Approved February 27, 1986
Date

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 21, 1986 in room 123-S of the Capitol.

All members were present except:

Committee staff present:
Research Department: Ed Ahrens, Robin Hunn, Russell Mills
Revisor's Office: Norman Furse
Committee Office: Judy Bromich

Conferees appearing before the committee:
Jerry Sloan, Judicial Department
Sabrina Wells, Budget Division

SB 443 - Appropriations FY 1987 - Judicial Department and Related Agencies

Senator Werts presented the subcommittee report for SB 443.

Section 2 - Judicial Council

There were no questions following the presentation of the subcommittee report on this section.

Section 3 - Board of Indigents' Defense Services

Senator Werts elaborated on Senate Subcommittee Recommendation No. 2. He indicated that the Governor had placed a position limitation on this Board of 46. However, the subcommitee feels that the agency has done a good job of allocating funds to positions; therefore, there is no need for position limitations.

Mr. Mills, in response to a question from Senator Bogina, stated that legal services for prisoners includes a contract with a private non-profit corporation to provide services for inmates in state institutions. He added that the money involved is State General Fund money.

Senator Feleciano questioned the fact that 2.25 FTE new positions were not funded either by the Governor or the subcommittee. Senator Werts said the subcommittee felt the Board could function without the new positions.

Section 4 - Judicial Branch

During his presentation of the subcommittee report on Section 4, Senator Werts called the committee's attention to subcommittee recommendation No. 5. He said it was his understanding that the Governor did not make recommendations for step movement for unclassified personnel. This includes all people in the Judicial Branch of government. He further noted that a step movement in the state pay plan is 2.5%, and in the Judicial Branch it is 5%.

Answering a question from Senator Feleciano, Mr. Mills stated that the Legislature directed the Courts to establish their own pay plan several years ago. He stated that the Court plan is similar to the state pay plan, except that step increases are different.

At this point, Mr. Sloan was asked to explain the Court pay plan. He said the Judicial Department had compared its pay plan to the Civil Service plan and had used the same terminology. He explained that the Civil Service plan uses a per-step terminology called the "job rate." According to Mr. Sloan, the Judicial Branch uses the same comparisons, except that starting salaries are slightly lower. He said that his department feels that the 5% pay increase is beneficial. He added that the Judicial Branch modified

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SB 443 - Continued

Section 4 - Judicial Branch - Continued

its pay plan last year to compare with the Civil Service plan, so that the fiscal impact would be comparable to the state pay plan. He reiterated that no step movement was included by the Governor for Judicial Branch employees, but was included for classified employees. He noted that judicial employees got the same comparable step movement last year as the classified employees; but this year the unclassified employees were omitted.

Senator Werts explained to the Committee that the problem, including the fact that all Judicial employees are unclassified, was not brought to the sub-committee's attention until deliberations were completed.

When asked by Senator Gaines why the step movement for unclassified employees was omitted by the Governor, Ms. Wells indicated that it was simply a policy decision. Answering a question from Senator Doyen, she said that unclassified employees in every agency of the state would be included in that policy decision.

According to Mr. Sloan, the cost for a step movement under the judicial pay plan would be $769,867. He noted that many employees will not receive step movement. He explained that the amount stated does not include fringe benefits. Mr. Sloan explained further that the figure does not include judges and certain others, such as the clerk of the appellate court. He added that the steps within the Judicial Department are farther apart than on the state pay plan; however, that can be adjusted. He indicated that some of the comparable salaries are lower within the Judicial Department, but that it is simply a difference of philosophy.

Senator Gaines commented that, since the Judicial Branch became the United Judicial Department under the jurisdiction of the state, there has arisen a problem throughout the state concerning the fact that Judicial Branch employees are paid more than county employees. He suggested that small counties are not as affluent as urban counties, and there are problems in the small counties.

During the ensuing discussion, Mr. Sloan indicated that the total dollars spent might be more if the Judicial Branch were to place its positions on the state pay plan.

A conceptual motion was made by Senator Werts and seconded by Senator Johnston to amend the subcommittee report to request the agency to develop figures showing total dollars spent if the Judicial Branch followed the state pay plan; and to suggest to the subcommittee in the House of Representatives that this be discussed with the agency during deliberations in that subcommittee; and that the two pay plans be compared during those deliberations. The conceptual motion carried by voice vote.

Section 5 - Crime Victims Reparations Board

During Senator Werts' presentation of the subcommittee report on this section, Senator Feleciano questioned the rationale of the bill proposed in sub-committee recommendation No. 2. Senator Werts explained that the money involved is derived from the docket fees; and that the fees were increased last year so that the fees are generating approximately $35,000 per month. He further explained that there is now a prohibition against spending out of this fund for operations expenditures of the Board.

Motion was made by Senator Werts and seconded by Senator Gaines to adopt the subcommittee report as amended, and to report SB 443 as amended favorably for passage. The motion carried by roll call vote.

The Chairman asked Senator Werts to review the figures which will be prepared by the Judicial Department concerning the pay plan, so that he can explain to committee members any decisions or changes made during deliberations in the House of Representatives.

The meeting was adjourned by the Chairman.