

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairman Kenny Wilk at 9:05 a.m. on February 21, 2001, in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research  
Dr. William Wolff, Legislative Research  
Paul West, Legislative Research  
Amy Kramer, Legislative Research  
Leah Robinson, Legislative Research  
Jim Wilson, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee: Barb Hinton, Legislative Post Audit

Others attending: See Attached

**Hearing on SB 57 – Claims against the State**

Dr. William Wolff, Legislative Research Department, reviewed the bill and answered questions regarding individual claims. He explained that if agencies do not pay a bill within the budget year or encumber funds for the bill, the recourse for the claimant is to file a claim against the state. It was noted that if the claimant accepts payment of the claim in the amount granted by the legislature in the claims bill, the claimant is required to sign a written release of all further claims against the state. Even if the actual claim is larger than the granted amount, if the claimant takes the allocated amount, any additional claim for that particular item is declared null and void. The aggregate amount of the claims against the state is \$276,077.

There were no opponents to the bill and Chairman Wilk declared the hearing closed on **SB 57**.

Representative Hermes moved as she was on the prevailing side, to bring the Budget Committee report on the Governor's budget recommendations for the Attorney General for FY 2002 off the table to reconsider the action of February 20, 2001 to table the report (Attachment 1). Motion was seconded by Representative Nichols. Motion carried.

Representative Nichols withdrew his motion to table the Budget Committee report on the Governor's budget recommendations for the Attorney General for FY 2002 until a date certain, April 19, 2001. Representative Klein withdrew his second.

Representative Shriver issued a substitute motion to adopt the Budget Committee report on the Governor's budget recommendations for the Attorney General for FY 2002 with the inclusion of the Minority Report in the Budget Committee report. Motion was seconded by Representative Klein. Motion failed 12-9.

The Committee discussed the question of the constitutionality of the Executive Branch and the Judicial Branch to make settlement agreements and set up foundations without the involvement of the Legislative Branch.

The following motion now being considered appeared in the Minutes of February 20, 2001, of the House Committee on Appropriations:

Representative Pottorff presented the Budget Committee report on the Governor's budget recommendations for the Attorney General for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted exceptions (Attachment 1). Motion was seconded by Representative Stone.

The Committee questioned the rationale for granting \$50,000 from the drug forfeiture funds for grants of \$10,000 each to the five counties that have the most illegal methamphetamines activity: Allen, Cowley, Saline, Sedgwick, and Shawnee. A map showing the Kansas Law Enforcement Clandestine Methamphetamine Laboratory Seizures was distributed (Attachment 2). Discussion ensued concerning the following

questions: Would such grants be considered an award for the law enforcement agency making the most “busts?” Should the money be awarded on a grant basis? Does this assume that because there were few or no “busts” in several counties that there is no drug activity there? The Committee also discussed the appropriateness of the Attorney General diverting drug forfeiture funds into other purposes rather than earmarking it exclusively for fighting drug activity.

Representative Feuerborn moved for an amendment which would substitute language to the Budget Committee report recommendations on the Governor’s budget recommendations for the Attorney General for FY 2002 by stating that the \$50,000 would be awarded to the top eleven counties that have the most reported illegal methamphetamine activity according to the reported 2000 data on the provided map (Attachment 2). Motion was seconded by Representative Stone. Motion carried.

Representative Schwartz moved to add an amendment to the Budget Committee report recommendations on the Governor’s budget recommendations for the Attorney General for FY 2002 which would require more specific language in the award which would direct the recipient counties to use the money exclusively for controlling methamphetamine activity and not supplant funds already allocated for such use. Motion was seconded by Representative Nichols. Motion carried.

Representative Nichols moved to amend the Budget Committee report recommendations on the Governor’s budget recommendations for the Attorney General for FY 2002 to include a statement that it is the intention of the full House Committee on Appropriations to work with the Judicial Branch, the Executive Branch, and Leadership of the House and Senate in an effort to explore the development of a prospective policy on court settlement moneys and the creation of foundations or other agencies to distribute such funding. Motion was seconded by Representative Campbell. Motion carried.

Representative Pottorff moved for the adoption of the Budget Committee report on the Governor’s budget recommendations for the Attorney General for FY 2002 as amended and with the noted exceptions (Attachment 1). Motion was seconded by Representative Stone. Motion carried.

#### **Hearing on SB 32--K-Goal; clean up amendments**

Barb Hinton, Legislative Post Audit, urged the support of the bill as it is technical in nature and necessary for clarification purposes.

There were no opponents and Chairman Wilk declared the hearing on **SB 32** closed.

#### **Hearing on SB 31–SRS oversight committee; creation of**

Amy Kramer, Legislative Research Department, explained that this bill would eliminate the statute charge of oversight of the closure of Winfield State Hospital and Topeka State Hospital and change the name of the Committee from the SRS Transition Oversight Committee to the SRS Oversight Committee.

There were no opponents and Chairman Wilk declared the hearing on **SB 31** closed.

#### **Hearing on HB 2283–Attorney for board of adult care home administrators appointed by the attorney general**

Alan Conroy, Legislative Research Department, explained that the bill would require the Attorney General to appoint an Assistant Attorney General for the Board of Adult Care Home Administrators and act as an enforcement agency, therefore removing that responsibility from the Kansas Department of Health and Environment. There would be an estimated fiscal impact of \$30,000 on the budget of the Attorney General according to the Division of Budget’s fiscal note.

Lesa Roberts, Director of Health Occupations Credentialing of the Kansas Department of Health and Environment, presented testimony in support of the bill which would put this board in a similar type arrangement as several other state boards (Attachment 3). Ms. Roberts explained that KDHE would retain the investigational portion of any complaints. The enforcement authority would include prosecution of complaints or disciplinary actions brought by any party and providing General Counsel to the Board. At what point the Attorney General would start the enforcement process would have to be determined.

The Committee discussed options of funding the fiscal note of \$30,000 from the KDHE budget. It was pointed out that the Chairman of the Board of Adult Care Home Administrators has been notified of the proposed legislation and there will be a full meeting of the board next week.

There were no opponents to the bill and Chairman Wilk declared the hearing on **HB 2283** closed.

Chairman Wilk referred **HB 2513** to the Budget Committee on Social Services.

The meeting was adjourned at 10:45. The next meeting is scheduled for February 22, 2001.