

Approved: April 19, 2007
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on February 20, 2007, in Room 123-S of the Capitol.

All members were present except:
Senator Jim Barone- excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Michele Alishahi, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Senator David Wysong
Representative Arlen Siegfried
Robert Maile, Superintendent, Kansas School for the Deaf
Mark Dessetti, Kansas National Education Association
Senator Jim Barnett
Robert F. St. Peter, M.D., Kansas Health Institute
Linda DeCoursey, Advocacy Director - Kansas, American Heart Association
Jon Hauxwell, M.D., Tobacco Free Kansas Coalition, Inc.
Kimber Richter, M.D., Kansas Public Health Association, Inc.
Lisa Benlon, Legislative/Government Relations Director, American Cancer Society
Thomas M. Palace, Executive Director, Petroleum Marketers and Convenience Store Association of Kansas
Lougene Marsh, Executive Director of Flint Hills Community Health Center/Lyon County Health Department in Emporia
Lambert A. Wu, MD, Cardiologist, Cotton O'Neil Heart Center/Stormont-Vail Health Care
Michelle Bernth, Vice President of Marketing & Advocacy, American Lung Association
Michelle Voth, MPA, Kansas Family Partnership & Synar Advisory Committee
Gary Doolittle, MD, Kansas Cancer Partnership
Brian Holmes, MD, Kansas Academy of Family Physicians

Others attending:
See attached list.

Copies of the Kansas Legislative Research Department Budget Analysis report for FY 2007 and FY 2008 were available to the committee.

Subcommittee reports on:

Kansas Department of Education (Attachment 1).

Subcommittee Chair Dwayne Umbarger reported that the subcommittee on the Kansas Department of Education concurs with the Governor's recommendation in FY 2007 and concurs with the Governor's FY 2008 recommendation with adjustments and notations.

Senator Emler moved, with a second by Senator V. Schmidt, to amend the subcommittee report to delete the language recommended by the Governor in the Mega Appropriations Bill, which was not in the Governor's Budget Report, in FY 2008 and to reflect that the subcommittee did not give consideration to the Local Option Budget Authority increase because the subcommittee did not have an opportunity to consider the item

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prior to reporting back to the full committee, and to consider this item at Omnibus. Motion carried on a voice vote.

Senator Steineger moved, with a second by Senator Kelly, to adopt the subcommittee budget report as amended on the Kansas Department of Education for FY 2007 and FY 2008. Motion carried on a voice vote.

Board of Tax Appeals (Attachment 2)

Subcommittee Chair Vicki Schmidt reported that the subcommittee on the Board of Tax Appeals concurs with the Governor's recommendation in FY 2007 with adjustments and notations in FY 2008.

Senator V. Schmidt moved, with a second by Senator Kelly, to adopt the subcommittee budget report on the Board of Tax Appeals as amended with technical corrections for FY 2007. Motion carried on a voice vote.

Senator V. Schmidt moved, with a second Senator Kelly, to adopt the subcommittee budget report on the Board of Tax Appeals as amended with technical corrections for FY 2008. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

SB 338--Kansas state schools for the blind and the deaf, rates of compensation for teachers

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees:

Representative Arlen Siegfroid testified as a proponent on the bill and explained that the problem is based on the fact that schools must maintain the educational standards of public schools, but their employees are paid at the state agency rate (Attachment 3). He noted that it is very difficult to maintain highly trained employees when they are paid substantially less than peers in the same community.

Robert Maile, Superintendent, Kansas School for the Deaf, spoke in support of **SB 338** and on behalf of William Daugherty, Superintendent, Kansas School for the Blind (Attachment 4). Mr. Maile explained that a funding mechanism to address the pay equity assured by the bill is not addressed within the bill itself. He noted that the first option is suggested by the mechanism used to fund State Fair capital improvements whereby the actual transfer of funds to provide pay equity would occur after the beginning of the fiscal year when USD 233 contractual salaries for the ensuing school year are known. The second option would provide funding for the next fiscal year based on the current fiscal year.

Mark Dessetti, Kansas National Education Association, testified in support of the intent of **SB 338** which is to make teacher salaries at the Kansas School for the Deaf and Kansas School for the Blind competitive (Attachment 5). Mr. Dessetti did note that the bill is a fix that would not be needed if teachers at these institutions were treated the same as their peers throughout Kansas.

There being no further conferees to come before the committee, the Chairman closed the public hearing on **SB 338**.

Chairman Umbarger opened the public hearing on:

SB 318--Directing excess state tobacco settlement receipts to increase state tobacco prevention efforts

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees on the bill:

Senator Jim Barnett testified in support of **SB 318** (Attachment 6). Senator Barnett mentioned that the Kansas Legislature has the opportunity to save many lives and reduce health care costs by 1.24 billion dollars if a comprehensive tobacco control program is instituted. He also attached copies of Dr. Howard Rodenberg's

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testimony from the Senate President's Task Force on Health Care on Comprehensive Tobacco Control.

Robert St. Peter, M.D., spoke in support of **SB 318** ([Attachment 7](#)). Dr. St. Peter explained that health care costs in Kansas directly related to smoking are estimated at \$927 million per year. It was noted that there is growing evidence of the efficacy of smoking cessation programs.

Linda DeCoursey, Advocacy Director - Kansas, American Heart Association, testified in support of **SB 318** ([Attachment 8](#)). Ms. DeCoursey explained that the mission of the American Heart Association is to reduce disability and death from cardiovascular disease and stroke; and, that single purpose drives all that they do.

Jon Hauxwell, M.D., Tobacco Free Kansas Coalition, Inc., spoke as a proponent of **SB 318** ([Attachment 9](#)). Mr. Hauxwell addressed the evidence that is conclusive that state tobacco prevention and cessation programs work—to reduce smoking, and to save lives and money.

Kimber Richter, M.D., Kansas Public Health Association, Inc., testified as a proponent of **SB 318** ([Attachment 10](#)). Dr. Richter explained that this bill would provide resources for Kansas to fully implement (or nearly fully implement) the Centers for Disease Control's Best Practices for Comprehensive Tobacco Control.

Lisa Benlon, Legislative/Government Relations Director, American Cancer Society, spoke in support of **SB 318** ([Attachment 11](#)). Ms. Benlon mentioned that Kansas ranks 43rd among the states in the funding of tobacco prevention programs. She also noted that beginning in 2008 and for the next ten years, Kansas is entitled to an additional \$16 million in bonus payments. If tobacco programs allocated through the Department of Health and Environment were provided the bonus money, there would be an opportunity to fund a more comprehensive statewide program.

Thomas M. Palace, Executive Director, Petroleum Marketers and Convenience Store Association of Kansas (PMCA), testified in support of **SB 318** ([Attachment 12](#)). Mr. Palace explained that PMCA agrees that a better job must be made of keeping tobacco products out of the hands of youth. The proper funding for more frequent retailer compliance visits would go a long way to achieving a common goal, increasing federal compliance rate and keep tobacco products out of the hands of people under the age of 18.

Written testimony was submitted by the following:

- Lougene Marsh, Executive Director of Flint Hills Community Health Center/Lyon County Health Department in Emporia, ([Attachment 13](#)).
- Lambert A. Wu, MD, Cardiologist, Cotton O'Neil Heart Center/Stormont-Vail Health Care ([Attachment 14](#)).
- Michelle Bernth, Vice President of Marketing & Advocacy, American Lung Association ([Attachment 15](#)).
- Michelle Voth, MPA, Kansas Family Partnership & Synar Advisory Committee ([Attachment 16](#)).
- Gary Doolittle, MD, Kansas Cancer Partnership ([Attachment 17](#)).
- Brian Holmes, MD, Kansas Academy of Family Physicians ([Attachment 18](#)).

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 318**.

The meeting adjourned at 12:10 p.m. The next meeting is scheduled for February 21, 2007, joint meeting with House Appropriations beginning at 8:00 a.m.