

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairperson Ty Masterson at 10:30 am on Wednesday, March 04, 2015, 548-S of the Capitol.

All members were present except:

Senator Larry Powell – 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

Justin Carroll, Legislative Research

Bobbi Mariani, Legislative Research

Ben Wilhelm, Legislative Research

Aaron Klaassen, Legislative Research

Shirley Morrow, Legislative Research

Mark Savoy, Legislative Research

David Fye, Legislative Research

Dylan Dear, Legislative Research

Debbie Luper, Chief of Staff

Dee Heideman, Committee Assistant

Conferees appearing before the Committee:

Scott Frank, Post Auditor, Legislative Post Audit Division

Others in attendance:

[See Attached List](#)

Bill introductions

Senator Kerschen introduced proposed legislation establishing conservation districts. The motion was seconded by Senator Francisco and the motion was adopted on a voice vote.

Senator O'Donnell made a motion to introduce proposed legislation at the Governor's request concerning a constitutional amendment that would allow general obligation bonding for the State of Kansas. Senator Melcher seconded the motion and the motion was adopted on a voice vote.

Hearing on: HB2009 — Authorizing the division of post audit to background check contractors and other workers.

Chairperson Masterson opened the hearing on **HB 2009**.

Jill Wolters, First Assistant Revisor, explained that **HB2009** was amended by the House committee. She said this bill would allow the Post Auditor to require people who contract to work with or under the direction of the Post Auditor submit to fingerprinting and a State and National criminal history background check ([Attachment 1](#)).

CONTINUATION SHEET

MINUTES of the Committee on Ways and Means at 10:30 am on Wednesday, March 04, 2015, 548-S of the Capitol.

Senator Melcher asked if the information was provided to the person who was disqualified. Ms Wolters stated that no information was given to the applicant, except that he/she did not qualify for the job.

PROPOSERS:

Scott Frank, Post Auditor gave the following reasons for supporting the bill:

- Employees have access to sensitive information;
- Need to check for criminal backgrounds;
- More efficient to hire temporary workers;
- Hire consultants occasionally.

Mr Frank stated this bill is important especially when hiring temporary workers and other contractors ([Attachment 2](#)).

Senator Melcher asked, if a candidate is disqualified, shouldn't they be notified and given the reasons why they did not qualify for the job.

Senator Denning said there is a bill now in the Department of Health on giving the Department for Children and Families authority to do background checks on their prospective employees. He asked if the Kansas Bureau of Investigation was going to perform the Post Audit checks, or if there was a reputable organization that could perform the checks more cost effectively.

Senator Kelly asked the Chair why the bill was in Senate Ways and Means and not in the Judiciary Committee, and the Chairperson said because it was assigned to his committee by Senate Leadership.

Senator Melcher asked what the fee was for obtaining a background check on a potential employee. Mr Frank said the total was approximately \$40.

OPPOSERS:

There were no opposers to come before the committee.

NEUTRAL:

There were no neutral parties to appear before the committee.

Shirley Morrow, Principal Fiscal Analyst, reported to the committee that the Kansas Bureau of Investigation and Washburn University have extended an invitation to the Ways and Means Committee members to tour the new KBI lab. She said the bus would leave on Thursday March 12, 2015, at 11:30 am from the North end of the Visitor's Center and return after having lunch at 1:00 pm.

Subcommittee report signature page:

All members of the General Government, Legislative and Elected Officials Subcommittee signed the signature page for the Subcommittee Reports for the Legislative Coordinating Council, Legislative

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CONTINUATION SHEET

MINUTES of the Committee on Ways and Means at 10:30 am on Wednesday, March 04, 2015, 548-S of the Capitol.

Division of Post Audit, Legislative Research Department, Legislature, and Office of the Revisor of Statutes ([Attachment 3](#)).

Subcommittee reports on:

Senator Kerschen, Chairperson of the General Government, Legislative, and Elected Officials Subcommittee, gave the Subcommittee Report for the Legislative Division of Post Audit ([Attachment 4](#)).

Senator Kerschen made a motion to adopt the Subcommittee Report for the Legislative Division of Post Audit for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kelly and the Subcommittee Report was adopted.

Senator Kerschen, Chairperson of the General Government, Legislative, and Elected Officials Subcommittee, gave the Subcommittee Report for the Legislative Coordinating Council ([Attachment 5](#)).

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

Senator Kerschen, Chairperson of the General Government, Legislative, and Elected Officials Subcommittee, gave the Subcommittee Report for the Legislative Research Department ([Attachment 6](#)).

Senator Kerschen made a motion to adopt the Subcommittee Report for the Legislative Research Department for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kelly and the Subcommittee Report was adopted.

Senator Kerschen, Chairperson of the General Government, Legislative, and Elected Officials Subcommittee, gave the Subcommittee Report for the Kansas Legislature ([Attachment 7](#)).

Senator Kerschen made a motion to adopt the Subcommittee Report for the Kansas Legislature for FY 2015, FY2016 and FY2017. The motion was seconded by Senator Kelly and the Subcommittee Report was adopted.

Senator Kerschen, Chairperson of the General Government, Legislative, and Elected Officials Subcommittee, gave the Subcommittee Report for the Office of the Revisor of Statutes ([Attachment 8](#)).

Senator Kerschen made a motion to adopt the Subcommittee Report for the Office of the Revisor of Statutes for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kelly and the

CONTINUATION SHEET

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Subcommittee Report was adopted.

Subcommittee report signature page:

All members of the Judicial Subcommittee signed the signature page for the Subcommittee Report for the Judicial Branch except Senator Haley, the Ranking Minority member ([Attachment 9](#)). Senator Haley explained in his Minority Report the reasons for not signing it ([Attachment 10](#)).

Subcommittee reports on:

Senator Fitzgerald, Chairperson of the Judicial Subcommittee, gave the Subcommittee Report for the Judicial Branch ([Attachment 11](#)).

Senator O'Donnell made a motion to amend the Subcommittee Report for FY2016 by striking from the Report, Line 4, which added \$861,364 from the State General Fund for Judicial retirement fees. The motion was seconded by Senator Kerschen.

Senator Kelly asked what the implications would be for striking Line 4 from the budget for the Judicial Branch. Senator Fitzgerald said if the judges want to keep their retirement fees higher, they would have to pay them out of their pocket or continue with them as they are now, and then the fees would be a little lower.

Senator Francisco wanted to know if her understanding was correct; this action would not reduce the amount for Judicial retirement payments. Senator Fitzgerald said it would not reduce the retirement payments.

The Chairperson recalled the motion to amend and the amendment motion passed on a voice vote.

Senators Francisco and Kelly asked to have their "no" votes related to striking Line 4 in the Subcommittee Report recorded in the permanent record of the Senate Ways and Means Committee minutes.

Senator Denning made a motion to put the subcommittee's recommendations, Lines 1, 2, 3, 5 on hold, like all of the other subcommittee budgets until Omnibus. He said Line 6 would remain in the Subcommittee report. Senator Melcher seconded the motion.

Senator Tyson asked what fiscal year was included in Senator Denning's motion. Chairperson Masterson said we are working the FY2016 budget.

Senator Francisco said she did not refute reviewing the recommendations at Omnibus; however, she made a substitute motion to add back in Line 4 of the subcommittee's recommendations for the Judicial retirement fees. Senator Kelly seconded the motion and the substitute motion failed.

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Senator Denning's motion was recalled and the motion to amend passed on a voice vote.

Senator Francisco explained Senator Haley's Minority Report for the Kansas Judicial Branch because Senator Haley was unable to attend the committee meeting. She said she agreed the cuts are substantial and asked for a more detailed explanation concerning the contributions being made to KPERS for the Judicial Branch. She wanted to know if this action was consistent with the other agency budgets.

Senator Fitzgerald said the answer is in the Minority Report where it alludes to a bill amending KPERS which has not been passed by the Legislature.

Senator Denning made a motion to accept the subcommittee's recommendation for FY2017, and hold Lines 1, 2, 3, 4, and 5 and review the status of the underlying bill at Omnibus. Senator Melcher seconded the motion.

Senator Francisco wanted to know why we would want to review at Omnibus, the 27th payroll for the Judicial Council, when this item is in all of the other agency budgets.

Senator Denning said it was just to be consistent with his prior motion.

Senator Francisco made a substitute motion to include all items in Senator Denning's motion except the 27th payroll costs, Line 2, because consistently we have funded that cost for every budget. Senator Kelly seconded the motion.

Senator Kelly said she did not see the 27th payroll in FY2016, and Senator Denning explained this extra payroll happens only once every 11 years and it happens in FY2017.

Senator Francisco's substitute motion was recalled and the substitute motion failed.

Senators Francisco and Kelly requested their "no" votes for Senator Denning's motion be recorded in the permanent record of the minutes.

Senator Denning's motion was renewed and it passed on a voice vote and the motion was adopted.

Senator Fitzgerald made a motion to adopt the Subcommittee Report for the Judicial Branch for FY2015, FY2016 and FY2017 as amended. The motion was seconded by Senator Melcher and the Subcommittee Report was adopted as amended.

Senators Kelly and Francisco asked to have their "no" votes against adopting the Subcommittee Report for the Judicial Council recorded in the permanent record of the Senate Ways and Means minutes.

Subcommittee report signature page:

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CONTINUATION SHEET

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All members of the Transportation and Public Safety Subcommittee signed the signature page for the Subcommittee Reports for the Adjutant General, Department, Kansas Highway Patrol and the Kansas Department of Transportation ([Attachment 12](#)).

Subcommittee reports on:

Senator Masterson, Chairperson of the Transportation and Public Safety Subcommittee, gave the Subcommittee Report for the Adjutant General's Department ([Attachment 13](#)).

Senator Masterson made a motion to adopt the Subcommittee Report for the Adjutant General's Department for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kelly and the Subcommittee Report was adopted.

Senator Masterson, Chairperson of the Transportation and Public Safety Subcommittee, gave the Subcommittee Report for the Kansas Department of Transportation ([Attachment 14](#)).

Senator Masterson made a motion to adopt the Subcommittee Report for the Kansas Department of Transportation for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kelly and the Subcommittee Report was adopted.

Senator Masterson, Chairperson of the Transportation and Public Safety Subcommittee, gave the Subcommittee Report for the Kansas Highway Patrol ([Attachment 15](#)).

Senator Masterson made a motion to adopt the Subcommittee Report for the Kansas Highway Patrol for FY2015, FY2016 and FY2017. The motion was seconded by Senator Kelly 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 March 5, 2015, at 10:30 am, in Room 548-S at the Capitol.

Chairperson Masterson adjourned the meeting at 11:57 am.