

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Marc Rhoades at 9:12 a.m. on February 15, 2011, in Room 346-S of the Capitol.

All members were present

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Alan Conroy, Kansas Legislative Research Department
J.G. Scott, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Shirley Morrow, Kansas Legislative Research Department
Cindy O'Neal, Administrative Assistant, Appropriations Committee
Kathy Holscher, Committee Assistant, Appropriations Committee

Others attending:

See attached list.

- Attachment 1 FY 2012 Budget Committee Report-CPOST, Board of Indigents' Defense Service and Sentencing Commission
- Attachment 2 FY 2012 Court of Appeals Budget Committee Report
- Attachment 3 Court of Tax Appeals Filing Fees

Chairman Rhoades welcomed committee members and reviewed the committee agenda.

Representative Schwartz made a motion to introduce legislation regarding an act creating the Ark River Engaging fund. The motion was seconded by Representative Lane. Motion carried.

Representative Peck, Chair, House Transportation and Public Safety Budget Committee, presented the Kansas Commission on Peace Officers' Standards and Training FY 2012 Budget Committee Report, (Attachment 1). The Budget Committee concurred with the Governor's recommendation with the following adjustments and notations; add \$5,500 from this fund to partially restore the Governor's FY 2012 recommended reductions; review docket fee funding and reevaluate funding needs in FY 2013, noted that the agency may need additional funding and staff to fulfill any responsibilities relating to racial profiling duties and the agency is working on a more detailed project plan for needs and expenditures for the law enforcement officer tracking system.

Representative Peck made a motion to adopt the Kansas Commission on Peace Officers' Standards and Training FY 2012 Budget Committee Report. The motion was seconded by Representative Gatewood.

Discussion followed by committee members regarding funding fees. It was noted that this agency was established two years ago.

Representative Mast made a substitute motion to adopt the Governor's recommendation for this agency. The motion was seconded by Representative DeGraaf.

Discussion continued by committee members. It was noted that agency funding comes from docket fees not State General Fund dollars. Concern was expressed regarding on-going fee sweeps and the impact on agency services and programs.

The substitute motion was renewed. Motion failed.

Committee members continued discussion regarding disciplinary action, investigations and hearings.

Representative Denning made a substitute motion to remove travel expenses. The motion was seconded by Representative Brown.

Discussion followed by committee members regarding training opportunities, out-of-state travel and technology upgrades.

The substitute motion was renewed. Motion failed.

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Representative Peck renewed the motion to adopt the FY 2012 Kansas Commission on Peace Officers' Standards and Training Budget Committee Report. The motion carried.

Representative Peck, Chair, House Transportation and Public Safety Budget Committee, presented the Board of Indigent's Defense Services FY 2012 Budget Committee Report, (Attachment 1). The Budget Committee concurred with the Governor's recommendation with the following adjustments: add \$558,000 for SGF to offset the American Reinvestment and Recovery Act (ARRA) and Justice Assistance Grant, noted the Legislative Post Audit's new payment review of indigent defense work and will investigate procedures used to ensure recoupment of fees and costs from indigent persons, questions raised regarding assigned counsel versus public defender costs for casework, and longevity bonuses.

Representative Peck made a motion to adopt the Board of Indigent's Defense Services FY 2012 Budget Committee Report. The motion was seconded by Representative Gatewood.

Discussion followed by committee members regarding issues of utilizing public defenders and outside counsel, pay scales and turnover rates, increased caseloads, and the impact of ARRA dollars that will not be available in FY 2012.

Patricia Scalia, Executive Director, Indigent's Defense Services, responded to questions from committee members. She stated that there have been substantial increased caseloads. It was noted that the Sentencing Commission would have data on the number of people serving time, who were coached and those who were not sentenced.

Representative Kelley made a substitute motion to remove the Budget Committee recommendation to add \$558,000 to the SGF. The motion was seconded by Representative Mast.

Discussion followed regarding the substitute motion. It was noted that these funds were backed out of the budget and then restored in order to accept the stimulus money for the state revenues. Staffing issues, wages and benefits was discussed. It was noted that in some cases funds were depleted and payment was made at a later date for services. Concerns for violating the law when addressing the right to a speedy trial was expressed by committee members.

J.G. Scott, Chief Fiscal Analyst, Legislative Research Department, responded to questions from committee members. He stated that the SGF allows for flexible spending, however, the \$558,000 was established for assigned council.

Representative Kelley renewed the substitute motion. Motion failed.

Representative Peck renewed the motion to adopt the Budget Committee Report. Motion carried.

Representative Peck, Chair, House Transportation and Public Safety Budget Committee, presented the Kansas Sentencing Commission FY 2012 Budget Committee Report, (Attachment 1). The Budget Committee concurred with the Governor's recommendation with the following notation: the commission is improving efforts to collect fees.

Representative Peck made a motion to adopt the Kansas Sentencing Commission FY 2012 Budget Committee Report. The motion was seconded by Representative Pottorff. Motion carried.

Representative McLeland, Chair, House General Government Budget Committee presented the Court of Tax Appeals FY 2012 Budget Committee Report, (Attachment 2). The Budget Committee concurred with the Governor's recommendation with the following adjustment: add language authorizing the creation of a commission to study the loser-pay option.

Representative McLeland made a motion to adopt the Court of Tax Appeals FY 2012 Budget Committee Report. The motion was seconded by Representative DeGraaf.

Discussion followed by committee members regarding the composite, responsibilities and expenditures of the commission. It was noted that the commission would be funded with existing resources by the agency for incidentals. A review of the Court of Tax Appeals Filing Fees, (Attachment 3) followed, which reflects the Governor's recommendation for increased filing fees for property and food sales taxes over

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\$10,000.

Janice Lee, Director, Court of Tax Appeals, responded to questions from committee members. She provided an overview of the agency and noted that there are no fee charges for small claims or residential property, unless the dispute is \$10,000 or more as per the Governor's recommendation. It was noted that the regular court receives 14% of funding from fees and the new recommendation will increase funding fees to 67%. The concern was expressed regarding the impact on increased fees and the impact on businesses and industry as related to Economic Development exemptions. Director Lee stated that the process was underway regarding the recommended fee changes, which will require a public hearing.

Chairman Rhoades stated that discussion on the Board of Tax Appeals Budget Committee recommendations will be tabled until the committee meets tomorrow.

The meeting was adjourned at 11:00 a.m.

Marc Rhoades, Chairman