

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on March 22, 2005, in Room 514-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Amy VanHouse, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Amy Deckard, Legislative Research Department
Susan Kannarr, Legislative Research Department
Robert Waller, Legislative Research Department
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Assistant
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Deb Miller, Secretary, Department of Transportation
Ed Geer, Department of Transportation

Others attending:

See attached list.

- Attachment 1 Proposed **Substitute for House Bill No. 2245**
- Attachment 2 Budget Committee Report on **Sub for HB 2245**
- Attachment 3 Update on Statewide Communications System Improvement effort with an 800 MHZ radio access system by Deb Miller, Secretary of the Department of Transportation
- Attachment 4 Proposed Amendment on **HB 2108**
- Attachment 5 Budget Committee Report on **HB 2108**
- Attachment 6 Proposed Amendment on Sub **SB 211**

Representative Feuerborn introduced Miami County 4-H members from his district who were visiting in the Capitol today.

Discussion and Action on HB 2245 - Kansas fireworks act.

Susan Kannarr, Legislative Research Department, explained that the Budget Committee has recommended a substitute bill for **HB 2245** to incorporate a number of amendments as proposed by the State Fire Marshal's office. **Substitute Bill for HB 2245** would create the Kansas Fireworks Act under the authority of the Office of the State Fire Marshal. The bill would require persons who intend to sell fireworks or articles pyrotechnic or to discharge display fireworks or articles pyrotechnic to obtain a license from the State Fire Marshal and allow the State Fire Marshal to charge fees for these licenses. All fees collected would be deposited in the State Fire Marshal's fee fund. The main difference between the original bill and the substitute bill pertains to the age limitations in the original bill which prohibited anyone under the age of 16 from selling or purchasing fireworks. The substitute bill removes this language (Attachment 1).

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on Sub for HB 2245 and moved to adopt the Budget Committee report to recommend Sub for HB 2245 favorable for passage (Attachment 2). The motion was seconded by Representative Sharp. Motion carried.

Responding to a question from the Committee concerning non-profit organizations, the Budget Committee stated that the legislation does not restrict sale of fireworks by non-profit organizations. It also gives more control to the local community.

Chair Neufeld recognized Deb Miller, Secretary of the Department of Transportation, who presented an

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update on the Statewide Communications System Improvement effort with an 800 MHz radio access system (Attachment 3). The 800 MHz radio system would allow emergency responders statewide to communicate during a crisis in the state. After researching the proposal and because of funding challenges, the Department of Transportation is recommending a pilot program in southeast Kansas to upgrade to an interoperable statewide trunked 800 MHz system which would allow local emergency responders to use the improved system without buying 800 MHz radios until they have funding available. One-time funds have been accumulated for a system upgrade in the pilot district. The program would then be extended to other districts as funding becomes available.

With reference to questions from the Committee, Ms. Miller and Ed Geer, Department of Transportation, provided the following responses:

- The program will be a long-term project because of shortage of funding for the complete program at this time.
- System would not be limited to emergency use; could be used to transfer data by law enforcement on a daily basis.
- Cost of converting entire system would be approximately \$55 million statewide; cost under the interoperable system would be approximately \$45 million.
- Counties could use Homeland Security funds to fund upgrade of equipment.
- Startup costs for some improvements in the pilot program would only need to be made one time to create the backbone for the system; consequently, the expense to expand the project to other districts should require less funding.

The Chair thanked Ms. Miller for her presentation.

Discussion and Action on HB 2108 - Water plan storage act; determination of rates for withdrawal and use of water; disposition of moneys.

Amy VanHouse, Legislative Research Department, explained that **HB 2108** would amend the Water Plan Storage Act to adjust the rates for the withdrawal and use of water by Water Marketing Program participants. The bill would base the operation, maintenance, and repair costs portion on estimated costs for the upcoming year rather than costs from the preceding year. The bill also changes the depreciation reserve cost portion so that it is annually determined by the Kansas Water Authority as an amount necessary to meet the capital development and maintenance plan. Further, the bill allows for direct payment of administration and enforcement costs from the Water Marketing Fund. A balloon amendment was recommended by the Committee (Attachment 4).

Representative Schwartz, Chair of the Agriculture & Natural Resources Budget Committee, presented the Budget Committee report and moved to adopt the Budget Committee report to recommend **HB 2108** favorable for passage as amended (Attachment 5). The motion was seconded by Representative Powell. Motion carried.

Hearing on HB 2507 - Reduce the number of lawyers required to serve on joint committee on special claims against the state.

Amy Deckard, Legislative Research Department, explained that **HB 2507** concerns the composition of the joint committee on special claims against the state. An amendment to **HB 2507** would remove the provision that mandates that the two House members and two Senate members on the Joint Claims Committee shall be attorneys licensed to practice law in the state of Kansas.

Representative Feuerborn moved to adopt the amendment to **HB 2507** that would remove the provision which mandates that the two House members and two Senate members on the Joint Claims Committee shall be attorneys licensed to practice law in the state of Kansas. The motion was seconded by Representative Sawyer. Motion carried.

The hearing on **HB 2507** was closed.

Representative Feuerborn moved to recommend **HB 2507** favorable for passage as amended. The motion was seconded by Representative Light. Motion carried.

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Continued Hearing on Sub SB 211 - Death benefit for dependents of certain national guard members.

Representative Henry moved to adopt a balloon on Sub SB 211 (Attachment 6). The motion was seconded by Representative Ballard. Motion withdrawn.

The Committee expressed concern with several aspects of the legislation:

- Language in Line 30 and Line 38 pertaining to the word “while” should be changed to read “as a result of”.
- Unidentified fiscal impact of the legislation. Fiscal impact of the legislation in case of multiple casualties while on active duty in a combat zone.
- Intent of the legislation in case a guardsman dies as a result of natural causes while on active duty in a combat zone.

Colonel King, Kansas National Guard, responded to several questions from the Committee.

Representative Henry moved to amend Sub for SB 211 by deleting the word “while” in Lines 30 and 38 and insert “as a result of federal active duty in a combat zone”. The motion was seconded by Representative Ballard. Motion carried.

Because of the Committee concerns, Chair Neufeld appointed the following to serve on a subcommittee to clarify the provisions of **Sub SB 211**:

Representative Newton, Chair; Representative McLeland, Representative Bethell, Representative Henry and Representative Gatewood.

The meeting was adjourned at 10:20 a.m. The next meeting will be “on call of the Chair”.

Melvin Neufeld, Chair