

MINUTES

LEGISLATIVE BUDGET COMMITTEE

October 6, 1977

The Legislative Budget Committee convened at 9:00 a.m. on October 6, 1977 in Room 527 of the State House. All members were present except Senators Doyen and Winter. Staff in attendance all or part of the time were Phill Jones, Richard Ryan, and Marlin Rein of the Legislative Research Department; Arden Ensley and Norman Furse of the Revisor of Statutes Office; and James Bibb of the Budget Division. John Wilhm, administrative assistant to Speaker Carlin, also attended.

Minutes of Last Meeting

The minutes of the meeting held on August 31 and September 1 were approved without change.

Proposal No. 47 - State General Fund

The staff presented a report on state general funds receipts in the first quarter of FY 1978. Total receipts were \$3.6 million, or 2 percent, over the budget estimate made last December as adjusted to reflect action of the 1977 Legislature, and were 10.6 percent above collections in the first three months of FY 1977.

Proposal No. 49 - State Personnel System

Conferees were Norman Hanson and Deborah High of the Secretary of Administration's "Study Group" on the personnel system, and John Corkhill and Marshall Crowther of the Kansas Public Employees Retirement System.

The Committee continued its consideration of 1977 S.B. 445, starting with the question of abolishing mandatory retirement for public employees. The staff presented materials relating to this issue, discussed some of the policy questions involved, and pointed out that simple repeal of KSA 75-2962 through 2969, as in SB 445, would not accomplish the purpose of eliminating mandatory retirement. The Committee decided to divorce the question of retirement age from SB 445, to delete the repeal of the above cited statutes from the bill, and to hold hearings on the retirement age matter at the next meeting. The staff was instructed to prepare a memorandum on policy options and to work on the basic amendments that would be required if the Committee decided to eliminate mandatory retirement.

After considerable discussion, the Committee agreed to amend lines 0266 and 0267 of the bill to specify the nine "cabinet-level" secretaries who would be entitled to have one personal secretary and one special assistant in the unclassified service. The staff was told to prepare amendments to any existing statutes which already authorize such positions in order to avoid duplication of authority between those statutes and SB 445.

The Committee also agreed with the recommendation of the Study Group that classified exempt positions should be eliminated, and that such positions in the affected agencies be transferred as follows: Attorney General, State Treasurer, Department of Agriculture, Animal Health Department, and Park and Resources Authority, all to unclassified service; State Library and Veterans Commission, all to classified service; Historical Society, one (the Secretary) to unclassified and the remainder to classified; and KBI, narcotic investigators to unclassified and special agents to classified. The staff was instructed to amend SB 445 accordingly.

Approved by the Committee was an amendment to lines 0385 and 0386 providing that the legislature shall receive a copy of the annual salary survey. Also approved was deletion of the words, "with the approval of the secretary of administration," which were inserted in line 0353 by the subcommittee of the Senate Ways and Means Committee.

As requested by the Committee at the last meeting, Mr. Furse presented a comprehensive amendment (new sections 18-21) relating to procedures to be followed by the Civil Service Board concerning appeals, patterned after the procedures applicable to the Corporation Commission. The amendment was approved as submitted, except that the Committee decided that a rehearing before the Board should be de novo and that two citations (KSA 75-3747(4) and 75-3747(5)) be inserted in the second line of new section 18. The latter change is designed to give the Board authority to hear appeals from employees of local agencies covered by federal merit standards.

Mr. Furse raised the question of whether or not the Committee wants to repeal KSA 75-2941, relating to discrimination on religious or political grounds. The Committee decided to delete that section from the list of statutes to be repealed by SB 445.

Senator Steineger presented an amendment relating to the appointing authority of the Attorney General, as now set forth in KSA 75-3111. He said the amendment is intended to allow more flexibility than now permitted by certain references to specific numbers and types of positions. The amendment was approved, but the staff was asked to verify that it does what was intended.

Because of the extensive amendments made to SB 445, the staff was instructed to prepare a substitute bill and to send it to the Committee along with a draft of the final report on Proposal No. 49.

With regard to SB 444, it was decided that the assistant director of personnel should be in the unclassified service. (This matter was not discussed at the meeting on July 28 when the Committee voted to recommend that the director of personnel be unclassified.)

Proposal No. 50 - Capitol Area Plaza

Carl Ossman, chairman of the Capitol Area Plaza Authority and acting director of the Division of Architectural Services, told the Committee that:

1. Completion of the Supreme Court building is almost one year behind schedule. The general contractor has assured that the building will be completed by May 1, 1978. Landscaping will not be finished until August or September. No specific date for occupancy has been set.
2. The Authority will ask for money in its budget request to (a) plan for a new state office building and (b) acquire certain property adjacent to the Capitol area.

Senator Steineger asked Mr. Ossman to determine if something can be worked out so that the bench in the present Supreme Courtroom will not be removed.

Architectural Services Advisory Committee

While Mr. Ossman was present, the Committee discussed a proposed change order in the amount of \$29,986 for installation of cable between the clinical science and pathology building and the veterinary medicine teaching building at KSU. Mr. Weaver questioned the figures on the pricing sheet and why the installation work should not be let for bids instead of handled by a change order. Mr. Ossman was asked to check on these questions. Later in the afternoon Mr. Ossman, along with Myron Reed of his staff, reported that the figures on the pricing sheet were mathematically correct and that, based on a conversation with Vincent Cool of KSU, the installation work probably would cost less if done by the present electrical subcontractor before the new building is completed. The change order was approved by the Committee, with Mr. Weaver abstaining.

Proposal No. 53 - Tort Claims Act

Mr. Ensley distributed a draft bill which makes a number of changes in the composition and procedures of the Joint Committee on Claims Against the State. Such a bill was requested by the Budget Committee at its last meeting. After explanation of each section of the bill, the following changes were approved by the Committee:

Section 1. Provide for rotation of the chairmanship between the House and Senate every two years instead of annually, with the designated House member to be chairman in 1979 and 1980.

Require LCC approval of meetings of the Joint Committee during the interim, but not during a legislative session. (This relates to a change made in Section 8.)

Section 5. Allow, not require, the Joint Committee to use the workmen's compensation act as a guide in determining awards for claims for injury, death or disability.

In the last sentence, substitute "the unverified application" for "ex parte affidavits" and delete "or his or her witness or witnesses."

Section 8. Authority to permit the Joint Committee to consider claims filed after November 1 in any year and before adjournment of the next legislative session should be vested in the Speaker and President of the Senate, rather than in the LCC.

The bill, as amended, was approved by the Committee. Staff was requested to mail a copy of the amended bill and the Committee report on Proposal No. 53 to the members for their approval or suggested changes in the report.

Next Meeting

The next meeting of the Committee was scheduled for November 2 and 3, beginning at 9:00 a.m. on both days.

Prepared by Richard Ryan

Approved by Committee on

11/2/77
Date