

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Steve Morris at 10:35 a.m. on February 8, 2001, in Room 123-S of the Capitol.

All members were present except: All present

Committee staff present:

Alan Conroy, Chief Fiscal Analyst, Kansas Legislative Research Department  
Debra Hollon, Kansas Legislative Research Department  
Amory Lovin, Kansas Legislative Research Department  
Stuart Little, Kansas Legislative Research Department  
Audrey Nogle, Kansas Legislative Research Department  
Michael Corrigan, Assistant Revisor, Revisor of Statutes Office  
Julie Weber, Administrative Assistant to the Chairman  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

James Buchele, Member, Childrens' Cabinet  
Steve Williams, Secretary, Department of Wildlife and Parks  
John W. Campbell, Senior Deputy Attorney General, Office of the Attorney General  
Bobbi Mariani, Director, Division of Personnel Services

Others attending: See attached guest list

**Bill Introductions**

Senator Jordan moved, with a second by Senator Feleciano, to introduce a bill (1rs0945) concerning tourism; establishing state tourism fund. Motion carried by a voice vote.

Chairman Morris opened the public hearing on:

**SB 170 - Kansas children's cabinet to enter into agreements with not-for-profit entities for the investment of certain moneys**

Staff briefed the Committee on the bill.

Chairman Morris welcomed Jim Buchele, Member, Kansas Children's Cabinet, who spoke in support of **SB 170**. Mr. Buchele explained that the bill provides that the Children's Cabinet may negotiate with a not-for-profit foundation to receive, administer and manage funds that are contributed to benefit cabinet programs. He noted that the bill requires that the Attorney General approve the contract with the not-for-profit. In closing, Mr. Buchele mentioned that the bill has no fiscal note the intent is to enhance revenue to bring additional funds to children's programs in Kansas (Attachment 1). Committee questions and discussion followed. Chairman Morris thanked Mr. Buchele for his presentation before the Committee.

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 170**.

Chairman Morris opened the public hearing on:

**SB 242 - Requirements for sale of cigarettes**

Staff briefed the Committee on the bill.

Chairman Morris welcomed John Campbell, Senior Deputy Attorney General, Office of the Attorney General, who spoke in favor of **SB 242**. Senior Attorney General Campbell explained that the bill helps

## CONTINUATION SHEET

protect the State's \$1.5 billion settlement of its tobacco litigation. He further explained that the major tobacco companies now maintain that five states, including Kansas, have a Non-Participating Manufacturer statute (NPM) that are materially different from the Model statute contained in the Master Settlement Agreement (MSA). Senior Attorney General Campbell noted that the Attorney General's office is prepared to fight in court for years if need be to prove this point. However, there is an alternative, if the Kansas NPM statute is amended as shown within his testimony, the tobacco companies will drop their claims that the Kansas statute does not comply with the terms of the MSA. The Attorney General's office recommends that Kansas accept this offer and make the technical amendments as requested (Attachment 2). Committee questions and discussion followed. The Chairman thanked Senior Deputy Attorney General Campbell for his appearance before the Committee.

Senator Feleciano moved, with a second by Senator Jordan, to make the requested technical amendments, place the bill on the Consent Calendar, make the bill effective with the Kansas Register and pass SB 242 favorable as amended. Motion carried by a roll call vote.

The Chairman returned the Committee's attention to discussion of:

### **SB 170 - Kansas children's cabinet to enter into agreements with not-for-profit entities for the investment of certain moneys**

Senator Kerr moved, with a second by Senator Schodorf, to pass SB 170 as favorable. Committee discussion followed.

Senator Huelskamp moved, with a second by Senator Jackson, for a substitute motion to amend SB 170 that the contracts with not for profit authorized by the bill be competitively bid in terms of receiving, administering and investing the children's cabinet moneys. Detailed Committee discussion followed.

Senator Kerr withdrew his motion with the agreement of the second, Senator Schodorf. Senator Downey requested that staff look at the information regarding the North Carolina Smart Start as was mentioned in Mr. Buchele's testimony and report back to the Committee. Chairman Morris mentioned that he will hold SB 170 at this time.

Chairman Morris opened the public hearing on:

### **SB 147 - Adoption of wildlife fees by Secretary of Wildlife and Parks; amounts authorized**

Staff briefed the Committee on the bill.

Chairman Morris welcomed Steve Williams, Secretary, Department of Wildlife and Parks, who spoke in favor of **SB 147**. Secretary Williams mentioned that revenue and expenditure projections for the next two years indicate a serious decline in the Wildlife Fee Fund balance by FY 2003. The Wildlife and Parks Commission and the department ask for support of this bill to help in addressing this financial concern. Secretary Williams explained that the last legislative action on wildlife parks and parks fees occurred in 1989 when the Game and Fish Commission merged with the Parks Authority. Since 1989 and the present, the Wildlife and Parks Commission has set actual fees by regulation within the statutorily defined ranges. The last such fee increase for these wildlife and boating fees was enacted by the Commission in 1995, becoming effective January 1, 1996 (Attachment 3). Committee questions and discussion followed.

Senator Huelskamp requested information regarding in-state and out-of state comparisons regarding fees. The Chairman thanked Secretary Williams for his appearance before the Committee.

There being no further conferees, the Chairman closed the public hearing on **SB 147**.

### **Status Report Regarding State Information Resource Managers**

Chairman Morris welcomed Bobbi Mariani, Director, Division of Personnel Services, who briefed the Committee on information requested relating to **SB 96** regarding the Department of Corrections

## CONTINUATION SHEET

reclassifying two positions (Attachment 4). Ms. Mariani explained information as noted in her written testimony. She also distributed information regarding:

- Planning for the Workforce of Today and Tomorrow, State of Kansas I.T. Retention Program (Attachment 5)

### **Bill Introductions**

Senator Feleciano moved, with a second by Senator Huelskamp, to introduce a bill (1rs0562) concerning State health care benefit system eligibility. Motion carried by a voice vote.

Senator Huelskamp moved, with a second by Senator Jackson, to introduce a bill (1rs0575) concerning a Kansas producer protection act. Motion carried by a voice vote.

Information was distributed from Kathy Porter, Office of Judicial Administration, in response to questions regarding the public hearing on **SB 49** (Attachment 6).

The meeting was adjourned at 12:00 noon. The next meeting is scheduled for February 9, 2001.

**SENATE WAYS AND MEANS COMMITTEE  
GUEST LIST**

**DATE** February 8, 2001

NAME	REPRESENTING
Ron Z. Buerig	Social work intern
Phyllis Campbell	A & H Office
John Cassich	" "
Tim Madden	Ks Dept of Corrections
Karen Watney	DofA
B. Mariani	DofA, DPS
Teresa Schwab	KCSL
Sandra Braden	Civic Council & KC
Scott Brunner	DOB
Sandra Powell	SRS
Camille Drapeaux	WU Social Work
Mike Hutfles	Ks. Gov't. Consulting

**Kansas Children's Cabinet and Trust Fund**

**Testimony to  
Senate Ways and Means Committee  
Regarding SB 170**

**Presented By  
James P. Buchele  
February 8, 2001**

**For more information contact:  
Joyce A. Cussimano, Executive Director  
Kansas Children's Cabinet  
415 SW 8<sup>th</sup> Avenue, 1<sup>st</sup> Floor  
Topeka, Kansas 66612  
(785) 368-7044**

*Senate Ways and Means  
2-8-01  
Attachment 1*

# KANSAS CHILDREN'S CABINET



415 sw 8th avenue, 1st floor  
Topeka, Kansas 66612-1570  
tele: 785.368.7044  
fax: 785.296.6610

Mr. Chairman and Members of the Committee:

My name is James P. Buchele. I am from Topeka and appear today as a Member of the Kansas Children's Cabinet to explain our reasons for requesting passage of Senate bill 170.

The Children's Cabinet was created by the 1999 Legislature to advise the Governor and the Legislature on utilization of the Tobacco Settlement for programs to benefit Kansas's youth. We began our work by studying existing state programs for youth, the latest research on childhood development and youth programs both public and private in other states. During our deliberations we were drawn to the Smart Start program in North Carolina and eventually determined that we should adopt a similar program in Kansas.

Highly summarized, Smart Start focuses on early childhood, ages birth to 5. Their objective is to help children enter school healthy and ready to learn. Grants are offered to community-based organizations that sponsor programs focused upon improving the lives of pre-school children. It is a long-range prevention program. A local match of 20% new dollars is required to be eligible for Smart Start funds. Smart Start programs are required to be research based and must have a plan for evaluating outcomes.

The Smart Start emphasis on community involvement in setting priorities for children and in developing local matching funds has attracted the interest of private citizens and business. It is North Carolina's experience that private business, individuals and foundations are willing to financially support early childhood initiatives if they can be assured that their contributions are tax deductible and that their contributions will go to research based, outcomes driven programs. Many have become directly involved financially in supporting Smart Start and programs funded by Smart Start. For example, I have attached material from the North Carolina Web Site announcing a \$1.2 grant from Blue Cross-Blue Shield and a \$527,000 from the Carnegie Corporation.

Presently, there is no mechanism for a private party to give money to a Children's Cabinet supported program that assures a tax deduction and a coordinated effort. In working with the Attorney General's Office to find a way to utilize private donations, we concluded the simplest and most appropriate way to achieve this goal would be to pattern a statute after K.S.A. 2-225, which authorizes the State Fair Board to develop an



agreement with the Hutchinson Community Foundation. Senate Bill 170, patterned after this statute, provides that the Children's Cabinet may negotiate with a not-for-profit foundation to receive, administer and manage funds that are contributed to benefit cabinet programs. Under this procedure the cabinet would contract with an existing not-for-profit foundation to receive funds and provide proper management of the money until it is dispersed to the program the donor and Children's Cabinet wish to support. The Bill requires the Attorney General approve the contract with the not-for-profit.

The last two pages of my handout are also from the North Carolina Smart Start Web Site. You will note they are aggressively pursuing private donations and have a contract with Philanthropic Research, Inc to administer their fundraising.

The Children's Cabinet has no current plans regarding fundraising or with whom it might contract to administer the funds. We are about 6 or 7 years behind North Carolina in this area, but we want to begin exploring opportunities

My final comment is that this bill has no Fiscal Note. Our intent is that it be seen as a means of enhancing revenue to bring additional funds to children's programs in Kansas.

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- ▶ Volunteer
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- ▶ RFAs, RFPs, Logos



### Early Childhood Resources

- ▶ Smart Start Tool Kit
- ▶ News Clips

Contact the Webmaster

## Press Releases

#### Thrift receives Order of the Long Leaf Pine for his work with Smart Start

Date: January 3, 2001  
Contact: Monica Harris/Geelea Seaford (919) 821-7999

RALEIGH – Ashley O. Thrift has received North Carolina's highest civilian honor, the Order of the Long Leaf Pine, for his work as chairman of the North Carolina Partnership for Children.

#### Blue Cross and Blue Shield of North Carolina, Smart Start Partner for First Yearlong Statewide Parent Campaign

Date: December 5, 2000  
Contact: Monica Harris/Geelea Seaford (919) 821-7999; Mark Stinneford, BCBSNC (919) 765-4933; Amanda Wherry, Gov.'s Press Office (919) 733-5612

RALEIGH – Blue Cross and Blue Shield of North Carolina (BCBSNC) and the North Carolina Partnership for Children announced today that they will partner in a yearlong statewide campaign to raise awareness of local Smart Start resources available to help North Carolina's children enter school healthy and ready to succeed.

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#### State Partnership receives \$527,000 grant to help other states create Smart Start programs

Date: November 15, 2000  
Contact: Geelea Seaford, 919.821.9571

RALEIGH – The North Carolina Partnership for Children has received a \$527,000 grant from Carnegie Corporation of New York to establish the National Smart Start Technical Assistance Center. This center will provide support to other states interested in creating comprehensive early childhood initiatives, like Smart Start.

#### Working Mother magazine ranks North Carolina one of top six states for its commitment to child care

Date: October 23, 2000  
Contact: Monica Harris, 919.821.9570; Adam Shapiro, 919.733.5612

RALEIGH—Gov. Jim Hunt joined child advocates from around the state today to unveil the November issue of Working Mother magazine and tour the Betsy B. Curran Child Development Center on the campus of Nash Community College in Rocky Mount. November's special issue of Working Mother magazine features North Carolina and Smart Start as one of the top six child care initiatives in the country for its commitment and innovation in early childhood education.

#### Gov. Hunt Announces Expanded Efforts to Encourage Healthier Babies

Date: October 6, 2000  
Contact: Adam Shapiro, 919-733-5612

RALEIGH – To reduce the risk of infant mortality and birth defects, Gov. Jim Hunt and the N.C. Partnership for children will commit an additional \$350,000 toward efforts to encourage women of childbearing age to increase the amount of folic acid in their diet, Hunt announced today.

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**Smart Start raises more than \$19 million this year, surpasses legislative fundraising requirement**

*Date: May 11, 2000*

*Contact: Monica Harris, Geelea Seaford, 919-821-7999*

RALEIGH – More than \$19.6 million in cash and in-kind contributions were raised this year for Smart Start, North Carolina's nationally-recognized early childhood initiative. This figure surpasses the Smart Start legislative requirement to raise \$16.1 million and does not include the thousands of volunteer hours that have been given to Smart Start.

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**Smart Start receives second Innovations in Government award**

*Date: July, 1999*

*Contact: Monica Harris, 919-821-7999*

RALEIGH – Smart Start, North Carolina's nationally-recognized early childhood initiative, has received its second Innovations in Government award this year. The Council of State Government announced the winners of its annual award today in Kansas City, MO. This award recognizes exemplary state programs and policies and strives to replicate successful initiatives in other states.

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**Smart Start Wins National Award for Innovative Programs**

*Date: October 22, 1998*

*Contact: Sean Walsh, 919-733-5612*

RALEIGH – Smart Start, Gov. Jim Hunt's early childhood initiative, received today as a finalist in the 1998 Innovations in American Government Awards competition, an awards program of the Ford Foundation and Harvard University which honors states' efforts to solve their most pressing problems. Smart Start is one of 10 winners in the awards program which was announced today in Washington, D.C.

NC Partnership for Children, 1100 Wake Forest Road, Suite 300, Raleigh, NC 27604, 919-821-7999, [click here for directions](#).



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### Early Childhood Resources

- ▶ Smart Start Tool Kit
- ▶ News Clips

### Smart .Net



## Building Brighter Futures



Do you need parenting information about  
**playground safety ...**  
**good nutrition ... reading ...**  
**sibling rivalry ... ?**



Blue Cross and Blue Shield of NC contributed \$1.2 million to Smart Start for a yearlong statewide campaign to raise awareness of local Smart Start resources available to help North Carolina's children enter school healthy and ready to succeed.

The cornerstone of the campaign is a series of one-minute television segments airing statewide which address a variety of topics for parents ranging from playground safety to dental care.

Need Parenting Tips?  
 Looking for Child Care?  
 Sign Up! The Times Or  
 Want More Information?

**DONATE NOW thro**



## Working Mother magazine ranks NC one of top 6 states for its commitment to child care.



November's special issue of Working Mother magazine featured North Carolina and Smart Start as one of the top six child care initiatives in the country for its commitment and innovation in early childhood education.

"When it comes to child care, no other state has been as inventive as North Carolina," said Lisa R. Benenson, editor in chief, Working Mother magazine. "They've lowered staff turnover by 11 percent, they've improved education for teachers, and most important, they've routinely come up with creative programs that other states are now imitating."

**Every Day in North Carolina, thousands of children and families are touched by Smart Start.**

### INNOVATIONS IN AMERICAN GOVERNMENT



An Awards Program of The Ford Foundation and Harvard University

NC Partnership for Children, 1100 Wake Forest Road, Suite 300, Raleigh, NC 27604, 919-821-7999, [click here for directions.](#)

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GuideStar is a project of Philanthropic Research, Inc. (PRI), a nonprofit organization.

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PRI's mission is to support philanthropy in America by providing information that supports better donor decision-making, greater nonprofit operating effectiveness, and a more efficient allocation of resources to and within the nonprofit sector. To this end, PRI works to provide the public with a database of quality information about the programs and finances of U.S. nonprofit organizations.

The GuideStar database contains records on more than 620,000 nonprofit organizations classified as 501(c)(3) by the IRS. Data is collected directly from the charities and from the IRS Business Master File, IRS Forms 990, and 990s EZ.

The work of PRI is generously supported by the W. K. Kellogg Foundation, the Ford Foundation, the Andrew W. Mellon Foundation, the Rockefeller Brothers Fund, the Evelyn and Walter Haas, Jr. Fund, and others.

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State of Kansas

**Office of the Attorney General**

120 S.W. 10th Avenue, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

**SENATE WAYS AND MEANS COMMITTEE**

**CARLA J. STOVALL**  
ATTORNEY GENERAL

MAIN PHONE: (785) 296-2215  
FAX: 296-6296

**TESTIMONY IN SUPPORT OF**

**SENATE BILL 242**

**February 8, 2001**

**JOHN W. CAMPBELL**  
**SENIOR DEPUTY ATTORNEY GENERAL**

Mr. Chairman, members of the Committee, my name is John Campbell, I am the Senior Deputy Attorney General for the State. I am here today to testify in support of Senate Bill 242. This bill helps protect the State's \$1.5 billion settlement of its tobacco litigation.

Under current Kansas law, K.S.A. 2000 Supp. 50-6a01, *et seq.*, known as a Non-Participating Manufacturer statute (NPM), companies which manufacture cigarettes for sale in Kansas may join either the Master Settlement Agreement (MSA) or they may elect to pay into an escrow account. By terms of the MSA, a state's NPM statute must not materially differ from the language contained in the MSA's Model Non-Participating Manufacturer Statute. Without a valid NPM statute, a state's share of the MSA tobacco settlement money could be substantially reduced or even eliminated.

The major tobacco companies now maintain that five states, including Kansas, have NPM statutes that are materially different from the Model statute contained in the MSA. We disagree and are prepared to fight in court for years if need be to prove this point. However there is an alternative, if the Kansas NPM statute is amended as shown on the attached page, the tobacco companies will drop their claims that our statute does not comply with the terms of the MSA. We recommend that Kansas accept this offer and make the technical amendments requested.

Senate Ways and Means  
2-8-01  
Attachment 2

SB 242 Amendments:

Page 2, line 12, delete "and amendments thereto"

Page 2, line 22, add "("

Page 3, line 19, add "."

Page 4, line 35, delete "statute book". Add "Kansas Register"

1 after the date on which they were placed into escrow.

2 (3) Each tobacco product manufacturer that elects to place funds into  
3 escrow pursuant to this subsection shall annually certify to the attorney  
4 general that it is in compliance with this subsection. The attorney general  
5 may bring a civil action on behalf of the state against any tobacco product  
6 manufacturer that fails to place into escrow the funds required under this  
7 section. Any tobacco product manufacturer that fails in any year to place  
8 into escrow the funds required under this section shall:

9 (A) Be required within 15 days to place such funds into escrow as  
10 shall bring it into compliance with this section. The court, upon a finding  
11 of a violation of this subsection, may impose a civil penalty to be credited  
12 to the state general fund in an amount not to exceed 5% of the amount  
13 improperly withheld from escrow per day of the violation and in a total  
14 amount not to exceed 100% of the original amount improperly withheld  
15 from escrow;

16 (B) in the case of a knowing violation, be required within 15 days to  
17 place such funds into escrow as shall bring it into compliance with this  
18 section. The court, upon a finding of a knowing violation of this subsection,  
19 may impose a civil penalty to be paid to the state general fund in an  
20 amount not to exceed 15% of the amount improperly withheld from escrow  
21 per day of the violation and in a total amount not to exceed 300%  
22 of the original amount improperly withheld from escrow; and

23 (C) in the case of a second knowing violation, be prohibited from  
24 selling cigarettes to consumers within the state (whether directly or  
25 through a distributor, retailer or similar intermediary) for a period not to  
26 exceed two years.

27 Each failure to make an annual deposit required under this section  
28 shall constitute a separate violation. A tobacco product manufacturer who  
29 is found in violation of this section shall pay, in addition to other amounts  
30 assessed under this section and pursuant to law, the costs and attorney's  
31 fees incurred by the state during a successful presentation under this  
32 paragraph (3).

33 Sec. 3. K.S.A. 2000 Supp. 50-6a02 and 50-6a03 are hereby repealed.

34 Sec. 4. This act shall take effect and be in force from and after its  
35 publication in the statute book.

statute book.  
Kansas register.

**Senate Committee on Ways and Means**

February 8, 2001

**Testimony on Senate Bill No. 147**

Steve Williams, Secretary  
Department of Wildlife and Parks

Thank you for the opportunity to appear before the committee to discuss SB 147, an act related to the Department of Wildlife and Parks' fees.

As this committee is aware, the department relies heavily on user fees to finance the programs and operations of the department. During FY2001, user fees financed approximately 88 percent of our expenditures. The State General Fund comprised the balance. Our Fish and Wildlife and Law Enforcement Divisions are almost 100 percent funded through user fees and federal trust funds (Sportfish and Wildlife Restoration Act).

As background, these statutes establish minimum and maximum fee ranges for certain issuances of the department related to wildlife and boating. The last legislative action on this issue occurred in 1989 when the Game and Fish Commission merged with the Parks Authority. Since 1989 and the present, the Wildlife and Parks Commission has set actual fees by regulation within the statutorily defined ranges. The last such fee increase for these wildlife and boating fees was enacted by the Commission in 1995, becoming effective January 1, 1996.

I appear before you today to ask for your consideration to redefine selected fee ranges. Since 1996, the department has provided the public with numerous innovative programs and services. These activities include:

- Walk-in Hunting Areas program (700,000 WIHA acres in 2000),
- Fish Impoundment and Stream Habitat program (FISH),
- shooting range development grants to communities,
- community lake assistance grants to communities,
- state fishing lake dam repairs,
- incentive-based upland bird habitat enhancement projects on private land,
- ADA renovation work at state fishing lakes and wildlife areas, and
- motor boat access facilities.

In addition to these new programs, the department has experienced increased salaries, wages, benefits, operations, maintenance, and capital outlay expenses. We are proud to have met those challenges and opportunities without increasing the fees charged to the sportsmen and women of Kansas. However, revenue and expenditure projections for the next two years indicate a serious decline in our Wildlife Fee Fund balance by FY2003. The Wildlife and Parks Commission and the department ask for your help in addressing this financial concern.

The attached information provides additional information for your consideration and discussion. The department has recommended changes to 20 of its license or permit issuances summarized below:

Senate Ways and Means  
2-8-01  
Attachment 3

Summary of Senate Bill No. 147

Issue	Current Fee	Proposed Minimum	Proposed Maximum
Elk Permit	\$30-100	\$30	\$350
Combination License			
Resident	\$30	\$30	\$50
Lifetime	\$440	\$440	\$1,000
Nonresident	\$90	\$100	\$200
Commercial Guide			
Resident	\$50	none	\$250
Nonresident	\$50	none	\$1,000
Fishing License			
Resident	\$15	\$15	\$25
Lifetime	\$240	\$240	\$500
Nonresident	\$35	\$35	\$75
5-day NR	\$15	\$15	\$25
24-hour	\$3	none	\$10
Furharvester License			
Resident	\$15	\$15	\$25
Lifetime	\$240	\$240	\$500
Hunting License			
Resident	\$15	\$15	\$25
Lifetime	\$240	\$240	\$500
Nonresident (16+)	\$65	\$65	\$125
Nonresident (<16)	\$65 <sup>30</sup>	\$30	\$75
Controlled Shooting	\$13	\$13	\$25
Waterfowl Stamp	\$3	\$3	\$8
Boat Registration			
(<16 ft)	\$15	\$9	\$30
(16+ ft)	\$18	\$9	\$30



# *Kansas Wildlife and Parks*

## 2001 License and Fee Increase Proposal

presented to the  
Wildlife and Parks  
Commission  
Aug. 24, 2000

### Major expenditures since 1995

- WIHA
- FISH
- shooting range grants
- SFL dam repairs
- ADA renovation
- motorboat access
- salary and benefits
- on-going operation and maintenance
- major maintenance
- capital outlay
- automated technology

## Parks & Wildlife Programs: Expenditure levels

Program	FY96-00 Cumulative	FY2001 Budget
permanent salaries	\$58,739,743	\$12,718,618
temporary salaries	\$7,874,098	\$1,594,787
operation and maintenance	\$39,295,180	\$10,236,484
ADA & major maintenance	\$2,979,783	\$679,198

## Wildlife Programs: Expenditure levels

Program	FY96-00 Cumulative	FY2001 Budget
WIHA	\$2,554,693	\$1,106,787
FISH*	\$200,596	\$210,000
boat access	\$2,578,800	\$845,200
dam repair	\$4,068,570	\$160,000*

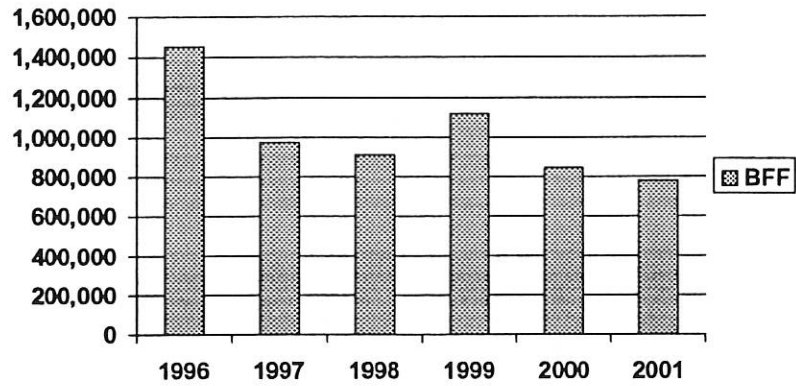
## Future funding needs

- continued expansion of WIHA and FISH
- recruitment and retention
- upland bird habitat enhancement
- wetland enhancement (McPherson/Milford)
- continued operation and maintenance

## 2001 Fee Increase Proposal

Boating Safety  
and  
Enforcement

## *Boat Fee Fund balance*



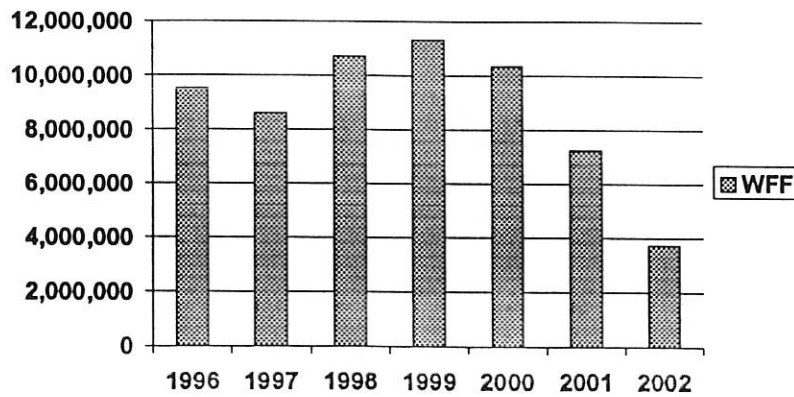
## Target fee increases - boats

- boat registration fees (3 year registration)

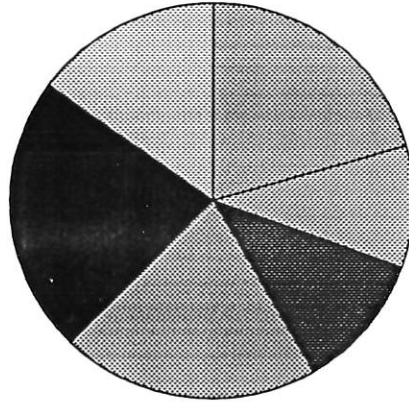
# 2001 Fee Increase Proposal

Fish and Wildlife  
and  
Law Enforcement

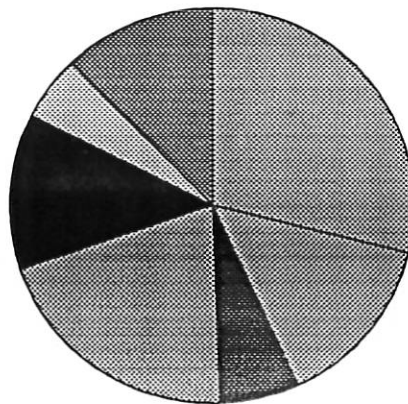
## *Wildlife Fee Fund balance*



## Wildlife revenue sources



## Wildlife licenses issued



## Target fee increases - wildlife

- hunting and fishing licenses
- combination licenses
- lifetime licenses
- nonresident licenses
- 24 hour fishing licenses

## No Increase Proposed

- turkey permits
- deer permits
- antelope permits
- game tags

## License Comparison

State	Hunting	Fishing	Combo
Kansas	\$15.50	\$15.50	\$30.50
proposed	\$17.50	\$17.50	\$34.50
Nebraska	\$19.50	\$17.75	\$36.75
Colorado	\$15.25	\$20.25	\$30.25
Oklahoma	\$12.50	\$12.50	\$21.00
Missouri	\$9.00	\$11.00	\$19.00



**Testimony to the  
Senate Ways & Means Committee  
By  
Bobbi Mariani, Division of Personnel Services**

**February 8, 2001  
IT Recruitment & Retention Program**

The committee has asked me to speak today regarding the State of Kansas IT recruitment and retention program and Senate Bill 96 regarding Department of Corrections unclassifying two positions.

The State of Kansas began the IT Premium Pay Plan in October, 1997 by Executive Directive 97-264, which provides for bonuses for qualified individuals in IT positions. This program has been used by 41 agencies to improve recruitment and retention of IT employees. Since inception, the state has provided \$5,459,782 in IT bonuses to 1,365 employees. There are five types of bonuses:

- Signing Bonus - \$67,080 paid, 27 employees received
- Recruitment Bonus - \$1,500 paid, 3 employees received
- Mission Critical Skills Bonus - \$4,519,901 paid, 1,062 employees received
- Skills Acquisition Bonus - \$269,693 paid, 73 employees received
- Mission Critical Project Bonus - \$601,608 paid, 200 employees received

Our records indicate that the Department of Corrections used the bonus in CY 1998 and 1999, but not in 2000.

The plan is intended not only to reduce the effect of turnover with IT employees at the state who leave for private sector jobs, but also to reduce the effect of turnover that occurs when IT employees transfer or promote from one agency to another. The plan has reduced external turnover (employees leaving state service) to 8.4% statewide and internal turnover (employees transferring to another state agency) to 3.8% statewide. In FY 2000, only two IT classes were higher than the statewide average turnover of 13.01%.

- Information Resource Manager - 30.77% (6.5 employees)
- Information Technology Consultant I - 19.05% (21 employees)

We also feel the Governor's Pay Plan will address some of the recruitment and retention issues for not only the IT job classes but also on more of a statewide basis.

Senate Bill 96 would place the Department of Corrections, Director of Information Technology and Director of Capital Improvement in the unclassified service. The Department of Corrections currently has the authority to unclassify the Director of Information Technology, but the salary would need to be approved by the Governor. We

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2-8-01  
Attachment 4*

have visited with the agency to clarify this issue and will assist them in this process. They would need statutory authority to provide for an unclassified position of Director of Capital Improvement.

K.S.A. 75-2935 does not currently have a provision for this class nor does Correction's enabling statute. Since it is presumably new (no classified title or classified incumbent exists) they should not have a need to grandfather any employees. If this is a policy position, the action would be appropriate.

Thank you for inviting me to speak here today, I will be happy to answer any questions at this time.

***PLANNING FOR THE WORKFORCE  
OF TODAY AND TOMORROW***

Senate Ways and Means  
2-8-01  
Attachment 5



**STATE OF KANSAS  
I.T. RETENTION PROGRAM**



- **Recruit, retain or develop skilled I.T. employees**
- **Eliminate high recruitment costs**
- **Encourage employees to obtain needed I.T. skills**
- **Provide short term financial incentives**
- **Create incentive for key employees to stay and complete critical projects**

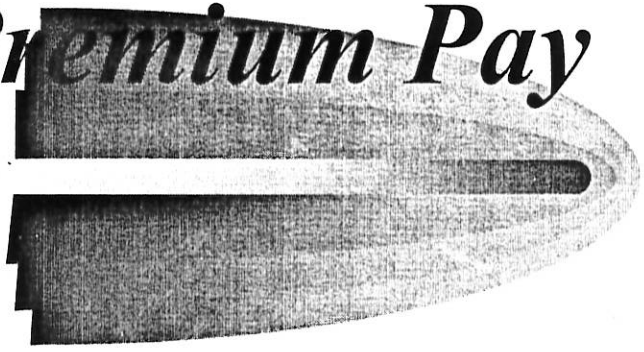
# ***COMPONENTS***

## ***I.T. Premium Pay***



- **Signing Bonus**
  - Up to \$3,000 for prospective employees who possess certain skills
- **Recruitment Bonus**
  - \$500 for state employees who successfully recruit I.T employees from outside state government for specific jobs

# *I.T. Premium Pay*



- **Mission Critical Skills Bonus**
  - I.T. employees whose skills are needed in a mission critical area
  - Up to 10% of annual base pay
  - Annual increases in bonus up to 13%

## *I.T. Premium Pay*

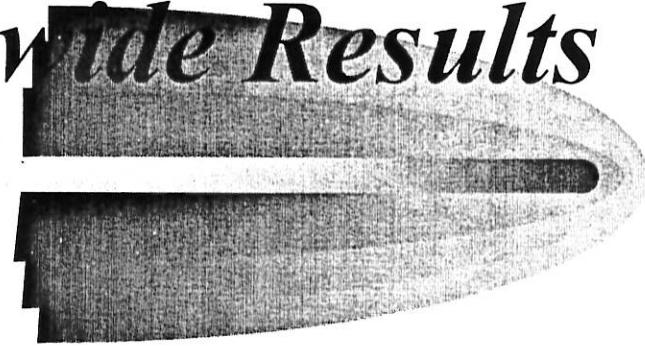
- **Skills Acquisition Bonus**
  - I.T. employees who acquire designated key skills and demonstrate proficiency
  - Up to 10% of annual base pay
- **Mission Critical Project Bonus**
  - I.T. employees assigned to specific projects
  - Up to 10% of annual base pay for successful completion of project

# *IT Bonuses Paid*

<b>Year</b>	<b>Total Payout</b>	<b>Total FTE</b>	<b>Average Payout</b>
1998	\$1,554,786	436	\$3,566
1999	\$1,592,621	333	\$4,783
2000	\$2,312,375	596	\$3,880



## *Statewide Results*



- Still seeing a reduction in turnover
- Need for fewer staff
- Recruiting and training savings
- Consulting services contract reductions



State of Kansas  
**Office of Judicial Administration**  
Kansas Judicial Center  
301 SW 10<sup>th</sup>  
Topeka, Kansas 66612-1507

(785) 296-2256

February 6, 2001

Senator Stephen Morris  
Room 120-S  
Statehouse  
Topeka, Kansas 66612

Dear Senator Morris:

Thank you for scheduling a hearing on Senate Bill 49. At the hearing, Committee members asked several questions that I have attempted to answer with the enclosed materials. I have compiled a table with information from several published sources, including the United States Department of Justice, the Council of State Governments, and the National Conference on State Legislatures. Those sources are noted on the materials. I have left the original footnote numbers intact and have provided copies of the source materials, including explanatory footnotes.

One question asked by Committee members was whether the Executive Branch in other states amends the Judicial Branch budget. According to a publication of the United States Department of Justice, of the 50 states and the District of Columbia, 31, or 61%, do not allow the Executive Branch to amend the state's Judicial Branch budget. This information is shown in map format in the document entitled, "Submission of State Judicial Branch Budgets." In addition, footnotes indicate that North Carolina, which is noted as a state in which the Executive Branch can amend the Judicial Branch budget, actually does not follow that practice. In practice, the North Carolina Executive Branch does not amend the Judicial Branch's budget, and the Judicial Branch submits its budget directly to the Legislature.

Another question asked is how submitting the Judicial Branch budget directly to the Legislature can work, given the fact that the Governor must submit a budget in compliance with the 7.5% ending balance law. The column entitled "Governor Must Submit a Balanced Budget," which is taken directly from *The Book of the States*, shows that all but six states require the Governor to submit a balanced budget, either by statute or constitutional provision.

At least one Committee member asked how the Governor could submit a balanced budget if the Judicial Branch budget were submitted directly to the Legislature, because the Governor would not know how much to include in the budget recommendation for the Judicial Branch. Lines 21 through 24 on page one of the bill would require the Judicial Branch to submit its budget to the Governor for inclusion in the Governor's budget document (the *Governor's Budget Report*). As stated previously, all but six states require the Governor to submit a balanced budget, and this issue is handled in a manner similar to SB 49.

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Attachment 6

Questions on SB 49  
February 6, 2001  
Page 2

Another question was whether states that have an Executive budget (initiated by the Governor) differ on this issue from states that have a Legislative budget (initiated by the Legislature). The final two columns, taken from materials obtained from the National Conference on State Legislatures, show that states with both types of budgets have the Judicial Branch budget submitted directly to the Legislature.

I hope that this information answers the Committee's questions. Please feel free to contact me about this material or with any other questions.

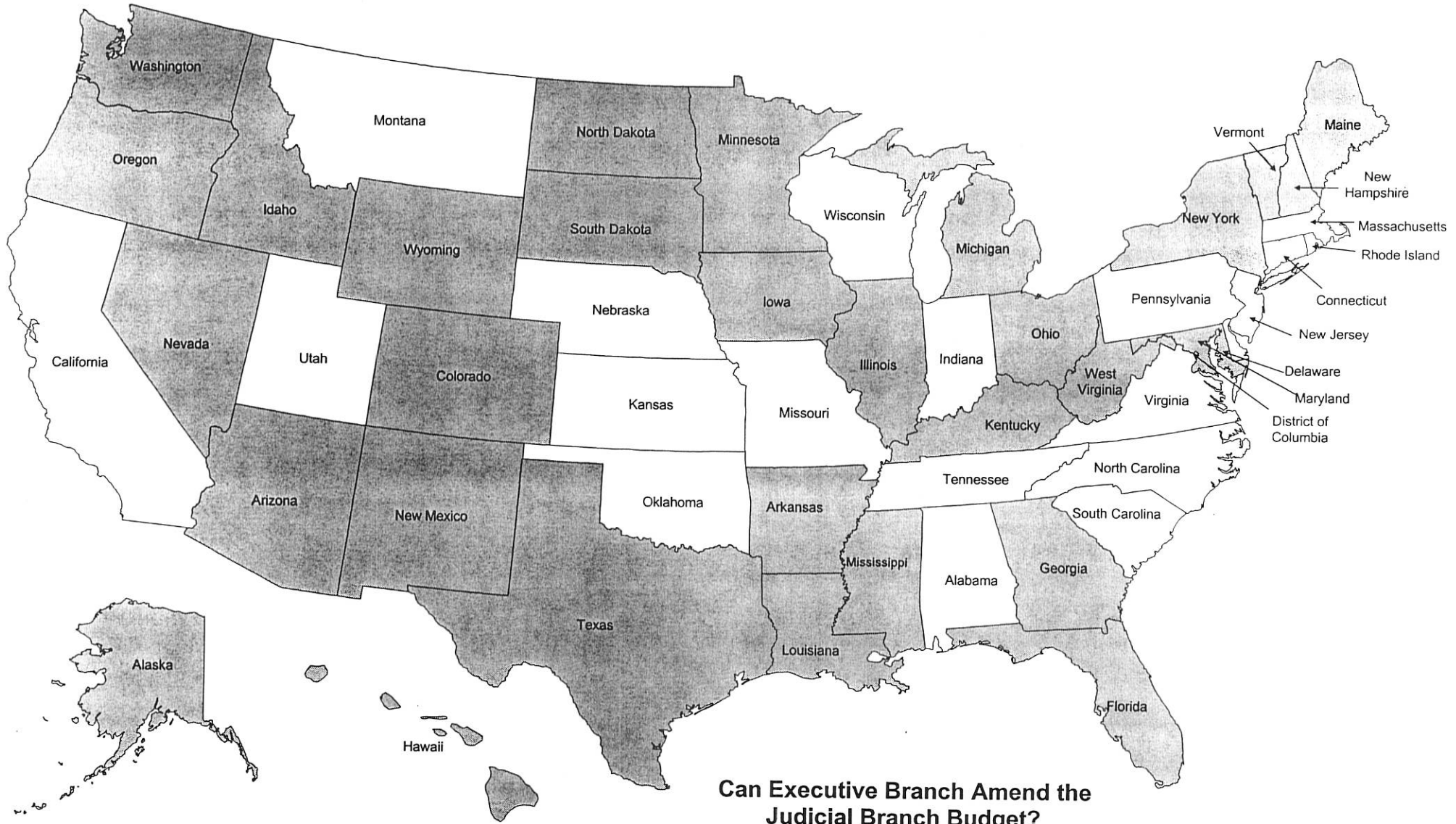
Sincerely,

Kathy Porter  
Executive Asst. to Judicial Administrator

KP:mr

cc: Senate Ways and Means Committee Members

# Submission of State Judicial Branch Budgets



Source: *State Court Organization, 1998*  
 Bureau of Justice Statistics, US Department of Justice

6-4

**PREPARATION AND SUBMISSION OF JUDICIAL BRANCH BUDGET**  
**State Balanced Budgets:Constitutional and Statutory Provisions, Gubernatorial and Legislative Authority**

	Where Submitted?*	Can Executive Branch Amend Budget?*	Governor Must Submit a Balanced Budget**	Entity that Writes the Appropriations Bills***	
				Executive Branch	House, Senate, Nonpartisan Fiscal Staff, or Other
Alabama	To the executive branch	Yes, routinely	C,S	■	
Alaska	To the legislature	No	S	■	
Arizona	To legislature and executive branch	No	C,S		■
Arkansas	To the legislature	No	S		■
California	To legislature and executive branch	Yes, routinely	C	■	
Colorado	To the legislature	No	C		■
Connecticut	To the executive branch	Yes, routinely	S	■	
Delaware	To legislature and executive branch	Yes, routinely <sup>10</sup>	C,S		■
District of Columbia	<sup>-13</sup>	No			
Florida	To the legislature	No	C,S		■
Georgia	To the executive branch	No	C		■
Hawaii	To the legislature	No	C,S	■	
Idaho	To the legislature	No	...		■
Illinois	To the legislature	No	C,S	■	
Indiana	To the executive branch	Yes, routinely	...		■
Iowa	To the legislature	No	C,S		■

				Entity that Writes the Appropriations Bills***	
	Where Submitted?*	Can Executive Branch Amend Budget?*	Governor Must Submit a Balanced Budget**	Executive Branch	House, Senate, Nonpartisan Fiscal Staff, or Other
Kansas	To legislature and executive branch <sup>20</sup>	Yes, routinely	S	■	
Kentucky	To the legislature	No	C,S	■	
Louisiana	To the legislature	No	C,S	■	
Maine	To the executive branch	~ <sup>25</sup>	C,S	■	
Maryland	To the executive branch <sup>27</sup>	No	C	■	
Massachusetts	To the executive branch <sup>29</sup>	Yes	C,S	■	
Michigan	To the legislature <sup>31</sup>	No <sup>32</sup>	C,S	■	
Minnesota	To the executive branch <sup>34</sup>	No	C,S	■	
Mississippi	To the legislature	No	S		■
Missouri	To the executive branch	~ <sup>35</sup>	C	■	
Montana	To the executive branch	Yes, routinely <sup>37</sup>	S	■	
Nebraska	To the legislature	Yes, routinely <sup>38</sup>	C	■	
Nevada	To the legislature	No	S		■
New Hampshire	To the executive branch	No	S		■
New Jersey	To the executive branch <sup>40</sup>	Yes, routinely	C		■
New Mexico	To legislature and executive branch <sup>42</sup>	No	C		■
New York	To legislature and executive branch	No <sup>45</sup>	C	■	
North Carolina	To legislature and executive branch <sup>47</sup>	Yes, occasionally <sup>48</sup>	C,S		■
North Dakota	To the executive branch	No	C	■	
Ohio	To the executive branch	No	C		■

	Where Submitted?*	Can Executive Branch Amend Budget?*	Governor Must Submit a Balanced Budget**	Entity that Writes the Appropriations Bills***	
				Executive Branch	House, Senate, Nonpartisan Fiscal Staff, or Other
Oklahoma	To the legislature	Yes, occasionally	S		■
Oregon	To the legislature	No	C	■	
Pennsylvania	To legislature and executive branch <sup>56</sup>	Yes, routinely	C,S	■	■
Puerto Rico	To the legislature	No	C	■	
Rhode Island	To the legislature	~	C	■	
South Carolina	To the executive branch	Yes, routinely	C		■
South Dakota	To the executive branch	No	C		■
Tennessee	To the executive branch	Yes, routinely	C	■	
Texas	To the legislature	No	...		■
Utah	To the legislature <sup>62</sup>	Yes, routinely <sup>63</sup>	S		■
Vermont	To the legislature	No <sup>64</sup>	...	■	
Virginia	To the executive branch	Yes, routinely	(ii)	■	
Washington	To the legislature	No	S	■	
West Virginia	To the executive branch	No <sup>67</sup>	...	■	
Wisconsin <sup>69</sup>	To legislature and executive branch <sup>70</sup>	Yes, routinely	C	■	
Wyoming	To the legislature	No	C		■

Kentucky - The executive branch drafts the proposed act for the executive branch, the chief justice for the Judicial Branch, and the Legislative Research Commission for the legislative branch.

Sources: \**State Court Organization* 1998, Bureau of Justice Statistics, U.S. Department of Justice

\*\*The Book of the States 2000-2001, Council of State Governments

\*\*\*National Conference of State Legislatures

Key:~ = Not Applicable  
 C = Constitutional  
 S = Statutory  
 ... = No

Table 17. Preparation and Submission of the Judicial Branch Budget

	Who Prepares the Budget?	Branch Review of Budget?	Where Submitted?
Alabama	AOC	Yes, by AOC	To the executive branch
Alaska	AOC <sup>2</sup>	Yes, by COLR	To the legislature
Arizona	AOC	Yes, other <sup>3</sup>	To legislature and executive branch
Arkansas	AOC	Yes, by AOC	To the legislature
California	AOC	Both the AOC and COLR <sup>6</sup>	To legislature and executive branch
Colorado	AOC	Yes, by COLR	To the legislature
Connecticut	AOC	Yes, by AOC	To the executive branch
Delaware	Other <sup>8</sup>	Yes, other <sup>9</sup>	To legislature and executive branch
District of Columbia	AOC	Yes, other <sup>13</sup>	~ <sup>13</sup>
Florida	AOC	Yes, other <sup>14</sup>	To the legislature
Georgia	Other <sup>15</sup>	Yes, by COLR	To the executive branch
Hawaii	Individual courts	Yes, by AOC <sup>17</sup>	To the legislature
Idaho	COLR	Yes, by COLR	To the legislature
Illinois	AOC	Yes, by COLR	To the legislature
Indiana	COLR <sup>19</sup>	Yes, by COLR	To the executive branch
Iowa	AOC	Yes, by COLR	To the legislature
Kansas	AOC	Yes, by COLR	To legislature and executive branch
Kentucky	AOC	Yes, by COLR	To the legislature
Louisiana	Other <sup>22</sup>	Both the AOC and COLR <sup>23</sup>	To the legislature
Maine	AOC <sup>24</sup>	Yes, by AOC	To the executive branch
Maryland	AOC <sup>26</sup>	Yes, by AOC	To the executive branch <sup>27</sup>
Massachusetts	Other <sup>29</sup>	Yes, other <sup>29</sup>	To the executive branch <sup>29</sup>
Michigan	AOC	Yes, by COLR	To the legislature <sup>31</sup>
Minnesota	AOC	Both the AOC and COLR <sup>33</sup>	To the executive branch <sup>34</sup>
Mississippi	COLR	Yes, by COLR	To the legislature
Missouri	AOC	Yes, by COLR	To the executive branch
Montana	AOC	Yes, by AOC	To the executive branch
Nebraska	AOC	Yes, by COLR	To the legislature
Nevada	AOC	Yes, by COLR	To the legislature
New Hampshire	AOC	Yes, by COLR	To the executive branch
New Jersey	AOC <sup>39</sup>	Yes, by AOC	To the executive branch <sup>40</sup>
New Mexico	Individual courts	Yes, other <sup>41</sup>	To legislature and executive branch <sup>42</sup>
New York	AOC <sup>44</sup>	Yes, by AOC	To legislature and executive branch <sup>43</sup>
North Carolina	AOC	Yes, by AOC	To legislature and executive branch <sup>44</sup>
North Dakota	AOC <sup>52</sup>	Yes, by COLR	To the executive branch
Ohio	AOC	Yes, by AOC	To the executive branch
Oklahoma	AOC	Yes, by COLR	To the legislature
Oregon	Other <sup>54</sup>	Yes, by AOC	To the legislature
Pennsylvania	AOC <sup>55</sup>	Yes, by AOC	To legislature and executive branch <sup>56</sup>
Puerto Rico	AOC	Yes, by AOC	To the legislature
Rhode Island	Individual courts	Yes, by AOC	To the legislature
South Carolina	COLR	Yes, by COLR	To the executive branch
South Dakota	AOC	Yes, by COLR <sup>57</sup>	To the executive branch
Tennessee	Other <sup>58</sup>	Yes, by COLR	To the executive branch
Texas	Individual courts	Yes, by AOC <sup>59</sup>	To the legislature
Utah	Other <sup>60</sup>	Yes, other <sup>61</sup>	To the legislature <sup>62</sup>
Vermont	AOC	Yes, by COLR	To the legislature
Virginia	AOC	Yes, by AOC	To the executive branch
Washington	AOC <sup>65</sup>	Yes, by COLR	To the legislature
West Virginia	AOC	Yes, by COLR <sup>66</sup>	To the executive branch
Wisconsin <sup>69</sup>	AOC	Yes, by COLR	To legislature and executive branch <sup>70</sup>
Wyoming	Individual courts <sup>72</sup>	No <sup>73</sup>	To the legislature



Table 17. Preparation and Submission of the Judicial Branch Budget

Can Executive Branch Amend Budget?	Does Legislature Take Official Cognizance of Budget?	Is Judicial Appropriation Filed as Separate Bill?	Budget Period	Judicial Percentage of State Budget Appropriation	
Yes, routinely	No <sup>1</sup>	No	Biennial, Oct-Sep	1.9	Alabama
No	No	No	Annual, Jul-Jun	1.3	Alaska
No	Yes	No	Biennial, <sup>4</sup> Jul-Jun	2.4	Arizona
No	Yes	Yes <sup>5</sup>	Biennial, Jul-Jun	.5	Arkansas
Yes, routinely	Yes	No	Annual, Jul-Jun	2.0	California
No	Yes	No	Annual, Jul-Jun	3.0 <sup>7</sup>	Colorado
Yes, routinely	Yes	No	Biennial, Jul-Jun	2.0	Connecticut
Yes, routinely <sup>10</sup>	Yes <sup>11</sup>	No	Annual, <sup>12</sup> Jul-Jun	2.9	Delaware
No	~	~	Annual, Oct-Sep	~	District of Columbia
No	Yes	No	Annual, Jul-Jun	.6	Florida
No	Yes <sup>16</sup>	No	Annual, Jul-Jun	1.0	Georgia
No	Yes	Yes	Biennial, <sup>18</sup> Jul-Jun	2.8	Hawaii
No	Yes	No	Annual, Jul-Jun	1.0	Idaho
No	Yes	Yes	Annual, Jul-Jun	.7	Illinois
Yes, routinely	Yes	No	Biennial, Jul-Jun	.4	Indiana
No	Yes	Yes	Annual, Jul-Jun	2.3	Iowa
Yes, routinely	Yes	No	Annual, Jul-Jun	1.0	Kansas
No	Yes	Yes	Annual, <sup>21</sup> Jul-Jun	2.4	Kentucky
No	Yes	Yes	Annual, Jul-Jun	.5	Louisiana
~ <sup>26</sup>	~	No	Biennial, Jul-Jun	1.9	Maine
No	Yes <sup>28</sup>	No	Annual, Jul-Jun	1.5	Maryland
Yes	Yes	No <sup>30</sup>	Annual, Jul-Jun	2.0	Massachusetts
No <sup>32</sup>	Yes	Yes	Annual, Oct-Sep	1.0	Michigan
No	Yes	No	Biennial, Jul-Jun	1.0	Minnesota
No	Yes	Yes	Annual, Jul-Jun	1.5	Mississippi
~ <sup>35</sup>	~ <sup>36</sup>	No	Annual, Jul-Jun	1.4	Missouri
Yes, routinely <sup>37</sup>	Yes	No	Annual, Jul-Jun	1.0	Montana
Yes, routinely <sup>38</sup>	Yes	No	Biennial, Jul-Jun	2.0	Nebraska
No	Yes	Yes	Biennial, Jul-Jun	1.0	Nevada
No	Yes	No	Biennial, Jul-Jun	1.7	New Hampshire
Yes, routinely	Yes	No	Annual, Jul-Jun	2.1	New Jersey
No	Yes	Yes <sup>43</sup>	Annual, Jul-Jun	2.5	New Mexico
No <sup>45</sup>	Yes	Yes <sup>46</sup>	Annual, Apr-Mar	1.2	New York
Yes, occasionally <sup>48</sup>	Yes	No <sup>49</sup>	Biennial, <sup>50</sup> Jul-Jun	3.0 <sup>51</sup>	North Carolina
No	~	Yes	Biennial, Jun-Jun <sup>53</sup>	.9	North Dakota
No	Yes	No	Biennial, Jul-Jun	.4	Ohio
Yes, occasionally	Yes	Yes	Annual, Jul-Jun	1.0	Oklahoma
No	Yes	Yes	Biennial, Jul-Jun	3.6	Oregon
Yes, routinely	Yes	No	Annual, Jul-Jun	.5	Pennsylvania
No	Yes	No	Annual, Jul-Jun	3.0	Puerto Rico
~	~	No	Annual, Jul-Jun	2.0	Rhode Island
Yes, routinely	Yes	No	Annual, Jul-Jun	.8	South Carolina
No	Yes	No	Annual, Jul-Jun	1.2	South Dakota
Yes, routinely	Yes	No	Annual, Jul-Jun	.5	Tennessee
No	Yes	No	Biennial, Sep-Aug	.4	Texas
Yes, routinely <sup>63</sup>	Yes	No	Annual, Jul-Jun	2.5	Utah
No <sup>64</sup>	Yes	No	Annual, Jul-Jun	2.0	Vermont
Yes, routinely	No	No	Biennial, Jul-Jun	1.2	Virginia
No	Yes	No	Biennial, Jun-Jun	.1	Washington
No <sup>67</sup>	Yes <sup>68</sup>	No	Annual, Jul-Jun	1.5	West Virginia
Yes, routinely	No	No	Biennial, <sup>71</sup> Jul-Jun	.9	Wisconsin
No	Yes	No	Biennial, Jul-Jun	2.0	Wyoming

Legend: ~ = Not applicable;  
AOC = Administrative Office of the Courts

Table 17. Preparation and Submission of the Judicial Branch Budget

FOOTNOTES:

**Alabama:**

<sup>1</sup>The AOC may be asked to appear before the legislature for direct presentation of the budget in budget hearings.

**Alaska:**

<sup>2</sup>Four area Court Administrators create initial input to the Administrative Fiscal Office. The Administrative Office creates the initial budget submission document.

**Arizona:**

<sup>3</sup>Chief Justice and Vice Chief Justice.  
<sup>4</sup>FY99 is annual; FY00-01 is first biennial.

**Arkansas:**

<sup>5</sup>Only judicial salaries are in the General Appropriations Act.

**California:**

<sup>6</sup>Judicial Council also involved.

**Colorado:**

<sup>7</sup>This percentage represents the judicial operating budget from the General Fund. It does not include the Public Defender's Office or the Alternate Defense Counsel.

**Delaware:**

<sup>8</sup>Each court and judicial agency submits a draft budget request to the Chief Justice through the AOC. The Chief Justice for the entire court system prioritizes major adjustments, enhancements, and new initiatives after considering AOC recommendations. The court office making the request strikes requests not shown on the Chief Justice's prioritized listing. The adjusted budget requests are then filed electronically by each area.  
<sup>9</sup>Chief Justice through AOC.

<sup>10</sup>The Governor recommends all appropriations to the General Assembly.  
<sup>11</sup>The courts' budget requests are available to the General Assembly because they receive copies of it. But it is the Governor's recommended budget that the General Assembly reviews together with the Judiciary's budget requests presented by the Chief Justice.  
<sup>12</sup>By law, the period is biennial; by practice it is annual.

**District of Columbia:**

<sup>13</sup>With the enactment of the National Capital Revitalization and Self-Government Improvement Act of 1997, DC Courts began to receive direct funding from the federal government. The AOC continues to have responsibility for the initial preparation of the budget. After review by the Joint Committee on Judicial Administration, the budget is submitted directly to the Office of Management and Budget, through the President and sent to Congress.

**Florida:**

<sup>14</sup>Chief Justice.

**Georgia:**

<sup>15</sup>Court of Last Resort and Councils of Trial Courts (AOC).  
<sup>16</sup>Judicial Branch budget is included in Governor's Budget request to legislature. Legislative Budget Office reviews continuation budget, and can make adjustments. The legislature also reviews requests for new funding.

**Hawaii:**

<sup>17</sup>The central budget office directs the preparation and consolidation of the budget.  
<sup>18</sup>State operates on a biennial budget cycle; however, a supplemental budget request is prepared for the off years.

**Indiana:**

<sup>19</sup>The Division of State Court Administration, an agency of the Court of Last Resort, prepares most of the state funded portion of the state judicial branch's budget. The Intermediate Appellate Court prepares a separate budget for its operations.

**Kansas:**

<sup>20</sup>Budget is submitted simultaneously to both the legislature and the Governor.

**Kentucky:**

<sup>21</sup>Annual budgets enacted biennially.

**Louisiana:**

<sup>22</sup>Judicial Budgetary Control Board.  
<sup>23</sup>Prior to each session of the legislature, the Judicial Budgetary Control Board submits a proposed budget for the judicial branch to the Supreme Court for its approval.

**Maine:**

<sup>24</sup>In consultation with the Chief Justice.  
<sup>25</sup>If the Governor does not include in state's budget anything in the Judicial Branch budget, the reason must be stated.

**Maryland:**

<sup>26</sup>The lower trial court (District Court) prepares its own budget section which is consolidated by the AOC with all other judiciary components.  
<sup>27</sup>The executive branch combines the Judicial budget into a single budget for legislative approval. The Executive Branch can comment upon but cannot reduce Judiciary budget.  
<sup>28</sup>Legislature can reduce or add to Judiciary budget. Executive Branch can only comment.

**Massachusetts:**

<sup>29</sup>The Chief Justice of the Supreme Judicial Court submits the budget requests of the judicial branch to the budget director for inclusion in the budget submitted by the Governor. (G.L.c. 211, §2A.) In doing so, the Chief Justice may use estimates prepared by the Chief Justice of the Appeals Court and the Trial Court's Chief Justice for Administration and Management. The Governor may amend the Chief Justice's requests.  
<sup>30</sup>Copies of judicial branch budget estimates are routinely sent to the House and Senate Committees on Ways and Means when submitted to the Governor. The annual appropriation bill notes the judicial estimates as well as the Governor's requests for the courts.

**Michigan:**

<sup>31</sup>The budget is submitted directly to both the executive and legislative branches.  
<sup>32</sup>The Governor makes recommendations regarding the judicial budget.

**Minnesota:**

<sup>33</sup>Conference of Chief Judges is a representative trial court body. Each district elects a Chief Judge and Assistant Chief Judge.  
<sup>34</sup>The executive branch incorporates judicial branch budget requests without recommendation.

**Missouri:**

<sup>35</sup>They may recommend a different amount or recommend nothing.  
<sup>36</sup>They get a judicial budget request with the governor's recommendation and do what they choose.

**Montana:**

<sup>37</sup>Statute states that the executive branch must submit budget without charge but does not require executive branch to fund the total request.

**Nebraska:**

<sup>38</sup>Executive branch makes a request which includes the Judicial budget—based upon their analysis of AOC's request to the legislature and copied to the executive branch. The practice also is that the legislature introduces its own legislation, which becomes the budget bill.

**New Jersey:**

<sup>39</sup>Each vicinage (judicial district) prepares a request which is reviewed by the AOC and a Budget Committee made up of Assignment Judges (Chief Judges) and senior management. Those requests are consolidated into one judicial branch budget submission.  
<sup>40</sup>AOC also sends information to the legislature.

Table 17. Preparation and Submission of the Judicial Branch Budget

**New Mexico:**

<sup>41</sup>The Chief Judges Council, primarily through its Budget Committee, reviews all budget submissions and sets priorities among them.

<sup>42</sup>To the legislature and executive branch simultaneously.

<sup>43</sup>As of last year's appropriation process. Some parts of the courts' budget continue to be included in the over-all appropriations legislation, such as across-the-board salary increases.

**New York:**

<sup>44</sup>Courts prepare initial estimates, regional offices (District Administrative Judges Offices) modify and prioritize court estimates and the AOC prepares final state budget request amounts and submission for certification and approval of the Court of Appeals.

<sup>45</sup>The Governor may comment on submission in the executive budget, but may not change the requested amounts.

<sup>46</sup>The judiciary budget and legislative budget are combined in a single appropriation bill.

**North Carolina:**

<sup>47</sup>It is first formally submitted to the executive branch for inclusion in the Governor's budget. In practice, however, it is presented directly to the legislature by the judicial branch.

<sup>48</sup>Yes, but in practice the executive branch does not, and the judicial branch presents its budget directly to the legislature.

<sup>49</sup>Generally, this is no. Judicial branch appropriations are set forth in separate sections of the statewide current operations and/or expansion bill. Separate "omnibus courts" bills have also been used.

<sup>50</sup>Biennial budgets are prepared for each "long session" of the General Assembly (odd-numbered years), subject to revision in the "short session" (even years); a separate budget is prepared for each year.

<sup>51</sup>This includes appropriations for non-core functions placed in the court budget, including prosecution, indigent defense, juvenile probation, and other programs.

**North Dakota:**

<sup>52</sup>Input is provided from each district.

<sup>53</sup>For a two year period, from July 1 of an odd number year to June 30 of an odd number year.

**Oregon:**

<sup>54</sup>Trial courts, appellate courts submit their request to AOC. AOC does its own and all the statewide charges and accounts.

**Pennsylvania:**

<sup>55</sup>The appellate courts each prepare their own initial budget requests (and are reviewed and compiled into a comprehensive budget request by AOC). The AOC prepares the initial requests for the lower courts.

<sup>56</sup>The judiciary submits its budget to the governor in October, and to the legislature in February.

**South Dakota:**

<sup>57</sup>Unified Judicial System is completely state funded. All budgetary matters are administered by the SCAO under the authority of the Supreme Court.

**Tennessee:**

<sup>58</sup>AOC after input from Supreme Court and trial judges.

**Texas:**

<sup>59</sup>The Judiciary section of the Comptroller of Public Accounts Department submits the state-funded portion of the budget for courts, other than the appellate courts, to the legislature.

**Utah:**

<sup>60</sup>Budget recommendations are prepared by each court level and program. They are submitted to the Judicial Council which prepares the final budget through the AOC. In Utah, the Judicial Council is created by Constitution and is the Administrative Authority for the Judiciary.

<sup>61</sup>By Judicial Council

<sup>62</sup>The budget is submitted to both the Governor and the legislature. The Governor, by law, must submit a balanced budget to the legislature. The courts also submit their original request to the legislature.

<sup>63</sup>The Governor submits a budget for the state as a whole—including the state courts. The executive branch is bound by the Governor's request. The courts submit their original request also to the legislature. They are not bound by the Governor's request.

**Vermont:**

<sup>64</sup>The executive branch includes the judiciary's budget (as amended by the executive branch) in its budget submission.

**Washington:**

<sup>65</sup>For appellate courts only. Budgets of trial courts are prepared locally.

**West Virginia:**

<sup>66</sup>Administrative Director of the Courts prepares budget submission for review and approval by the Supreme Court. The Supreme Court may seek supplemental appropriations. The legislature may or may not grant.

<sup>67</sup>The Governor may increase the judicial budget submission, but may not reduce it. WV Const., Art. 6, Section 51 (10).

<sup>68</sup>Legislature may increase, but may not decrease judicial budget submission. WV Const., Art. 6, Section 51 (5).

**Wisconsin:**

<sup>69</sup>The judicial budget, in general, is treated the same as those of executive branch agencies. The primary difference is that 60% of the courts funds is contained in "sum sufficient" rather than "sum certain" appropriations.

<sup>70</sup>By statute, all executive branch agency budgets are submitted simultaneously to the executive branch and the legislature. This procedure is also followed by the judicial branch.

<sup>71</sup>The executive budget bill contains appropriations for the biennium, but is comprised of separate annual appropriations for each year of the biennium.

**Wyoming:**

<sup>72</sup>Each District Court submits their own budget requests. The AOC prepares the budget request that includes the Supreme Court, county courts and law library.

<sup>73</sup>The AOC reviews and makes recommendations to the Supreme Court and county court, law library budget's—Justices are the final review. The District Court judges have a District Court Judges' Budget Review Committee which reviews the District Court requests.

BUDGET

Table 6.3  
STATE BALANCED BUDGETS: CONSTITUTIONAL AND STATUTORY PROVISIONS,  
GUBERNATORIAL AND LEGISLATIVE AUTHORITY

State or other jurisdiction	Constitutional and Statutory Provisions			Gubernatorial Authority			Legislative Authority	
	Governor must submit a balanced budget	Legislature must pass a balanced budget	Governor must sign a balanced budget	Governor has line item veto	Can reduce budget without legislative approval	Restrictions on budget reductions	Votes required to pass revenue increase	Votes required to pass budget
Alabama	C,S	S	...	(a)	*	ATB	Majority	Majority
Alaska	S	S	S	*	...	...	Majority	Majority (c)
Arizona	C,S	C,S	C,S	*	...	...	2/3 elected	Majority
Arkansas	S	S	S	*	(d)	ATB	3/4 elected (b)	3/4 elected (oo)
California	C	...	S	*	...	...	2/3 elected	2/3 elected (pp)
Colorado	C	C	C	*	*	...	Majority (e)	Majority elected
Connecticut	S	C,S	C	*	*	MR	Majority	Majority (f)
Delaware	C,S	C,S	C,S	*	...	*	3/5 elected	Majority
Florida	C,S	C,S	C,S	*	(g)	MR	2/3 elected	Majority
Georgia	C	C	C	*	*	(h)	Majority	Majority
Hawaii	C,S	...	C,S	*	(i)	...	Majority (j)	Majority elected (qq)
Idaho	...	C (k)	...	*	(l)	(l)	Majority	Majority
Illinois	C,S	C	S	(m)	...	...	Majority	Majority elected (n)
Indiana	...	...	...	*	*	ATB	Majority	Majority
Iowa	C,S	S	...	*	*	...	Majority	Majority
Kansas	S	C,S	...	*	...	ATB	Majority	Majority
Kentucky	C,S	C,S	C,S	*	...	...	2/5 elected	Majority elected
Louisiana	C,S	C,S	C,S	*	*	MR	2/3 elected	Majority
Maine	C,S	C	C,S	*	*	ATB	Majority	Majority (rr)
Maryland	C	C	(o)	...	(p)	(q)	Majority	Majority elected
Massachusetts	C,S	C,S	C,S	*	*	...	Majority	Majority (s)
Michigan	C,S	C	C,S	*	...	(t)	Majority	Majority
Minnesota	C,S	C,S	C,S	*	*	MR	Majority	Majority elected
Mississippi	S	S	...	*	*	ATB	3/5 elected	Majority elected (ss)
Missouri	C	...	C	*	*	...	Majority	Majority elected
Montana	S	C	...	*	*	MR(u)	Majority	Majority
Nebraska	C	S	...	*	...	*	Majority	Majority elected (tt)
Nevada	S	C	C	...	*	MR	3/5 elected	Majority
New Hampshire	S	...	...	*	...	...	Majority	Majority
New Jersey	C	C	C	*	*	...	Majority	Majority
New Mexico	C	C	C	*	...	...	Majority	Majority
New York	C	...	(v)	(w)	(x)	(x)	Majority	Majority
North Carolina	C,S	S	...	...	(z)	...	Majority	Majority
North Dakota	C	C	C	*	*	ATB	Majority	Majority (uu)
Ohio	C	C	C	(aa)	*	*	Majority	Majority
Oklahoma	S	C (bb)	C (bb)	*	(cc)	*	3/4 elected	Majority elected
Oregon	C	C	C	*	*	MR	2/3 elected	Majority
Pennsylvania	C,S	...	C,S	*	(dd)	...	Majority elected	Majority elected
Rhode Island	C	C	S	...	*	*	Majority	2/3 elected
South Carolina	C	C	C	*	(ee)	*	Majority	Majority
South Dakota	C	C	C	*	...	*	2/3 elected	Majority elected (vv)
Tennessee	C	C	C	*	...	...	Majority	Majority
Texas	...	C,S	C	*	*	...	Majority	Majority
Utah	S	C,S	(ff)	*	*	...	Majority	Majority
Vermont	...	...	...	...	(hh)	ATB (gg)	Majority	Majority elected
Virginia	(ii)	...	C (ii)	(jj)	(nn)	(hh)	Majority	Majority
Washington	S	...	...	*	*	MR	Majority (ll)	Majority elected
West Virginia	...	C	C	*	*	ATB	Majority	Majority
Wisconsin	C	C	C,S	*	(mm)	(mm)	Majority	Majority elected
Wyoming	C	C	...	*	(nn)	...	Majority	Majority
Puerto Rico	C	C	C	*	*	...	Majority	Majority

Sources: The Council of State Governments, the National Association of State Budget Officers, *Budgetary Processes in the States, 1999*, and the National Conference of State Legislatures.

Key:  
C - Constitutional  
S - Statutory  
ATB - Across the board  
MR - Maximum reduction dictated  
\* - Yes  
No

(a) The governor may return a bill without limit for recommended amendments for amount and language, as long as the legislature is still in session.  
(b) For revenue and appropriation bills. Joint session.

(c) A simple majority is required to pass the budget. In Alaska, a simple majority is required for most annual appropriations, but if expenditures are expected to exceed the appropriation level in the prior year's budget and a withdrawal from the budget reserve fund is needed to make up the difference, a three-fourths vote is required. Since the provision became effective in 1991, the supermajority has been necessary for few appropriation items in each budget

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## STATE BALANCED BUDGETS - Continued

- (d) The governor and chief fiscal officer of the state have the authority to reduce general revenue funding to agencies should shortfalls occur in revenue collections.
- (e) All tax increases must be approved by a vote of the people.
- (f) Appropriations require a simple majority of members elected, unless the general fund expenditure ceiling is exceeded. In that case, the Legislature must obtain a three-fifths majority.
- (g) The elected cabinet (Administrative Commission) for the Executive Branch and the Chief Justice of the Supreme Court for the Judicial Branch are authorized to resolve deficits under \$300 million. Deficits over \$300 million shall be resolved by the legislature.
- (h) The governor, during the first six months of a fiscal year in which the current revenue estimate on which appropriations are based is expected to exceed actual revenues, is authorized to require state agencies to reserve such appropriations as specified by the governor for budget reductions to be recommended to the general assembly at its next regular session.
- (i) The governor's authority to reduce, expand and reorganize budgets can be done only pursuant to existing statutes.
- (j) If general fund expenditure ceiling is exceeded, two-thirds vote required; otherwise majority of elected members.
- (k) The constitution requires that the legislature pass a balanced budget. The governor, as the chief budget officer of the state, has always insured that expenditures do not exceed revenues.
- (l) The governor's authority to reduce budgets is temporary. The State Board of Examiners (Governor, Attorney General and Secretary of State) has permanent appropriation reduction authority.
- (m) The governor can veto appropriation items entirely (Item Veto) or merely reduce an item of appropriation to a lesser amount (Reduction Veto). If the governor reduces an item of appropriation, the remaining items in the bill are not affected and can become law immediately.
- (n) A majority vote is required to pass the budget until June 1. After that date, the required vote increases to three-fifths majority.
- (o) The budget bill when and as passed by both houses, shall be a law immediately without further action by the governor.
- (p) With the approval of the Board of Public Works, the governor may reduce by not more than 25 percent any appropriation that the governor considers unnecessary.
- (q) The governor may not, however, reduce an appropriation to the legislative or judicial branches of government; for the payment of principal and interest on state debt; the funding for public schools (K-12); or the salary of a public officer during the term of office.
- (r) Governor has no veto power over the budget bill.
- (s) For capital budget, two-thirds votes required.
- (t) There are both statutory and constitutional restrictions on executive branch authority to make budget reductions, involving approval by both House and Senate appropriations committees.
- (u) Additional restrictions on budget reductions exclude principle and interest on state debt, legislative and judicial branches, school equalization aid and salaries of elected officials.
- (v) The governor is not technically required to sign a balanced budget, but the governor, legislative leaders and the comptroller must certify the budget is in balance in order to meet borrowing requirements.
- (w) Any appropriation added to the governor's budget by the legislature is subject to line item veto.
- (x) May reduce budget without approval only for state operations; only restriction on reductions is that reductions in aid to localities cannot be made without legislative approval.
- (y) The governor has no veto power over the budget bill, except for appropriations for the legislature and judiciary and items added to the governor's original budget proposal. In these cases, two-thirds of elected members in each chamber can vote to override the gubernatorial veto.
- (z) Except for certain block grants. The Governor is required to maintain a balanced budget for the fiscal period and has the authority through the Constitution and General Statutes to make reductions to insure there is no overdraft or deficit.
- (aa) Line item veto in appropriation act only.
- (bb) Legislature could pass and the governor could sign a budget where appropriations exceed cash and estimated revenues, but constitutional and statutory provisions reduce the appropriations so that the budget is balanced.
- (cc) Would require agreement of agency governing boards and or CEO.
- (dd) The governor may reduce budgets selectively; he must provide 10 days prior notice and the reasons for so doing before lapsing current year grant and subsidy money.
- (ee) The Budget and Control Board can authorize an across-the-board agency reduction when there is a revenue shortfall. When in session, the General Assembly has five statewide session days to take action to prevent the reduction.
- (ff) Governor may allow balanced budget to go into law without signature.
- (gg) Statutorily required to include requests from legislature, courts and other elected officials.
- (hh) Reductions based on revenue shortfalls of greater than 1 percent require legislative approval.
- (ii) Requirement applies only to budget execution. The governor is required to insure that actual expenditures do not exceed actual revenues.
- (jj) Governor may return bill without limit for recommended amendments for amount and language. For purposes of a veto, a line item is defined as an indivisible sum of money that may or may not coincide with the way in which items are displayed in an appropriation act.
- (kk) The governor has power to withhold allotments of appropriations, but cannot reduce legislative appropriations.
- (ll) Two-thirds of members present includes a majority of the members elected.
- (mm) The governor can reduce expenditures but not appropriations. Public education has priority.
- (nn) Cannot reduce appropriations, but can withhold allotments.
- (oo) A majority vote is required for education and highways; a three-fourths vote of the elected members is required on all others.
- (pp) A two-thirds majority is required for appropriations from the general fund, except for public school appropriations, which require a simple majority.
- (qq) If the general fund expenditure ceiling is exceeded, a two-thirds vote is required, otherwise, the majority of elected members is required.
- (rr) For emergency enactment, a two-thirds vote is required.
- (ss) A majority is required to pass the agency appropriations bill, unless a bill is considered a donation (e.g., a donation to the Mississippi Burn Center). In this case, Joint Rule 66 requires a two-thirds vote of the elected members.
- (tt) Main budget bills typically have the "e" (emergency) clause attached, thus requiring a two-thirds vote. The "e" clause is necessary for the budget to be operative by the beginning of the fiscal year.
- (uu) Emergency measures and measures that amend a statute that has been referred or enacted through an initiated measure within the last seven years must pass both houses by a two-thirds majority.
- (vv) A two-thirds majority is required for individual spending bills.

#### 4. Development of the Recommended Budget

Table 4-1: ENTITY THAT WRITES THE APPROPRIATIONS BILL(S) TO BE INTRODUCED IN THE LEGISLATURE

State or other Jurisdiction	Executive Branch	Senate Appropriations Committee Staff	Assembly or House Appropriations Committee Staff	Non-partisan Fiscal Staff Office	Other
Alabama	■	—	—	—	—
Alaska	■	—	—	—	—
Arizona	—	—	—	■*	—
Arkansas	—	—	—	■	—
California	■	—	—	—	—
Colorado	—	—	—	■*	—
Connecticut	■	—	—	—	—
Delaware	—	—	—	■*	—
Florida	—	■	■	—	—
Georgia	—	—	—	■	—
Hawaii	■	—	—	—	—
Idaho	—	—	—	■	—
Illinois	■	—	—	—	—
Indiana	—	—	—	—	■*
Iowa	—	■*	■*	—	—
Kansas	■	—	—	—	—
Kentucky	■*	—	—	—	—
Louisiana	■	—	—	—	—
Maine	■	—	—	—	—
Maryland	■	—	—	—	—
Massachusetts	■	—	—	—	—
Michigan	■	—	—	—	—
Minnesota	■*	—	—	—	—
Mississippi	—	■*	■*	—	—
Missouri	■	—	—	—	—
Montana	■*	—	—	—	—
Nebraska	■*	—	—	—	—
Nevada	—	—	—	■	—
New Hampshire	—	—	—	■	—
New Jersey	—	■*	■*	■*	—
New Mexico	—	—	—	■*	—
New York	■	—	—	—	—
North Carolina	—	—	—	—	■*
North Dakota	■	—	—	—	—
Ohio	—	—	—	■	—
Oklahoma	—	■*	■*	—	■
Oregon	■*	—	—	—	—
Pennsylvania	■*	■*	■*	—	—
Rhode Island	■	—	—	—	—
South Carolina	—	—	■	—	—

**Table 4-1: ENTITY THAT WRITES THE APPROPRIATIONS BILL(S) TO BE INTRODUCED IN THE LEGISLATURE**  
(continued)

State or other jurisdiction	Executive Branch	Senate Appropriations Committee Staff	Assembly or House Appropriations Committee Staff	Nonpartisan Fiscal Staff Office	Other
South Dakota	—	—	—	■	—
Tennessee	■	—	—	—	—
Texas	—	—	—	■*	—
Utah	—	—	—	■*	—
Vermont	■	—	—	—	—
Virginia	■	—	—	—	—
Washington	■	—	—	—	—
West Virginia	■	—	—	—	—
Wisconsin	■*	—	—	—	—
Wyoming	—	—	—	■*	—
American Samoa (N/R)	—	—	—	—	—
District of Columbia (N/R)	—	—	—	—	—
Guam	—	—	—	■*	—
Northern Mariana Islands	—	—	■*	—	—
Puerto Rico	■	—	—	—	—
U.S. Virgin Islands (N/R)	—	—	—	—	—
<b>Total: States</b>	<b>28</b>	<b>6</b>	<b>7</b>	<b>15</b>	<b>3</b>
<b>Total: States and Territories</b>	<b>29</b>	<b>6</b>	<b>8</b>	<b>16</b>	<b>3</b>

Source: National Conference of State Legislatures, December 1997.

**Key:**

- = Not applicable
- N/R = No response

**\*Notes:**

- Arizona**—Staff of the Joint Legislative Budget Committee prepare the appropriations bills introduced in the Legislature.
- Colorado**—Staff of the Joint Budget Committee prepare the appropriations bill introduced in the General Assembly.
- Delaware**—The Office of the Comptroller General prepares the appropriations bills introduced in the General Assembly.
- Indiana**—The Budget Committee, which consists of four legislators and the state budget director, reviews requests and makes a recommendation for appropriations.
- Iowa**—The Senate and House appropriations committees introduce the bills in their respective chambers. The Legislative Fiscal Bureau is the primary staff for the appropriations committees; the actual drafting is completed by the Legislative Service Bureau.
- Kentucky**—The executive branch drafts the proposed act for the executive branch, the chief justice for the judicial branch, and the Legislative Research Commission for the legislative branch.
- Minnesota**—The executive branch writes bills for introduction. The House and Senate staff write the bills for each body—they may include much of the language from the executive branch bills.
- Mississippi**—Both the Senate and the House write appropriations bills. Half the bills start in the Senate, half in the House.
- Montana**—The executive budget bill is ignored. Legislative staff write all subsequent general appropriations acts.
- Nebraska**—In the unicameral Legislature, the Appropriations Committee may introduce new bills if the governor's bills are not used.

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**New Jersey**—The Senate and Assembly appropriations committees each act to revise the governor's appropriation recommendations and the Office of Legislative Services drafts separate bills for introduction in each house, at the direction of the chairs.

**New Mexico**—The executive branch shall write the budget to be introduced until 1997 and the Legislative Finance Committee staff shall do so after 1997.

**North Carolina**—The Bill Drafting Division, a nonpartisan legislative office serving both houses, writes the appropriations bills that are introduced in the General Assembly.

**Oklahoma**—The Senate introduces appropriations bills for half the state agencies; the House introduces the other half. The following year the House introduces bills for the agencies the Senate introduced the previous year, etc.

**Oregon**—The executive branch writes the recommended executive budget through legislative counsel.

**Pennsylvania**—The appropriations bill is written by the executive branch, Senate appropriations staff and House appropriations staff. As a practice, the General Assembly can write its own if necessary.

**Texas**—A joint legislative agency, the Legislative Budget Board, writes the budget to be introduced in the Legislature.

**Utah**—Under the direction of the Executive Appropriations Committee.

**Wisconsin**—The executive branch controls content, but the bill is actually drafted by the Legislative Reference Bureau.

**Wyoming**—Nonpartisan fiscal staff is the Joint Appropriations Committee staff.

**Guam**—Unicameral Legislature—Committee on Finance and Taxation.

**Northern Mariana Islands**—All appropriations bills must originate in the House of Representatives.

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