

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:40 a.m. on March 6, 2003, in Room 123-S of the Capitol.

All members were present except: All present

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department  
Martha Dorsey, Kansas Legislative Research Department  
Melissa Calderwood, Kansas Legislative Research Department  
Carolyn Rampey, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Robert Waller, Kansas Legislative Research Department  
Audrey Nogle, Kansas Legislative Research Department  
Michael Corrigan, Assistant Revisor of Statutes  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Dennis Priest, Program Administrator for Economic and Employment Support, Kansas  
Department of Social and Rehabilitation Services  
Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association  
Michael D. Pepoon, Director of Governmental Relations, Sedgwick County  
Randall Allen, Executive Director, Kansas Association of Counties  
Shawn Leisinger, Assistant Shawnee County Counselor

Others attending: See attached list

**Bill Introductions**

Senator Adkins moved, with a second by Senator Salmans, to introduce a bill regarding amendment of tax rolls by county appraiser after final determination of reduction in real property valuation through appeals process in certain circumstances (3rs0859). Motion carried on a voice vote.

Senator Jackson moved, with a second by Senator Schodorf, to introduce a bill concerning crime victims; relating to compensation for residents involving violent crimes committed outside the United States (3rs0911). Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2003 and FY 2004 were distributed to the committee.

Subcommittee report on:

**Kansas Department of Education (Attachment 1)**

Subcommittee Chairman Adkins reported that the Subcommittee concurs with the recommendations of the Governor for FY 2003.

Subcommittee Chairman Adkins reported that the Subcommittee concurs with the recommendation of the Governor with exceptions and comments for FY 2004.

Senator Adkins expressed concern that recent news was disturbing regarding the initiation of litigation by one school district against several others in the Kansas City Metropolitan area. He noted that he finds initiation

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of this litigation most disturbing because money will be going to courtrooms instead of classrooms and he believes that there is an opportunity to attempt to address that particular situation. He noted that the litigation was regarding a sales tax that was due to the allocation or the appropriateness of a sales tax that was approved by Johnson County voters, a portion of which would be distributed to school districts in the Johnson County area.

Senator Adkins explained that he would like to request legislation that would specifically state that when a school district receives revenue from another political subdivision, when that revenue is raised pursuant to law and approved by the voters, it shall be considered and treated as a donation to the receiving school district and may be appropriated by the Board of Education pursuant to K.S.A. 72-8210. He also noted that another idea that he is willing to pursue is to state that no funds appropriated under the State budget may be utilized by a school district for the purpose of paying for any cost of litigation against another school district, and if any school district wants to utilize funds for the purpose of pursuing litigation against another school district, they must use only those funds raised from local sources for purposes of supporting that litigation. Senator Adkins moved, with a second by Senator Jordan, to amend the subcommittee report to include a provision as to how funds raised in this manner would be treated by school districts. Committee questions and discussion followed.

Senator Kerr mentioned that no money appropriated from the State should be used for suing other school districts, or the State, and noted an opportunity for a friendly amendment to include it in Senator Adkins's motion. Committee discussion followed. Senator Adkins withdrew his motion, with approval of the second to the motion, and explained that he would consider coming back with a formal motion with a draft of a bill and he would work with Senator Kerr regarding his concerns.

Senator Adkins moved, with a second by Senator Barone, to adopt the subcommittee budget report on the Kansas Department of Education for the FY 2003 and FY 2004 budget as presented. Motion carried on a voice vote.

Chairman Morris opened the public hearing on:

### **SB 244--Disposition of body of indigent decedent**

Staff briefed the committee on the bill.

Dennis Priest, Program Administrator, Integrated Service Delivery, Kansas Department of Social and Rehabilitation Services (SRS), spoke regarding **SB 244** (Attachment 2). Mr. Priest explained that this legislation helps clarify the responsibilities of County Coroners regarding deceased persons. He noted a cross reference which is specific to Funeral Assistance benefits which until last year had been administered by SRS but appropriations for the program were transferred to the Kansas Department of Health and Environment.

Pam Scott, Executive Director, Kansas Funeral Directors and Embalmers Association, Inc. (KFDA), spoke in support of **SB 244** (Attachment 3). Ms. Scott explained that the bill was introduced at the request of the KFDA to clarify provisions of K.S.A. 22a-214 with regard to the responsibility to bury indigent decedents. She noted that although they prefer to keep the financial responsibility to bury indigents with the state rather than county governments, they want to be prepared should that responsibility revert back to county governments.

Michael D. Pepoon, Government Relations, Sedgwick County Courthouse, testified in regard to **SB 244** and mentioned that Sedgwick County is not opposed to reviewing K.S.A. 22a-215 and making necessary changes to clarify ambiguities in current law (Attachment 4). Mr. Pepoon asked that for the reasons listed in his testimony that the committee oppose legislation that would shift the cost of indigent burials from the State of Kansas to counties.

Randall Allen, Executive Director, Kansas Association of Counties, spoke in regard to **SB 244** to express concerns in behalf of counties about the underlying assumption in **SB 244**, which is to shift the burden of the cost of indigent burial or cremation from the State to the counties (Attachment 5). Mr. Allen noted that the clarifications in **SB 244** are probably unnecessary if the State of Kansas adequately funds the cost of burying or cremating indigent decedents as provided in K.S.A. 39-713d.

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Shawn Leisinger, Assistant Shawnee County Counselor, testified regarding **SB 244** and explained that the proposed changes would substantially increase the expense and labor associated with treatment of unclaimed bodies (Attachment 6). Mr. Leisinger noted some suggested changes in his written testimony.

Committee questions and discussion followed. Chairman Morris asked that the parties involved meet to discuss the bill and clarify the information in order to reach common ground.

The Chairman closed the public hearing on **SB 244**.

The meeting adjourned at 11:50 a.m. The next meeting is scheduled for March 7, 2003.