

Approved:

March 2, 2012

(Date)

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairperson Carolyn McGinn at 10:30 AM on Monday, February 13, 2012 in 548-S of the Capitol.

All members were present except Senators Schodorf and Masterson, who were excused.

Committee staff present:

Jan Lunn, Committee Assistant
Melinda Gaul, Chief of Staff, Senator McGinn's Office
Eli Johns, Intern, Senator McGinn's Office
Alan Conroy, Director, Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Legislative Research Department
Michael Steiner, Senior Analyst, Legislative Research Department
Bobbi Mariani, Fiscal Analyst, Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
David Wiese, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes

Others in attendance:

See attached list.

Bill introductions:

Senator Tom Holland was present to request introduction of a bill concerning the phase out of the sales tax on food. Senator Teichman moved introduction of the bill, 12rs2167, Senator Schmidt seconded the motion, which carried on a voice vote.

Senator McGinn moved introduction of the Governor's Mega Budget bill, 12rs1482; Senator Schmidt seconded the motion, which carried on a voice vote.

Announcements:

Subcommittee reports on:

Chairperson McGinn announced the Governor's Budget Amendment (GBA) was received Friday, February 10, 2012; the GBA is attached for committee members' information. (Attachment 1)

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 SENATE WAYS AND MEANS Committee at 10:30 AM on Monday, February 13, in 548-S of the Capitol.

Subcommittee reports on Board of Indigents' Defense Services, Judicial Branch, and Judicial Council:

Senator Vratil was recognized to provide a summary of the Subcommittee's actions.

Board of Indigents' Services:

Senator Vratil reported there was no recommendation for FY 2012; for FY 2013, the Subcommittee concurred with the Governor's recommendation with the following adjustments and notations:

- Transfer \$706,190, from special revenue funds in the Judicial Council, to the Indigents' Defense Services Fund and increase the expenditure limitation by the same amount. The subcommittee recommends the Board of Indigents' Defense receive the transfers from the special revenue fund subsequent to the Judicial Branch and Judicial Council for the purpose of funding vacant positions and providing funds to enhance public defender pay comparable to similar positions in the Executive Branch.
- The subcommittee noted that in FY 2009, 40.0 percent of the chief defenders resigned, and if current resignation rates continue, another 20.0 percent would resign in FY 2012 because of low pay.
- The subcommittee noted that reducing turnover among public defenders enhances efficiency and caseload capacity per defender; the agency indicated that for every dollar spent on public defenders, the State could save two dollars on Assigned Counsel costs in the following fiscal year. Senator Vratil commented that he has requested the agency keep records so that savings can be illustrated in two years.

Judicial Branch:

The subcommittee made no recommendations for FY 2012; the subcommittee concurred with the Governor's recommendation for FY 2013, with the following adjustments and recommendations:

- Transfer \$107,001 to the Judicial Branch Surcharge Fund, all from special revenue funds in the Judicial Council, for partial funding of the e-filing project recommended by the Blue Ribbon Commission.

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- Recommended that the legislature consider appropriating \$994,004 in FY 2014, \$263,004 in FY 2015, and \$42,752 in FY 2016 (total of \$1.4 million) to complete the funding for the e-filing project.
- Noted that **SB 322--Court fees and costs; judicial branch surcharge fund**, currently in Senate Judiciary Committee, extends the authority for the court to impose a surcharge on docket fees into FY 2013. The Judicial Branch budget is based on this assumption that authority will be extended; if **SB 322** is not passed, the agency must reduce its budget approximately \$11.9 million for FY 2013.

Judicial Council:

The subcommittee made no recommendations for FY 2012; the subcommittee concurred with the Governor's recommendation for FY 2013, with the following adjustment:

- Transfer \$84,777 to the Judicial Council Fee Fund, from other Special Revenue Funds in the Judicial Council, and add 1.0 FTE position to retain an additional staff attorney for the Judicial Council.

Senator Vratil responded to committee members' questions and concerns as follows:

All the transferred funding comes from the same source: Special Revenue Funds in the Judicial Council budget; adequate funding exists to cover the transfers recommended. The transfers recommended will almost zero out any remaining Judicial Council Special Revenue Funds.

The Special Revenue Fund (Judicial Council budget) is used for reviewing judicial performance. Reviews are submitted by peers, judges, and litigants. A subcommittee member added that discussion was heard concerning the value of judicial performance funding; however, if funds were reallocated in July 2012, it would be impossible to conduct the survey process and return results to the electorate in time for the election. It was recommended that reconsideration occur for FY 2013.

The transfer of funds (\$1.2 million was included in **SB 311--Supplemental appropriations for FY 2012 and FY 2013 for various state agencies**) from the Department of Wildlife, Parks and Tourism to the Judicial Branch for FY 2012 was designated for wages and salaries resulting from the decrease in docket fees; the reason for the decreases in docket fees is unknown.

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Senator Vratil moved to adopt the Subcommittee Reports for the Board of Indigents' Defense Services, the Judicial Branch and the Judicial Council; Senator Francisco seconded the motion, which passed on a voice vote.

The meeting was adjourned at 11:44 a.m.

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