

Approved: May 12, 2008  
Date

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on April 1, 2008, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes  
Kristen Clarke Kellems, Assistant Revisor of Statutes  
Audrey Dunkel, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Jarod Waltner, Kansas Legislative Research Department  
Melinda Gaul, Chief of Staff, Senate Ways & Means  
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Senator John Vratil  
Major Mark Bruce, Kansas Highway Patrol  
Jeff Russell, Director, Kansas Legislative Administrative Services  
Eric King, Director of Facilities, Kansas Board of Regents  
Gary Hibbs, Manager of Facilities Planning, Kansas Department of Administration  
Trudy Aron, Executive Director, American Institute of Architects  
Representative Virgil Peck  
Terry Heidner, Legislative Liaison, Kansas Department of Transportation  
Duane Goossen, Secretary, Kansas Department of Administration  
Representative Kasha Kelley  
Representative Jim Morrison  
Alan Cobb, State Director, Americans for Posterity

Others attending:

See attached list.

Chairman Umbarger turned the committee's attention to discussion of:

### **SCR 1620--Requesting Capitol Area Plaza Authority to develop plan for improving area surrounding Capitol**

The Chairman acknowledged Whitney Damron who presented a letter to the Committee regarding the City of Topeka and its agreement to appropriate up to \$50,000 to assist in the cost of the study (Attachment 1).

Senator Teichman moved, with a second by Senator Morris, to bring SCR 1620 off the table. Motion carried on a voice vote.

Senator Morris moved, with a second by Senator Kelly, to recommend SCR 1620 favorable for passage. Motion carried on a roll call vote.

### **HB 2968--Increase docket fees by \$9 to fund nonjudicial salary increases**

Senator V. Schmidt moved, with a second by Senator Goodwin, to amend HB 2968 to conceptually amend the bill to do a \$9 docket fees across the board regularly and to a 90 percent actual collection rate and the remainder come from State General Fund. Following discussion, the motion failed on a voice vote.

Senator Emler moved, with a second by Senator Goodwin, to recommend HB 2968 favorable for passage. Motion carried on a roll call vote.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on April 1, 2008, in Room 123-S of the Capitol.

The Chairman opened the public hearing on:

**SB 700--Tort Claims Act; University of Kansas medical students**

Kristen Kellems, Assistant Revisor of Statutes, presented a briefing on the bill (Attachment 2).

Chairman Umbarger welcomed Senator John Vratil who presented testimony in support of **SB 700** and **SB 699**. (No written testimony was submitted.) Senator Vratil explained that the bill contains provisions that have been included as substantive law provisions in appropriations bills and this bill puts these provisions into a regular bill, so they can be included in substantive law.

Written testimony was submitted by:

Barbara Atkinson, Executive Vice Chancellor, University of Kansas Medical Center and Executive Dean, University of Kansas School of Medicine (Attachment 3).

The Chairman closed the public hearing on **SB 700**.

Senator Teichman moved to recommend SB 700 favorable for passage. Following discussion, Senator Teichman withdrew her motion.

Chairman Umbarger opened the public hearing on:

**SB 699--State surplus property; disposition of computers and firearms**

Jill Wolters, Senior Assistant Revisor of Statutes, presented a briefing on the bill (Attachment 4).

Senator John Vratil testified on **SB 699** earlier in the meeting as a conferee on **SB 700**.

Major Mark Bruce, Kansas Highway Patrol, testified in support of **SB 699** (Attachment 5). Major Bruce explained that the bill concerns codifying the purchase of side arms by retiring and resigning Kansas Highway Patrol Law enforcement officers and recommended an amendment to the bill which is found on page 2 of the written testimony. The Highway Patrol suggests two issues should be separate as follows:

1. Troopers and sworn officers who are retiring, regardless of whether they are seeking employment with another law enforcement agency; and,
2. Troopers and sworn officers who are resigning to work for another law enforcement agency.

Jeff Russell, Director, Legislative Administrative Services, spoke in support of **SB 699** (Attachment 6). Mr. Russell explained that the bill provides the necessary guidance concerning legislators and legislative staff purchasing computer equipment coming off lease and administer the program, while still allowing the flexibility to manage unusual situations.

The Chairman closed the public hearing on **SB 699**.

Senator Teichman moved, with a second by Senator Emler, to adopt the amendment offered by the Kansas Highway Patrol on SB 699. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Emler, to remove the contents of HB 2133, amend the contents of SB 699 as amended into Senate Substitute for HB 2133 and recommend Substitute for HB 2133 favorable for passage. Motion carried on a roll call vote.

Senator Teichman moved, with a second by Senator Wysong, to remove the contents of HB 2421, amend the contents of SB 700 into Senate Substitute for HB 2421 and recommend Senate Substitute for HB 2421 favorable for passage. Motion carried on a roll call vote.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on April 1, 2008, in Room 123-S of the Capitol.

Chairman Umbarger opened the public hearing on:

**HB 2744--Procedures for state agencies to acquire architectural, engineering and land surveying services for certain projects for state agencies and setting fees for such services**

Staff briefed committee on the bill. Copies of the Report of the Joint Committee on State Building Construction to the 2008 Kansas Legislature, were distributed to the Committee (Attachment 7).

The Chairman welcomed the following conferees:

Eric King, Director of Facilities, Kansas Board of Regents, who testified in support of **HB 2744** (Attachment 8). Mr. King addressed two items in his testimony concerning the bill:

- aligns statutes pertaining to all design professionals related to building construction.
- eliminates statutory maximum fee requirements and replaces them with published guidelines

Gary Hibbs, Manager of Facilities Planning, Design Construction for the Division of Facilities, Kansas Department of Administration, who testified in support of **HB 2744** (Attachment 9). Mr. Hibbs explained that an evaluation has been on-going for 18 months by state agencies who contract for building construction projects as part of their self-directed charge. Mr. Hibbs presented their evaluation and recommendations regarding architect/engineer design services (detailed in the written testimony).

Trudy Aron, Executive Director, American Institute of Architects, spoke in support of **HB 2744** (Attachment 10). Ms. Aron explained that the bill consolidates various statutory requirements for architectural, engineering and land surveying building design services for state agency projects into one common statute. She noted that this was building for the future.

Senator Emler referenced the “A/E Fee Guidelines, Based on Cost and Building Type (Complexity)” Table in Gary Hibb’s testimony. Senator Emler noted that this table sets forth examples, but the table is not all inclusive, and the intent is that these are examples.

The Chairman closed the public hearing on **HB 2744**.

Chairman Umbarger opened the hearing on:

**HB 2926--Agreements between cities and KDOT for demolition of abandoned homes in flood areas**

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees;

Representative Virgil Peck testified in support of **HB 2926** (Attachment 11). Representative Peck explained that the bill allows the Kansas Department of Transportation to assist in the removal of houses. He noted that with the loss of roughly 400 homes and 39 businesses, Coffeyville will see a decrease in its tax base as well as a decrease in utility revenues. Representative Peck also mentioned that **HB 2926** would authorize cities that have received a Federal Disaster Declaration to request assistance from the Kansas Department of Transportation with demolished, flood-damaged structures and would be a substantial savings to Coffeyville.

Terry Heidner, Legislative Liaison, Kansas Department of Transportation, spoke in support of **HB 2926** (Attachment 12). Mr. Heidner explained that the Kansas Department remains committed to supporting communities in times of emergency and disaster as they have done historically without such legislation. Mr. Heidner mentioned that the Kansas Department of Transportation respectfully requests that the bill be amended to limit the agency’s involvement to debris removal outside of that zone. Additional information regarding this amendment is detailed in Mr. Heidner’s written testimony.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on April 1, 2008, in Room 123-S of the Capitol.

Written testimony was submitted by:

Larry Baer, Assistant General Counsel, Kansas League of Municipalities ([Attachment 13](#))  
Bret Glendening, Osawatomie City Manager (from Rep Gene Vickrey), ([Attachment 14](#))

The Chairman closed the public hearing on **HB 2926**.

Chairman Umbarger opened the public hearing on:

**HB 2730**--Kansas taxpayer transparency act

Jill Wolters, Senior Assistant Revisor of Statutes, briefed the committee on the bill ([Attachment 15](#)).

The Chairman welcomed the following conferees:

Duane Goossen, Secretary, Kansas Department of Administration, testified in support of **HB 2730** ([Attachment 16](#)). Mr. Goossen explained that the Department of Administration has been implementing the terms of the proviso last year . The Public Finance Transparency Board has been formed and the website was launched around March 1, 2008, and is called KAN-VIEW and can be accessed through the Kansas.gov website. Mr. Goossen mentioned that there have been approximately 5,000 visits to the website since it was implemented.

Representative Kasha Kelley spoke in support of **HB 2730** ([Attachment 17](#)). Representative Kelly presented information as a quick summary that **HB 2730** provides that, by March 1, 2008, a specified plan be developed. The site compiles comprehensive revenues and expenditures of funds established within the state treasury, compensation paid to public employees employed by state agencies, and bond debt (specificity of each laid out in **HB 2730**). The information is presented in a easily searchable website that allows the public to search and aggregate such information.

Representative Jim Morrison testified in support of **HB 2730** ([Attachment 18](#)). Representative Morrison publically thanked Duane Goossen, Secretary, Kansas Department of Administration, for implementation of the system. He also noted that many people are complementing Kansas on its quick direct and decisive action to “open the book” to the public.

Alan Cobb, State Director, Americans for Prosperity, spoke as a proponent on **HB 2730** ([Attachment 19](#)). Mr. Cobb noted that they are in full support of transparency. He explained that Kansas has received national recognition for this achievement. Mr. Cobb mentioned that the website is up and operational and is a job well done.

Written testimony was submitted by:

Rich Gannon, Director of Governmental Affairs, Kansas Press Association ([Attachment 20](#))  
Grover G. Norquist, President, Americans for Taxpayer Reform ([Attachment 21](#))  
Karl Peterjohn, Executive Director, Kansas Taxpayers Network ([Attachment 22](#))

The Chairman closed the public hearing on **HB 2730**.

The meeting adjourned at 12:35 p.m. The next meeting was scheduled for April 3, 2008.