

M I N U T E S

LEGISLATIVE BUDGET COMMITTEE

June 12, 1975

The Legislative Budget Committee convened in Speaker McGill's office at 2:00 p.m. on June 12, 1975. The main purpose of the meeting was to discuss proposals assigned to the Committee, to consider subjects which should be studied by the Committee under its statutory authority, and to establish a schedule of meeting dates. All six members were present except Senator Steineger (a seventh member will be appointed later). Staff in attendance were Richard Ryan, Fred Carman, Arden Ensley and James Bibb.

Proposal No. 31 - General Fund Receipts

Each member of the Committee was given a written report by the staff on general fund receipts through May of FY 1975. A similar report will be prepared for the Committee every month, as in the past.

Proposal No. 32 - Investment of State
Moneys

This proposal relates to monitoring the workings and results of 1975 Senate Bills 53 and 54. The staff was instructed to present a report thereon at each meeting of the Committee.

Proposal No. 33 - Administrative Rules
and Regulations

After discussion of present involvement of the Revisor's office and the legislature in the administration, adoption and approval of rules and regulations under article 4 of Chapter 77 of KSA, the Committee decided that it should review the whole procedure. The staff was requested to prepare an outline of the procedures required and followed under the present law.

Proposal No. 34 - Rules of Legislature

The Committee agreed that three matters should receive first priority under this proposal: rules providing for expulsion and censure of members of the legislature, as directed by section 8 of the revised Legislative Article; major differences between the House and Senate rules; and substitute motions relating to adoption of conference committee reports (joint rules).

Proposal No. 35 - Recall of Public Officials

Article 4, section 3, of the Kansas Constitution provides in part that, "Procedures and grounds for recall shall be prescribed by law." Mr. Carman pointed out that some major policy questions are involved in determining "grounds," e.g., can or should there be differences between state elected officials and/or state and local officials; and should there be any distinctions between officials that are and are not subject to impeachment. The staff was instructed to prepare an outline of policy questions involved in determining both procedures and grounds for recall.

Proposal No. 36 - Initiative

The chairman of the Committee suggested that this proposal be considered if time permits after work on other studies which have been given higher priority. Materials assembled by the staff on the subject of initiative during the 1973 interim should be placed in the Committee notebooks.

Governmental Immunity

There was considerable discussion of the recent opinion of the Kansas Supreme Court which held unconstitutional the doctrine of governmental immunity as declared in KSA 46-901 and 46-902 (Brown et al v. Wichita State University). The Committee decided that it should study this matter under its statutory authority and that the study should be given high priority. The staff was requested to prepare an outline of alternatives for the Committee's consideration, including tort claims legislation and purchase of liability insurance by the state.

County Equalization and Adjustment Fund

A copy of the Attorney General's Opinion No. 75-230, dated May 19, 1975, as requested by the state treasurer, was given to the Committee. Mr. Ryan explained that the county equalization and adjustment fund established under KSA 1975 Supp. 79-3425c(b) has been

distributed through 1975 in accordance with the Research Department's understanding of legislative intent in 1970, but the Attorney General's opinion says that the specific language of the statute does not conform with such intent. That opinion further states that the distribution in 1976 should be made under his interpretation of the statute, with adjustments made for overpayments made in prior years from distributions made in 1976 and future years, "unless and until legislative action is taken to articulate the alleged 1970 legislative intent."

It was agreed that the Committee should study this problem under its statutory authority. The staff was requested to present to the Committee documentation of 1970 legislative intent and to draft a bill amending 79-3425c(b) to clarify the statutory language in accordance with such intent and to ratify all prior distributions from the county equalization and adjustment fund.

State Architectural Services Advisory
Committee

The Committee reappointed the same subcommittee (Speaker McGill, Representative Loux, Senator Doyen) that was appointed on June 14, 1974, to give initial consideration to change orders relating to state building construction contracts.

Schedule of Committee Meetings

The Committee decided that it would normally meet each month on the Thursday preceding the Friday session of the Legislative Coordinating Council. On that basis, the Committee will meet on July 10, August 7, September 4, October 2, and November 6.

For the meeting on July 10, the agenda should include Proposal 31, Proposal 32, Governmental Immunity, County Equalization and Adjustment Fund, and a report of the subcommittee of the Architectural Services Advisory Committee.

Prepared by Richard Ryan

Approved by Committee on:

July 10, 1975
Date