

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 a.m. on January 21, 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
Julian Efird, Legislative Research
Becky Krahl, Legislative Research
Robert Waller, Legislative Research
Amy Deckard, Legislative Research
Debra Hollon, Legislative Research
Carolyn Rampey, 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:

Others attending:

See Attached List.

- Attachment 1 Summary of School Finance Litigation
- Attachment 2 GA/MediKan Lawsuit Update
- Attachment 3 Consensus Revenue Estimates for FY 2004 and FY 2005
- Attachment 4 Update on Phase Two of Tax Amnesty Collections

Chair Melvin Neufeld welcomed the Committee and introduced new member Representative Bonnie Sharp, noting that Representative Bill Feuerborn is the Ranking Minority Leader. The Legislative Research Fiscal Analyst staff was introduced by J. G. Scott. Jim Wilson, Revisor of Statutes, will assist the Committee with legal matters, with assistance from Mike Corrigan.

The Chair recognized Carolyn Rampey, Legislative Research Department, who presented an overview of the two lawsuits which currently challenge the present system in Kansas for funding elementary and secondary education (Attachment 1). Ms. Rampey's testimony included the background of the state case of Montoy vs. the State of Kansas, filed in Shawnee County District Court in 1999 by Salina Unified School District (USD) 305 and Dodge City USD 443; the federal case of Robinson vs. State of Kansas, filed in U. S. District Court in 1999 by Salina USD 305 and Dodge City USD 443; and an analysis of Judge Bullock's December 2, 2003, memorandum decision and preliminary interim order which found that the current school funding scheme is in violation of Article 6 of the Kansas Constitution. Responding to questions from the Committee concerning the May 2002 education study which was completed by Augenblick and Myers (A&M) as directed by the 2002 Legislature, Ms. Rampey indicated that the Legislative Educational Planning Committee (LEPC) had determined what the study should include and that A&M had worked closely with LEPC as they completed the study. Ms. Rampey indicated that the A&M study did not look at accreditation or the Quality Performance Act (QPA) of 1992, but looked at what is a suitable education for students as directed by statute.

Chairman Neufeld recognized Audrey Dunkel, Legislative Research Department, who presented an update on the General Assistance and MediKan Lawsuit, which was filed in Sedgwick County on December 31, 2003, challenging the implementation of the 24-month lifetime limit for receiving General Assistance and

MediKan, a program for disabled adults who are unable to work and who are awaiting the decision of the Social Security Administration regarding their eligibility for federal disability benefits (Attachment 2). The 24-month lifetime limit was approved by the 2003 Legislature and became effective retroactive to January 1, 2002. The two issues addressed in the lawsuit, are lack of a hardship clause in the General Assistance and MediKan program; and an alleged violation of the constitution by imposing a time-limit of 24 months on the program. A temporary injunction hearing was held on January 16, 2004. The judge took the case under advisement and requested additional information from the Department of Social and Rehabilitation Services (SRS).

The Chair recognized Alan Conroy, Legislative Research Department, who presented an update from the Consensus Estimating Group and State General Fund Receipts for FY 2004 (Revised) and FY 2005 (Attachment 3). Mr. Conroy noted that the state's economy is expected to grow; however at a somewhat slower rate than the national economy.

The Chair recognized J. G. Scott, Legislative Research Department, who presented an update on Phase Two of the Tax Amnesty program (Attachment 4).

Representative Feuerborn moved to introduce the Governor's Budget. The motion was seconded by Representative Shultz. Motion carried.

Representative Landwehr moved to introduce legislation:

- To extend the funding source for Emergency Medical Services Board (EMS) which was to expire in FY 2004 and extend to FY 2009,
- As requested by SRS, relating to certified copies of birth certificates from Kansas Department of Health and Environment (KDHE) to be used in legal action to establish parentage.
- As requested by the Joint Committee on Children's Issues to create and prescribe certain standards regarding requirements for child advocacy center,
- As requested by the Joint Committee on Children's Issues, to establish a funding mechanism for children's advocacy center,
- As requested by the Joint Committee on Children's Issues enacting the child abuse and neglect central registry act.

The motion was seconded by Representative Bethell. Motion carried.

Representative Schwartz moved to introduce legislation to create a benefit district and provide for a board of governors for the Horse Thief Reservoir. The motion was seconded by Representative Osborne. Motion carried.

Representative Schwartz moved to introduce legislation:

- For a technical clean-up regarding errors and omissions for insurance agents.
- As requested by Wildlife and Parks concerning fishing licenses for attendants of disabled licensees.

The motion was seconded by Representative Gatewood. Motion carried.

Representative Neufeld moved to introduce legislation regarding the state fire marshal's office.. The motion was seconded by Representative Shriver. Motion carried.

Representative Light extended an invitation to all Committee members to join the Public Safety Budget Committee on a tour of the Topeka Correctional Facility on January 22, 2003.

The meeting was adjourned at 10:35 a.m. The next meeting will be held at 9:00 a.m. on January 27, 2004.

Melvin Neufeld, Chair