court is hereby authorized to accept gifts and donations to pay for the cost of obtaining and installing the seal. Any funds received from gifts or donations could be credited to the existing Judicial Branch gifts funds."

Representative McCreary moved for the adoption of the Tax, Transportation Judicial and Retirement Budget Committee's report on HB 2053 as amended (Attachment 4). The motion was seconded by Representative Klein. Motion carried.

Representative Shriver moved to pass out HB 2053 favorably. The motion was seconded by Representative Minor. Motion carried.

Hearing and action on HB 2461--Authorizes the secretary of corrections to convey land to the city of Hutchinson.

Martha Dorsey, Legislative Research Department, explained that the bill authorizes the transfer of seven acres of land located in Reno County and owned by the Department of Corrections, at no cost, to the City of Hutchinson for the purpose of building an animal shelter. The Department of Corrections currently has no use for the land.

A fiscal note on **HB 2461** was distributed to the Committee (Attachment 5).

Roger Werholtz, Secretary of Corrections, presented written testimony supporting an amendment that would address the error in the language of line 22 of the bill concerning the legal description of the land (Attachment 6).

Representative Mike O'Neal presented a few comments in support of the bill, noting that he has spoken with both the Department of Corrections and the City of Hutchinson and felt this is a good partnership between the two entities.

Representative O'Neal stated that he felt the animal shelter would afford the prison some opportunity for employment of inmate labor and inmate involvement in the shelter.

The hearing on **HB 2461** was closed.

Representative Klein moved to adopt the balloon amendment to change the language in Line 22 of HB 2461, striking the words "thence continuing S89 degrees 43'12" W, 550.00 feet" and inserting the words "thence continuing S89 degrees 43'12" W, 650.00 feet". The motion was seconded by Representative Campbell. Motion carried.

Representative Feuerborn moved to pass out HB 2461 favorably as amended. The motion was seconded by Representative Pottorff. Motion carried.

CONTINUATION SHEET

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HB 2067—Establishing the state-wide independent living council

Representative Landwehr, Chair of the Social Services Budget Committee, presented the recommendation from the Budget Committee on **HB 2067**, which establishes the State-wide Independent Living Council of Kansas.

Representative Landwehr moved to amend the bill on Page 3, Line 15, by correcting the “on” to read “one” and to pass the bill favorably as amended. The motion was seconded by Representative Henry. Motion carried.

The meeting was adjourned at 1:30 p.m. The next meeting will be on Friday, March 28th, upon first recess of the House.

Melvin Neufeld, Chair