

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Vice Chairperson David Adkins at 10:30 a.m. on January 30, 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
Carolyn Rampey, Kansas Legislative Research Department
Robert Chapman, 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:

Jerry Sloan, Office of Judicial Administration
Shelby Smith, Former Lt. Governor, former Secretary of Administration
Duane Goossen, Director, Division of the Budget
E. Dean Carlson, Secretary, Kansas Department of Transportation

Others attending: See attached guest list

Vice Chairman Adkins opened the continued public hearing on:

SB 49 - Submittance of judicial branch budget to the legislature without executive branch approval

Proponents:

Vice Chairman Adkins welcomed Jerry Sloan, Office of Judicial Administration, who spoke in favor of **SB 49**. Mr. Sloan mentioned in his testimony that the bill does not diminish nor eliminate the Legislature's constitutional authority and responsibility to review and approve budgets. It allows the Supreme Court, whose constitutional mandate is to administer the Judicial Branch, direct access to the Legislative Branch, the appropriating authority. Mr. Sloan noted that the bill does not create problems with harm the 7.5 percent ending balance statute (Attachment 1). Mr. Sloan also distributed copies of charts titled, "Judicial Branch SGF Budget History" (Attachment 2). The Vice Chairman thanked Mr. Sloan for his presentation before the Committee.

Vice Chairman Adkins welcomed Shelby Smith, former Lt. Governor and former Secretary of Administration, who spoke in favor of **SB 49**. Mr. Smith mentioned that the Separation of Powers doctrine, in his view, dictates that the Judicial Branch budget request should go directly to the Legislature and that there should be no intermediary in this communication. The Judiciary is not an agency. He felt that it would be a mistake not to look at this as a policy question (Attachment 3). Mr. Smith also distributed information regarding Separation of Powers (Attachment 4). The Vice Chairman thanked Mr. Smith for his presentation before the Committee.

Neutral:

Vice Chairman Adkins welcomed Duane Goossen, Director, Division of the Budget, who testified to supply some perspective regarding the Division of the Budget. He explained what it means for the Division of the Budget and the Governor to revise a budget. Director Goossen explained that in Fall the Judiciary, just like the Legislature, the Governor's Office and state agencies in general, submit a budget proposal to the Division of the Budget. That budget proposal or request is a public document, and at the same time is given to the Division of the Budget and also to the Kansas Legislative Research Department.

CONTINUATION SHEET

The documents are fully available to anyone to see what the Judiciary and any other branch of government or state agency is asking for or proposing for the next budget year. The Division of Budget fully reports the budget request in the Governor's Budget Report and does so for every agency and every branch of government. The budget requests show exactly what was requested and what the Governor recommends for that agency or branch of government. The Governor, taking into account all of the resources of the state, makes a recommendation about how the resources should be divided and then that recommendation is forwarded on to the Legislature. Budget requests from agencies in all branches of government are shown so the Governor can look at the whole picture when making decisions on budget priorities. With this information, the Legislature can proceed as it will to set its own version of the budget. Director Goossen mentioned that **SB 49** would prohibit the Governor from making any kind of recommendation or offer any kind of opinion on the Judiciary's budget proposal. Director Goossen distributed a 10-year history of how the Judiciary budget has been appropriated (Attachment 5). Director Goossen cautioned that during the length of time shown on the Judicial Branch chart, the State General Fund has taken on significant new responsibilities with school finance. Decisions have also been made to grant very generous tax reductions which have then caused the State General Fund to pay out more money for schools and this skews any kind of comparison or percentage increases. (No written testimony was presented.) Committee questions and discussion followed.

Senator Huelskamp requested information from Director Goossen regarding procedures used in other states with executive budgets for submission of judicial budget requests. Director Goossen mentioned that he knows that it is handled differently in different states. Senator Downey mentioned that she would like to know if judicial branch submission of budget requests directly to the legislature has been challenged in other states. The Chairman thanked Director Goossen for appearing before the Committee.

There being no further conferees, Chairman Morris closed the public hearing on **SB 49**.

Bill Introduction

Senator Kerr moved, with a second by Senator Salmans, to introduce a bill (1rs0387) regarding the Kansas Childrens' Cabinet and investment of certain moneys. Motion carried.

Chairman Morris welcomed E. Dean Carlson, Secretary, Kansas Department of Transportation, who gave an update on the FY 2000-2009 Comprehensive Transportation Program (CTP) (Attachment 6). Secretary Carlson mentioned in closing remarks regarding the summary as follows:

- there are no excess revenues
- the margin between success and failure is getting thinner. Revenue changes will impact the program
- KDOT is committed to the CTP as envisioned by **HB 2071** and will carefully manage the available funds.

Committee questions and discussion followed. Chairman Morris thanked Secretary Carlson for his presentation before the Committee.

Copies of the Performance Audit Report, Reviewing the Kansas Court System's Allocation of Staff Resources To the District Courts, A Report to the Legislative Post Audit Committee by the Legislative Division of Post Audit, State of Kansas, June 1997 was distributed (Attachment 7).

The meeting was adjourned at 11:40 a.m. The next meeting is scheduled for January 31, 2001.