

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by Senator August "Gus" Bogina at
Chairperson

11:00 a.m./p.m./on February 18, 1985 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Research Department: Ed Ahrens, Mary Galligan, Robin Hunn, Russell Mills
Revisor's Office: Norman Furse
Committee Office: Doris Fager, Judy Bromich

Conferees appearing before the committee:

Ron Miles, Board of Indigents' Defense Services
Howard Klink, Executive Director, Crime Victims' Reparations Board
Marjorie Van Buren, Judicial Department

APPROVAL OF MINUTES

Motion was made by Senator Doyen and seconded by Senator Johnston to approve minutes for February 5, 6 and 7, 1985. The motion carried by voice vote.

SB 29 - Appropriations FY 1986 for Judicial Department and related agencies

A letter dated February 12, 1985, addressed to Senator Werts and signed by Phil Magathan, Legislative Chairperson, Kansas Association of Court Services Officers, was distributed to members of the committee. (Attachment A)

Section 2 - Judicial Council

Senator Werts presented the subcommittee report on this section of the bill. There were no questions.

Section 3 - Board of Indigents' Defense Services

During Senator Werts' explanation of the subcommittee report on this section, he commented on subcommittee recommendation No. 3. He indicated the position limitation had been deleted because there needs to be flexibility in this area. He added that this will not increase funding for the Board.

There was discussion concerning the microcomputer referred to in FY 1985 subcommittee recommendations. Senator Winter indicated he felt the identical computer could be purchased for less than the \$5,000 recommended. The Chairman noted that, if it can be purchased for less, the funds cannot be used for other items and could, therefore, be lapsed.

Section 4 - Judicial Branch

Senator Werts presented the subcommittee report on this section. In connection with subcommittee recommendation No. 1, he explained that there is a bill in the Senate Judiciary Committee providing for expansion of the Court of Appeals, and felt that the funds could be re-instated if the bill passes.

There was extended discussion regarding subcommittee recommendation No. 6. In answer to a question from Senator Doyen, Senator Werts stated this group of employees is the same group which requested salary upgrades in 1984, but their request was not granted.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS,
room 123-S, Statehouse, at 11:00 a.m./p.m. on February 18, 1985

SB 29 - Continued

Section 4 - Continued

Senator Gaines expressed concern about the domino effect of first one class of employees and then another asking for salary upgrades for various reasons. He also stressed that he is against increasing taxes, and many of the requests, if granted, would warrant such an increase.

There were questions concerning the suggested study of wage data by the Judicial Department. Senator Werts said the subcommittee heard that employees were going to other employers because of wage problems, but no data was available. It was noted that the results of the study would be given to the House Ways and Means Committee for their use in acting on the measure; and that the Senate Committee probably would also be receiving the information.

The Chairman suggested adjustments to this problem could be made during Conference Committee meetings, in the pay plan bill, or in the Omnibus appropriations bill. Senator Johnston reminded the committee that the policy has been to consider only those items in Conference Committee which have been acted upon by either the House or Senate. He said he would support the subcommittee recommendation with the understanding that, if the House doesn't re-instate some portion of the upgrade, there will be an opportunity for the conference committee to reconsider the item.

Motion was made by Senator Johnston and seconded by Senator Feleciano to amend recommendation 6 of the subcommittee report to include a statement that the conference committee should reconsider the item, whether or not the House Committee reinstates it. The motion carried by voice vote.

In connection with recommendation 7, Senator Werts explained that the reason for the requested reclassification was assignment of additional duties. The subcommittee did not feel the reclassification was justified.

During discussion regarding subcommittee recommendation 10, Senator Werts explained that the subcommittee felt the total amount of \$185,067 should be earmarked for the Judicial Education program, including the amount for travel.

The Chairman asked Senator Werts to explain the subcommittee' recommendation No. 2, deleting Court Services Officers' positions. Senator Werts replied that it was felt there could be more effective use of these officers by doing some transferring. In some districts, these people are not very busy and in others there is an overload. Senator Gaines added that all these people are now state employees and need to be transferred according to work load. Several committee members indicated that C.S.O.'s in their districts need additional help. Ms. Van Buren was asked if she had a map showing where these people were working. She said she had provided information to the subcommittee, but did not have a map. She volunteered that C.S.O.'s had been moved from one district to another in recent years.

Motion was made by Senator Doyen and seconded by Senator Winter to amend the subcommittee report in recommendation No. 2 to restore four of the C.S.O.'s and to ask the department to study re-assignment of some officers. The motion carried by voice vote.

Section 5 - Crime Victims Reparation Board

There was discussion concerning subcommittee recommendation No. 1. Mr. Klink said the agency had requested and received an opinion from the Attorney General concerning whether or not the program is an entitlement program. He indicated that the opinion stated it is not an entitlement program, but victims could pursue a special claims against the state route if the fund was depleted.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS,
room 123-S, Statehouse, at 11:00 a.m./p/m. on February 18, 1955.

SB 29 - Continued

Section 5 - Continued

Motion was made by Senator Werts and seconded by Senator Gaines to introduce a committee bill to provide that the Crime Victims Reparations Fund is not an entitlement program; and that when funds are not available for all claims, the funds should be pro-rated. The motion carried by voice vote.

Motion was made by Senator Werts and seconded by Senator Winter to adopt the subcommittee report as amended; and to report SB 29 as amended favorably for passage. The motion carried by roll call vote.

The meeting was adjourned by the Chairman.

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February 12, 1985

Senator Werts
State Capitol Building
Topeka, Kansas 66612

Dear Senator Werts:

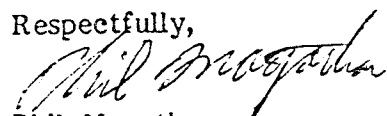
Statewide, Court Service Officers are providing supervision to a Kansas probation population that has increased to approximately 19,000. Well over 50% of the adult probation population are felony cases, and over 50% of the juvenile cases are offender type cases. During Fiscal Year 1984, Court Service Officers statewide prepared 13,600 formal reports to aid judges in determining the most appropriate sentence and correctional plan for the offender.

Court Service Officers in the State of Kansas provide probation services at a nominal cost when you consider the return in court costs, probation services fees, appointed attorney fees, fines, community service work, and restitution for crime victims from offenders on supervised probation. At a time when institutional costs and prison populations are increasing, supervised probation provides a very cost effective and proven alternative to incarceration if adequately staffed and funded.

The Office of Judicial Administration is requesting funding for 10 additional CSO positions statewide. While this will not fully address the needs for adequate offender supervision, these additional positions will be an improvement. Lower officer/offender ratios not only benefit the probationer, but can improve public safety by allowing the Court Service Officer to more closely monitor the offender's compliance with probation as ordered by the court.

I know that we can count on you as our legislators to carefully consider the staffing needs of Court Services in the performance of their duties.

Respectfully,



Phil Magathan
Legislative Chairperson, KACSO

c.c. Mark Roberts
Marjorie Van Buren
Howard Schwartz

PM/bn