

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Vice Chairperson Melvin Neufeld at 9:05 a.m. on January 26, 2000 in Room 514-S of the Capitol.

All members were present except: Rep. Allen - excused

Committee staff present: Alan Conroy, Kansas Legislative Research Department
Stuart Little, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Leah Robinson, Kansas Legislative Research Department
Jim Wilson, Office of the Revisor
Mike Corrigan, Office of the Revisor
David Stallings, Assistant to the Chairman
Mary Shaw, Committee Secretary

Conferees appearing before the committee:
Ron Thornburgh, Secretary of State

Others attending: See attached list.

Vice Chairman Neufeld opened the meeting by mentioning that the Committee would be hearing a staff briefing with possible action on **HB 2660** - **Claims Against the State**.

Vice Chairman Neufeld introduced Dr. Bill Wolff, Kansas Legislative Research Department, who gave the briefing on **HB 2660**. Dr. Wolff mentioned that **HB 2660** represents the work product of the Joint Committee on Special Claims Against the State which met during the 1999 interim. Numerous claims were presented to the Joint Committee for consideration. He noted that what is seen in **HB 2660** are those claims for which the committee recommended some payment. Dr. Wolff continued detailing the Claims Bill. Within the bill, Dr. Wolff noted that the only claim in the bill where there was a direct appropriation recommended from the State General Fund, was for the prosecution and incarceration of Dr. L. Stan Naramore, who was subsequently acquitted by the Kansas Court of Appeals in the amount of \$250,000 dollars.

Chairman Adkins welcomed Representative Don Dahl, Chairman of the Joint Committee on Special Claims Against the State, who was available for questions, and mentioned that Representative Joe Shriver, member of the Appropriations Committee, was also a member of the Joint Committee and was available for questions.

Chairman Adkins mentioned several items that had been distributed to the Committee as follows:

- Memorandum from Harold Riehm, Kansas Association of Osteopathic Medicine (Executive Director during Dr. Naramore Case). (Attachment 1) Also a copy of an editorial that appeared in the January 17, 2000, Hays Daily News regarding the claim of Dr. Stan Naramore (copies available in the Kansas Legislative Research Department).
- Copy of a brief which is dated September 21, 1999, and is the entirety of the record submitted by the attorney for Gene, Peggy and Jennifer Schmidt before the Joint Committee on Special Claims Against the State (Attachment 2) and included with that brief is a letter dated October 18, 1999, addressed to Chairman Dahl and members of the Joint Committee by the Schmidt's attorney, Mr. James Adler (Attachment 3).
- The Chairman also included copies of an electronic mail message he received from Gene Schmidt the day before and he indicated to Mr. Schmidt that he would pass that message along to the members of the Committee (Attachment 4).

Committee questions and discussion followed. Chairman Adkins called the Committee's attention, in

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looking over the bill, that the Naramore claim is the only claim that required a new State General Fund appropriation in the bill. All other claims being paid would come out of previously appropriated funds of the various departments indicated.

Chairman Adkins called the Committee's attention to **HB 2660** and asked what the Committee's pleasure was in regard to the bill:

HB 2660 - Claims Against the State

Representative Weber made a motion, and was seconded by Representative Neufeld, to delete the \$200,000 dollars from the bill for the Schmidt case beginning on page 5, line 37, under Section 6, item (a). Chairman Adkins recognized Representative Weber who explained that this is an item that had come before the Subcommittee by the Department of Corrections, and if the Committee would remember the testimony of last week, the Secretary of Correction related to the Committee that a litigation remedy had been sought for this and denied. It is her belief that the remedy has been denied and that it does not belong in the claims bill. With that information, she asked for support of the motion. A vote was taken and division was requested (14 in favor and 3 against). Motion carried.

Representative Hermes made a conceptual motion regarding agency personnel in processing late claims. The motion was withdrawn by Representative Hermes.

Committee discussion followed regarding the bill.

Representative Stone made a motion, and was seconded by Representative Pottorff, to take \$250,000 dollars from the balances from the Board of Healing Arts Fee Fund to pay the Dr. L. Stan Naramore claim of \$250,000. Committee discussion followed. Representative Stone withdrew his motion with the consent of Representative Pottorff who had seconded the motion.

Representative Spangler made a motion, and was seconded by Representative Stone, to adjust the bill to pay the claim in the amount of \$100,000 dollars from the Board of Healing Arts Fee Fund, \$100,000 dollars from the Attorney General's budget and \$100,000 dollars from the Health Care Stabilization Fund. Representative Spangler mentioned that it more accurately reflects the culpability dispersed among three different funds that mistreated this Kansas citizen and the claim should be paid. Chairman Adkins explained that this increases the amount of the claim to \$300,000 dollars with a third each coming from each of the agencies mentioned. Committee questions and discussion followed.

Representative McKechnie made a substitute motion, and seconded by Representative Pottorff, to leave the Naramore claim amount at \$250,000 dollars that one-third be paid from each of the three agencies, the Board of Healing Arts, the Attorney General and the Health Care Stabilization Fund Board of Governors. Motion carried.

Representative Hermes made a motion, and seconded by Representative Peterson, that the agency head designate that the individual responsible for the late payments of billings receive further training on processing claims by the Department of Administration to prevent further untimely filing or processing of claims. Committee questions and discussion followed. Representative Hermes withdrew her motion with the consent of Representative Peterson who had seconded the motion.

Representative Neufeld made a motion, and seconded by Representative Ballard, to correct a technical error recommended by the Revisor on page 7, line 27, to correct a mistaken citation of statute. Motion carried.

Committee discussion followed.

Representative Neufeld made a motion, and seconded by Representative Peterson, to report **HB 2660** favorable for passage as amended. Motion carried. The Chairman voted "no".

Chairman Adkins turned the Committee's attention to **SB 244**. The Chairman mentioned that the agenda was discussion regarding the presidential preference primary. He mentioned that subsequent to the Committee's action rejecting the Governor's request for \$1.5 million dollars in funding for the budget to

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fund the presidential preference primary, discussion has been going on regarding the participation of Kansas in a regional presidential preference primary. Chairman Adkins welcomed the state's chief election officer, Ron Thornburgh, Secretary of State. The Chairman referred to the article previously distributed from State Government News, and noted that Secretary Thornburgh has been a national leader on trying to articulate the need and benefits of a regional primary system. Chairman Adkins mentioned that, at his request, Secretary Thornburgh had agreed to appear before the Committee.

Chairman Adkins mentioned that a copy of a proposed **Substitute for SB 244** had been distributed to the Committee and would address the status of Kansas as a participant in a regional primary. The Chairman asked Secretary Thornburgh for comments or concerns regarding that proposed substitute bill.

Secretary Thornburgh noted that this bill has been sort of a double-edge sword for him in that it cancels the primary for the year 2000 and he has been a vocal opponent to cancellation and that he felt there should be a primary in the year 2000.

Secretary Thornburgh mentioned that what is being asked for in the language of the bill is for authorization for the Secretary of State's Office to negotiate a multi-state primary. They will try to identify five other states to develop a regional primary system that the State of Kansas will participate in and they realize the Legislature's desire to move to an earlier primary date and they will certainly try to negotiate that with other states. Secretary Thornburgh noted that what he is also asking is that they leave the language rather broad in the bill in that they do not define what times and what states they have to combine with because there are a handful of plans out there today being developed at the national level. There is one plan for a rotating regional primary system that the Secretary noted that he tends to support that comes from the National Association of Secretaries of State in which they divide the country into four regions and each one of the regions would rotate giving a different region the opportunity to go first every 16 years. He mentioned that one of the most important elements of the language is that there is a provision that the Secretary of State's Office must report to the Legislature in November of the year prior to the presidential election. If they do not have a contract with five other states to conduct a multi-state primary in November of the year preceding the election then they automatically revert to, in all likelihood, a caucus system but leave it up to the parties to determine how they would want to select their presidential nominee. One of the great dangers right now in cancelling the primary so late is that campaigns, political parties and voters cannot adapt to changes this quickly and rapidly in what is going on with the system so the Secretary of State has tried to put in a firm deadline that if there is not a system in place, then the Secretary of State will announce what is going to be done, follow through and stick with that particular plan. Chairman Adkins thanked Secretary Thornburgh for appearing before the Committee.

Jim Wilson, Revisor, mentioned that the draft would be a **Substitute to SB 244** and he explained the bill section by section. Committee questions and discussion followed.

Proposed Substitute to SB 244

Representative Reardon made a conceptual motion for an amendment, and was seconded by Representative Dean, to leave all the language in the bill which refers to the structural content of the direction to the Secretary of State, but changes two things: (1) that it does not eliminate the primary for the year 2000 and (2) that the November date be removed and any reference to the fact that if it is not accomplished by November that it cancels the primary for 2004 and everything else in the bill would be the same. Representative Reardon moved his amendment. A vote was taken and division was requested. Motion failed.

Representative Neufeld made a motion, and was seconded by Representative Kline, to amend SB 244 by substituting a new bill as presented to Committee and recommend it favorable for passage. Motion carried.

Representative Neufeld made the motion, and seconded by Representative Kline, for the Committee recommendation to report that SB 244 be amended by substituting a new bill and that the new bill, **Substitute for SB 244**, be reported favorable for passage. Motion carried.

Bill Introductions

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Representative Adkins made a motion by request of Representative Ballard, and seconded by Representative Reinhardt, to introduce a Committee bill to establish the debt reduction fund providing for transfers of budget surpluses thereto. Motion carried.

The Chairman recognized Representative Dean who mentioned that in December 1999 at the National Conference of State Legislators in Washington, D.C., they were fortunate to hear General Colin Powell speak about children and young people and how they can help them become better citizens and more positive with the United States. He spoke about five points and the fifth point was the responsibility young people have in our societies. One of the things General Powell suggested was for young people to belong to the Junior ROTC. Representative Dean mentioned that some young people were present from the Wichita area that belong to the Junior ROTC and are shadows for Legislators for the day. The Chairman welcomed young guests and had them introduce themselves to those present at the meeting.

The meeting adjourned at 10:50 a.m. The next meeting is scheduled for January 27, 2000.