

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on March 18, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator David Wysong- excused

Committee staff present:

J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Estelle Montgomery, Kansas Legislative Research Department
Christina Butler, Kansas Legislative Research Department
Dylan Dear, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Cody Gorges, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research Department
Heather O'Hara, Kansas Legislative Research Department
Jonathan Tang, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the Committee:

Representative Steve Huebert
Kathy Greenlee, Secretary, Department on Aging
Senator Pat Apple

Others attending:

See attached list.

Introduction of proposed legislation

Senator Kelly moved to introduce legislation concerning Attorney General's litigation funds (9rs0945). The motion was seconded by Senator Kultala. Motion carried on a voice vote.

Senator Kelly moved to introduce legislation concerning the Attorney General's office pertaining to a cap on the crime victim's fund (9rs0943). The motion was seconded by Senator Lee. Motion carried on a voice vote.

Approval of minutes

Senator Taddiken moved to approve the minutes of March 9, March 10, March 11, March 12 and March 13 as written. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Hearing on HB 2354 - Claims against the state.

Amy Deckard, Legislative Research Department, explained that **HB 2354** is the annual bill before the Legislature to authorize expenditures for the payment of specific claims against the state of Kansas. Ms. Deckard noted that the House amended the bill to include payment to Eldon Ray in the amount of \$3,122 from the Board of Technical Professions Fee Fund for reimbursement for expenses associated with defending himself from a claim of practicing architecture or engineering without a license. Responding to a question from the Committee, Ms. Deckard stated that the claim by Eldon Ray is an issue that has been addressed during the 2007, 2008 and 2009 Legislative Sessions, with no payment being authorized during any of those sessions.

Representative Steve Huebert appeared before the Committee and explained that the House amendment is an effort to "put to rest" the Eldon Ray issue, noting that the payment would be made from the Board of

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Technical Professions fee fund. The original claim, submitted by Mr. Ray, was over \$8,000; however, the \$3,122 is for documented expenses.

Written testimony from the Kansas State Board of Technical Professions was distributed to the Committee (Attachment 1). The Board noted that Mr. Ray is an unlicensed individual, who provided architectural services and further requests that Section 7 be deleted from **HB 2354**.

The hearing on **HB 2354** was closed.

Senator Vratil moved to amend **HB 2354** by deleting Section 7 on Page 9. The motion was seconded by Senator Kelly. Motion carried on a voice vote. Senator Masterson requested to be recorded as voting "no".

Senator McGinn moved to recommend **HB 2354** favorable for passage as amended. The motion was seconded by Senator Vratil. Motion withdrawn with approval of the second.

Confirmation Hearings on Kansas Health Policy Authority Board appointees

The Committee took action on the following Kansas Health Policy Authority (KHPA) Board members for reappointment to the Board:

Senator Kelly moved to approve the re-appointment of Joe Lee Tilghman to the KHPA Board, to serve a term of 4 years, expiring on March 15, 2012. The motion was seconded by Senator Lee. Motion carried on a voice vote.

Senator Kelly moved to approve the re-appointment of Garen Lorimer Cox to the KHPA Board, to serve a term of 4 years, expiring on March 15, 2012. The motion was seconded by Senator Kultala. Motion carried on a voice vote.

Senator Teichman moved to approve the re-appointment of E. J. "Ned" Holland, Jr., to the KHPA Board, to service a term of 4 years, expiring on March 15, 2012. The motion was seconded by Senator Lee. Motion carried on a voice vote.

Subcommittee Report on State Conservation Commission, Kansas Water Office, Department of Wildlife and Parks

Senator McGinn, Chair of the Subcommittee, presented the Subcommittee report on the Governor's budget recommendations for the State Conservation Commission, Kansas Water Office and the Department of Wildlife and Parks for FY 2010 with notations and adjustments (Attachment 2). The motion was seconded by Senator Lee. Motion carried on a voice vote.

Responding to a question from the Committee with reference to Item No. 5 and the possibility of the Department of Wildlife and Parks purchasing a portion of the grounds at the Atchison Juvenile Correctional Facility Complex, Senator McGinn stated that the land is unoccupied grounds, including farmland and forested areas and not a part of the complex that may be sold to another bidder.

Subcommittee Report on Department of Commerce, Kansas, Inc., Kansas Technical Enterprise Corporation

Senator McGinn, Chair of the Subcommittee, presented the Subcommittee report on the Governor's budget recommendations for the Department of Commerce, Kansas, Inc. and Kansas Technical Enterprise for FY 2010 with notations and adjustments (Attachment 3).

Senator Schmidt moved to amend the Subcommittee report on the Department of Commerce with the introduction of legislation to move the Kansas Athletic Commission to the Kansas Racing and Gaming Commission as addressed in Item No. 5 of the Department of Commerce report. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

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Senator McGinn moved for the adoption of the Subcommittee report on the Department of Commerce as amended, Kansas, Inc., and Kansas Technical Enterprise Corporation for FY 2010 with notations and adjustments. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Subcommittee Report on Department on Aging

Senator Schodorf, Chair of the Subcommittee, presented the Subcommittee Report on the Governor's budget recommendations for the Department on Aging for FY 2010 with notations and adjustments (Attachment 4).

Senator Schodorf moved to amend the Subcommittee report on the Department on Aging by allowing staff to make technical corrections to Item No. 8, Item No. 9 and elsewhere as needed. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Lee moved to amend the Subcommittee report of the Department on Aging by requesting a review of funding for the Senior Companion program at Hays during Omnibus. The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Responding to a question from the Committee, Kathy Greenlee, Secretary, Department on Aging, stated that the only federal stimulus funding that the Department on Aging would probably receive would be Medicaid and nutrition funding through the Older Americans Act, a total of approximately \$800,000.

Senator Vratil moved to amend the Subcommittee report on the Department on Aging to reflect that the Subcommittee recommends the proviso pertaining to the Governor's recommendation on suspension of using a rolling three-year average for determining nursing facility reimbursement rates be deleted from **SB 304** and subsidy law legislation be drafted to address same. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Schodorf moved to adopt the Subcommittee report on the Department on Aging for FY 2010 as amended. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Subcommittee report on Capital Improvements

Senator Umbarger, Chair of the Subcommittee, presented the Subcommittee report on the Governor's budget recommendations on Capital Improvements for FY 2010 (Attachment 5).

Responding to questions from the Committee, the Subcommittee stated that the funding for the MacVicar Avenue improvement assessment charged by the city of Topeka has been deleted because of a dispute between the state and the city of Topeka over the city's obligation on the utility tunnel project.

Responding to another question regarding closure of state facilities, Amy Deckard, Legislative Research Department, stated that a Governor's Executive Order appointed a commission to review state building closings, is scheduled to begin meeting in April, and will develop a report to be distributed by December 2009.

Senator Umbarger moved to amend the Subcommittee report on capital improvements for the Juvenile Justice Authority, Item No. 1, by changing the \$213,855 to read \$268,783. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Umbarger moved to adopt the Subcommittee Report on Capital Improvements for FY 2010 as amended. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Discussion and Action on SB 310 - SRS prohibited from placing more than six sexually violent predators in any one county on transitional release or conditional release.

Senator Umbarger, Chair of the Subcommittee, appointed by Chairman Emler, on **SB 310**, explained that the Subcommittee met and reviewed the legislation.

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Senator Pat Apple appeared before the Committee and presented an amendment to **SB 310** to clarify language in the legislation concerning the school located on the grounds of the Osawatomie State Hospital, raised the number of sexually violent predators in any one county from 6 to 8 and added language concerning a report on the number of predators in each county (Attachment 6).

Senator Umbarger moved to adopt the balloon amendment on **SB 310**. The motion was seconded by Senator Lee. Motion carried on a voice vote.

Senator Lee moved to recommend **SB 310** favorable for passage as amended. The motion was seconded by Senator Umbarger. Motion carried on a voice vote.

Adjournment

The next meeting is scheduled for March 19, 2009.

The meeting was adjourned at 12:10 p.m.