

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Representative Kenny Wilk at 9:00 a.m. on February 7, 2002 in Room 514-S of the Capitol.

All members were present except: Representative McCreary, Excused
Representative Clark Shultz, Excused
Representative Doug Spangler, Excused
Representative Jeff Peterson, Excused

Committee staff present: Alan Conroy, Legislative Research
Amy Kramer, Legislative Research
Becky Krahl, Legislative Research
Leah Robinson, Legislative Research
Carolyn Rampey, Legislative Research
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee: Chief Justice Kay McFarland
Kathy Porter, Judicial Center
Jerry Sloan, Judicial Center
Jim Bush, President, Kansas Bar Association
Pedro Irigonegaray, Kansas Trial Lawyers Association
Mike Auchard, KU Classified Senate
Dianne Nutt, Pittsburg State Classified Senate
Reggie Robinson, Chief of Staff for KU Chancellor
Andy Sanchez, KS Association of Public Employees
Robert Hayes, Health Care Stabilization Fund

Others attending: See Attached

Hearing on HB 2179 - Submittance of judicial branch budget to the legislature without executive branch revision

The fiscal note indicated that if the Director of the Budget was prevented from making any revision to the budget for the Judicial Branch, based on the current budget cycle, the Judiciary would have \$5.0 million more in expenditures and 42.8 more FTE positions for FY 2002 than was recommended to the Legislature (Attachment 1).

Chief Justice McFarland addressed the Committee and explained the budgeting process used by the Judicial Branch (Attachment 2). She explained the desperate need for supplemental funding in the amount of \$600,000 for the FY 2002 budget if the Judiciary system is to continue operating throughout the state. She requested an early indicator in order to plan three-day furloughs for employees if the supplemental is not forthcoming. Chief McFarland explained in detail her reasoning for requesting the Judicial Branch budget be presented directly to the Legislature without the recommended budget cuts by the Governor's Director of the Budget. The Judicial Branch budget is a basic maintenance budget with 97% being salaries. The unreasonable cuts recommended by the Director of the Budget were irresponsible and made without the knowledge necessary to know how their branch of government works. People must have confidence in their judiciary branch and these cuts would destroy such confidence due to the lack of availability of services and timely litigation. Caseloads have increased by 50% in the past few years with a very small increase in personnel to handle this onslaught.

Jerry Sloan, Office of Judicial Administrator, reported that Kansas was recently ranked by USA Today newspaper as being in the top five states in which business can depend on a fair and friendly court atmosphere. Due to the increased workloads and time limitations on criminal cases, civil cases are being postponed or continued.

Kathy Porter, Office of Judicial Administrator, stated that many other states' judicial branches submit their

budgets directly to the legislature for appropriation or send a copy of the proposed budget for the governor's perusal and it is submitted without comments, changes or recommendations.

Jim Bush, President of the Kansas Bar Association, explained that the Judicial Branch is not an agency and should not come under the auspices of the Executive Branch (Attachment 3). The current policy was implemented when the courts were unified in the mid-1970's and the courts did not have the staff support or experience necessary to prepare budgets for the entire state. This is no longer the case. As a co-equal branch of government, it should not be subservient and at the mercy of the Governor.

Pedro Irigonegaray, Kansas Trial Lawyers Association, explained that the Governor reviewing the budget of the Judicial Branch is likened to the Judicial Branch reviewing all bills placed before the Legislature and making their recommendations on which bills should be heard and recommended for passage (Attachment 4). He explained that all three branches are co-equal with the Legislature having the power of the purse.

The research staff was asked to determine how much additional staff and resources they would need if the Governor did not submit a budget and the budget had to be completely developed by the Legislature.

Chairman Wilk closed the hearing on **HB 2179**.

Hearing on HB 2636 - Advisory committee on classified employee issues

Mike Auchard, President of the Classified Senate of the University of Kansas, spoke in support of the bill which would formalize the process of interpreting and communicating proposed legislation to classified employees and to legislators (Attachment 5).

Written testimony was received from Bobbi Mariani, Director of Personnel Services of the Department of Administration (Attachment 6).

Copies of a fiscal note in the amount of \$235,375 was distributed to the Committee (Attachment 7).

Dianne M. Nutt, President of the Pittsburg State University Classified Senate, explained that the Senate provided them an avenue to communicate with their members in the area of pending legislation that is pertinent to their jobs (Attachment 8). This bill would open the doors for an advisory committee to be established which would be available for all classified employees to be aware of such proposed legislation or policies.

Reginald L. Robinson, Office of the Chancellor of the University of Kansas, praised the work and efforts of the classified staff of the University, and spoke in support of the advocacy effort of this proposed legislation (Attachment 9).

Written testimony was received from Representative Tom Sloan, Douglas County (Attachment 10).

Andy Sanchez, Executive Director of the Kansas Association of Public Employees, KAPE/AFT, AFL-CIO, spoke in opposition to the bill which would conflict with their responsibilities to represent state employees (Attachment 11). He explained their structure and the process which has been developed to assist classified and non-classified employees in the workplace.

Chairman Wilk closed the hearing on **HB 2612**.

Hearing on HB 2612—State finances, biennial budget estimates

Gerald Schneider, Chief Financial Officer of the Department of Human Resources, opposed the bill due to the complexity and variety of programming, funding, and reporting that the odd year will probably entail (Attachment 12). The level of effort expended would be equal to that of preparing a budget every year.

Robert Hayes, Executive Director of the Health Care Stabilization Fund, said they could work with either an annual budget or biennial budget and had no opposition to either.

Chairman Wilk closed the hearing on **HB 2612**.

Alan Conroy presented an explanation of the State General Fund Receipts which are lower than expected at this point (Attachment 13).

The meeting was adjourned at 10:50 a.m. The next meeting is scheduled for February 12, 2002.

CONTINUATION SHEET