

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairperson Ty Masterson at 10:30 am on Thursday, February 12, 2015, 548-S of the Capitol.

All members were present

Committee staff present:

Jill Wolters, Office of Revisor of Statutes  
Daniel Yoza, Office of Revisor of Statutes  
David Wiese, Office of Revisor of Statutes  
J G Scott, Legislative Research  
Amy Deckard, Legislative Research  
Bobi Mariani, Legislative Research  
Justin Carroll, Legislative Research  
Ben Wilhelm, Legislative Research  
Andy Chiamopoulos, Legislative Research  
Mark Savoy, Legislative Research  
Jennifer Ouellette, Legislative Research  
Mark Skoglund, Legislative Research  
Debbie Luper, Chief of Staff  
Dee Heideman, Committee Assistant

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

### **Bill introductions**

There were no bill introductions.

### **Subcommittee report signature page:**

All members of the Social Services Subcommittee signed the signature page for the Department for Children and Families except Senator Kelly, the Ranking Minority member([Attachment 1](#)) . Senator Kelly explained her objections to the Subcommittee Report for the Department for Children and Families in her Minority Report ([Attachment 2](#)).

### **Subcommittee reports on:**

Senator Denning, Chairperson of the Social Services Subcommittee gave the Subcommittee Report for the Kansas Department for Children and Families ([Attachment 3](#)).

Senator Denning reported that the Governor recommended a 5.1 percent increase over FY2014 for the Department for Children and Families (DCF). He stated the reason for the large increase in FY2015 is because the agency is undergoing an audit with the Centers for Medicare and Medicaid (CMS) on

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calculations on the Federal and State share for the foster care program. He reported that CMS has taken back \$12 million from the agency. Senator Denning stated this ongoing audit is for a three year period and there is a strong possibility that the State will be charged back an additional several million dollars.

Senator Denning made a motion for an amendment to add \$12 million in spending from SGF and put the money into a secure account which can only be spent if the CMS audit requires paying back additional money in addition to the original amount. If another payback is required by CMS, the finance council would have to approve the expenditure before it is paid. Senator Arpke seconded the motion.

Senator Kerschen asked if the earmarked amount was going to be for just this year or does it need to be an ongoing action. Senator Denning said he will recommend it to be continued because this happens 80% of the time. If another payback is not required, the State can re-appropriate the money.

Senator Fitzgerald said he felt this would be a prudent practice; however, he wanted to know why the amount of \$12 million was chosen. Senator Denning said because the subcommittee agreed to use the same amount as this year's charge.

The motion was recalled and the motion carried on a voice vote.

Senator Denning made a motion to adopt the Subcommittee Report for the Department for Children and Families for FY2015, FY2016, and FY2017 as amended. Senator Melcher seconded and the Subcommittee Report was adopted.

### **Subcommittee report signature page:**

All members of the Regulatory Boards and Commissions Subcommittee signed the signature page for the Behavioral Sciences Regulatory Board, Board of Cosmetology, Board of Examiners in Optometry, Board of Pharmacy, Board of Technical Professions, Kansas Board of examiners in Fitting and Dispensing of Hearing Instruments, Kansas Dental Board, and Kansas State Board of Healing Arts, except Senator Francisco, Ranking Minority member ([Attachment 4](#)). She explained objections to the Subcommittee Report for the Board of Cosmetology in her Minority Report ([Attachment 5](#)).

### **Subcommittee reports on:**

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Behavioral Sciences Regulatory Board ([Attachment 6](#)).

Senator O'Donnell made a motion to adopt the Subcommittee Report for the Behavioral Sciences Regulatory Board for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the

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Subcommittee Report for the Board of Cosmetology ([Attachment 7](#)).

Senator O'Donnell made a motion to amend the Subcommittee Report for the Board of Cosmetology and review their enhancement outlined in the Minority Report at Omnibus. The motion was seconded by Senator Francisco and the motion was adopted on a voice vote.

Senator O'Donnell made a motion to adopt the Subcommittee Report for the Board of Cosmetology for FY2015, FY2016 and FY2017 as amended. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Board of Examiners in Optometry ([Attachment 8](#)).

Senator O'Donnell made a motion to adopt the Subcommittee report for the Board of Examiners in Optometry for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Board of Pharmacy ([Attachment 9](#)).

Senator O'Donnell made a motion to adopt the Subcommittee report for the Board of Pharmacy for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Board of Technical Professions ([Attachment 10](#)).

Senator O'Donnell made a motion to adopt the Subcommittee report for the Board of Technical Professions for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments ([Attachment 11](#)).

Senator O'Donnell explained a technical correction which will be in the Mega appropriations bill for the Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments ([Attachment 12](#)).

Senator O'Donnell made a motion to adopt the Subcommittee report for the Kansas Board of Examiners in Fitting and Dispensing Hearing Instruments for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Kansas Dental Board ([Attachment 13](#)).

Senator O'Donnell made a motion to adopt the Subcommittee report for the Kansas Dental Board for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

Senator O'Donnell, Chairperson of the Regulatory Boards and Commissions Subcommittee, gave the Subcommittee Report for the Kansas State Board of Healing Arts ([Attachment 14](#)).

Senator O'Donnell made a motion to adopt the Subcommittee report for the Kansas State Board of Healing Arts for FY2015, FY2016 and FY2017. The motion was seconded by Senator Powell and the Subcommittee Report was adopted.

### **Subcommittee report signature page:**

All members of the Agriculture and Natural Resources Subcommittee signed the signature page for the Department of Wildlife, Parks and Tourism, Kansas Department of Health and Environment - Division of Environment, Kansas State Fair, and Kansas Water Office except Senator Francisco, the Ranking Minority member ([Attachment 15](#)). Senator Francisco explained her objections in the Minority Reports to the Subcommittee Reports for the Department of Wildlife, Parks and Tourism ([Attachment 16](#)), and the State Water Office ([Attachment 17](#)).

### **Subcommittee reports on:**

Senator Powell, Chairperson of the Agriculture and Natural Resources Subcommittee, gave the Subcommittee Report for Department of Wildlife, Parks and Tourism ([Attachment 18](#)).

Senator Francisco made a motion to amend the Wildlife, Parks and Tourism budget by adding the funding back for cabin site preparation for FY2016, and \$300,000 in fees that tenants paid for rent on the cabins. In addition, she proposed to add back \$375,000 in FY2016 and FY2017 for land and water conservation because these fees were paid to the states by off-shore drilling and are available as matching grants. She stated that not only does Wildlife, Parks and Tourism benefit, but many of our municipalities and counties can apply for the grants which will help pay for the work to their own local parks. Senator Kerschen seconded the motion and the motion passed on a voice vote.

Senator Powell made a motion to adopt the Subcommittee Report for the Department of Wildlife, Parks and Tourism as amended for FY2015, FY2016 and FY2017. Senator Francisco seconded the motion and the Subcommittee Report was adopted.

Senator Powell, Chairman, of the Agriculture and Natural Resources Subcommittee, gave the Subcommittee Report for the Kansas Department of Health - Division of Environment ([Attachment](#)

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Senator Powell made a motion to adopt the Subcommittee Report for the Kansas Department of Health - Environment for FY2015, FY2016 and FY2017. Senator Kerschen seconded the motion and the Subcommittee Report was adopted on a voice vote.

Senator Powell, Chairman of the Agriculture and Natural Resources Subcommittee, gave the Subcommittee Report for the Kansas State Fair ([Attachment 20](#)).

Senator Masterson asked Senator Powell to explain the addition of \$100,000 to the Kansas State Fair budget for FY 2016 and FY2017. Senator Powell said it was one third of the State's commitment of \$300,000 each year that has not been paid in the past few years for the Capital Improvements' Fund.

Senator Powell made a motion to adopt the Subcommittee Report for the Kansas State Fair for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kerschen and the Subcommittee Report was adopted on a voice vote.

Senator Powell, Chairperson of the Agriculture and Natural Resources Subcommittee, gave the Subcommittee Report for the Kansas Water Office ([Attachment 21](#)).

Senator Francisco explained her Minority Report for the State Water Office. She is concerned that funds are not being provided from SGF or from the Economic Development Initiatives Fund (EDIF) to support the State Water Plan Fund. A copy of the State Water Plan Fund was distributed to the committee ([Attachment 22](#)).

Senator Francisco made a motion to increase the State Water Plan Fund for the Kansas Water Office by \$400,000 for FY2016 and FY2017. Senator Kerschen seconded the motion.

Senator Tyson drew the attention of the committee to the State Water Plan Fund and pointed out there are several different agency water functions occurring around the State, and she thinks there are duplications in some of the agencies. She said the Secretary agrees there are duplications; therefore, she feels the increase to the State Water Plan Fund should be put on hold until information outlining their findings can be received from the Kansas Water Office. Senator Masterson and Senator Powell agreed.

Senator Francisco's motion to amend was recalled and it failed to pass on a voice vote.

Senator Powell made a motion to adopt the Subcommittee Report for the Kansas Water Office for FY2015, FY2016, and FY2017. The motion was seconded by Senator Kerschen and the Subcommittee Report was adopted.

Senator Francisco asked to have her "No" vote for adoption of the Subcommittee Report for the Kansas

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Water Office to be permanently recorded in the minutes.

**Subcommittee report signature page:**

All members of the Transportation and Safety Subcommittee signed the signature page for the Emergency Medical Services Board and the Kansas Sentencing Commission ([Attachment 23](#)).

**Subcommittee reports on:**

Senator Masterson, Chairperson of the Transportation and Public Safety Subcommittee, gave the Subcommittee Report for the Emergency Medical Services Board ([Attachment 24](#)).

*Senator Masterson made a motion to adopt the Subcommittee Report for the Emergency Medical Services Board for FY2015, FY2016 and FY2017. The motion was seconded by Senator Denning and the Subcommittee Report was adopted on a voice vote.*

Senator Masterson, Chairperson of the Transportation and Public Safety Subcommittee, gave the Subcommittee Report for the Kansas Sentencing Commission ([Attachment 25](#)).

*Senator Masterson made a motion to adopt the Subcommittee Report for the Kansas Sentencing Commission for FY2015, FY2016 and FY2017. The motion was seconded by Senator Denning and the Subcommittee Report was adopted on a voice vote.*

**Possible action on bills previously heard**

There was no final action on any bills previously heard.

The next Ways and Means Committee meeting is scheduled for Monday, February 16, 2015, at 11:30 am, in Room 548-S at the Capitol.

Chairperson Masterson adjourned the meeting at 11:37 am.