



TO: **The Honorable Renee Erickson, Chair**
 And Members of the Senate Committee on Government Efficiency

FROM: **Joseph Molina**
 On behalf of the Kansas Bar Association

RE: **SB 99 - Requiring the head of each state agency to certify the number of full-time positions paid from the state general fund that have been vacant for more than 180 calendar days and the secretary of administration to abolish such positions and lapsing state general fund appropriations for such positions for fiscal year 2026**

DATE: **February 12, 2025**

Chairman Erickson and Members of the Senate Committee of Government Efficiency my name is Joseph Molina, and I provide this testimony on behalf of the Kansas Bar Association in **OPPOSITION** of **SB 99 - Requiring the head of each state agency to certify the number of full-time positions paid from the state general fund that have been vacant for more than 180 calendar days and the secretary of administration to abolish such positions and lapsing state general fund appropriations for such positions for fiscal year 2026**

The Kansas Bar Association has a long, rich history of supporting efforts focused on Access to Justice and Judicial Independence. Unfortunately, SB 99 would stifle these core Kansas principles.

As drafted, SB 99 could interfere with the interview process for law students transitioning to the work force, increase the cost of filling legal positions in Kansas agencies and possibly interfere with the hiring practices of a co-equal branch of government.

Law students at both state institutions have an interview and recruiting process that spans numerous months and can extend over two-fiscal years. Law firms and government agencies regularly evaluate, interview and extend offers to law school candidates at the beginning of their 3rd year of law school (3L). This is partially due to the highly competitive nature of the hiring process. As such, law students routinely have secured a position well before graduation and over 9 months before sitting for the Bar exam. These offers are held open until the candidate has graduated in May, takes the Bar exam in July and receives

notice of passage in September. This is a long process that is standard throughout the nation since the Bar exam is administered nationwide.

It is routine for employers to wait for a candidate to have passed the bar before officially filling the position. Under SB 99 this option would be eliminated since the “open” position would have been lapsed on July 1st. This result is not hypothetical as several current students have accepted offers with start dates set for after passing the bar in September 2025.

Moreover, should SB 99 go into effect as drafted the uncertainty of “open” positions being lapsed may force law students to look elsewhere for employment to ensure they are able to meet the student loan repayment schedule that begins 6 months after graduation. This would lessen the pool of available candidates for Kansas agencies and the recruitment of more experienced lawyers would increase the average starting salary.

Finally, SB 99 may impact the Kansas Judicial Branch. While I am confident that it was not the intent of SB 99 to include “open” positions held by the Kansas Judicial Branch, the language does implicate its inclusion.

Section 1(c) states that "state agency" means any state agency named in an appropriation act of the 2025 regular session of the legislature".

While the Kansas Judicial Branch is not a state agency, they are a group that will receive state funding through the appropriation act of the 2025 regular session. Clarity on this point would be appreciated.

It is for these reasons that the Kansas Bar Association **OPPOSES SB 99 - Requiring the head of each state agency to certify the number of full-time positions paid from the state general fund that have been vacant for more than 180 calendar days and the secretary of administration to abolish such positions and lapsing state general fund appropriations for such positions for fiscal year 2026.**

Thank you for your time and attention. I am happy to stand for questions when appropriate.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 5,500 members include lawyers, judges, law students, and paralegals. www.ksbar.org