

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on March 10, 2005 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Norman Furse, Revisor of Statutes
Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Senator David Wysong (written)
Terry Marmet, Kansas State Historical Society
Mayor John St. Clair, City of Fairway, Kansas
Betty Lou Duncan, Board Member, Shawnee Indian Mission
Barbara Magarl, Board Member, Shawnee Indian Mission
James Donovan, Private Citizen

Others attending:

See attached list.

Bill Introductions

Senator Barone moved, with a second by Senator Steineger, to introduce a bill concerning lotteries; electronic gaming, lottery facility games and other lottery games (5rs1126). Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Barone, to introduce a conceptual bill with the language in **HB 2491** regarding compensation for certain judicial branch employees; docket fees. Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2005 and FY 2006 were available to the committee.

Subcommittee budget reports on:

Sentencing Commission

Board of Emergency Medical Services ([Attachment 1](#))

Subcommittee Chairwoman Carolyn McGinn reported that the subcommittee on the Sentencing Commission concurs with the Governor's recommendation in FY 2005 with observation and concurs with the Governor's FY 2006 recommendations with adjustments.

Subcommittee Chairwoman Carolyn McGinn reported that the subcommittee on the Board of Emergency Medical Services concurs with the Governor's recommendation in FY 2005 and concurs with the Governor's FY 2006 recommendations with adjustments.

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State Fire Marshal (Attachment 2)

Subcommittee Chairwoman Carolyn McGinn reported that the subcommittee on the State Fire Marshal concurs with the Governor's recommendation in FY 2005 and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Senator Schmidt moved, with a second by Senator Steineger, to adopt the subcommittee budget report on the Sentencing Commission, Board of Emergency Services and State Fire Marshal in FY 2005 and FY 2006. Motion carried on a voice vote.

Kansas Parole Board (Attachment 3)

Subcommittee Chairwoman Ruth Teichman reported that the subcommittee on the Kansas Parole Board concurs with the Governor's recommendation in FY 2005 with observation and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Kansas Bureau of Investigation (Attachment 4)

Subcommittee Chairwoman Ruth Teichman reported that the subcommittee on the Kansas Bureau of Investigation concurs with the Governor's recommendation in FY 2005 with observation and concurs with the Governor's FY 2006 recommendations with notations.

Senator Barone moved, with a second by Senator Wysong, to amend the subcommittee report on the Kansas Bureau of Investigation, Item No. 4, in FY 2006, last sentence on page 4, after the word consider, add "at Omnibus" and adopt the subcommittee budget report on the Kansas Parole Board and, as amended, the Kansas Bureau of Investigation in FY 2005 and FY 2006. Motion carried on a voice vote.

Kansas Highway Patrol Adjutant General (Attachment 5)

Subcommittee Chairwoman Vicki Schmidt reported that the subcommittee on the Kansas Highway Patrol concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Senator Barone moved, with a second by Senator Morris, to amend the subcommittee report on the Kansas Highway Patrol, Item No 4, in FY 2006, to use the \$550,000 transfer from the Highway Fund to the State General Fund. Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Steineger, to amend the subcommittee report on the Kansas Highway Patrol, Item No. 5, in FY 2006, to clarify and change the word "equipment" to "parts and supplies". Motion carried on a voice vote.

Subcommittee Chairwoman Vicki Schmidt reported that the subcommittee on the Adjutant General concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Senator Emler moved, with a second by Senator Teichman, to amend the subcommittee report on the Adjutant General in FY 2006, Item No. 8, to authorize the addition of \$93,809 (State General Fund) and 1.0 non-FTE Deputy Adjutant General position at this time rather than wait until consideration at Omnibus. Motion carried on a voice vote.

Senator Steineger moved, with a second by Senator Betts, to adopt the subcommittee budget report on the Kansas Highway Patrol and the Adjutant General as amended in FY 2005 and FY 2006. Motion carried on a voice vote.

The Chairman called the Committee's attention to discussion of:

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SB 218--Transfer of moneys to support the movement of individuals from nursing facilities to home and community-based services

Staff provided an overview of the bill and distributed the following information:

SB 218—Money Follows the Person (Attachment 6)
Money Follows the Person Transfers, March 10, 2005 (Attachment 7)

Additional information was distributed by Staff that was provided by the Kansas Department on Aging, regarding Money Follows the Person, Project Analysis, FY 2004 (Attachment 8). Senator Barone asked Staff for detailed information, by Omnibus, on five persons picked at random that are listed on the information provided by the Kansas Department on Aging and why they were not served at home first rather than going straight to a nursing home.

Chairman Umbarger explained a recommended proviso amendment to **SB 218** (Attachment 9).

Senator Emler moved the recommended proviso amendment regarding **SB 218** that raises the cap from 75 to 100 individuals that move from nursing facilities to home and community-based services, with a second by Senator Barone, and to include a technical correction, on the last line of the amendment, to read the “2006” Legislature. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 293--Shawnee Indian mission state historic property, sale of a portion to city of Fairway, proceeds for site redevelopment

Staff briefed the committee on the bill.

Senator Wysong provided written testimony on **SB 293** (Attachment 10).

Terry Marmet, on behalf of the Kansas State Historical Society, testified in support of **SB 293** (Attachment 11). Mr. Marmet explained that the State Historical Society is strongly in favor of SB 293 that would allow them to convey up to four acres of vacant land, the north end of the Shawnee Indian Mission State Historic Site in Johnson County in exchange for funds to restore and interpret the Shawnee Indian Mission State Historic Site.

John St.Clair, Jr., Mayor, City of Fairway, Kansas, spoke in support of **SB 293** (Attachment 12). Mayor St. Clair mentioned that they are seeking three acres of land and plan to spend \$450,000 for it which the State Historical Society will utilize only for the Indian Mission. He explained that the City of Fairway will acquire approximately three acres of land that will allow it to build a public safety center/city hall that will meet its space needs.

Betty Lu Duncan, Member of the Friends of the Shawnee Indian Mission and Board Member of the Kansas State Historical Society, testified in support of **SB 293** (Attachment 13). Ms. Duncan explained that the Mission at 53rd and Mission Road in Fairway has five strong historical stories to tell and has a potential to be a wonderful museum and education center in Northeast Kansas. She noted that having the Fairway Police close will enhance the security that the Mission could not provide.

Barbara Magerl, Member of the Executive Committee for the Kansas State Historical Society and Co-Chair of the Shawnee Indian Mission Development Project (SIMDP) Committee, spoke in support of **SB 293** (Attachment 14). Ms. Magerl addressed the fact that due to cuts in the budget of the Kansas State Historical Society, upkeep of the Shawnee Indian Mission has been difficult. She explained that the proposal by the City of Fairway is one that could possibly bring visitors to the Mission and increase security by its mere presence next door.

James Donovan, Private Citizen and resident of northeast Johnson County, testified in opposition to **SB 293**

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(Attachment 15). Mr Donovan expressed concerns regarding if it is in the best interest of the public to take such a large tract of what is public green space and sell it off for development of any kind and while this bill seems to have been six-plus months in the making, the public is just now learning of its content. Mr. Donovan urged the committee to not take action on the bill.

There being no further conferees to appear before the committee, the Chairman closed the public hearing on **SB 293**.

The meeting adjourned at 12:20 p.m. The next meeting is scheduled for March 11, 2005.