

SENATE BILL No. 49

By Committee on Judiciary

1-17

AN ACT concerning the judicial branch of state government; relating to the budget therefor; amending K.S.A. 75-3718 and 75-3721 and K.S.A. 2000 Supp. 20-158 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 20-158 is hereby amended to read as follows: 20-158. The chief justice of the supreme court shall be responsible for the preparation of the budget for the judicial branch of state government, with such assistance as the chief justice may require from the judicial administrator, the chief judge of the court of appeals and the chief judge of each judicial district. Each district court and the court of appeals shall submit their budget requests to the chief justice in such form and at such time as the chief justice may require. The chief justice shall submit to the director of the budget the annual budget request for the judicial branch of state government for inclusion in the annual budget document for appropriations for the judiciary. Such budget shall be prepared and submitted in the manner provided by K.S.A. 75-3716 and 75-3717 and amendments thereto. Such budget shall include the request for expenditures for retired justices and judges performing judicial services or duties under K.S.A. 20-2616 and amendments thereto as a separate item therein. ~~The director of the budget shall review and may make such recommendations to the legislature for proposed changes in such budget as the director deems necessary and appropriate.~~

Sec. 2. K.S.A. 75-3718 is hereby amended to read as follows: 75-3718. (a) The director of the budget shall have in continuous process and revision a tentative budget for the coming years, in the light of direct studies of the operations, plans and needs of the state agencies and of the existing and prospective sources of revenue. *Except as otherwise provided by this section*, after summarizing estimates of funds which may be available and the estimated requirements for the several state agencies, the director shall cause them to be reviewed in relation to the general financial condition and needs of the state and shall cause to be made such further inquiries and investigations, and such revision of the tentative budget, as the director may deem necessary.

(b) Not later than November ~~tenth~~ 10 of each year, the director of

1 the budget shall notify each state agency in writing of any revision of ~~its~~
2 *the agency's* requests and the agency affected may request a hearing
3 ~~thereon~~ *on such revision* which request may be filed within ~~ten (10)~~ 10
4 days after receipt of notice but, in any case, not later than November
5 ~~twentieth~~ 20 of such year. If requested, the secretary of administration
6 shall hold hearings on the tentative budget at which the administrative
7 head of each state agency or the representative of such administrative
8 head shall be entitled to be heard. The hearings provided for ~~herein~~ *in*
9 *this section* shall be concluded not later than December 15 of such year.

10 (c) *The director of the budget shall not revise the budget estimate for*
11 *the judicial branch of state government that is submitted pursuant to*
12 *K.S.A. 20-158, and amendments thereto.*

13 Sec. 3. K.S.A. 75-3721 is hereby amended to read as follows: 75-
14 3721. (a) On or before the eighth calendar day of each regular legislative
15 session, the governor shall submit the budget report to the legislature,
16 except that in the case of the regular legislative session immediately fol-
17 lowing the election of a governor who was elected to the office of governor
18 for the first time, that governor shall submit the budget report to the
19 legislature on or before the 21st calendar day of that regular legislative
20 session.

21 (b) The budget report of the governor shall be set up in three parts,
22 the nature and contents of which shall include the following:

23 (1) Part one shall consist of a budget message by such governor, in-
24 cluding the governor's recommendations with reference to the fiscal pol-
25 icy of the state government for the current fiscal year and the ensuing
26 fiscal year, describing the important features of the budget plan for each
27 of the fiscal years included, embracing a general budget summary setting
28 forth the aggregate figures of the budget so as to show the balanced
29 relation between the total proposed expenditures and the total anticipated
30 income for the current fiscal year and the ensuing fiscal year, with the
31 basis and factors upon which the estimates were made, and the means of
32 financing the budget plan for the each of the fiscal years included, com-
33 pared with the corresponding figures for at least the last completed fiscal
34 year, and the director of the budget shall prepare the figures for the
35 governor for such comparisons.

36 (A) The budget plan shall not include (i) any proposed expenditures
37 of anticipated income attributable to proposed legislation that would pro-
38 vide additional revenues from either current or new sources of revenue,
39 or (ii) any proposed expenditures of moneys in the ending balance in the
40 state general fund required by K.S.A. 75-6702, and amendments thereto.

41 (B) The general budget summary may be supported by explanatory
42 schedules or statements, classifying the expenditures contained therein
43 by state agencies, objects, and funds, and the income by state agencies,

1 funds, sources and types. The general budget summary shall include all
2 special or fee funds as well as the state general fund, and shall include
3 the estimated amounts of federal aids, for whatever purpose provided,
4 together with estimated expenditures therefrom.

5 (2) Part two shall embrace the detailed budget estimates for each of
6 the fiscal years included, both of expenditures and revenues, showing the
7 requests of the state agencies, if any, and the incoming governor's rec-
8 ommendations thereon. It shall also include statements of the bonded
9 indebtedness of the state, showing the actual amount of the debt service
10 for at least the last completed fiscal year, and the estimated amount for
11 the current fiscal year and for each of the ensuing fiscal years included,
12 the debt authorized and unissued, and the condition of the sinking funds.

13 (3) Part three shall consist of a draft of a legislative measure or meas-
14 ures reflecting the incoming governor's budget for all of the fiscal years
15 included in the budget report.

16 (c) The division of the budget shall compile a children's budget doc-
17 ument consisting of the information contained in agency budget estimates
18 regarding programs that provide services for children and their families.
19 Such document shall be provided to the ~~joint committee on children and~~
20 ~~families;~~ the Kansas commission on children, youth and families, estab-
21 lished by the governor's executive order number 91-145, and other per-
22 sons or entities on request.

23 (d) The division of the budget, upon request, shall furnish the gov-
24 ernor or the legislature with any further information required concerning
25 the budget.

26 (e) Nothing in this section shall be construed to restrict or limit the
27 privilege of the governor to present supplemental budget messages or
28 amendments to previous budget messages, which may include proposals
29 for expenditure of new or increased sources of revenue derived from
30 proposed legislation.

31 (f) *The budget estimate for the judicial branch of state government as*
32 *submitted to the director of the budget pursuant to K.S.A. 20-158, and*
33 *amendments thereto, shall be included in the governor's budget report.*

34 Sec. 4. K.S.A. 75-3718 and 75-3721 and K.S.A. 2000 Supp. 20-158
35 are hereby repealed.

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