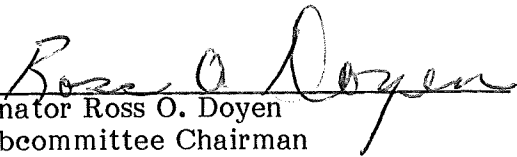


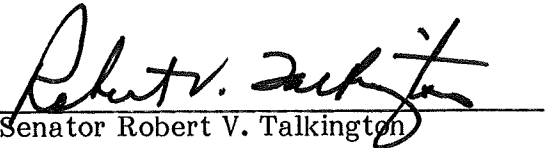
SENATE SUBCOMMITTEE REPORT ON H.B. 2063

1984 Appropriations

Sections Pertaining to:

Judicial Council  
State Board of Indigents' Defense Services  
Judicial Branch  
Crime Victims Reparations Board

  
\_\_\_\_\_  
Senator Ross O. Doyen  
Subcommittee Chairman

  
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Senator Robert V. Talkington

  
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Senator Frank Gaines

SUBCOMMITTEE REPORT

Agency: Judicial Council Bill No. 2063 Bill Sec. 2  
 Analyst: Galligan Analysis Pg. No. 200 Budget Pg. No. 1-47

<u>Expenditure Summary</u>	<u>Agency Req. FY 84</u>	<u>Governor's Rec. FY 84</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 198,083	\$ 185,131	\$ (3,751)
State General Fund	198,083	185,131	(3,751)
F.T.E. Positions	3.0	3.0	--

Agency Request/Governor's Recommendation

The Council's request of \$198,083 would maintain current operations, allow for seven additional advisory committee meetings, and allow purchase of a desk and table for word processing equipment.

The Governor's recommendation deleted funding for the seven additional meetings, allowed for purchase of the requested table and a work station rather than a desk, and included a 4 percent cost-of-living adjustment to salaries.

House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendation with the following exception:

1. In accordance with Committee policy, the Subcommittee recommends deletion of \$3,751 budgeted for the 4 percent cost-of-living adjustment.

Additionally, the Subcommittee suggests that the Council determine whether its publications are a duplication of services provided by professional associations or other entities in the state. The Subcommittee also recommends that the Council explore and attempt to obtain alternative funding for publication of its regular and special bulletins. A report on these activities will be expected in the 1984 Session.

The Subcommittee encourages the Council to undertake a study of the appellate court caseload and recommend alternatives for alleviating the growing backlog in the Court of Appeals.

House Committee Recommendation

The House Committee concurs with the Subcommittee recommendation.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee recommendation.

SUBCOMMITTEE REPORT

Agency: Board of Indigents' Defense Services Bill No. 2063 Bill Sec. 3  
 Analyst: Galligan Analysis Pg. No. 201 Budget Pg. No. 1-135

<u>Expenditure Summary</u>	<u>Agency Req. FY 84</u>	<u>Governor's Rec. FY 84</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 3,908,217	\$ 2,634,898	\$ (37,603)
Other Assistance	254,481	208,100	(7,247)
TOTAL	<u>\$ 4,162,698</u>	<u>\$ 2,842,998</u>	<u>\$ (44,850)</u>
State General Fund:			
State Operations	\$ 3,908,217	\$ 2,634,898	\$ (37,603)
Other Assistance	254,481	208,100	(7,247)
TOTAL	<u>\$ 4,162,698</u>	<u>\$ 2,842,998</u>	<u>\$ (44,850)</u>
F.T.E. Positions	17.0	17.0	—

Agency Request/Governor's Recommendation

The agency's request for FY 1984 includes operation of the administrative office, three public defender offices, funding for assigned counsel and Legal Services for Prisoners, Inc. New requests include a memory typewriter and shelving for the administrative office, a brief binder and dictation equipment for the third district public defender office, and an additional attorney and associated operating expenses for the eighth district public defender office. The Board also requested funding to support an increase in the rates paid assigned counsel for defense of indigents. The request for Legal Services for Prisoners, Inc. includes addition of one full-time attorney at Kansas State Penitentiary and an increase from half-time to full-time of a secretary.

The Governor's recommendation did not include funding for the new positions either in the public defender office or Legal Services for Prisoners. Also deleted from the request was funding for the brief binder and dictation equipment. The Governor recommended \$2,081,599 for assigned counsel expenses, which is \$149,338 less than the FY 1983 recommendation. The Governor's total recommendation for the agency represents a 3.2 percent reduction from the FY 1983 recommended expenditure level.

House Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. In accordance with Committee policy, the Subcommittee recommends deletion of \$23,859 budgeted for the cost-of-living adjustment. Of that amount, \$7,247 was budgeted for employees of Legal Services for Prisoners, Inc.
2. Reduction of \$20,000 budgeted for assigned counsel.
3. Reappropriation of \$50,000 anticipated FY 1983 savings of assigned counsel expenditures to reduce the FY 1984 appropriation.

4. Deletion of \$2,271 from the amount budgeted for attorney and consultant services in administration.
5. Addition of \$1,280 for purchase of a memory typewriter.
6. Use of the \$3,408 budgeted for purchase of a word processor to continue purchase of computer services from DISC. The Subcommittee learned that the current program used to compile data and generate the agency's regular reports is inadequate and results in distortions of claims data. It was also noted that there is a need for more and better information on case types and costs for agency planning and budgeting purposes.

Additionally, the Subcommittee strongly recommends that the Board develop guidelines for indigency and partial indigency in order to allow recoupment of the maximum amount possible. The Subcommittee learned that in the current year the agency anticipates receiving approximately \$6,000 in repayment of defense expenditures on 6,500 claims. Even \$20 per claim collected on a portion of the total would be a significant step.

The Subcommittee supports passage of S.B. 83 during this legislative session. Enactment of the bill would make repayment of amounts spent by the Board on defense services a condition of probation or suspended sentence except in cases of severe hardship.

House Committee Recommendation

The House Committee concurs with the Subcommittee recommendation.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adjustments to Gov. Rec. FY 1984</u>	<u>House Total Rec. FY 1984</u>	<u>Senate Subcommittee Adjustments to House Rec.</u>
All Funds:			
State Operations	\$ (37,603)	\$2,597,295	\$20,000
Other Assistance	(7,247)	200,853	--
TOTAL	<u>\$ (44,850)</u>	<u>\$2,798,148</u>	<u>\$20,000</u>
State General Fund:			
State Operations	\$ (37,603)	\$2,597,295	\$20,000
Other Assistance	(7,247)	200,853	--
TOTAL	<u>\$ (44,850)</u>	<u>\$2,798,148</u>	<u>\$20,000</u>
F.T.E. Positions	—	17.0	--

The Senate Subcommittee concurs with the House Committee recommendation with the following exceptions:

1. Addition of \$20,000 for assigned counsel.
2. The Subcommittee notes that the average cost per case for assigned counsel has been declining and would compliment the Board on its efforts in this area. Further, the Subcommittee would encourage the Board to present, to the 1984 Legislature, a plan for increasing the rates of compensation for assigned counsel.

SUBCOMMITTEE REPORT

Agency: Judicial Branch Bill No. \_\_\_\_\_ Bill Sec. \_\_\_\_\_  
 Analyst: Galligan Analysis Pg. No. 204 Budget Pg. No. 1-49

<u>Expenditure Summary</u>	<u>Agency Req. FY 83</u>	<u>Governor's Rec. FY 83</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 34,273,829	\$ 33,732,545	\$ (233,000)
State General Fund	34,131,847	33,590,563	(233,000)
F.T.E. Positions:			
Appellate Court			
Justices and Judges	14.0	14.0	--
District Court			
Judges	212.5	212.5	--
Nonjudicial Personnel	1,328.5	1,328.5	--

Agency Request/Governor's Recommendation

The Court's revised estimate of FY 1983 expenditures is \$260,177 less than the level authorized by the 1982 Legislature. Areas of reduction identified by the Court include savings in health insurance premiums due to an overestimate of costs a year ago, and \$85,439 in other operating expenditures. Additional savings in the current year that were to be achieved through imposition of a hiring freeze were not identified in the estimate.

The Governor's recommendation for FY 1983, as implemented by S.B. 54, reduced the Court's appropriation by \$801,460, which is \$541,283 more than the savings identified in the estimate. The bulk of the additional reduction was the FY 1983 merit pool and vacancy savings resulting from the hiring freeze.

House Subcommittee Recommendation

After reviewing seven month's expenditure data, the Subcommittee identified the following additional reductions in the current year:

<u>Subprogram</u>	<u>Amount</u>	<u>Object</u>
Office of Judicial Administration	\$ 12,000	Data processing
	27,000	Salaries and wages
	25,000	Other operating expenses
Clerk of Appellate Courts	10,000	Salaries and wages
	5,000	Other operating expenses
Appellate Reporter	30,000	Printing and advertising
Judges of the District Court	100,000	Salaries and wages
	24,000	Assigned judges' pay*
<b>TOTAL</b>	<u>\$233,000</u>	

\* This amount is shown in the Court's budget document as salaries and wages, but was included in the line item appropriation for other operating expenses. The Subcommittee learned that the Court, while making numerous assignments during the current year, has paid retired judges serving temporarily on the bench from the salaries and wages appropriation. Thus, it appears that this amount will not be needed during the current year and its deletion will not adversely effect the Court's ability to utilize retired judges.

The Subcommittee recommends that the amounts identified above be reappropriated to reduce the FY 1984 appropriation. The Subcommittee commends the Court for its efforts toward voluntary compliance with the Governor's request for a 4 percent reduction in expenditures. However, the Subcommittee notes that the actual reductions were less than 4 percent and that some additional savings can be achieved during the current fiscal year.

House Committee Recommendation

The House Committee concurs with the Subcommittee recommendation.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adjustments to Gov. Rec. FY 1983</u>	<u>House Total Rec. FY 1983</u>	<u>Senate Subcommittee Adjustments to House Rec.</u>
State Operations			
All Funds	\$ (233,000)	\$ 33,499,545	\$ 29,500
State General Fund	(233,000)	33,357,563	29,500
F.T.E. Positions			
Appellate Court Justices and Judges	--	14.0	--
District Court Judges	--	212.5	--
Nonjudicial Personnel	--	1,328.5	--

The Senate Subcommittee concurs with the House Committee recommendation with the following exceptions:

1. Addition of \$12,000 for data processing in the Office of Judicial Administration.
2. Addition of \$17,500 for other operating expenditures in the Office of Judicial Administration.

The adjustments reduce the reappropriation into FY 1984 by \$29,500.

SUBCOMMITTEE REPORT

Agency: Judicial Branch Bill No. 2063 Bill Sec. 4  
 Analyst: Galligan Analysis Pg. No. 204 Budget Pg. No. 1-49

<u>Expenditure Summary</u>	<u>Agency Req. FY 84</u>	<u>Governor's Rec. FY 84</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All Funds	\$ 39,874,880	\$ 35,806,435	\$ (1,333,193)
State General Fund	39,662,252	35,594,402	(1,358,282)
F.T.E. Positions:			
Appellate Court Justices and Judges	17.0	14.0	—
District Court Judges	214.5	212.5	—
Nonjudicial Personnel	1,342.5	1,328.5	(3.0)

Agency Request/Governor's Recommendation

The Court's request for FY 1984 includes three new judges of the Court of Appeals, two new district court judges, and 14 new nonjudicial employees. The request also includes expansion of services provided by the Supreme Court Law Library, new projects in judicial education, development of a microcomputer software program for the district courts, and reclassifications and upgrades for certain district court personnel.

The Governor's recommendation would allow a 6.1 percent increase in expenditures over the FY 1983 level. The Governor did not recommend funding of any of the requested new positions, nor were the library, computer or education projects recommended. Funding for reclassification of 21 district court personnel was recommended, but the funding for upgrades was deleted.

House Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. A reduction of \$25,000 from State General Funds budgeted for the Supreme Court Law Library, other operating expenditures. In order to offset this reduction, the Subcommittee is recommending an equal increase in the expenditure limitation of the Library Report Fee Fund. The Subcommittee notes that the prices for the Kansas Reports were increased prior to the start of FY 1983 and that there is no apparent necessity for a large balance in this fee fund. The adjustment recommended should leave a balance of \$19,659 in the fund at the end of FY 1984 if receipts equal the Court's estimate of \$120,000 during FY 1984. The Subcommittee notes that the Governor's recommendation for the Law Library includes \$10,000 for the reprinting of two volumes of the Kansas Reports, and specifically endorses that project.
2. Deletion of 3 F.T.E. Court Service Officer positions.



3. In accordance with Committee policy, a reduction of \$1,251,593 budgeted for cost-of-living adjustments. Of this amount \$1,251,368 is State General Funds and \$225 is from the Bar Admission Fee Fund.
4. A reduction of \$32,963 from the amount budgeted for travel and subsistence in the Appellate and District Court programs. The reduction will allow an aggregate increase of 7 percent over the Governor's recommended FY 1983 levels in each of the programs. This increase is recommended, despite the fact that no reimbursement rate increases are anticipated for FY 1984, in recognition of the Court's apparent need to increase cross assignment of active judges and utilization of retired judges in both district and appellate courts. The recommended travel and subsistence expenditures by subprogram are as follows:

<u>Program/ Subprogram</u>	<u>Governor's Rec. FY 83</u>	<u>Subcommittee Rec. FY 84</u>
Supreme Court	\$ 11,265	\$ 16,082
Court of Appeals	27,391	29,308
Office of Judicial Administration	13,945	12,145
Clerk of Appellate Courts	3,760	3,000
Appellate Reporter	—	713
Law Library	2,400	1,627
District Court	280,744	300,396

5. A reduction of \$2,642 from the amount budgeted for computer assisted legal research. The Subcommittee learned that this service is seldom utilized by the research attorneys. The reduction will leave \$500 available for the service in FY 1984.
6. A reduction of \$32,400 from the amount budgeted for printing in the Appellate Reporter's office. This will allow expenditure of \$162,447 during FY 1984 for the printing of the appellate courts' opinions, an 8 percent increase over the amount recommended by the Subcommittee for FY 1983.
7. A reduction of \$16,875 from the amount budgeted for automated data processing expenses of the Office of Judicial Administration. This amount will allow a 15 percent increase over the amount recommended by the Subcommittee for FY 1983. The Subcommittee learned that DISC revised its estimate of rate increases downward to 12-15 percent from the 20 percent that agencies were directed to use in developing their budgets.
8. A technical adjustment that results in an increase of \$314 in the amount budgeted for salaries and wages from the Bar Admission Fee Fund for the half-time clerk's salary.
9. That the 1982 appropriation bill format be utilized as opposed to the format recommended by the Governor. The Subcommittee recommends that the appropriation for assigned judges' pay be included as a separate line item.

Additionally, the Subcommittee makes the following recommendations:

1. That the balance in the Court Reporter Fee Fund be examined in light of its apparent decline, in order to determine whether a change in the fee schedule will be necessary during FY 1984.
2. That the Judicial Branch complete its study of the use of electronic recording devices in the district courts as soon as possible so that a systematic evaluation of their cost effectiveness can be made. The Subcommittee will expect to review the study during the 1984 Session. The Subcommittee encourages the Legislature to consider appropriating funds for FY 1985 for the purchase of electronic recording equipment for the district courts as a means of reducing personnel costs. The Subcommittee recognizes that these costs would usually be borne by the counties, but feels that potential savings for the State General Fund may justify the expenditure for equipment.
3. That the legislature consider establishing a means of generating revenue adequate to ensure an ongoing program of judicial education. The Subcommittee recognizes the impact of the loss of federal funds formerly available for judicial education and the fact that currently 23 new judges have not had an opportunity to receive any intensive training. The Subcommittee also recommends that the Court develop specific plans for providing various kinds of judicial education both in-state and by sending members of the judiciary to out-of-state training.
4. The Subcommittee is concerned that the partial hiring freeze that the Court will apparently maintain during FY 1984 may have an adverse impact on the operations of the judicial system. The Subcommittee notes that nearly all of the cuts in the Judicial Branch came from a nonjudicial personnel hiring freeze. The Subcommittee suggests that the Court undertake an in-depth evaluation of its nonjudicial personnel needs across the state with special attention directed toward possible reorganizations or reassignments, necessary to maintain essential services and functions.

#### House Committee Recommendation

The House Committee concurs with the Subcommittee recommendations.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adjustments to Gov. Rec. FY 1984</u>	<u>House Total Rec. FY 1984</u>	<u>Senate Subcommittee Adjustments to House Rec.</u>
State Operations			
All Funds	\$ (1,333,193)	\$ 34,473,242	\$ 20,055
State General Fund	(1,358,282)	34,236,120	20,055
F.T.E. Positions			
Appellate Court			
Justices and Judges	—	14.0	—
District Court Judges	—	212.5	—
Nonjudicial Personnel	(3.0)	1,325.5	—

The Senate Subcommittee concurs with the House Committee recommendation with the following exceptions:

1. Addition of \$10,000 to the amount budgeted for automated data processing in the Office of Judicial Administration.
2. Addition of \$10,055 for costs associated with initiation of a computer assisted legal research service in the Supreme Court Law Library.

SUBCOMMITTEE REPORT

Agency: Crime Victims Reparations Board Bill No. 2063 Bill Sec. 5

Analyst: Galligan Analysis Pg. No. 209 Budget Pg. No. 4-43

<u>Expenditure Summary</u>	<u>Agency Req. FY 84</u>	<u>Governor's Rec. FY 84</u>	<u>Subcommittee Adjustments</u>
<b>State Operations:</b>			
State General Fund	\$ 107,865	\$ 99,841	\$ (3,577)
General Fees Fund	--	--	--
Federal Preventive Health and Health Services Block Grant	--	--	--
Subtotal - Operating	<u>\$ 107,865</u>	<u>\$ 99,841</u>	<u>\$ (3,577)</u>
<b>Other Assistance, Grants, and Benefits:</b>			
State General Fund	\$ 42,135	--	--
General Fees Fund	288,615	\$ 330,750	--
Federal Preventive Health and Health Services Block Grant	--	30,816	--
Subtotal - Other Assistance	<u>\$ 330,750</u>	<u>\$ 361,566</u>	<u>--</u>
<b>TOTAL</b>	<u>\$ 438,615</u>	<u>\$ 461,407</u>	<u>\$ (3,577)</u>
 F.T.E. Positions	 3.0	 3.0	 --

Agency Request/Governor's Recommendation

The agency's FY 1984 request is a 26.9 percent increase over the current year estimate of expenditures. The request would maintain the current staffing level and number of board meetings and would allow for a 28 percent increase in claims payments. The request includes a 36.3 percent decrease in support from the State General Fund for claims payments. This decrease is possible because of a law enacted by the 1982 Legislature that earmarks \$1.00 of certain docket fees for the Crime Victims Reparation Fund.

The Governor's recommendation for FY 1984 includes adjustments to operating expenditures, payment of claims solely from the fee fund, and expenditure of federal Preventive Health and Health Services Block Grant funds. The federal funds are only to be used for services to rape victims and for rape prevention.

House Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. Deletion of the \$2,617 budgeted for cost-of-living adjustment.
2. Deletion of \$960 budgeted for reclassification of the Investigator.
3. Reappropriation of an anticipated \$1,990 savings from FY 1983 operations to reduce the FY 1984 State General Fund appropriation.

Additionally, the Subcommittee notes that the current projection of receipts from docket fees indicates that the budgeted expenditures will deplete the fund by the end of FY 1984. This will result in a need to supplement the claims budget with State General Funds during FY 1985 in order to maintain the current level of payments.

Further, the Subcommittee strongly recommends that the Board monitor its administrative costs in order to ensure that expenditures are kept to a minimum.

House Committee Recommendation

The House Committee concurs with the Subcommittee recommendation.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House Committee recommendation.