

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairperson Ty Masterson at 10:30 am on Monday, February 23, 2015, 548-S of the Capitol.

All members were present except:

Senator Caryn Tyson – Excused

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

Bobbi Mariani, Legislative Research

Justin Carroll, Legislative Research

Ben Wilhelm, Legislative Research

Dylan Dear, Legislative Research

Shirley Morrow, Legislative Research

Debbie Luper, Chief of Staff

Dee Heideman, Committee Assistant

Conferees appearing before the Committee:

John Milburn, Director, Legislative and Public Affairs

Others in attendance:

[See Attached List](#)

Bill introductions

Senator O'Donnell made a motion to introduce proposed legislation concerning healthcare and caregivers. The motion was seconded by Senator Kerschen and the motion carried on a voice vote.

Senator O'Donnell made a motion to introduce proposed legislation concerning stream maintenance. The motion was seconded by Senator Kerschen and the motion carried on a voice vote.

Senator O'Donnell made a motion to introduce proposed legislation concerning the spotted skunk. The motion was seconded by Senator Kerschen and the motion carried on a voice vote.

Hearing on: SB241 — Amending the procedure for the approval of state contracts.

After Chairperson Masterson opened the hearing on **SB241**, David Wiese explained that this bill would remove the requirement that a copy of every contract or lease extending for a term longer than one year be filed with the director of accounts and reports ([Attachment 1](#)).

PROPOSERS:

John Milburn, Director of Legislative and Public Affairs, for the Department of Administration, said he supports changing the reporting process for state contracts and leases, because the purpose of the Office of Repealer established in 2011 was to identify laws, rules and regulations that are cumbersome,

CONTINUATION SHEET

MINUTES of the Committee on Ways and Means at 10:30 am on Monday, February 23, 2015, 548-S of the Capitol.

burdensome or onerous. He said this law fits that definition ([Attachment 2](#)).

OPPONENTS:

There were no opponents to come before the committee.

NEUTRAL:

No person neutral to this bill came before the committee.

The Chairperson closed the hearing on **SB241**.

Hearing on: SB248 — Repealing: key deposit funds.

Chairperson Masterson opened the hearing on **SB248**.

Daniel Yoza, Assistant Revisor, explained **SB248** which authorizes the chief administrative officer of certain State institutions to establish key deposit funds ([Attachment 3](#)).

PROPOSERS:

John Milburn, Director, of Legislative and Public Affairs for the Department of Administration, spoke in support of **SB248** which repeals the statute for the Key Deposit Fund because the purpose of the Office of Repealer established in 2011 was to identify laws, rules, and regulations that are cumbersome, burdensome, and onerous. He said this law fits that definition ([Attachment 4](#)).

OPPONENTS:

No opponents spoke in opposition to this bill.

NEUTRAL:

No neutral parties spoke before the committee concerning this bill.

The Chairperson closed the hearing on **SB248**.

Hearing on: SB250 — Joint committee on state building construction; reports of the secretary of administration.

Chairperson Masterson opened the hearing on **SB250**.

Daniel Yoza, Assistant Revisor, explained that SB250 removes the requirement that the Secretary of Administration issue a monthly report to the joint committee on state building construction ([Attachment 5](#)).

PROPOSERS:

John Milburn, Director of Legislative and Public Affairs for the Department of Administration, stated that the report required in this statute is of little value to the committee. The purpose of the Office of

CONTINUATION SHEET

MINUTES of the Committee on Ways and Means at 10:30 am on Monday, February 23, 2015, 548-S of the Capitol.

Repealer established in 2011 was to identify laws, rules and regulations that are cumbersome, burdensome or onerous. He said this law fits that definition ([Attachment 6](#)).

Senator Kelly asked what besides Change Orders is being reported. Mr Milburn said the report contains Change Orders and monthly construction reports to the Joint Committee on State Building Construction. Senator Kelly, also a member of the Joint Committee on State Building Construction, stated that the Committee has access to the information in this report whenever they want it anyway.

Frank Burnam, Deputy Director, Design, Construction and Compliance for the Department of Administration, said we have two reports that go through the Department of Administration:

- Provide monthly project updates,
- Change Orders.

Mr Burnam said the Change Order reporting will not be discontinued.

OPPONENTS:

There were no opponents to appear before the committee.

NEUTRAL:

There were no neutral parties to appear before the committee.

The Chairperson closed the hearing on **SB250**.

Subcommittee Report Signature Page:

All members of the Judicial Subcommittee signed the Signature Page for the Board of Indigents' Services and the Judicial Council except Senator Haley, the Ranking Minority member ([Attachment 7](#)).

Senator Haley explained his objections to the Subcommittee Report for the Board of Indigents' Services in his Minority Report ([Attachment 8](#)).

Subcommittee reports on:

Senator Fitzgerald, Chairperson of the Judicial Subcommittee, gave the Subcommittee Report for the Board of Indigents' Services ([Attachment 9](#)).

Senator Denning made a motion to review all extra appropriations from the State General Fund at Omnibus. Senator Arpke seconded the motion.

Senator Fitzgerald called the committee's attention to Senator Haley's Minority report. Senator Haley was unable to attend the committee meeting.

Chairperson Masterson asked a representative from the Board of Indigents' Services to brief the

CONTINUATION SHEET

MINUTES of the Committee on Ways and Means at 10:30 am on Monday, February 23, 2015, 548-S of the Capitol.

committee on the agency's funding requests.

Pat Scalia, Executive Director, Board of Indigents' Services said the Board has requested several enhancements:

- Funding to restore the payments to assigned council to the statutory rate which the board reduced from \$80 to \$62 an hour, to address budget reductions at that time with a promise to assigned council that when there was a positive ending balance the fee would be restored to \$80 per hour.
- Funding is being requested to pay for the extra cases to address the court's decision for the "Hard 50" and the Murdock cases for re-sentencing when they have an out-of-state conviction.
- Funding for salary increases for public defenders be adjusted to match other attorneys in the Executive Branch. There are public defenders with up to 7.9 years of experience who are making less money than an entry level attorney in the Executive Branch.

Senator Francisco asked the committee review the enhancements at Omnibus and asked Ms Scalia for more information concerning the recommendation for the case management system, and commended Ms Scalia for doing an excellent job explaining the other enhancements.

Ms Scalia said the reason for requesting funding for the case management system is to enable the Board of Indigent Defense to work with the court's electronic system. She said all we do is shuffle paper, and the court gave us notice in 2012 that the electronic system was coming, and now we have to be able to accept and send court documents electronically. She said they would not have the equipment to do that, without the extra \$60,000 in funding that the subcommittee approved.

Senator Francisco made a substitute motion to include the Board of Indigents' Services' list of appropriations and enhancements to be reviewed at Omnibus. The motion was seconded by Senator Fitzgerald and the substitute motion was adopted.

Senator Fitzgerald made a motion to adopt the Subcommittee Report as amended for the Board of Indigents' Services for FY201, FY2016, and FY2017. The motion was seconded by Senator Melcher and the Subcommittee Report as amended was adopted.

Senator Fitzgerald, Chairperson of the Judicial Subcommittee, gave the Subcommittee Report for the Judicial Council ([Attachment 10](#)).

Senator Fitzgerald made a motion to adopt the Subcommittee Report for the Judicial Council for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kerschen and the Subcommittee Report was adopted.

Possible action on bills previously heard

There was no action taken on bills previously heard.

The next Ways and Means Committee meeting is scheduled for Tuesday, February 24, 2015, at 10:30

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.

CONTINUATION SHEET

MINUTES of the Committee on Ways and Means at 10:30 am on Monday, February 23, 2015, 548-S of the Capitol.

am, in Room 548-S at the Capitol.

Chairperson Masterson adjourned the meeting at 10:59 am.