

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Senator August "Gus" Bogina, Chairperson at 10:20 a.m. on April 6, 1991, in Room 123-S of the Capitol.

All members were present except:
Senator Doyen

Committee staff present:
Diane Duffy, Leah Robinson - Legislative Research Department
Gordon Self, Revisors' Office
Ronda Miller, Committee Secretary

Conferees appearing before the committee:
Dr. Stanley Koplik, Executive Director, Kansas Board of Regents
Dr. Don Rathbone, Dean, School of Engineering, KSU
Mr. Clay Edmonds, Kansas Hospital Association
Mr. Jerry Greaney, Phillips Lighting
Major Henry Martin, Kansas National Guard
Mr. Bill Brown, Kansas Power and Light
Paul Shelby, Assistant Judicial Administrator

SB 22 - Kansas College of Technology, merger with Kansas State University

Dr. Stanley Koplik was the first proponent of the bill to testify before the Committee. He reviewed what he felt were merits of merging the engineering technology programs of KCT and KSU. (Attachment 1)

There was lengthy discussion about whether the Regents Task Force had met their charge of seriously considering all viable options. Dr. Koplik responded that the merger was given most consideration in order to enhance engineering technology in Kansas. He agreed with Senator Kerr's statement that the Task Force had not seriously considered moving the engineering technology program at KCT to another location.

Senator Harder questioned whether the peripheral courses necessary for a baccalaureate degree would be in place at KCT. Dr. Koplik noted that with the phase in of the program at KCT, a 2 or 4 year degree would be obtainable at the campus. He noted that KCT students might be able to take some of those courses through Kansas Wesleyan. In answer to Senator Harder's inquiry, Dr. Koplik stated that he would investigate whether programs would have to be added to the curriculum to maintain accreditation, but noted that he would not return to request an expansion of general education curriculum at KCT.

Donald Rathbone testified in support of SB 22 and reviewed Attachment 2. Senator Rock expressed his approval of the "spread out concept" offered by Pennsylvania State (Attachment 2), saying it was a concept Kansas should endorse. In answer to Senator Parrish's inquiry, Dr. Rathbone noted that the engineering technology faculty at KSU would not be transferred to Salina.

Clay Edmonds, President of the Asbury-Salina Regional Medical Center, appeared before the Committee in support of SB 22, noting that the merger affords the opportunity to blend the needs of the health care industry with educational opportunities. He told the Committee that biomedical engineering, computer services and electronics are three areas that could benefit from the merger. In answer to a question, Mr. Edmonds stated that he currently contracts with a variety of institutions to provide training for technicians, but training for biomedical technicians is not available in Kansas.

Mr. Jerry Greaney appeared in support of SB 22 and testified to the value of

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, April 6, 1991.

technology education to industry in general.

Major Henry Martin appeared before the Committee to recommend passage of SB 22 and distributed copies of Attachment 3. He noted that in response to a request from the Pentagon to train additional aviation battalions, he searched for a single institution that could provide both aviation training and general education. He found only one institution in the nation that offered an associate or baccalaureate degree in aviation technology. Major Martin urged the state to take advantage of the popularity of aviation brought about by Desert Storm, noting that the state could lose a national program if the merger does not take place. In response to the concerns about costs of the merger, the Major noted that 5 years ago the Air National Guard invested \$140,000 in education in comparison to the current \$34. million annual investment.

Major Martin told the Committee that Pittsburg State University could have housed the program, but it has no runway for training purposes. He noted that although Wichita has runways, aviation in Wichita is mostly jet aircraft. When making a choice of where to train aviation battalions, the National Guard chose Salina because of the present infrastructure: the Rangers, the military academy, the runway, the institution, and its central location for chopper aircraft.

Mr. Bill Brown testified in support of SB 22 and reviewed Attachment 4. As a member of the Task Force, he stated that the need for an associate and baccalaureate engineering technology degree in Kansas was first examined. After deciding that the need was viable, the Task Force devoted 2 months to consideration of options other than the merger. When it was decided that the merger was most cost-effective administratively, the Task Force invited Pittsburg State, Wichita State and Kansas State to make proposals. In answer to a question, Mr. Brown stated that the state is at a crossroads and needs to make a decision regarding KCT. He said that Kansas needs to establish an engineering technology program someplace in Kansas, but if KCT were not chosen, it might be his recommendation to close KCT as it exists today.

Senator Gaines moved, Senator Allen seconded, that SB 22 be recommended favorable for passage. Senator Parrish, although approving the idea of the merger, expressed concern regarding its long range costs and about the moneys left in the KSU budget. She noted that if costs at KCT are higher than projected, it might be advisable to not allow KSU to keep the savings. Tim Rogers, Executive Director for the Salina Airport Authority, told the Committee that the intent is to maintain the KCT base budget over the next few years. The motion carried on a roll call vote.

KANSAS COLLEGE OF TECHNOLOGY

The subcommittee report for FY91 and FY92 (Attachment 5) was distributed to committee members. Senator Salisbury moved, Senator Rock seconded, that the subcommittee report be adopted. Senator Parrish reiterated the right of the Committee to not reallocate \$477,000. in savings to KSU. Senators Brady and Bogina indicated their support of that right and emphasized their desire to see a tabulation of all the equipment purchased by KCT. The motion carried on a voice vote.

Senator Winter moved, Senator Salisbury seconded, that an appropriation bill for Kansas College of Technology be introduced and recommended favorable for passage. The motion carried on a roll call vote.

SB 362 - Kansas State University, extension and agricultural research programs, budgeted as separate agency

Senator Salisbury moved and Senator Hayden seconded that SB 362 be recommended favorable for passage. The motion carried on a roll call vote.

SB 423 - District judges and district magistrate judges, positions and

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, April 6, 1991.

compensation

Paul Shelby reviewed SB 423, noting that it is a clean-up bill that makes changes in authorizing statutes to correspond to changes made by the Supreme Court.

SB 433 - Authority of supreme court to create, eliminate or shift job positions relating to nonjudicial personnel

SB 436 - Authority of supreme court to create, eliminate or shift positions relating to judges and nonjudicial personnel

Paul Shelby reviewed Attachment 6, a letter from Chief Justice Richard Holmes and discussed suggestions for amendments that could be made to SB 433 and/or SB 436 found on Attachments 7, 8 and 9. There was lengthy discussion regarding the responsibility and costs of managing the court system.

Senator Winter expressed his opinion that the issue of state fiscal restraints is a separate issue from that of how the court system is administered. Mr. Shelby responded that the Chief Justice is ready to assume management of the court system given adequate time and funding. He cautioned the Committee that if SB 433 only was enacted, it would be difficult to manage nonjudicial personnel as long as there's the requirement of one judge per county.

Senator Winter suggested that there were two steps in this process: 1) giving the court authority to manage the system which would be achieved through passage of SB 436 and, 2) funding a study to determine how to achieve efficiency (reallocation of personnel) which would need to be conducted by the National Center for State Courts.

Senator Hayden objected to changes in the present judicial system, noting that there would be little effect on the budget but there would be a strong public reaction.

Senator Kerr moved, Senator Salisbury seconded, that SB 436 be amended by including the amendment of K.S.A. 20-301b (Attachment 6-8), the amendment of K.S.A. 20-345 (Attachment 6-9) and by the inclusion of the balloon (Attachment 9). The motion carried on a voice vote, with Senators Allen, Hayden and Brady voting no.

Senator Winter moved, Senator Hayden seconded, that SB 436 be amended to include an effective date of January 1, 1991. Senator Bogina noted that the effective date would present a problem for adjustments of nonjudicial personnel. Senator Winter offered a substitute motion to amend SB 436 by allowing an effective date upon publication in the statute book for nonjudicial personnel and a second effective date of January 1, 1993 with respect to judicial personnel. Senator Brady seconded the substitute motion which carried on a voice vote.

Senator Winter moved and Senator Rock seconded that SB 436 be further amended by including a provision that the court system shall request a consultant study of the allocation of judicial and nonjudicial personnel in the state court system and report back to the 1992 Legislature. The motion carried on a voice vote.

It was moved by Senator Kerr, seconded by Senator Gaines, that SB 436 as amended be recommended favorable for passage. The motion carried on a roll call vote.

The meeting was adjourned by the Chairman at 2:00 p.m.

Testimony on Senate Bill 22 to Senate Ways and Means Committee
April 6, 1991

Stanley Z. Koplik, Executive Director
Kansas Board of Regents

Benefits of KSU - KCT Merger to the State of Kansas

1. The merger will result in improved cost efficiency on the Salina campus through:
 - a. increasing enrollments made possible by the increased prestige and name recognition of a major university.
 - b. reorganizing the administration of the Salina campus producing a reduction of administrative positions and an increase in faculty positions.
2. The reconfigured institution will cultivate the level of alumni and business support necessary to fulfill the training and retraining needs of the State.
3. The mesh of both baccalaureate and associate degree programs in engineering technology will enable the Regents system to respond more effectively to the industrial and student demands for technology education in Kansas.
4. The Regents Educational Communications Center will facilitate outreach programs in engineering technology to supplement KSU's statewide presence, i.e., engineering technology programs can be delivered to Wichita and Kansas City via telecommunications.
5. Makes two institutions stronger through the reallocation of funds and additionally provides \$4.5 million from the City of Salina to improve facilities and \$2.0 million from the KSU Foundation for student scholarships. These are dollars that will enhance opportunities from sources other than the State General Fund.
6. Provides an associate degree from Kansas State University, a nationally recognized institution. The prestige of such a degree will greatly enhance enrollments and service to Kansas industry.
7. Demonstration of legislative commitment to an improvement and enhancement of institutional missions and educational services to the State of Kansas through reallocation of resources and reduction of administration.

SWAM
April 6, 1991
Attachment 1

TESTIMONY BEFORE THE SENATE WAYS AND MEANS COMMITTEE

APRIL 6, 1991

DONALD E. RATHBONE, DEAN
COLLEGE OF ENGINEERING, KANSAS STATE UNIVERSITY

I first want to thank the committee for providing me the opportunity to testify on the need for the four year engineering program at the proposed KSU-Salina College of Technology. The concept that evolved out of the proposed transfer of the above program from Manhattan to Salina was to structure the program in Salina in a rather unique way that would allow the Salina campus to be a state-wide coordinating program in Engineering Technology (ET). Most ET programs in the country today would be classified as engineering look-alike programs, that is, programs that have the basic courses in the freshman and sophomore years, such as mathematics, english, chemistry, and the majority of the ET programs in the junior and senior years. The major difference between the ET programs and engineering are the math and science levels, the practical applications and the lack of a major design component in the ET programs. The ET programs had their major beginnings in the late 60's and early 70's when the engineering graduate had become more scientific-oriented with less concern of hands-on applications as opposed to basic designs. They have filled a void in the country and have grown tremendously over the last twenty years.

The concept that KSU and KCT developed for the proposed ET program in Salina is similar to what I will call a "spread out" curriculum which would permit a 2 plus 2 program and would allow students from the other 30 plus two year technology programs in the state to transfer to Salina and complete a four year program there, if desired. What I mean by the spread out concept is one in which the technology courses would be offered throughout the four year curriculum with very careful selection of the ET courses in the first two years that permit them to be both building blocks for the next two years and yet strong enough for a two year graduate to be effective in industry. Pennsylvania State University has offered just such a program in Pennsylvania at over twelve locations with their coordinating program located in Harrisburg and called the Capitol Campus. Our approach would be similar to this and thus would provide, in my opinion, a very significant contribution to the State of Kansas in terms of industrial and economic development.

KCT programs in its Aeronautics Division are very unique to the state and have considerable potential for us.

When we were in the planning stages for the transfer of our four year program in ET to Salina, Provost Coffman and I made a trip to Wichita to talk with Boeing, NCR, Beech and Koch Industries to ascertain their interests in this program and their opinion of the present graduates of the two year programs. In all cases, we met with groups of managers from throughout the company. At Boeing, we had a group of 8 or so key individuals in the various areas related to the disciplines that we offer in ET at Manhattan and at Salina. All were very complimentary of the two year graduates that they had been receiving from KCT and of the four year graduates from Manhattan.

SWAM

April 6, 1991

Attachment 2

I also talked two weeks ago with some of my four-year ET graduates who worked for Exxon. The College has also had some interaction with local companies. All of the above groups were very positive about engineering technology. It is my opinion that the proposed program at Salina has considerable potential if it receives the proper leadership. It would be a strong state-wide coordinating program, as I mentioned above, and would certainly also help the state in terms of economic development for the future. I feel that these kinds of graduates can be very helpful to the small company in the state as well as the large, although we did not survey them to get their inputs directly.

At a recent meeting of the Senate Ways and Means Committee, there was some discussions on the equipment needs for the new program in Salina. It might be helpful to have a point of reference on the equipment costs of engineering education. I feel the costs for ET would be very comparable to that for an engineering graduate since ET is so laboratory-intensive. A recent study was done by the National Society of Professional Engineers (NSPE) in 1989 entitled, Engineering Education Problems: Laboratory and Computer Problems. In that document, in the Executive Summary, they mentioned that the average dollars per B.S. graduates in engineering spent for equipment in 1989 was \$3,524.00. This number represents an on-going program which has already been established and thus includes primarily updating the equipment, replacing the equipment or, as appropriate, adding new equipment in emerging fields. A program that averages over 40 graduates per year would thus cost over \$140,000 to maintain, not including start-up costs. Costs for equipment in the laboratories are quite expensive and would probably need an equivalent amount just to equipment the laboratory initially.

In summary, the need for this program can only be justified based on the goals and aspirations of the state. If we want to provide support to our industries and economic development while simultaneously providing career opportunities for our young people, I consider it an excellent investment. I fully understand some of the committee members concerns for the number of various kinds of programs throughout the state education systems. I do, however, feel that this program has special factors that make it unique and thus hopefully a major plus for the State. It is not just another program, and I apologize to the committee for not having done a better job of communicating the above concepts to you earlier.



REPLY TO
ATTENTION OF

DEPARTMENTS OF THE ARMY AND AIR FORCE
NATIONAL GUARD OF KANSAS
ADJUTANT GENERAL OF KANSAS
P.O. BOX C-300
TOPEKA, KANSAS 66601-0300



PRESENTATION
FOR
SENATE WAYS AND MEANS COMMITTEE
SENATE BILL NO. 22
SATURDAY, APRIL 6, 1991

MISTER CHAIRMAN AND MEMBERS OF THE COMMITTEE:

GOOD MORNING. MY NAME IS MAJOR HENRY MARTIN. I AM THE EDUCATION SERVICES OFFICER FOR THE ADJUTANT GENERAL'S DEPARTMENT. I HAVE COME BEFORE YOU TODAY TO TESTIFY ON BEHALF OF SENATE BILL 22 CONCERNING THE MERGING OF KANSAS TECHNICAL INSTITUTE WITH KANSAS STATE UNIVERSITY.

CURRENTLY, KANSAS NATIONAL GUARD SOLDIERS RECEIVE TRAINING THROUGH THE KANSAS MILITARY ACADEMY LOCATED IN SALINA. THIS TRAINING INCLUDES MILITARY OCCUPATIONAL COURSES AND SPECIALIZED COURSES SUCH AS ENABLE COMPUTER TRAINING. MOST OF THESE COURSES ARE CONTRACTED THROUGH THE KANSAS TECHNICAL INSTITUTE.

THE QUALITY OF OUR TRAINING FOR OUR SOLDIERS AT THE KANSAS MILITARY ACADEMY HAS BEEN SUPERIOR; HOWEVER, THIS MERGER COULD ONLY SERVE TO ENHANCE THE TRAINING CAPABILITY OF THE MILITARY ACADEMY.

BECAUSE AVIATION PROGRAMS ARE OFFERED AT KANSAS TECHNICAL INSTITUTE, THE ARMY AVIATION FLIGHT FACILITY, ALSO LOCATED IN SALINA, BENEFITS FROM THE TRAINING AND EDUCATIONAL OPPORTUNITIES THAT ARE AVAILABLE.

-MORE-

SWAM
April 6, 1991
Attachment 3

THE MERGER ALSO ALLOWS SALINA AREA RESIDENTS THE OPPORTUNITY TO PURSUE A TRADITIONAL DEGREE THROUGH KANSAS STATE UNIVERSITY CURRICULUM WITHOUT HAVING TO LEAVE SALINA OR CENTRAL KANSAS.

I BELIEVE THE MERGER OF THE KANSAS TECHNICAL INSTITUTE AND KANSAS STATE UNIVERSITY WOULD SERVE TO INCREASE OPPORTUNITIES FOR THE CITY OF SALINA, CENTRAL KANSAS, THE KANSAS NATIONAL GUARD AND THE STATE AS A WHOLE.

FOR THESE REASONS, I STRONGLY URGE YOU TO RECOMMEND PASSAGE OF SENATE BILL 22.

THANK YOU FOR YOUR TIME AND ATTENTION.

Senate Bill 22 -- An act merging the Kansas College of Technology with Kansas State University

I am Bill Brown, president and chief executive officer, KPL Division, The Kansas Power and Light Company

Mr. Chairman, Committee members: I am here in support of S.B. 22 - the merging of the Kansas College of Technology and Kansas State University.

I. I was an industry member of the Kansas Board of Regents' Task Force on the Future Direction of the Kansas College of Technology.

After extensive review of the viable options available, the Task Force concluded the merger of the College with K.S.U. is the most cost effective and administratively workable solution to providing a two-year high quality technical education program in Kansas.

All options, including closing the College and enhancing existing community college programs, were considered.

II. The College of Technology is the only program in the state providing associate degree programs in aviation maintenance technology; mechanical, electronic, industrial, and chemical engineering technologies.

The College programs are a qualitative step above community college programs and prepare students for both employment and transfer to four-year degree programs.

Modern industries, whether existing in Kansas or being recruited as part of the state's commitment to economic development, require a highly and appropriately trained work force.

III. KPL employees a number of College of Technology graduates, for example:

An employee hired in 1969 with associate degree now is manager, national electric safety code compliance for the Company.

Another employee hired in 1967 as an estimator currently is a division superintendent.

A third employee hired in 1980 has recently returned to school to obtain his B.S. degree in civil engineering.

IV. Graduates of the College of Technology are particularly valuable because they have skills immediately transferable to the job. Full graduate engineers generally design systems, the

SWAM
April 6, 1991
Attachment 4

technical college graduate runs those machines, systems, and programs.

Technical people are such an invaluable resource to KPL that we have developed career paths just for them.

V. Merger of the College of Technology with Kansas State University will strengthen the curriculum, increase the transferability of courses to a four-year degree program, and increase the employability of the graduates.

Businesses, both existing in Kansas and potential economic development recruits, require highly trained technical employees. Kansas with its relatively small work force does not have a large pool of such people, the College of Technology, affiliated with K.S.U., provides the facility and programs to train the necessary employees.

I recommend the Committee support the merging of the College of Technology and Kansas State University in Senate Bill 22.

Mr. Chairman, I will respond to questions from the Committee.

SUBCOMMITTEE REPORT

Agency: Kansas College of Technology

Bill No. 2456

Bill Sec. 35

Analyst: Rampey

Analysis Pg. No. 899

Budget Page No. 392

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Gov. Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 4,062,637	\$ 3,987,745	\$ --
General Fees Fund	421,492	467,476	--
Subtotal -- General Use Funds	\$ 4,484,129	\$ 4,455,221	\$ --
Restricted Use Funds	1,236,060	1,235,556	--
Subtotal -- State Operations	\$ 5,720,189	\$ 5,690,777	\$ --
Other Assistance:			
Other Funds	\$ 270,369	\$ 270,369	\$ --
Total Operating Exp.	\$ 5,990,558	\$ 5,961,146	\$ --
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ --
Educational Bldg. Fund	73,225	73,225	--
Other Funds	0	0	--
Subtotal -- Cap. Imp.	\$ 73,225	\$ 73,225	\$ --
GRAND TOTAL	\$ 6,063,783	\$ 6,034,371	\$ --
FTE Positions:			
Classified	35.5	35.5	(2.0)
Unclassified	83.6	83.6	(5.0)
TOTAL	119.1	119.1	(7.0)

Agency Request/Governor's Recommendation

The College estimates FY 1991 expenditures of \$4,484,129 from general use funds. The estimate is an increase of \$304,690 (7.3 percent) over actual general use expenditures of \$4,179,439 in FY 1990.

The Governor recommends expenditures of \$4,455,221 from general use funds, a reduction of \$28,908 from the College's estimate.

*SWAM
April 6, 1991
Attachment 5*

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendations, with the following exceptions:

1. Delete 2.0 FTE classified positions that have been vacant and unfunded since FY 1989. The positions are a Labor Supervisor and an Air Conditioner-Refrigerator Repair Technician.
2. Delete 5.0 FTE positions associated with the professional pilot training program. The positions are unfunded and have never been filled. The effect of the Subcommittee's recommendation is to reduce the number of positions associated with the program to 10.0 FTE. The 10.0 FTE positions, which are filled, are funded pursuant to a contract with Air Service Training Ltd. of Scotland, and will remain on the staff until the program is terminated sometime in FY 1992.

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

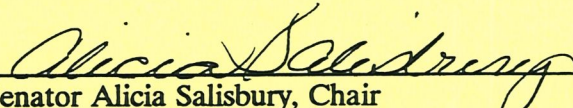
Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcom. Adj.</u>
State Operations:			
State General Fund	\$ --	\$ 3,987,745	\$ 50,329
General Fees Fund	--	467,476	--
Subtotal -- Gen. Use Funds	--	\$ 4,455,221	\$ 50,329
Restricted Use Funds	--	1,235,556	--
Subtotal -- State Oper.	<u>\$ --</u>	<u>\$ 5,690,777</u>	<u>\$ 50,329</u>
Other Assistance:			
Other Funds	\$ --	\$ 270,369	\$ --
Total Operating Exp.	\$ --	\$ 5,961,146	\$ 50,329
Capital Improvements:			
State General Fund	\$ --	\$ 0	\$ --
Educational Bldg. Fund	--	73,225	--
Other Funds	--	0	\$ --
Subtotal -- Cap. Imp.	<u>\$ --</u>	<u>\$ 73,225</u>	<u>\$ --</u>
GRAND TOTAL	<u>\$ --</u>	<u>\$ 6,034,371</u>	<u>\$ 50,329</u>
FTE Positions			
Classified	(2.0)	33.5	--
Unclassified	(5.0)	78.6	--
TOTAL	<u>(7.0)</u>	<u>112.1</u>	<u>--</u>

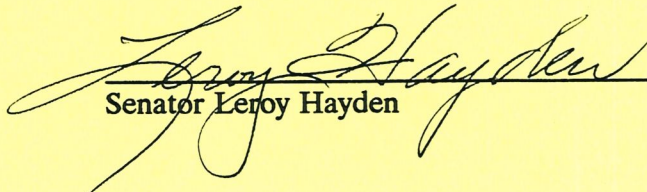
Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the House, with the following exception:

1. **Systemwide Recommendation.** Add \$50,321 from the State General Fund for utilities, for a total of \$173,054.



Senator Alicia Salisbury, Chair



Senator Leroy Hayden

SUBCOMMITTEE REPORT

Agency: Kansas College of Technology

Bill No. 2086

Bill Sec. 11

Analyst: Rampey

Analysis Pg. No. 899

Budget Page No. 392

<u>Expenditure Summary</u>	<u>Agency Req. FY 92</u>	<u>Gov. Rec. FY 92*</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 4,617,902	\$ 4,388,516	\$ (378,166)
General Fees Fund	415,304	428,336	2,686
Subtotal -- General			
Use Funds	\$ 5,033,206	\$ 4,816,852	\$ (375,480)
Restricted Use Funds	1,302,234	1,246,622	--
Subtotal -- State Operations	<u>\$ 6,335,440</u>	<u>\$ 6,063,474</u>	<u>\$ (375,480)</u>
Other Assistance:			
Other Funds	\$ 270,369	\$ 270,369	\$ --
Total Operating Expenditures	\$ 6,605,809	\$ 6,333,843	\$ (375,480)
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ --
Educational Bldg. Fund	37,700	0	--
Other Funds	273,300	0	--
Subtotal -- Cap. Imp.	<u>\$ 311,000</u>	<u>\$ 0</u>	<u>\$ --</u>
GRAND TOTAL	<u>\$ 6,916,879</u>	<u>\$ 6,333,843</u>	<u>\$ (375,480)</u>
FTE Positions:			
Classified	37.5	35.5	(2.0)
Unclassified	83.6	83.6	(5.0)
TOTAL	<u>121.1</u>	<u>119.1</u>	<u>(7.0)</u>

* Excludes amounts reserved for employee compensation, except for unclassified salary parity under the Margin of Excellence.

Agency Request/Governor's Recommendation

For FY 1992, the College estimates expenditures from general use funds of \$5,033,206, an increase of \$549,077 (12.2 percent) over its estimate for the current year. The request includes \$182,144 from general use funds for systemwide personnel salary increases consisting of classified employee step movement, unclassified salary increases of 5.0 percent, and a 16.0 percent increase in student salaries. An amount of \$1,092,596 from general use funds is requested for a 3.12 percent

systemwide increase in other operating expenditures. The College requests an enrollment adjustment of \$108,525 and \$175,00 for the Margin of Excellence. Of that amount, \$83,033 would be for faculty salary parity and \$97,110 would be for mission related enhancements. The College also requests \$49,000 for the salaries and associated operating costs of two new security personnel positions. In addition, the school requests that \$36,598 deleted by the 1990 Legislature as a shrinkage adjustment be restored for other operating expenditures in FY 1992.

Under the current resources budget, the Governor recommends \$4,500,926 from general use funds for state operating expenditures, a reduction of \$532,280 from the College's request and an increase of \$45,705 over the Governors recommendation for the current year. No increases are included for salaries and operating expenditures, enrollment adjustments, and the Margin of Excellence.

Under the enhanced budget, the Governor recommends state operating expenditures of \$4,816,852 from general use funds, a reduction of \$216,354 from the College's request and an increase of \$361,631 over her recommendation for FY 1991. In a reserve separate from agency budgets, the Governor includes funding for 2.5 percent step movement for classified employees, a 2.5 percent base increase for unclassified employees, and a 1.5 percent cost-of-living increase the second half of FY 1992 for all employees. The Governor concurs with the request for a 16.0 percent increase in student salaries, recommends a 3.0 percent increase in other operating expenditures, concurs with the enrollment adjustment of \$108,525, and recommends \$175,000 for the Margin of Excellence. The Governor does not recommend the two new positions or the restoration of \$36,598 that had been deleted by the 1990 Legislature for shrinkage.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendations, with the following exceptions:

1. **Systemwide Recommendation – Student Salaries.** Delete \$7,046 from the State General Fund for student salaries. The College had requested and the Governor had approved a 16.0 percent increase over the current year.
2. **Systemwide Recommendation.** Delete \$17,815 from the State General Fund for salary and wage shrinkage, increasing the rate at the College from 1.0 to 1.5 in FY 1992.
3. **Systemwide Recommendation.** Delete \$26,368 from the State General Fund for an increase in other operating expenditures for FY 1992.
4. **Systemwide Recommendation.** Delete \$108,525 from the State General Fund for an enrollment adjustment.
5. **Systemwide Recommendation.** Delete \$175,000 from the State General Fund for the Margin of Excellence.
6. **Systemwide Recommendation.** Delete \$40,726 from the State General Fund for an overall 1.0 percent reduction.

7. **Systemwide Recommendation.** Recommend that nonresident tuition be increased by 10.0 percent beyond that recommended by the Board (10.0 percent), for a total increase of 20.0 percent in FY 1992. The increase is expected to generate \$2,686 in tuition, resulting in a corresponding decrease of that amount from the State General Fund.
8. **Systemwide Recommendation.** The Subcommittee recommends that the line items of salaries and wages, other operating expenditures, and utilities be combined in a single line item of operating expenditures.
9. Amend H.B. 2086 to change the name of the school from "Kansas State University -- Salina, College of Technology" back to its current name, "Kansas College of Technology," pending passage of legislation to merge the school with Kansas State University.

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the recommendation of the House Committee, with the following exception:

1. Add \$200,480 from the State General Fund for operating expenditures, for a total appropriation of \$4,046,059. The effect of the House's action is to concur with the Governor, except that the House deletes all funding (\$175,000) for the Margin of Excellence.

<u>Expenditure Summary</u>	<u>House Adj. FY 92</u>	<u>House Rec. FY 92</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ (177,686)	\$ 4,210,830	\$ (383,941)
General Fees Fund	2,686	431,022	(2,686)
Subtotal -- General			
Use Funds	\$ (175,000)	\$ 4,641,852	\$ (386,627)
Restricted Use Funds	--	1,246,622	--
Subtotal -- State Operations	<u>\$ (175,000)</u>	<u>\$ 5,888,474</u>	<u>\$ (386,627)</u>
Other Assistance:			
Other Funds	\$ --	\$ 270,369	\$ --
Total Operating Expenditures	\$ (175,000)	\$ 6,158,843	\$ (386,627)
Capital Improvements:			
State General Fund	\$ --	\$ 0	\$ --
Educational Bldg. Fund	--	0	--
Other Funds	--	0	--
Subtotal -- Cap. Imp.	<u>\$ --</u>	<u>\$ 0</u>	<u>\$ --</u>
GRAND TOTAL	<u>\$ (175,000)</u>	<u>\$ 6,158,843</u>	<u>\$ (386,627)</u>
FTE Positions:			
Classified	(2.0)	33.5	--
Unclassified	(5.0)	78.6	--
TOTAL	<u>(7.0)</u>	<u>112.1</u>	<u>--</u>

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the House, with the following exceptions and comments:

1. **System Recommendation -- FY 1992 State General Fund Appropriation Language.** The Subcommittee recommends that the State General Fund line item for utilities be a separate line item and not part of a new general line item of "other operating expenditures" as recommended by the House in FY 1992 which would generally include salaries and wages, other operating expenditures, and utilities. The Subcommittee supports keeping and accounting for utility expenditures separately.
2. **Systemwide Recommendation -- FY 1992 Additional Tuition Increase.** The Subcommittee does not recommend the increased tuition that the House would levy in FY 1992. The House has recommended additional tuition receipts in the budget year of \$7,327,810. The House has recommended that resident tuition at

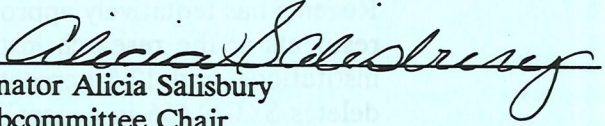
the research institutions (KU, KSU, WSU, KUMC, and KSUVMC) be increased an additional 5.0 percent beyond what the Board of Regents has already recommended (3.0 percent) for a total increase of 8.0 percent in FY 1992. Resident tuition at the regional universities (ESU, PSU, FHSU, and KCT) would increase only the 3.0 percent as recommended by the Board. The House further recommended that nonresident tuition be increased by 10.0 percent beyond what the Board of Regents has already recommended (10.0 percent) for a total increase of 20 percent in FY 1992. The Subcommittee notes that the Board of Regents has tentatively approved tuition increases in FY 1993 of 10 percent for residents at the research institutions, 8.0 percent for residents at the regional institutions, and 12.5 percent for all nonresidents. The Subcommittee action deletes \$1,049,656 in general fee funding for the institutions in FY 1992. The Subcommittee also recommends the Board of Regents carefully review the issue of any additional tuition increases in FY 1992 and if necessary approach the State Finance Council for additional expenditure authority from increased tuition receipts.

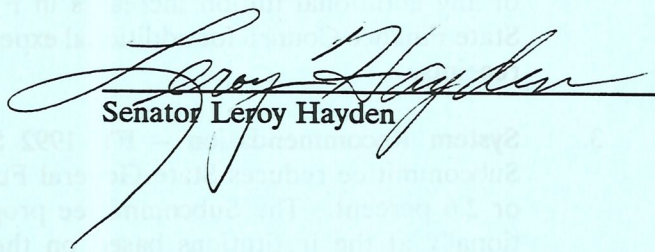
3. **System Recommendation – FY 1992 State General Fund Reduction.** The Subcommittee reduces State General Fund support systemwide by \$12,590,566 or 2.6 percent. The Subcommittee proposes allocating the reduction proportionally at the institutions based on their percentage of State General Fund support of all Regents' institutions. The Subcommittee action deletes \$386,627 in State General Fund support for the Kansas College of Technology in FY 1992.
4. **Merger of Kansas College of Technology with Kansas State University (KSU).** The Subcommittee wishes to go on record in support of the merger of the Kansas College of Technology with KSU. Although the Subcommittee had some initial concern about possible fragmentation involved in locating the professional engineering program in Manhattan and the associate degree and four-year engineering technology program in Salina, it is convinced that the proposed merger is a better use of facilities and resources than the present arrangement. The Subcommittee wishes to recognize the Salina community for its role in revitalizing the programs offered at the College of Technology and commends it for its initiative and support.

The Subcommittee notes that the proposed merger of the engineering programs is but one component of a plan developed by KSU last year to merge and consolidate several programs -- a plan that met with resistance and was apparently abandoned. The Subcommittee is convinced that a review of programs with an eye toward possible savings and efficiencies is an activity that ought to be ongoing and ought to be the responsibility of the State Board of Regents. The Subcommittee urges the Board to undertake this responsibility with greater zeal.

The Subcommittee wishes to state that, in the case of the proposed merger of KSU and the College of Technology, it supports the internal reallocation of any savings that result. At the College of Technology, it is estimated that approximately \$250,000 will be available over the next four years as the result of administrative positions becoming vacant. The plan of the College, which the Subcommittee endorses, is to use part of the money for equipment and part for

faculty salaries. The need for money for salaries is due to an expected doubling of the enrollment. The need for equipment already exists and was reflected in the College's FY 1992 budget request. Given the reductions the Legislature must make in this year of scarce resources, those equipment needs will largely remain unmet. For that reason, the Subcommittee supports the proposal to shift funding over the next several years from areas where it is not needed (administrative salaries) to areas of greater need (equipment and faculty salaries).


Senator Alicia Salisbury
Subcommittee Chair


Senator Leroy Hayden



Supreme Court of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507

RICHARD W. HOLMES
Chief Justice

(913) 296-4898

March 21, 1991

Senator Paul Bud Burke
President, Kansas Senate
120-S Statehouse
BUILDING MAIL

Dear Senator Burke:

At our meeting last Monday noon, you and Sen. Bogina asked if we could provide a list of state statutes that restrict or inhibit the Supreme Court from fully managing the court system. The attachment has been compiled by my administrative assistant, Lyn Goering, as a partial response to your request.

The attachment clearly indicates that the Legislature has taken an active role in directing the allocation of judicial resources in the state. To some extent the statutes also limit our ability to allocate nonjudicial personnel. Specifically, they require a clerk of the district court in each county of the state, and in certain counties they require more than one district court office. I would note that even though the statutes do not dictate the location of such nonjudicial personnel as court reporters and court services officers, in a practical sense we are constrained to locate such personnel where the judges are, which the Legislature has directed in some detail.

Additionally, the limitation on our unfettered use of nonjudicial personnel is curtailed more sharply by custom and what might be called "the unwritten law." In the past we have been allocated a specific number of FTE positions by the appropriations acts. Whenever there have been additions, it has customarily been for a specific number of positions in a specific county. While such restrictions are not actually included in the appropriations bill, it has been clearly understood that we were to use such additional resources or positions in the specific court or county considered by the appropriations committees. For example, if the legislative committees responsible for our budget funded five new positions for Sedgwick County, we have not been free to use the funds allocated for new personnel in some other county with more pressing needs.

SWAM
April 6, 1991
Attachment 6

I wish to make clear that in submitting these statutes to you, I am not advocating the immediate passage of such legislation. On the contrary, I hold the view that the present budget crisis should not result in a major overhaul of our excellent court system. There is insufficient time remaining this legislative session to allow the thoughtful consideration and in-depth study that is warranted before such major changes are undertaken. There are many complicated issues to be considered, including the fact that many of our judges are elected officials and statutes pertaining to election laws may need to be reviewed and changed.

While the attached list of statutes is lengthy, we made no attempt to incorporate the many constitutional and statutory requirements as to venue and jurisdiction which mandate courts and proceedings in specific places. The civil, criminal, probate and juvenile codes, and constitutional requirements and safeguards pertaining to them, all affect the location of our courts and the use of judicial and nonjudicial personnel to staff them. Additionally, no attempt has been made to incorporate all of the various election and merit selection statutes which may impact any wholesale changes in judicial personnel. It is quite possible that careful study might suggest that changes in the allocation of district judges in eastern counties would be more appropriate than changes in the magistrate judges in the western counties.

I also would point out that even if legislative changes were enacted immediately, they would have little or no impact on our FY 1992 budget problems. For example, Article 3, section 6 of the Kansas Constitution provides for a four-year term for judges, which cannot be modified by legislation. Many of our current judges' terms began this past January, and would not run out until 1995.

As I indicated in our meeting Monday, I welcome any change that will give the Supreme Court the authority to manage the court system pursuant to its constitutional role as a separate branch of state government. However, I strongly believe that the excellence of the court system can best be maintained by adequate funding rather than an overhaul of the statutes. Nevertheless, if the court system must be operated within the confines of the budget as recommended by the Senate, the legislative changes listed in the attachment would provide a start toward greater authority to reduce our services as responsibly as we can given the limited resources available.

We are undertaking steps to reduce our nonjudicial personnel to the extent possible and still maintain a viable system. Since unification a lot of hard, dedicated work has gone into building the unified Kansas court system into one that is universally recognized as one of the best. My real fear is that the system may be irreparably damaged if the Legislature makes a wholesale revision or repeal of statutes without a careful and comprehensive study and consideration of the ultimate effects of such action. We cannot afford or justify change which adversely affects law enforcement and the rights of all of our citizens to equal access to the justice system.

Please let me know if you have any questions and be assured I want to continue to work with you to obtain the best possible solution to a serious situation which has no easy answers.

Sincerely,



Richard W. Holmes
Chief Justice

pc: Senator August Bogina, Jr.
 Senator Frank Gaines
 Senator Audrey Langworthy
 Senator Richard Bond
 Senator Wint Winter, Jr.
 Representative John Solbach
 Representative George Dean
 Representative Wanda Fuller
 Representative Kerry Patrick
 Representative David Heinemann
 Representative Larry Turnquist

Enclosure

NOTE: The following is not an all-inclusive list. Due to time constraints, no attempt has been made to set forth the jurisdictional and venue statutes of the civil, criminal, probate, juvenile and other codes, many of which are impacted by federal and state constitutional provisions and safeguards. The impact of election and nonpartisan selection of judges statutes, and constitutional provisions pertaining thereto, has not been considered in depth. Numerous other statutes also impact any potential changes in the basic structure of the district court system.

- | | |
|-------------------------|--|
| K.S.A. 1990 Supp. 4-202 | Delete second sentence requiring 4 district judges in 1st Judicial District. |
| K.S.A. 1990 Supp. 4-203 | Delete second sentence requiring 2 district judges in 2d Judicial District. |
| K.S.A. 1990 Supp. 4-204 | Delete second sentence requiring 13 district judges in 3d Judicial District. |
| K.S.A. 1990 Supp. 4-205 | Delete second sentence requiring 3 district judges in 4th Judicial District. |
| K.S.A. 1990 Supp. 4-206 | Delete second sentence requiring 2 district judges in 5th Judicial District. |
| K.S.A. 1990 Supp. 4-207 | Delete second and third sentences requiring 3 district judges in 6th Judicial District, one of which is to be in Bourbon County. |
| K.S.A. 1990 Supp. 4-208 | Delete second sentence requiring 4 district judges in 7th Judicial District. |
| K.S.A. 1990 Supp. 4-209 | Delete second, third, and fourth sentences requiring 4 district judges in 8th Judicial District, and specifying the residence and location of certain judge positions. |

- K.S.A. 1990 Supp. 4-210 Delete second and third sentences requiring 3 district judges in the 9th Judicial District, and specifying at least one must be in McPherson County and one in Harvey County.
- K.S.A. 1990 Supp. 4-211 Delete second sentence requiring 16 district judges in 10th Judicial District.
- K.S.A. 1990 Supp. 4-212 Delete second sentence requiring 6 district judges in 11th Judicial District. Delete second paragraph requiring court to be held in both Pittsburg and Girard in Crawford County, city of Columbus in Cherokee County, and both Parsons and Oswego in Labette County.
- K.S.A. 4-213 Delete second sentence specifying 1 district judge in 12th Judicial District.
- K.S.A. 1990 Supp. 4-214 Delete second sentence requiring 3 district judges in 13th Judicial District. Delete third sentence requiring one such judge to be a resident of Greenwood or Elk County and one to be a resident of Butler County. Delete fourth sentence requiring the third position to be in Butler County.
- K.S.A. 1990 Supp. 4-215 Delete second sentence requiring 3 district judges in 14th Judicial District. Delete third sentence requiring 2 such positions to be in Montgomery County. Delete second paragraph requiring district judges to hold court in Coffeyville and Independence in Montgomery County and the city of Sedan in Chautauqua County.
- K.S.A. 1990 Supp. 4-216 Delete second sentence requiring 2 district judges in 15th Judicial District.

- K.S.A. 1990 Supp. 4-217 Delete second sentence requiring 2 district judges in 16th Judicial District.
- K.S.A. 4-218 Delete second sentence specifying 1 district judge in 17th Judicial District. Delete third sentence regarding a magistrate judge position.
- K.S.A. 1990 Supp. 4-219 Delete second sentence requiring 24 district judges in 18th Judicial District.
- K.S.A. 1990 Supp. 4-220 Delete second sentence requiring 3 district judges in 19th Judicial District.
- K.S.A. 1990 Supp. 4-221 Delete second sentence requiring 3 district judges in 20th Judicial District. Delete third sentence limiting the residence of two judge positions, and the fourth sentence requiring one position to be in Barton County.
- K.S.A. 1990 Supp. 4-222 Delete second sentence requiring 3 district judges in 21st Judicial District. Delete third sentence requiring at least one of the judges to be in Riley County.
- K.S.A. 1990 Supp. 4-223a Delete second sentence requiring 2 district judges in the 22d Judicial District.
- K.S.A. 1990 Supp. 4-224 Delete second sentence requiring 2 district judges in 23d Judicial District.
- K.S.A. 4-225 Delete second sentence specifying 1 district judge in 24th Judicial District.
- K.S.A. 1990 Supp. 4-226 Delete second sentence requiring 3 district judges in 25th Judicial District, and third sentence requiring at least 2 to be in Finney County.

- K.S.A. 1990 Supp. 4-227 Delete second sentence requiring 2 district judges in 26th Judicial District.
- K.S.A. 1990 Supp. 4-228 Delete second sentence requiring 4 district judges in the 27th Judicial District.
- K.S.A. 1990 Supp. 4-229 Delete second sentence requiring 4 district judges in 28th Judicial District. Delete third sentence requiring at least 2 to be in Saline County.
- K.S.A. 1990 Supp. 4-230 Delete second sentence requiring 15 district judges in 29th Judicial District.
- K.S.A. 1990 Supp. 4-231 Delete second sentence requiring 4 district judges in 30th Judicial District. Delete third sentence requiring at least 1 to be in Harper, Kingman, Barber, or Pratt County and at least 2 to be in Sumner County.
- K.S.A. 1990 Supp. 4-232 Delete second sentence requiring 3 district judges in 31st Judicial District. Delete second paragraph regarding certain judge positions. Delete third paragraph requiring judges to hold court in Iola in Allen County, Chanute and Erie in Neosho County, Fredonia in Wilson County, and Yates Center in Woodson County.
- K.S.A. 20-101 After second sentence, insert the following language to clarify the Supreme Court's authority to manage its personnel resources:
- "Subject to K.S.A. 20-327 and 20-2912 and amendments thereto [which specify a 4-year term for judges], the supreme court shall have the authority to create or abolish individual positions, including judges of the district court and nonjudicial personnel, by court order."

K.S.A. 20-158

At the end of the existing statute,
insert:

"No limitation shall be imposed by any appropriation act of the legislature on the number of judicial or nonjudicial personnel in the state court system."

K.S.A. 20-301b

Amend to read as follows:

"In each county of this state there shall be an office of the district court. A judge of the district court shall periodically hold court in each county at such times as shall be determined by the administrative judge with the approval of the supreme court."

K.S.A. 20-331

Delete subsection (b) referencing county residence requirements for district judges.

K.S.A. 20-333

Delete the words "under the provisions of this act" to clarify that abolition of judicial positions may be accomplished by order of the Supreme Court, rather than solely by act of the Legislature.

K.S.A. 20-334

Delete subsection (b)(2), which requires a magistrate judge to be a resident of the county for which elected or appointed to serve.

K.S.A. 20-338

Delete subsection (b), which requires specific numbers of magistrate judge positions in particular districts and counties.
Amend subsection (a) to read:

"District magistrate judge positions shall be constituted as provided by order of the supreme court pursuant to K.S.A. 20-101 and amendments thereto."

K.S.A. 20-345

In first sentence, insert "clerks of the district court," before the word "bailiffs," so that appointment of district court clerks, as with other nonjudicial personnel, is subject to staffing limits prescribed by the Supreme Court and subject to appropriations therefor.

K.S.A. 20-354

Amend first sentence to read as follows:

"If, upon expiration of the current term of office or the death, resignation, retirement or removal of a district magistrate judge, the supreme court determines that the continuation of the vacant district magistrate judge position is unnecessary, due to the ability of the remaining judges of the district court to assume the entire judicial workload, the supreme court shall certify the elimination of the district magistrate judge position to the secretary of state."

K.S.A. 20-364

Delete subsection (e) referencing county residence requirements for certain district judges.

K.S.A. 20-3107, 20-3108

Repeal; requires dual district court offices in Montgomery County, one in Independence and one in Coffeyville.

K.S.A. 20-3109, 20-3110

Repeal; requires dual district court offices in Neosho County, one in Erie and one in Chanute.

Senate Bills No. 433 and 436
Senate Ways and Means Committee
April 6, 1991

Opening Statement of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administrator

I appreciate the opportunity to appear today on Senate Bills No. 433 and 436 which starts to address the issue of giving the Supreme Court the authority to manage the court system pursuant to its constitutional role as a separate branch of state government.

The Chief Justice wishes to make it clear that when he submitted the six pages of statute changes to the legislature that he was not advocating the immediate passage of such legislation. He holds the view that the present budget crisis should not result in a major overhaul of our excellent court system. He feels that there is insufficient time remaining this legislative session to allow the thoughtful consideration and in-depth study that is warranted before such major changes are undertaken.

Although we have submitted six pages of statutes to be repealed or amended, the court made no attempt to incorporate the many constitutional and statutory requirements as to venue and jurisdiction which mandate courts and proceedings in specific places. The civil, criminal, probate and juvenile codes, and constitutional requirements and safeguards pertaining to them, all effect the location of our courts and the use of judicial and nonjudicial personnel to staff them.

The Chief Justice also points out that even if legislative changes were enacted immediately, they would have little or no impact on our FY 1992 budget. For example, Article 3, section 6 of the Kansas Constitution provides for a four-year term for judges, which cannot be modified by legislation. Many of our current judges' terms began this past January, and would not run out until 1995.

In Senate Bill No. 436 there are some concerns that I want to point out before specifically addressing the proposal. In Section 38 which amends K.S.A. 20-336, provides that District Magistrate Judges are to be elected by the electors of the entire district, rather than just the county. This amendment was not in the Chief Justice's letter of March 21 and this change was also not recommended by the Advisory Committee to the Judicial Council. That committee recommended repeal of this statute.

SWAM
April 6, 1991
Attachment 7

Second, this bill would simply repeal K.S.A. 30-301b entirely which requires a judge in every county. The Chief Justice does not advocate the repeal of this law, but had instead recommended amendments to that statute to provide more flexibility.

Third, The Chief Justice included a suggestion to amend K.S.A. 20-345 to provide that the appointment of district court clerks, like other specified nonjudicial personnel, is subject to staffing limits imposed by the Supreme Court within appropriations. Since this bill does not amend that statute, it would retain the requirement that there be one Clerk of the District Court in every county, regardless of budgetary limitations.

In closing, since unification a lot of hard, dedicated work has gone into building the unified Kansas court system into one that is recognized as one of the best. Our real fear is that the system may be irreparably damaged if the Legislature makes a wholesale revision or repeal of statutes without a careful and comprehensive study and consideration of the ultimate effects of such action. We cannot afford or justify change which adversely affects law enforcement and the rights of all of our citizens to equal access to the justice system.

Thank You.

Senate Bill No. 433
Senate Ways and Means Committee
April 6, 1991

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman:

I appreciate the opportunity to appear before you today to testify on 1991 Senate Bill 433, a bill introduced to permit the Supreme Court greater leeway in managing the assets and resources allocated to it by the Legislature.

Section 1 of the bill spells out an authorization for the Supreme Court to manage its personnel. Section 2 of the bill is for the purpose of granting maximum flexibility to the Court in managing personnel dollars appropriated to the Judicial Branch by the Legislature.

Section 3 of the bill repeats the authorization granted in Section 1 in a section of the statutes which historically required the Supreme Court to establish and maintain a personnel system for its nonjudicial employees.

I note with some apprehension that differing terms are used in describing what it is that the Supreme Court is to manage and recommend that consistent phraseology be used in all three sections. I have attached a balloon which would do this, and recommend that you adopt it.

Thank you for your attention.

SWAM
April 6, 1991
Attachment 8

SENATE BILL No. 433

By Committee on Ways and Means

4-3

8 AN ACT concerning courts; relating to the authority to administer
9 judicial system; nonjudicial personnel; amending K.S.A. 20-101,
10 20-158 and 20-162 and repealing the existing sections.
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 20-101 is hereby amended to read as follows:
14 20-101. The supreme court shall be a court of record, and in addition
15 to the original jurisdiction conferred by the constitution, shall have
16 such appellate jurisdiction as may be provided by law; and during
17 the pendency of any appeal, on such terms as may be just, may
18 make an order suspending further proceedings in any court below,
19 until the decision of the supreme court. As provided by section 1
20 of article 3 of the Kansas constitution, the supreme court shall have
21 general administrative authority over all courts in this state, and the
22 supreme court and each justice thereof shall have such specific pow-
23 ers and duties in exercising ~~said~~ such administrative authority as
24 may be prescribed by law. *The supreme court shall have authority*
25 *to create, eliminate or shift individual job positions in the* ~~Judicial~~
26 ~~districts~~ *relating to* ~~nonjudicial personnel by court order.~~ The chief
27 justice shall be the ~~spokesman~~ *spokesperson* for the supreme court
28 and shall exercise the court's general administrative authority over
29 all courts of this state. The chief justice shall have the responsibility
30 for executing and implementing the administrative rules and policies
31 of the supreme court, including supervision of the personnel and
32 financial affairs of the court system, and delegate such of this re-
33 sponsibility and authority to personnel in the state judicial depart-
34 ment as may be necessary for the effective and efficient
35 administration of the court system.

36 Sec. 2. K.S.A. 20-158 is hereby amended to read as follows: 20-
37 158. The chief justice of the supreme court shall be responsible for
38 the preparation of the budget for the judicial branch of state gov-
39 ernment, with such assistance as the chief justice may require from
40 the judicial administrator, the chief judge of the court of appeals
41 and the administrative judge of each judicial district. Each district
court and the court of appeals shall submit their budget requests to
the chief justice in such form and at such time as the chief justice

state court system

judicial and



8-3

1 y require. The chief justice shall submit to the director of the
 2 udget the annual budget request for the judicial branch of state
 3 government for inclusion in the annual budget document for appro-
 4 priations for the judiciary. Such budget shall be prepared and sub-
 5 mitted in the manner provided by K.S.A. 75-3716 and ~~K.S.A. 1980~~
 6 ~~Supp. 75-3717 and amendments thereto~~. Such budget shall include
 7 the request for expenditures for retired justices and judges perform-
 8 ing judicial services or duties under K.S.A. 20-2616 *and amendments*
 9 *thereto* as a separate item therein. The director of the budget shall
 10 review and may make such recommendations to the legislature for
 11 proposed changes in such budget as the director deems necessary
 12 and appropriate. *No limitation shall be imposed by any appropriation*
 13 *act of the legislature on the number of nonjudicial personnel in the*
 14 *state court system.*

judicial and



15 Sec. 3. K.S.A. 20-162 is hereby amended to read as follows: 20-
 16 162. (a) The supreme court shall establish by rule a judicial personnel
 17 classification system for all nonjudicial personnel in the state court
 18 system and for judicial personnel whose compensation is not oth-
 19 erwise prescribed by law. ~~Said~~ *Such* personnel classification system
 20 shall take effect on July 1, 1979, and shall prescribe the compensation
 21 for all such personnel. No county may supplement the compensation
 22 of district court personnel included in the judicial personnel com-
 23 pensation system. Such compensation shall be established so as to
 24 be commensurate with the duties and responsibilities of each type
 25 and class of personnel. In establishing the compensation for each
 26 type and class of personnel, the supreme court shall take into con-
 27 sideration: (1) The compensation of such personnel prior to January
 28 1, 1979; (2) the compensation of personnel in the executive branch
 29 of state government who have comparable duties and responsibilities;
 30 and (3) the compensation of similar personnel in the court systems
 31 of other states having comparable size, population and characteristics.

32 (b) The following personnel shall not be included in the judicial
 33 personnel classification system:

- 34 (1) County auditors;
- 35 (2) coroners;
- 36 (3) court trustees and personnel in each trustee's office; and
- 37 (4) personnel performing services in adult or juvenile facilities
 38 used as a place of detention or for correctional purposes.

39 The compensation for the above personnel shall be paid by the
 40 county as prescribed by law.

41 (c) The judicial personnel classification system also shall prescribe
 42 the powers, duties and functions for each type and class of personnel,
 43 which shall be subject to and not inconsistent with any provisions



of law prescribing powers, duties and functions of such personnel.

(d) In conjunction with the judicial personnel classification system, the supreme court shall prescribe a procedure whereby personnel subject to said *such* classification system who are removed from office by their appointing authority will have an opportunity to seek reinstatement.

(e) *The judicial personnel classification system established by the supreme court shall also provide procedures for the creation, elimination or shift of job positions in the ~~judicial districts~~ relating to nonjudicial personnel.*

state court system

(f) On or before December 1, 1978, the supreme court shall submit to the legislative coordinating council a detailed personnel classification and pay plan for district court employees that are to be included in the judicial personnel classification system. The plan shall detail each individual position by classification, pay grade and pay step as compared to the employee's present salary. In assignment of positions to particular steps within the assigned pay grade, the plan shall place each employee at the step which is the next highest over the employee's current salary. If an employee is earning more than the highest step on a given grade, ~~his or her~~ *such employee's* salary shall remain at the current level.

Sec. 4. K.S.A. 20-101, 20-158 and 20-162 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Senate Bill No. 436
Senate Ways and Means Committee
April 6, 1991

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman:

I appreciate the opportunity to appear before you today to testify on 1991 Senate Bill 436, a bill introduced to permit the Supreme Court greater flexibility in managing the assets and resources allocated to it by the Legislature.

The first 31 sections of the bill (pages 1 through 5) are intended to remove restrictions on the number of state court judges which are authorized to the judicial branch by district and, in some cases, by county. Section 32, which begins on page 5, delegates the authority and responsibility for managing both judge and nonjudicial employee authorizations to the Supreme Court. This management would be restricted in the case of judges only by other statutes which set the term of office for judges at four years both for election and retention purposes.

Section 33, lines 26 through 28, page 6 of the bill is intended to grant maximum flexibility to the Court for managing personnel dollars appropriated to it by the Legislature; however, we note that its authorization does not repeat the grant for both judges and nonjudicial employees found in Section 32, page 5, lines 37 through 40. Section 34, lines 22 through 24, page 7, repeats this delegation in a section of the statutes which has historically concerned the Judicial Branch personnel system. However, the phraseology does not exactly track that of Section 33 which we believe to be a preferable statement.

On page 8, we note that all residency requirements for district magistrate judges seem to have disappeared and recommend that the statutes at least reflect a requirement for residency in the district in which the district magistrate judge will serve.

We further note that that K.S.A. 20-301b is to be repealed according to Section 42. This repealer, which was contained in a separate bill in the House (1991 HB 2604) caused a general adverse reaction among local governmental officials. Perhaps the better course of action may be to defer action on this statute until a later date.

I have drawn up a balloon markup which would make this bill conform in greater measure to the suggestions made previously by our Chief Justice, by a letter addressed to Senator Burke. We recommend that you adopt these revisions.

Thank you for your kind attention.

SWAM
April 6, 1991
Attachment 9

1 for executing and implementing the administrative rules and policies
2 of the supreme court, including supervision of the personnel and
3 financial affairs of the court system, and delegate such of this re-
4 sponsibility and authority to personnel in the state judicial depart-
5 ment as may be necessary for the effective and efficient
6 administration of the court system.

7 Sec. 33. K.S.A. 20-158 is hereby amended to read as follows:
8 20-158. The chief justice of the supreme court shall be responsible
9 for the preparation of the budget for the judicial branch of state
0 government, with such assistance as the chief justice may require
1 from the judicial administrator, the chief judge of the court of appeals
2 and the administrative judge of each judicial district. Each district
3 court and the court of appeals shall submit their budget requests to
4 the chief justice in such form and at such time as the chief justice
5 may require. The chief justice shall submit to the director of the
6 budget the annual budget request for the judicial branch of state
7 government for inclusion in the annual budget document for appro-
8 priations for the judiciary. Such budget shall be prepared and sub-
9 mitted in the manner provided by K.S.A. 75-3716 and ~~K.S.A. 1980~~
10 ~~Supp. 75-3717 and amendments thereto~~. Such budget shall include
11 the request for expenditures for retired justices and judges perform-
12 ing judicial services or duties under K.S.A. 20-2616 *and amendments*
13 *thereto* as a separate item therein. The director of the budget shall
14 review and may make such recommendations to the legislature for
15 proposed changes in such budget as the director deems necessary
16 and appropriate. *No limitation shall be imposed by any appropriation*
17 *act of the legislature on the number of nonjudicial personnel in the*
18 *state court system.*

judicial or

19 Sec. 34. K.S.A. 20-162 is hereby amended to read as follows:
20 20-162. (a) The supreme court shall establish by rule a judicial per-
21 sonnel classification system for all nonjudicial personnel in the state
22 court system and for judicial personnel whose compensation is not
23 otherwise prescribed by law. ~~Said~~ *Such* personnel classification sys-
24 tem shall take effect on July 1, 1979, and shall prescribe the com-
25 pensation for all such personnel. No county may supplement the
26 compensation of district court personnel included in the judicial
27 personnel compensation system. Such compensation shall be estab-
28 lished so as to be commensurate with the duties and responsibilities
29 of each type and class of personnel. In establishing the compensation
30 for each type and class of personnel, the supreme court shall take
31 into consideration: (1) The compensation of such personnel prior to
32 January 1, 1979; (2) the compensation of personnel in the executive
33 branch of state government who have comparable duties and re-

2-6

1 sponsibilities; and (3) the compensation of similar personnel in the
2 court systems of other states having comparable size, population and
3 characteristics.


4 (b) The following personnel shall not be included in the judicial
5 personnel classification system:

- 6 (1) County auditors;;
- 7 (2) coroners;;
- 8 (3) court trustees and personnel in each trustee's office;; and
- 9 (4) personnel performing services in adult or juvenile facilities
10 used as a place of detention or for correctional purposes.

11 The compensation for the above personnel shall be paid by the
12 county as prescribed by law.

13 (c) The judicial personnel classification system also shall prescribe
14 the powers, duties and functions for each type and class of personnel,
15 which shall be subject to and not inconsistent with any provisions
16 of law prescribing powers, duties and functions of such personnel.

17 (d) In conjunction with the judicial personnel classification sys-
18 tem, the supreme court shall prescribe a procedure whereby per-
19 sonnel subject to said *such* classification system who are removed
20 from office by their appointing authority will have an opportunity
21 to seek reinstatement.

22 (e) *The judicial personnel classification system established by the*
23 *supreme court shall also provide procedures for the creation, elim-*
24 *ination or shift of job positions in the judicial districts.* 

25 (e) (f) On or before December 1, 1978, the supreme court shall
26 submit to the legislative coordinating council a detailed personnel
27 classification and pay plan for district court employees that are to
28 be included in the judicial personnel classification system. The plan
29 shall detail each individual position by classification, pay grade and
30 pay step as compared to the employee's present salary. In assignment
31 of positions to particular steps within the assigned pay grade, the
32 plan shall place each employee at the step which is the next highest
33 over the employee's current salary. If an employee is earning more
34 than the highest step on a given grade, his or her *such employee's*
35 salary shall remain at the current level.

36 Sec. 35. K.S.A. 20-331 is hereby amended to read as follows:
37 20-331. ~~(a) Except as provided in subsection (b),~~ Any person who
38 has the qualifications prescribed for a district judge by K.S.A. 20-
39 334 *and amendments thereto* shall be eligible for nomination, election
40 or appointment to the office of judge of the district court in any
41 judicial district. If such person is not a resident of the judicial district
42 at the time of nomination, election or appointment, such person shall
43 establish residency in the judicial district before taking the oath of

state court system.

office and shall maintain residency while holding office.

(b) No person shall be eligible for nomination, election or appointment to the office of judge of the district court in any county of any judicial district for which there has been established residence requirements for the holding of such office if such person is not a resident of the county at the time of nomination, election or appointment.

Sec. 36. K.S.A. 20-333 is hereby amended to read as follows: 20-333. Whenever under the provisions of this act provision is made for the abolishment of the office of district judge in any judicial district, and the district judge holding any such office shall die, resign or retire during the four (4) years next preceding the date fixed for the abolishment of such office, such office shall be and is hereby abolished at the time of such death, resignation or retirement.

Sec. 37. K.S.A. 20-334 is hereby amended to read as follows: 20-334. (a) Subject to the provisions of K.S.A. 20-2909 and amendments thereto, any person who is elected, retained in office or appointed as a district judge shall:

(1) Have been regularly admitted to practice law in the state of Kansas;

(2) be a resident of the judicial district for which elected or appointed to serve at the time of taking the oath of office and shall maintain residency in the judicial district while holding office; and

(3) for a period of at least five years, have engaged in the active practice of law as a lawyer, judge of a court of record or any court in this state, full-time teacher of law in an accredited law school or any combination thereof.

(b) Any person who is elected, retained in office or appointed as a district magistrate judge shall:

(1) Be a graduate of a high school or secondary school or the equivalent thereof; and

(2) be a resident of the county for which elected or appointed to serve; and

(3) (2) if not regularly admitted to practice law in Kansas, be certified by the supreme court, in the manner prescribed by K.S.A. 20-337 and amendments thereto, as qualified to serve as a district magistrate judge.

Sec. 38. K.S.A. 20-336 is hereby amended to read as follows: 20-336. In any judicial district which has not approved the proposition of nonpartisan selection of district court judges, election laws applicable to the election of county officers shall govern every election of district magistrate judges. Each district magistrate judge shall be elected by the electors of the county judicial district where the

be a resident of the judicial district for which elected or appointed to serve; and

(3)

7-6

1 judge's position is located.

2 Sec. 39. K.S.A. 20-338 is hereby amended to read as follows:
3 20-338. (a) District magistrate judge positions shall be constituted
4 as provided in subsection (b) *by order of the supreme court pur-*
5 *suant to K.S.A. 20-101 and amendments thereto.*

6 (b) (1) In the first judicial district, there shall be one district
7 magistrate judge position in Atchison county, subject to the
8 provisions of K.S.A. 1985 Supp. 20-354a and amendments
9 thereto.

10 (2) In the second judicial district, there shall be three dis-
11 trict magistrate judge positions in the district, with position one
12 in Jefferson county, position two in Pottawatomie county and
13 position three in Wabaunsee county.

14 (3) In the fourth judicial district, there shall be two district
15 magistrate judge positions in the district, with position one in
16 Osage county and position two in Coffey county.

17 (4) In the fifth judicial district, there shall be one district
18 magistrate judge position in Chase county.

19 (5) In the sixth judicial district, there shall be a district
20 magistrate judge position in Bourbon county.

21 (6) In the eighth judicial district, there shall be two district
22 magistrate judge positions in the district, with position one in
23 Dickinson county and position two in Morris county.

24 (7) In the 11th judicial district, there shall be one district
25 magistrate judge position in Cherokee county.

26 (8) In the 12th judicial district, there shall be six district
27 magistrate judge positions in the district, with position one in
28 Cloud county, position two in Jewell county, position three in
29 Lincoln county, position four in Mitchell county, position five
30 in Republic county and position six in Washington county.

31 (9) In the 13th judicial district, there shall be two district
32 magistrate judge positions in the district, with position one in
33 Elk county and position two in Greenwood county.

34 (10) In the 14th judicial district, there shall be one district
35 magistrate judge position in Chautauqua county.

36 (11) In the 15th judicial district, there shall be six district
37 magistrate judge positions in the district, with position one in
38 Cheyenne county, position two in Logan county, position three
39 in Sheridan county, position four in Wallace county, position
40 five in Thomas county and position six in Rawlins county.

41 (12) In the 16th judicial district, there shall be five district
42 magistrate judge positions in the district, with position one in
43 Clark county, position two in Comanche county, position three