

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on March 4, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Michael Steiner, Kansas Legislative Research Department  
Estelle Montgomery, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Cody Gorges, Kansas Legislative Research Department  
Aaron Klaassen, Kansas Legislative Research Department  
Jonathan Tang, Kansas Legislative Research Department  
Jarod Waltner, Kansas Legislative Research Department  
Jill Wolters, Office of the Revisor of Statutes  
Daniel Yoza, Office of the Revisor of Statutes  
Gordon Self, Office of the Revisor of Statutes  
Melinda Gaul, Chief of Staff  
Shirley Jepson, Committee Assistant

Conferees appearing before the Committee:

Chris Whatley, Director, Council of State Governments (CSG),

Others attending:

See attached list.

### **Introduction of proposed legislation**

Senator Brownlee appeared before the Committee to request the introduction of legislation concerning funding for intermodal transportation projects.

Senator Umbarger moved to introduce legislation concerning funding for intermodal transportation projects (9rs0902). The motion was seconded by Senator Masterson. Motion carried on a voice vote.

Senator Umbarger moved to introduce legislation concerning permits for oversized load limits (9rs 0915). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Ron Gaches, on behalf of The Williams Companies, appeared before the Committee to request the introduction of legislation concerning (1) financial assurance requirements for underground storage wells, and (2), on behalf of the Kansas Society of Land Surveyors, repeal outdated statutes, eliminating some requirements on counties.

Senator Teichman moved to introduce legislation concerning underground storage well regulations (9rs0914). The motion was seconded by Senator Taddiken. Motion carried on a voice vote.

Senator Teichman moved to introduce legislation concerning eliminating outdated statutes on counties (9rs0849). The motion was seconded by Senator Umbarger. Motion carried on a voice vote.

### **Approval of Minutes**

Senator Schodorf moved to approve the minutes of February 24, February 25 and February 26. The motion was seconded by Senator Masterson. Motion carried on a voice vote.

### **Distribution of Requested Information**

Requested information from Russell Jennings, Commissioner of Juvenile Justice Authority (JJA), on the

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medical expenses of JJA as related to **SB 252**, was distributed to the Committee (Attachment 1).

### **Subcommittee Report on Kansas Patrol Board**

Senator Teichman, Chair of the Subcommittee, presented the Subcommittee report on the Governor's budget recommendations for the Kansas Parole Board for FY 2010 and moved for the adoption of the Subcommittee recommendations on the Kansas Parole Board with notations and adjustments for FY 2010 (Attachment 2). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Responding to questions from the Committee, the Subcommittee noted that any required legislation can be pursued by the Kansas Parole Board through the Joint Committee on Administrative Rules and Regulations. In addition, the Parole Board will pursue the Attorney General's opinion on the legality of assessing fees for clemency hearings and early discharge requests as noted in the Subcommittee report.

### **Subcommittee Report on Kansas Sentencing Commission**

Senator Masterson, Chair of the Subcommittee, presented the Subcommittee report on the Governor's budget recommendations for the Kansas Sentencing Commission for FY 2010 and moved for the adoption of the Subcommittee recommendations on the Kansas Sentencing Commission with notations and adjustments for FY 2010 (Attachment 3). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

### **Overview of Federal Stimulus Funds**

Chris Whatley, Washington Director, Council of State Governments (CSG), appeared before the Committee to provide information on the Federal Stimulus Package (Attachment 4). Included with Mr. Whatley's presentation was a document prepared by Latham & Watkins titled "The American Recovery and Reinvestment Act of 2009: A Guide for State and Local Governments (Attachment 5). Mr. Whatley noted the state is eligible for over \$1.75 billion in federal funding through FY 2011, with additional potential opportunities through competitive grants.

Mr. Whatley stated that there are strings attached to some of the federal funding as well as deadlines for applying for the funds. Additional, all authority is placed with the Governor of the state and there are no guidelines for the Legislature. Mr. Whatley noted that there is a need to know the rules attached to the stimulus package.

Responding to questions from the Committee, Mr. Whatley noted that the stimulus package is funding that is intended to be spent now and not held in a "rainy day" fund. He advised the Committee to seek a legal opinion as to whether the funding could be used toward the state's required ending balance.

A document concerning the federal stimulus funding, prepared by Alan Conroy, Legislative Research Department, was distributed to the Committee (Attachment 6).

### **Continued Discussion and Action on SB 196 - KPERS employment after retirement restrictions to apply to retirants employed by a third-party entity.**

The Committee noted that **SB 196** was amended during Committee discussion of the bill on March 2, 2009.

Senator Teichman presented an additional amendment to **SB 196** (Attachment 7). Senator Teichman indicated that the intent of the amendment is to retain present Kansas Public Employees Retirement System (KPERS) retirees, who have returned to the classroom under contract through a third-party contractor and whose contract is dated prior to July 1, 2009, under current law for a period of 5 years or until June 30, 2014.

Senator Teichman moved for adoption of the proposed amendment, change the date from July 1, 2009, to March 1, 2009, and allow for technical corrections to the amendment and bill. The motion was seconded by Senator Schodorf. Motion failed on a vote of 2-9.

The Committee voiced concern that the amendment would have a negative effect on the intent of the original

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language in **SB 196**.

Senator Kelly moved to recommend **SB 196** favorable for passage as amended. The motion was seconded by Senator Vratil. Motion carried on a voice vote.

### **Adjournment**

The next meeting is scheduled for March 5, 2009.

The meeting was adjourned at 12:15 p.m.