

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 a.m. on March 16, 2004 in Room 514-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Legislative Research  
J. G. Scott, Legislative Research  
Amy VanHouse, Legislative Research  
Leah Robinson, Legislative Research  
Michele Alishahi, Legislative Research  
Nicoletta Buonasera, Legislative Research  
Audrey Dunkel, Legislative Research  
Susan Kannarr, Legislative Research  
Melissa Calderwood, Legislative Research  
Amy Deckard, Legislative Research  
Debra Hollon, Legislative Research  
Jim Wilson, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Administrative Analyst  
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Carol Foreman, Department of Administration  
Terry Forsyth, Kansas National Education Association

Others attending:

See Attached List.

- Attachment 1 Testimony from Carol Foreman, Department of Administration, on **HB 2671**
- Attachment 2 Amendment to clarify language in **HB 2671**
- Attachment 3 Testimony from Terry Forsyth on **HB 2671**
- Attachment 4 Explainer on **HB 2748**
- Attachment 5 Explainer on **HB 2749**
- Attachment 6 Proposed Amendment to **HB 2749**
- Attachment 7 Explainer on **HB 2752**
- Attachment 8 Explainer on **HB 2901**
- Attachment 9 Amendment on **HB 2901**
- Attachment 10 Explainer on **HB 2902**
- Attachment 11 Budget Committee Report on **HB 2705**
- Attachment 12 Explainer on **HB 2734**
- Attachment 13 Amendment to **HB 2734**
- Attachment 14 Bill Draft on **House Substitute for SB 272**
- Attachment 15 Support Information on **House Substitute for SB 272**
- Attachment 16 Bill Draft for Substitute for **HB 2783**
- Attachment 17 House Committee Adjustments Compared to Governor's Recommendation
- Attachment 18 House Appropriations Bill-reflects House Adjustments for FY 2004 and FY 2005
- Attachment 19 Items for Omnibus Consideration (Referred by the House Committee)
- Attachment 20 Additional Items for House Committee Consideration
- Attachment 21 Recommendations from the Senate on the same information as presented from the House Committee
- Attachment 22 Economic Development Initiatives Fund (EDIF), House and Senate Changes, for FY 2004 and FY 2005
- Attachment 23 State Water Plan Fund for FY 2004 and FY 2005
- Attachment 24 Children's Initiatives Fund (CIF) for FY 2004 and FY 2005

## CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE at 9:00 a.m. on March 16, 2004 in Room 514-S of the Capitol.

Representative Feuerborn moved to introduce legislation concerning health care. The motion was seconded by Representative Shriver. Motion carried.

### **Hearing on HB 2671 - Direct deposit of employee pay.**

Leah Robinson, Legislative Research Department, explained that **HB 2671** removes the requirement that employers obtain written authorization from employees before using direct deposit of employee wages. The bill would cover state government as well as other businesses within the State.

The Chair recognized Carol Foreman, Deputy Secretary of the Department of Administration, who presented testimony in support of **HB 2671** (Attachment 1) and an amendment to clarify language in the bill (Attachment 2). Ms. Foreman stated that the bill was introduced as a result of a Budget Efficiency Savings Team (BEST) recommendation as being a cost-saving measure.

The Committee voiced concern regarding language in the bill that appeared to mandate the process to every employer and the cost of implementation. Responding to a question from the Committee regarding pay documentation, Ms. Foreman stated that the payroll information would be available "on-line" for the employee to view. Janice Magathan, Department of Administration Accounts and Reports, was present to answer questions from the Committee. Chuck Peterson, US Bank, stated that US Bank has banks in Kansas, but only as far west as Rossville, Kansas. The Committee also voiced concern with the use of the pay card for those employees who do not have a bank account. The Committee questioned that if an account is set up at a US Bank for the pay card, this account could be subject to liens.

Terry Forsyth, Kansas National Education Association (KNEA), presented testimony in opposition to **HB 2671** (Attachment 3). Mr. Forsyth felt that the legislation would be an unwarranted act on the part of the government into the lives of its citizens.

The Chair closed the hearing on **HB 2671**.

### **Discussion and Action on HB 2748 - Allowing federal law enforcement officers arrest powers in certain situations; deemed to be within the scope of their employment.**

Leah Robinson, Legislative Research Department, explained that **HB 2748** transfers the responsibility for the operations of the surplus property program for the state from the Department of Corrections to the Department of Administration (Attachment 4).

Representative Pottorff moved to adopt the Budget Committee Report on HB 2748 and recommend the bill favorable for passage. The motion was seconded by Representative Shriver. Motion carried.

### **Discussion and Action on HB 2749 - Statehouse art and history committee amended to include memorials.**

Leah Robinson, Legislative Research Department, explained that **HB 2749** expands the duties of the existing Statehouse Art and History Committee to include memorials on the grounds of the Capitol complex. The bill would change the name of the committee to the Statehouse Art, History and Memorials Committee composed of the Secretary of Administration or the Secretary's designee, Director of Legislative Administrative Services and the Executive Director of the State Historical Society (Attachment 5). An amendment is proposed to clarify language concerning the review process (Attachment 6).

Representative Pottorff moved to adopt the amendment on HB 2749. The motion was seconded by Representative Shriver. Motion carried.

Representative Pottorff moved to adopt the Budget Committee report on HB 2749 as amended and recommend the bill favorable for passage. The motion was seconded by Representative Howell. Motion carried.

### **Discussion and Action on HB 2752 - Capital improvement projects, architectural, engineering and land**

## CONTINUATION SHEET

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### **surveying services.**

Leah Robinson, Legislative Research Department, explained that under current law, the Secretary of Administration must convene a negotiating committee to select a contractor for general construction services on a capital project for a state facility if the project is expected to cost more than \$500,000. **HB 2752** raises the dollar amount to \$750,000. For engineering or land surveying services, the dollar threshold would be increased from \$250,000 to \$500,000 (Attachment 7).

Responding to a question from the Committee, Joe Fritton, Facilities Management, stated that the bill allows the Department of Administration to use in-house staff or the use of an on-call firm for smaller projects at a lesser cost than an outside firm.

Representative Pottorff moved to adopt the Budget Committee report on **HB 2752** and recommend the bill favorable for passage. The motion was seconded by Representative Shriver. Motion carried.

### **Discussion and Action on HB 2901 - Kansas public broadcasting council act, prescribing grant recipients execute a lien on certain equipment.**

Leah Robinson, Legislative Research Department, explained that **HB 2901**, as amended, would require that, on and after the effective date of the bill, any public broadcasting facility receiving an equipment grant under the Kansas Public Broadcasting Council Act would file a lien assuring the state's reversionary interest in all equipment purchased with the grant (Attachment 8). A proposed amendment addressing concerns with regard to priority lien to the federal government is recommended by the Budget Committee (Attachment 9).

Representative Shriver moved to adopt the amendment, the Budget Committee report on **HB 2901** as amended, and recommend the bill favorable for passage. The motion was seconded by Representative Pottorff. Motion carried.

### **Discussion and Action on HB 2902 - Kansas guardianship program, volunteers under the Kansas torts claims act.**

Melissa Calderwood, Legislative Research Department, explained that **HB 2902** would add court-appointed guardians and conservators contracted by the Kansas Guardianship Program to the definition of "employee" in the Kansas Tort Claims Act. This expanded definition would allow the program guardians and conservators to be protected in cases of negligence or acts of omission, but not for cases of fraud or acts of malice (Attachment 10).

Representative Pottorff moved to adopt the Budget Committee report on **HB 2902** and recommend the bill favorable for passage. The motion was seconded by Representative Shriver. Motion carried.

### **Discussion and Action on HB 2705 - State water plan fund, transfers from the state general fund**

Amy VanHouse, Legislative Research Department, explained that **HB 2705** restores into law the annual transfer of \$6 million from the State General Fund to the State Water Plan Fund (Attachment 11).

Representative Schwartz moved to adopt the Budget Committee report on **HB 2705** and recommend the bill favorable for passage. The motion was seconded by Representative Gatewood. Motion carried.

### **Discussion and Action on HB 2734 - Tuition waiver for foster care children.**

Deb Hollon, Legislative Research Department, explained that **HB 2734** amends provisions dealing with the tuition waiver for children in the foster care system. The bill would increase the number of new tuition waivers provided by an educational institution from three per year to five. In addition, Washburn University would be added to the list of participating educational institutions (Attachment 12).

Representative Neufeld moved to amend **HB 2734** to add language adding former prisoners of war to the bill (Attachment 13). The motion was seconded by Representative Feuerborn.

## CONTINUATION SHEET

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Representative Minor moved to amend the amendment by adding language stating that the former prisoner of war must have been a resident of Kansas at the time they became a prisoner of war. The motion was seconded by Representative Campbell. Motion carried.

Representative Landwehr moved to adopt the amended amendment and recommend **HB 2734** favorable for passage as amended. The motion was seconded by Representative Bethell. Motion carried.

### **Discussion and Action on House Substitute for SB 272 - Social welfare, recovery of state medical assistance payments.**

Audrey Dunkel, Legislative Research Department, explained that **House Substitute for SB 272**, removes the original language from **SB 272** and inserts language, including a provision from **HB 2067** as amended by the Senate, creating and imposing a lien on real property of certain recipients of medical assistance (Attachment 14). The bill is a method of recovery for Medicaid payments from the estate of a Medicaid recipient.

Responding to a question from the Committee concerning the enforcement if a parent of the recipient is living in the home, Dennis Priest, Department of Social and Rehabilitation Services, indicated that there are no provisions in the bill for a parent living in the home. The provisions in the bill are based on federal provisions.

Representative Bethell provided information to support **House Substitute for SB 272** (Attachment 15).

Representative Bethell moved to recommend **House Substitute for SB 272** favorable for passage. The motion was seconded by Representative Landwehr. Motion carried.

**SB 336** was referred to the Social Services Budget Committee.

**SB 487** and **SB 527** was referred to the Agriculture and Natural Resources Budget Committee.

### **Discussion and Action on HB 2783 - Governors budget report, excluding certain transfers from special revenue funds to the state general fund.**

Jim Wilson, Revisor of Statutes, explained a proposed substitute bill for **HB 2783** with language addressing what the Governor's budget report could include (Attachment 16). The new language would limit what could be included in the Governor's budget amendment of moneys from any special revenue fund to the state general fund (SGF). Mr. Wilson stated that "any special revenue fund" refers to all funds other than the SGF.

Representative Neufeld moved to adopt the language in **Substitute Bill for HB 2783**. The motion was seconded by Representative Bethell. Motion carried.

Representative Landwehr moved to recommend **Substitute for HB 2783** favorable for passage. The motion was seconded by Representative Schwartz. Motion carried.

The meeting was recessed at 10:40 a.m.

## AFTERNOON SESSION

The Committee reconvened at 2:30 p.m. for the purpose of discussion on the budget documents.

Representative Shultz moved to introduce legislation regarding required courses of study in public schools. The motion was seconded by Representative Feuerborn. Motion carried.

The Chair recognized J. G. Scott, Legislative Research Department, who presented and reviewed the following budget documents:

- Summary of House Committee Adjustments Compared to Governor's Recommendation; Reflects Committee Action as of March 15, 2004, and Revenue Adjustments (Attachment 17)
- House Appropriations Bill-reflects House Adjustments for FY 2004 and FY 2005 (Attachment 18)
- Items for Omnibus Consideration (Referred by the House Committee (Attachment 19))

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE at 9:00 a.m. on March 16, 2004 in Room 514-S of the Capitol.

- Additional Items for House Committee Consideration ([Attachment 20](#))
- Recommendations from the Senate on the same information as presented from the House Committee ([Attachment 21](#))

Chairman Neufeld recognized Susan Kannarr, Legislative Research Department, who presented and reviewed the Economic Development Initiatives Fund (EDIF), House and Senate Changes, for FY 2004 and FY 2005 ([Attachment 22](#)).

Chairman Neufeld recognized Amy VanHouse, Legislative Research Department, who presented and reviewed the State Water Plan Fund for FY 2004 and FY 2005 ([Attachment 23](#)).

The Chair recognized Audrey Dunkel, Legislative Research Department, who presented and reviewed the Children's Initiatives Fund (CIF) for FY 2004 and FY 2005 ([Attachment 24](#)).

The meeting was adjourned at 3:20 p.m. The next meeting will be held at 9:00 a.m. on March 17, 2004.

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Melvin Neufeld, Chairman