

## MINUTES OF THE SENATE WAYS &amp; MEANS COMMITTEE.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on March 6, 2000 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Chief Fiscal Analyst, KLRD  
 Rae Anne Davis, KS Legislative Research Department  
 Debra Hollon, KS Legislative Research Department  
 Norman Furse, Revisor of Statutes  
 Michael Corrigan, Asst. Revisor of Statutes  
 Judy Bromich, Administrative Assistant to the Chairman  
 Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Dr. Bill Wolff, Associate Director, Legislative Research Department

Others attending: See attached list

Senator Jordan, as Chairman of the Fee Boards Subcommittee, stated that this is the "off" year so not all budgets were reviewed. Copies of the FY 2001 subcommittee reports on the following fee boards were distributed and reviewed by Senator Jordan: **State Bank Commissioner, Behavioral Sciences Regulatory Board, Board of Cosmetology, Kansas Dental Board, Board of Mortuary Arts, Board of Nursing, Board of Pharmacy,** and the **Board of Veterinary Examiners** (Attachment 1).

Senator Jordan told members that the Division of Consumer and Mortgage Lending had been consolidated under the Bank Commissioner and the subcommittee recommended 2 FTE positions and salaries and wages from the agency's fee fund to address audit concerns.

There was some discussion about the expenditure of Kansas Savings Incentive Program Fund monies in the fee agencies. Members questioned why agencies did not reduce fees if their balances were so large.

In answer to a question regarding the disciplinary procedure reviewed by the board of Nursing subcommittee, it was noted that the problem appears to be one of numbers rather than procedure.

Senator Salisbury moved, Senator Jordan seconded, that the subcommittee report be amended to include language to identify within all the fee agencies those which have created a savings incentive fund and the balances in each so that the Legislature can review the policy. The motion to amend carried on a voice vote.

It was moved by Senator Feleciano and seconded by Senator Jordan that the FY 2001 subcommittee reports as amended be adopted. The motion carried on a voice vote.

Senator Morris moved, Senator Salmans seconded that the minutes of the February 29 and March 1 meetings be approved. The motion carried on a voice vote.

### **HB 2660: Claims against the State**

Dr. Bill Wolff, Associate Director of the Kansas Legislative Research Department, reviewed the recommendations for payment of claims by the Joint Committee on Special Claims Against the State as amended by the House Committee.

In answer to a question, Dr. Wolff stated that the \$40,002.84 on line 31, page 4 of the bill was submitted by a highway construction company for all fuel non-highway use which would normally have been

## CONTINUATION SHEET

### SENATE WAYS & MEANS COMMITTEE MINUTES

submitted during the year.

In answer to Senator Morris' question about Sec. 9, Dr. Wolff stated that the statute cited directs the state to reimburse the watershed district for part of the benefits that extend beyond the district and are paid for by local tax dollars. He added that the reimbursement is subject to appropriations and the Legislature has not made this recommendation over the last couple of years.

Committee members discussed at length Sec. 12.(a), the original Joint Committee recommendation and the House Committee's amendment regarding the claim of Dr. Stan Naramore. Dr. Wolff reviewed the statutory purpose of the Health Care Stabilization Fund. The Chairman asked that the Committee consider two questions in making a recommendation regarding the Naramore claim:

- Do you wish to pay?
- If so, how much and from what funding source?

The Chairman noted that he had received letters from the Assistant Attorney General ([Attachment 2](#)) and the Executive Director of the Health Care Stabilization Fund ([Attachment 3](#)). He stated that members may have received other letters; copies of those that were brought to Committee or mailed to individual members of the Committee are included herein as [Attachments 4, 5, 6, 7, & 8](#).

Members asked questions of Mr. Jerry Slaughter, lobbyist for the Kansas Medical Society, who indicated that it was the position of the Medical Society that payment should not be made from the Health Care Stabilization Fee Fund ([Attachment 4](#)).

Mr. John Bork, Assistant Attorney General, asked members to point to a time when his office was wrong in the pursuit of this case. He stated that if the state decides to pay this claim, it should be because the Office of the Attorney General was wrong. Senator Salisbury noted that she had, until this point, focused on the final disposition of this case rather than the state's obligation. In response to Senator Lawrence, Mr. Bork stated that the initial complaint was from the Hospital administrator to the Board of Healing Arts ([Attachment 2](#)).

Lawrence Buening, Executive Director of the Kansas Board of Healing Arts, stated that the Board of Healing Arts was not involved in the prosecution or incarceration of Dr. Naramore. In answer to a question, he stated that he believed the Cheyenne County Attorney contacted either the Board or the Attorney General, but the Board's records were not clear on that issue ([Attachment 5](#)).

Mr. Ron Hein of Hein and Weir, Chartered, Attorneys-At-Law, reviewed some of the points at which he, as a representative of Dr. Naramore, believed that the Attorney General's Office should have been aware that Dr. Naramore was not guilty. He stated that the basis for this claim was that the Attorney General had not allowed the Board of Healing Arts to operate as it should have. He told the Committee that he could find no evidence to support the Attorney General's statement that the investigation began with a referral from the Board of Healing Arts ([Attachment 6](#)).

The Chairman asked that members have proposed amendments ready for the March 7 meeting at which time the Committee would vote on **HB 2660**. He adjourned the meeting at 12:10 p.m.