



EQUALITY ♦ LAW ♦ JUSTICE

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**January 28, 2025**  
**Opponent for SB 14**  
**Written-Only Testimony**

**Chairman Billinger and members of the committee:**

My name is Mike Burgess. I am the Director of Policy & Outreach at the Disability Rights Center of Kansas (DRC). DRC is a public interest legal advocacy organization that is part of a national network of federally mandated organizations empowered to advocate for Kansans with disabilities. DRC is officially designated by the State of Kansas as Kansas' protection and advocacy system. DRC is a private, 501(c)(3) nonprofit corporation, organizationally independent of state government and whose focus is the protection and enhancement of the rights of Kansans with disabilities.

I am here today to share our opposition for SB 14.

SB 14 has the potential to be extremely harmful for Kansans with disabilities. If the legislature did not pass a budget (or passed one and it was vetoed), then last year's budget would continue. While this would probably not happen every year, if it did happen it would have some very significant and negative impact on Kansans with disabilities, especially if this were intentionally used as a tool simply to squeeze the budget to constrain spending. It also could potentially create an incentive for some legislators to never vote for or put together a budget, because if no budget is passed, the prior budget would be the default.

People with disabilities disproportionately rely on services funded with in state budget. Under this mechanism, the prior year's state budget would simply renew if a new one was not passed. That would harm the programs many Kansans with disabilities rely on, as their budget would be cut and roll back to last year – things like Medicaid, HCBS Waivers, Vocational Rehabilitation, Community Mental Health funding, CDDO funding, etc. Many of those programs increase from year to year because of case load increases and cost increases that are integrated with the program. Rolling back those programs would be a cut to those services that Kansans with disabilities and the most vulnerable rely on.

Also, we have some serious questions as to whether this bill is even Constitutional. There is a provision in the Kansas Constitution (see Section 24, below) that would take precedent over this bill. Given this language in the Constitution, we don't know whether the provisions of this bill (i.e., if the legislature can't pass a budget, then last year's budget is now in effect) would suffice and pass muster against that provision of the Constitution. We think a strong argument can be made that this bill does not become a "specific appropriation." A budget is, by its very nature, a "session law." Meaning, that session law automatically goes away and sunsets at the end of the fiscal year. When it goes away, it is gone. The "specific appropriation" is in the session law, which ends at the end of the fiscal year. We would question whether a provision in the general Kanss law would be a "specific appropriation" made by the legislature. Again, given that appropriations are session laws and expire at the end of the year, it would appear that this bill, nor any other bill like it, might not meet the Constitutional requirements for a "specific appropriation."

**§ 24: Appropriations.** No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.

Thank you for the opportunity to share our opposition to SB 14. I would be happy to follow up with the committee at a later time if they have any questions.