

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 12:30 p.m. on March 27, 2008, in Room 514-S of the Capitol.

All members were present except:

Representative Virginia Beamer - excused
Representative Pat George - excused

Committee staff present:

J. G. Scott, Legislative Research Department
Cody Gorges, Legislative Research Department
Audrey Dunkel, Legislative Research Department
Julian Efir, Legislative Research Department
Michael Steiner, Legislative Research Department
Jarrod Waltner, Legislative Research Department
Jim Wilson, Revisor of Statutes
Nobuko Folmsbee, Revisor of Statutes
Jason Long, Revisor of Statutes
Nikki Feuerborn, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Roger Werholtz, Secretary, Department of Corrections
Frank Henderson, Executive Director, Crime Victims Compensation Board, Attorney General's Office
Sandy Barnett, Kansas Coalition for Sexual and Domestic Violence
Scott Schneider, Director of Government Affairs, Cox Communications
Brad Williams, Executive Director, Kan-ed

Others attending:

See attached list.

- Attachment 1 Testimony on **SB 524** by Secretary Werholtz
- Attachment 2 Testimony on **SB 524** by Frank Henderson
- Attachment 3 Testimony on **SB 524** by Sandy Barnett
- Attachment 4 Testimony on **HB 2990** by Scott Schneider
- Attachment 5 Written testimony on **HB 2990** by Richard Veach
- Attachment 6 Testimony on **HB 2990** by Brad Williams
- Attachment 7 Written testimony on **HB 2990** by Jennifer Findley
- Attachment 8 Written testimony on **HB 2990** by Rosanne Siemens

Hearing on **SB 524**

Hearing on SB 524 - Secretary of corrections authorized to expend funds collected from inmates for crime victims assistance, inmate services and supervision and management of offenders.

Jarrod Waltner, Legislative Research Department, explained that **SB 524**, as amended, would create a new fund in the Department of Corrections called the Victims Assistance Fund and shift the funding from the Crime Victims Compensation Fund in the Attorney General's office to the new fund for 1 year at which time the fund would be returned to the Attorney General's office.

Responding to questions from the Committee, Mr. Waltner noted the reasoning is because of reduced funding from the federal Byrne grant - a reduction of approximately 2/3 from previous funding, resulting in considerable lost funding for the Department of Corrections. Mr. Waltner stated that the Attorney General's office has a surplus in the Crime Victims Compensation Fund at the present time.

Roger Werholtz, Secretary, Department of Corrections, presented testimony in support of **SB 524**

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(Attachment 1). Secretary Werholtz noted that this is a short-term remedy stating that **SB 524** would amend current law and provide that fees collected from offenders for services provided to them could be used to fund the Department's crime victim assistance operations. The 1-year program authorized by **SB 524** would allow the Department of Corrections to continue services until new funding is established.

Responding to questions from the Committee, Secretary Werholtz stated that there is a legislative nationwide effort to get federal grant funding restored to the previous level of funding. The Secretary indicated that the funding is used for preparation of offenders for release, working with the victims and keeps them informed, assist victims when they appear in court and help victims to understand policies.

Frank Henderson, Executive Director, Crime Victims Compensation Board, provided testimony in support of **SB 524** (Attachment 2). Mr. Henderson stated that the Crime Victims Compensation Board is confident that they can absorb the anticipated \$348,000 reduction of revenue in FY 2009 as a result of **SB 524** and assist with the immediate need of the Department of Corrections.

Responding to a question from the Committee concerning the balance in the fund, Mr. Henderson stated that the balance varies with an approximate pay-out in FY 2007 of \$4 million. The largest source of revenue is the percentage of fines and penalties assessed by the District Courts.

Sandy Barnett, Kansas Coalition for Sexual and Domestic Violence, presented testimony in support of **SB 524** (Attachment 3). Ms. Barnett stated that they support the legislation in order to keep crime victims as safe as possible.

There were no other proponents or opponents to appear before the Committee.

The hearing on SB 524 was closed.

Hearing on HB 2990

Hearing on HB 2990 - Kan-Ed act; purposes of act.

Audrey Dunkel, Legislative Research Department, explained that **HB 2990** concerns the Kan-ed act and further defines the network. Ms. Dunkel noted that the Board of Regents indicated that there would be some fiscal impact from the legislation; however, it has not been determined at this time.

Scott Schneider, Cox Communications, presented testimony in support of **HB 2990** (Attachment 4). Mr. Schneider noted that they have been working with Kan-ed concerning changes in the system. At the present time, Kan-ed indicates that industry will have the ability to connect into the Kan-ed system. Mr. Schneider noted that the legislation would establish ground rules and make sure that vendors have the right to connect to the Kan-ed network.

Written testimony in support of **HB 2990** was received from Richard Veach, General Manager and CEO, Pioneer Communications (Attachment 5).

Brad Williams, Chief Information Officer, Kan-Ed, presented testimony in opposition to **HB 2990** (Attachment 6). Mr. Williams stated that the legislation would not allow Kan-Ed to set standards to provide a secure system for the members.

Responding to questions from the Committee, Mr. Williams stated that he would be willing to work with Kan-ed to determine language that should appear in the bill to provide security for those using the network; however, it would take considerable time to accomplish. Mr. Williams stated that the intent of Kan-ed was to have a stronger approach. It was the decision of Kan-ed to allow locate providers to connect local members to the network and allow for a choice. Mr. Williams felt that the language in the bill was not progress in the right direction.

Written testimony in opposition to **HB 2990** was received from:

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- Jennifer Findley, Director of Education, Kansas Hospital Association (Attachment 7).
- Rosanne Siemens, Executive Director, Kansas Library Association (Attachment 8).

There were no other proponents or opponents to appear before the Committee.

The hearing on HB 2990 was closed.

Hearing on HB 2991

Hearing on HB 2991 - Juvenile justice authority; creating the juvenile correctional facilities closure and repurposing commission.

Representative Tafanelli explained that **HB 2991** would establish a Juvenile Justice Authority Commission for the purpose of closing or re-purposing facilities with declining population. The bill would set up a 9-member board charged with review of the future of the facilities and make recommendations to the legislature on closure or re-purposing the facilities.

Responding to a question from the Committee, Representative Tafanelli stated that if the Board made a recommendation for re-purposing of a facility, the recommendation would be subject to appropriations. If the recommendation was for closure, it would be automatic.

Russ Jennings, Commissioner, Juvenile Justice Authority (JJA), presented testimony neutral on **HB 2991**. Mr. Jennings noted that there have been questions about what to do with unused facilities and requires a review of options. Responding to a question from the Committee, Mr. Jennings stated that the legislation calls for JJA to staff the Commission and provide assistance to the Commission to complete the process.

There were no other proponents or opponents to appear before the Committee.

The hearing on HB 2991 was closed.

Discussion and Action on Sub for SB 485

Discussion and Action on Sub for SB 485 - Sub for S 485 by Committee on Ways and Means—Counties; alternative building construction procurement contracts; bidding changes.

Representative Watkins made a motion to recommend Sub for SB 485 favorable for passage. The motion was seconded by Representative Masterson.

Representative Watkins made a substitute motion to amend Sub for SB 485 by adding “school districts”. The motion was seconded by Representative Masterson. Motion failed on an 8-10 vote.

Representative Watkins renewed the motion to recommend Sub for SB 485 favorable for passage. The motion was seconded by Representative Masterson. Motion carried.

Discussion and Action on HB 2987/SB 387

Discussion and Action on HB 2987 - Deferred maintenance support, pilot investment program for investment of idle funds of a state educational institution.

Representative Tafanelli made a motion to recommend HB 2987 favorable for passage. Motion was withdrawn.

Representative Tafanelli made a motion to remove the contents of SB 387, insert the contents of HB 2987 into House Substitute for SB 387 and recommend H Sub for SB 387 favorable for passage. The motion was seconded by Representative Wolf. Motion carried.

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Discussion and Action on SB 417

Discussion and Action on SB 417 - Establishing a housing development grant program; waiving certain requirements for rural housing incentive district creation.

Representative Feuerborn made a motion to recommend **SB 417** favorable for passage. The motion was seconded by Representative Masterson.

Representative Feuerborn made a substitute motion to amend language in **SB 417**, Line 36 by striking the \$50,000 and insert language to reduce amount to "not more than \$25,000". The motion was seconded by Representative Gatewood. Motion carried.

Representative Yoder made a motion to amend **SB 417** by delete reference to funding from the Expanded Lottery Act Revenues Fund (ELARF) and insert language to be funded by the State General Fund (SGF). The motion was seconded by Representative Gatewood. Motion carried.

Representative Masterson made a motion to amend **SB 417** by adding language for reimbursement to the State General Fund (SGF) from the Expanded Lottery Act Revenue Fund (ELARF) if funds became available in ELARF. The motion was seconded by Representative Tafanelli. Motion failed.

Representative Tafanelli made a motion to amend **SB 417** to remove any reference to the two federally declared disasters in the bill and make it applicable to all federally declared disasters. The motion was seconded by Representative Powell. Motion withdrawn with approval of the second.

Representative Feuerborn made a motion to recommend **SB 417** as amended favorable for passage. The motion was seconded by Representative Lane. Motion carried.

Bills with Hearings Earlier Today

There was no objection from any member of the Committee to working bills that had hearings earlier today.

Discussion and Action on HB 2991

Discussion and Action on HB 2991 - Juvenile justice authority; creating the juvenile correctional facilities closure and repurposing commission.

Representative Tafanelli made a motion to recommend **HB 2991** favorable for passage. The motion was seconded by Representative Holmes.

Representative Tafanelli made a substitute motion to amend **HB 2991** by deleting language on Page 2, Section 3(b) binding future legislatures and allow for technical corrections to the bill. The motion was seconded by Representative Bethell. Motion carried.

Representative Tafanelli made a motion to recommend **HB 2991** favorable for passage as amended. The motion was seconded by Representative Wolf. Motion carried.

Discussion and Action on HB 2990

Discussion and Action on HB 2990 - KAN-ED act; purposes of act.

Representative Watkins made a motion to recommend **HB 2990** favorable for passage. The motion was seconded by Representative Masterson.

Representative McLeland made a substitute motion to remove language in **SB 391** and insert the

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language of **HB 2990** into **House Substitute for SB 391**. The motion was seconded by Representative Bethell. Motion carried.

Representative Bethell made a motion to recommend **H Sub for SB 391** favorable for passage as amended. The motion was seconded by Representative Watkins. Motion carried.

Discussion and Action on SB 524

Representative Feuerborn made a motion to recommend **SB 524** favorable for passage. The motion was seconded by Representative Tafanelli. Motion carried.

Adjournment

The meeting was adjourned at 2:15 p.m. The next meeting of the Committee will be "on call of Chair".

Sharon Schwartz, Chair