

Approved 3-30-89
Date

MINUTES OF THE House COMMITTEE ON Appropriations

The meeting was called to order by Bill Buntin at
Chairperson

1:30 ~~am~~/p.m. on March 15, 1989n room 514-S of the Capitol.

All members were present except: All present

Committee staff present: Ellen Piekalkiewicz, Debra Duncan, Diane Duffy,
Legislative Research
Jim Wilson, Revisor of Statutes
Sharon Schwartz, Administrative Aide
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list.

The Committee turned to consideration of final action on HB 2333 establishing a self-sufficiency trust fund for disabled individuals. Representative Teagarden moved that HB 2333 be recommended favorably for passage. Representative Hamm seconded. Motion carried.

INTRODUCTION OF BILLS

Representative Vancrum requested introduction of two bills: (1) a proposal concerning domestic relations and interference with communications between a parent and child (Attachment 1); and (2) a proposal pertaining to the health care stabilization fund and professional liability insurance for health care providers (Attachment 2). Representative Vancrum moved introduction of the bills. Representative Teagarden seconded. Motion carried.

Representative Teagarden requested introduction of a bill to allow the Board of Regents to reduce tuition fees to employees of educational institutions (Attachment 3). Representative Teagarden moved introduction of the bill. Representative Chronister seconded. Motion carried.

SB 27 - Appropriations for FY90, judicial branch, judicial council and state board of Indigents defense services.

JUDICIAL COUNCIL

The Subcommittee concurs with the Senate for FY89 and FY90 with slight adjustments (Attachment 4). Representative Hoy moved adoption of the subcommittee report. Representative Helgerson seconded. Motion carried.

JUDICIAL BRANCH

The Committee reviewed the subcommittee report for FY89 and FY90 (Attachment 5). Chairman Buntin noted that the Governor recommended a 4 percent salary increase for unclassified employees. The Senate added 2 percent to the 4 percent and the House Subcommittee is recommending an additional 2 percent for a total of 8 percent. It was noted there is no recommended increase for magistrate judges. The Subcommittee feels qualified magistrate judges are not leaving due to salary. The Subcommittee stated it was demonstrated that there is a problem attracting qualified district court judges due to current salary levels for those positions.

Representative Shriver opposes in item #2 the addition of a new judge for the 5th Judicial District. He believes consideration should be given to reallocation of judges before deciding to add new judges.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations

room 514-S, Statehouse, at 1:30 ~~am~~/p.m. on March 15, 1989.

Representative Chronister made a motion to delete \$212,799 for a 2 percent base salary increase for appellate and district court judges and to add \$44,789 for a 2 percent base salary increase for magistrate judges. Representative Fuller seconded. Representative Helgerson asked to divide the question. The Chairman ruled the question is not divisible. Representative Solbach challenged the ruling of the Chair. On a show of hands on whether the ruling should be upheld, the ruling was upheld. Several members expressed concern that the State of Kansas is substantially behind in judicial salaries impeding our ability to attract qualified individuals to the bench. The motion failed.

Representative Hamm made a motion to add \$44,789 for a 2 percent base salary increase for magistrate judges. Representative Wisdom seconded. Motion failed.

Representative Moomaw moved to delete in item #1--\$212,799 SGF for a 2 percent base salary increase for judges. Representative Brady seconded. Motion failed.

Representative Shriver made a motion to delete the new judgeship for the 5th Judicial District and the two FTE support personnel. Representative Teagarden seconded. Representative Shriver feels no new judges should be added until the Judicial Council submits a report making recommendations on the reallocation of judges. On a show of hands, the motion failed. Representative Fuller expressed concern that the salaries of the Parole Board (5), Board of Tax Appeals (5), and the Kansas Corporation Commission (3) are tied to district judges' salaries increasing the fiscal note on any increase in judges salaries.

Representative Heinemann moved to approve for district judges a salary increase of 4 percent the first half of FY90 and an additional 4 percent the second half of FY90, and for magistrate judges a salary increase of 4 percent for the first half of FY90 and an additional 2 percent increase for the second half of FY90. Representative Wisdom seconded. The Subcommittee did not recommend an increase for magistrate judges because they heard no testimony that there is a problem attracting qualified individuals. The motion carried.

Chairman Buntin moved that the increases above the Governor's recommendation in the pay for judges, the pay for court service officers and the cost of the additional judge and staff for the 5th Judicial District be shown in the appropriation bill as separate line items. Representative Chronister seconded. Motion failed.

Representative Hoy moved adoption of the subcommittee report for FY89 and FY90 on the Judicial Branch, as amended. Representative Helgerson seconded. Motion carried.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

The Committee reviewed the subcommittee report for FY89 and FY90 (Attachment 6). In response to a question, the Subcommittee indicated it is supportive of the regional delivery of defense services proposed last session, but did not recommend it due to the expense. Representative Shriver would like the Subcommittee to state in the report that it supports the concept of regionalization. Representative Brady does not favor endorsing the plan and then not funding it.

Representative Moomaw moved adoption of the subcommittee report for FY89 and FY90. Representative Brady seconded. Motion carried. Representative Heinemann moved that SB 27, as amended, be recommended favorably for passage. Representative Gatlin seconded. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Appropriations

room 514-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on March 15, 1989.

Turning to final action on HB 2493 regarding the All-sports Hall of Fame, staff explained an amendment to the bill requested by the Historical Society. The amendment would allow the Hall of Fame to have a local bank account for ease in making expenditure payments and would exempt the Hall of Fame from competitive bid procedures in making purchases (Attachment 7). Representative Hamnm moved adoption of the proposed amendment. Representative Fuller seconded. Motion carried. Representative Wisdom moved that HB 2493, as amended, be recommended favorably for passage. Representative Heinemann seconded. Motion carried.

A letter from Secretary Endell, Department of Corrections, responding to Committee questions on the site selection criteria for a new correctional facility was distributed to committee members (Attachment 8). The meeting was adjourned at 3:35 p.m.

GUEST LIST

COMMITTEE: HOUSE APPROPRIATIONS

DATE: 3-15-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Jerry Sloan	Topeka	OJA
Paul Shelby	Topeka	OJA
Ron Miles	Topeka	BIDS
Lisa Nathanson	Topeka	LSP
Kathleen Vonachen	Topeka	USA Budget
Gerald Anderson	Topeka	USA
Richard Chesney	Olathe	Johnson County
PHIL WOODBURY	EMPORIA	LYON COUNTY
Jacque Dakes	Topeka	KPGA
James P. Buchholz	Topeka	DA
JAMES P. Buchholz	Topeka	Dist. Judge
J. Russell Jennings	LAWY	Dist. Mag. Judge
James P. Buchholz	Jalisco	Dist. Mag. Judge
William J. Smith	Kansas City	Dist. Judge
JAM H. BRUNER	Johnson City	Dist. Judge
Robert J. Lewis	Rawlins City	Appeals Judge
MICHAEL CORRIGAN	Wichita	District Judge
J. Patrick Brazil	Topeka	Appeals Judge
GARY W. RILON	Emporia	" "
John M. Hearrell	TOPEKA	Judicial Council
Jerry Elliott	Lawrence	Appeals Judge
Robert L. Gannon	Higwath	Appeals Judge

BILL NO. _____

AN ACT concerning domestic relations actions; relating to interference with communications between a parent and child; amending K.S.A. 1988 Supp. 60-1616 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1988 Supp. 60-1616 is hereby amended to read as follows: 60-1616. (a) Parents. A parent not granted custody or residency of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health.

(b) Grandparents and stepparents. Grandparents and stepparents may be granted visitation rights.

(c) Modification. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child.

(d) Enforcement of rights. An order granting visitation rights to a parent pursuant to this section may be enforced in accordance with K.S.A. 1986-Supp. 23-701 and amendments thereto.

(e) Repeated denial of rights, effect. Repeated unreasonable denial of or interference with visitation rights granted to a parent pursuant to this section may be considered a material change of circumstances which justifies modification of a prior order of child custody.

(f) Repeated denial of communications, effect. Repeated unreasonable denial of or interference with communications between a child and the child's parent, except to the extent such communications are prohibited or limited by order of the court, may be considered a material change of circumstances which

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justifies, in the court's discretion, modification of a prior order of visitation rights or child custody.

{f} (g) Repeated child support misuse, effect. Repeated child support misuse may be considered a material change of circumstances which justifies modification of a prior order of child custody.

Sec. 2. K.S.A. 1988 Supp. 60-1616 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

BILL NO. _____

AN ACT relating to insurance; concerning professional liability insurance for health care providers; relating to the determination of rates therefor.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Any policy or contract of professional liability insurance issued or delivered in this state to a health care provider, as defined in K.S.A. 40-3401 and amendments thereto, shall have a premium based on an experience rating system established by the insurance company issuing the policy.

(b) The policy or contract shall require that the premium is higher for health care providers on whose behalf a claim or claims for personal injury or death arising out of the rendering or failure to render professional services has been paid. The commissioner of insurance shall approve the policy or contract and shall require that the policy or contract contain provisions regarding experience rating which shall include consideration of the number and frequency of claims, the amounts paid by settlement or judgment and the specialty of the health care provider.

(c) If the claims experience in Kansas within a class of health care providers is insufficient to make accurate rate adjustments based on actuarial information, the commissioner of insurance may approve an experience rating system which uses a larger data base of claims experience so long as the experience rating system approved by the commissioner of insurance carries out the intent of subsections (a) and (b).

(d) In addition to the other requirements of this section, any premium to be charged a health care provider performing obstetrical or surgery services shall be determined, based on

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such provider's past experience, in accordance with a risk exposure system established by the company and approved by the commissioner of insurance under which the amount of premium is in direct proportion to the number of deliveries or surgeries performed. A company submitting such risk exposure system to the commissioner of insurance may show actuarial evidence that there is a significantly lower risk of personal, other injury or death as the number of deliveries or surgeries performed increases. If such information is shown, the risk exposure system approved by the commissioner of insurance shall take such information into consideration.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

BILL NO. _____

AN ACT concerning the state board of regents; relating to tuition, fees and charges fixed by the board; amending K.S.A. 76-719 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 76-719 is hereby amended to read as follows: 76-719. Subject to K.S.A. 76-742 and amendments thereto, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities. In fixing tuition and fees under this section, the board of regents shall provide for reduced rates of tuition and fees to be applicable, commencing with the 1989-90 academic year, to each person who is enrolled in one or more classes offered by a state educational institution and who is a full-time officer or employee of such state educational institution.

Sec. 2. K.S.A. 76-719 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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Attachment 3

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 27

Bill Sec. 2

Analyst: Duffy

Analysis Pg. No. 59

Budget Pg. No. 360

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 246,452	\$ 212,213	\$ 21,665
Grants and Gifts Funds	0	0	--
TOTAL	<u>\$ 246,452</u>	<u>\$ 212,213</u>	<u>\$ 21,665</u>
FTE Positions	4.0	3.0	1.0

Agency Request/Governor's Recommendation

The Judicial Council requests \$246,452 from the State General Fund for expenditures in FY 1990. The agency's request includes an additional clerical position; funding to maintain 51 Council and Advisory Committee meetings; and printing and distribution of supplements to the Kansas Municipal Court Manual, PIK-Criminal 2nd, Probate Forms, and a Kansas Judicial Council Bulletin.

The Governor's recommendation for FY 1990 totals \$212,213, which is a reduction of \$34,229, from the agency's FY 1990 request of \$246,452. The Governor does not recommend the additional clerical position requested by the agency. Major reductions from the agency's FY 1990 request are in printing (\$14,494), communication (\$3,845), and travel (\$2,664).

Senate Subcommittee Recommendation

FY 1989. The Senate Subcommittee concurs with the Governor's recommendation.

FY 1990. The Senate Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Add \$845 from the State General Fund for postage for the PIK-Criminal 2d Supplement. The Governor's recommendation included funds for the printing of this publication, but failed to provide adequate funds for the mailing of the publication.
2. Add \$23,203 from the State General Fund and 1.0 FTE for a clerical position.
3. Delete \$2,383 for temporary part-time employees because of the addition of the permanent clerical position.

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Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs with the Senate Committee's recommendation.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Sub. Adjustments</u>
State Operations:			
State General Fund	\$ 21,665	\$ 233,878	\$ (11,601)
Grants and Gifts Fund	--	0	--
TOTAL	\$ 21,665	\$ 233,878	\$ (11,601)
FTE Positions	1.0	4.0	(.5)

House Subcommittee Recommendation

FY 1989. The House Subcommittee concurs with the Senate with the following adjustment:

1. Add \$16,264 from the State General Fund to fund meetings of the Judicial Council and several Judicial Council Advisory Committees for the remainder of FY 1989. The Subcommittee notes that without this supplemental, the Judicial Council and advisory committees would be unable to meet the remainder of this fiscal year.

FY 1990. The House Subcommittee concurs with the Senate with the following adjustment:

1. Delete \$11,601 and .5 FTE position for the additional clerical position.


 Representative Rex Hoy
 Subcommittee Chairman


 Representative Henry Helgerson


 Representative Anthony Hensley

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 80

Bill Sec. 5

Analyst: Duffy

Analysis Pg. No. 70

Budget Pg. No. 362

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 50,336,953	\$ 50,361,351	\$ 64,269
Special Revenue Fund	3,150,714	3,052,852	--
TOTAL	<u>\$ 53,487,667</u>	<u>\$ 53,414,203</u>	<u>\$ 64,269</u>

FTE Positions

1,730.5

1,730.5

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Agency Request/Governor's Recommendation

The FY 1989 approved budget for the Judicial Branch is \$53,465,867, of which \$50,336,953 is from the State General Fund and \$3,218,914 is from special revenue funds. The agency's revised estimate for FY 1989 totals \$53,487,667, an amount which is \$21,800 over the approved FY 1989 budget. The agency's revised estimate includes \$50,336,953 from the State General Fund, as approved by the 1988 Legislature, and \$3,150,714 from special revenue funds, an increase of \$21,800 over the approved FY 1989 estimate for special revenue funds. The requested increase is attributed to a special federal grant of \$15,000 and additional spending of \$6,800 from the Bar Admission Fee Fund. On September 2, 1988, the Finance Council approved the request of the Chief Justice to increase the FY 1989 expenditure limitation on the Bar Admission Fee Fund from \$47,889 to \$54,689.

The Governor recommends total FY 1989 expenditures of \$53,414,203 of which \$50,361,351 is from the State General Fund and \$3,052,852 is from special revenue funds. The recommendation reflects a supplemental from the State General Fund of \$24,398 and a reduction in special revenue funds of \$97,862. The Governor's FY 1989 recommendation reflects reductions from the agency's revised request in areas such as travel and subsistence (\$82,116); fees -- other services (\$62,308); fees -- professional services (\$16,415); printing and advertising (\$14,438); and other operating expenditures (\$21,577). The Governor's FY 1989 recommendation for salaries and wages includes an additional \$123,390 over the agency's estimate. The increase is attributed to revised FY 1989 employee health insurance rates.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Add \$64,269 from the State General Fund for travel and subsistence for judicial education in the district courts.

Senate Committee Recommendation

The Senate Committee concurs with the recommendation of the Senate Subcommittee.

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Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs with the Senate Committee's recommendation.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 89</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 64,269	\$ 50,425,620	\$ (24,072)
Special Revenue Fund	--	3,052,852	--
Total	<u>\$ 64,269</u>	<u>\$ 53,478,472</u>	<u>\$ (24,072)</u>
FTE	--	1,730.5	--

House Subcommittee Recommendation

The House Subcommittee concurs with the Senate's recommendation with the following adjustment:

1. Delete \$24,072 from the State General Fund for the district courts, based upon the Subcommittee's review of current year expenditures.


 Representative Rex Hoy
 Subcommittee Chairman


 Representative Henry Helgerson


 Representative Anthony Hensley

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 27

Bill Sec. 4

Analyst: Duffy

Analysis Pg. No. 70

Budget Pg. No. 362

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 53,966,684	\$ 54,586,899	\$ 567,564
Special Revenue Fund	<u>3,317,316</u>	<u>3,216,231</u>	--
TOTAL	<u>\$ 57,284,000</u>	<u>\$ 57,803,130</u>	<u>\$ 567,564</u>
FTE Positions:			
Appellate Court Judges and Justices	17.0	17.0	17.0
District Court Judges	218.0	217.0	218.0
Nonjudicial Personnel	<u>1,534.5</u>	<u>1,513.5</u>	<u>1,513.5</u>
TOTAL	<u>1,769.5</u>	<u>1,747.5</u>	<u>1,748.5</u>

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$57,284,000 for FY 1990, of which \$53,966,684 is from the State General Fund and \$3,317,316 is from special revenue funds. The total request represents an increase of 7.1 percent over the agency's estimate for FY 1989. Of the total expenditures requested, \$53,143,047 is for salaries and wages and \$4,140,953 is for other operating expenditures.

The Governor recommends total FY 1990 expenditures of \$57,803,130, of which \$54,586,899 is from the State General Fund and \$3,216,231 is from special revenue funds. The Governor's recommendation for expenditures in FY 1990 is \$519,130 more than the amount requested by the Judicial Branch. The Governor's FY 1990 recommendation reflects reductions from the agency's FY 1990 request in areas including: fees -- other services (\$133,842); capital outlay (\$104,279); travel and subsistence (\$110,431); printing and advertising (\$42,632); fees --professional services (\$30,930); and other operating expenditures (\$107,113). The Governor's FY 1990 recommendation for salaries and wages of \$54,191,404 is an increase of \$1,048,357 over the agency's FY 1990 request. The Governor's salary and wage recommendation includes a 4 percent salary increase for judges (\$490,859) and nonjudicial personnel (\$1,702,606); 17 new FTE positions, including 4.0 FTE nonjudicial personnel for the court of appeals (\$110,259, including fringe benefits) and 13.0 FTE nonjudicial personnel for the district courts (\$238,981, including fringe benefits); and additional funding for the upgrade of a magistrate judge in Coffey County to the status of district court judge (\$36,311, including fringe benefits); and additional funds for employee health insurance.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Add \$40,145 from the State General Fund for travel and subsistence for judicial education in the district courts. The Subcommittee encourages

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the Judicial Branch to sponsor one judicial conference rather than the current practice of sponsoring two judicial conferences.

2. Reduce \$20,072 from the State General Fund for salaries and wages in the district courts. The reduction is based upon a revised turnover rate.
3. Add \$251,850 from the State General Fund for salaries and wages in the district courts to upgrade the salaries of Court Service Officers. The increase would allow Court Service Officers to retain parity with the salaries of Parole Officers. The salaries of Parole Officers were included in Phase III which established new classes and salary ranges for Parole Officers effective June 18, 1989. The Subcommittee recommends that the upgrade for Court Service Officers occur at the same time as the Parole Officer upgrade. The Subcommittee is concerned about the availability of Court Service Officers to clients. The Subcommittee suggests that the Court consider implementing some type of flexible hour working schedule to allow probation functions to be performed outside normal working hours.
4. Add \$74,164 to salaries and wages of the district courts and add 1.0 FTE for a new district court judge in the 5th judicial district (Lyon and Chase counties). The Subcommittee recognizes that the Court requested an administrative assistant and a court reporter for the new district court judge, however, the Subcommittee believes that the Office of Judicial Administration can manage these two positions within the 1,513.5 nonjudicial personnel recommended for FY 1990.
5. Delete \$36,111 from salaries and wages of the district courts for the upgrade of the magistrate judge in the 4th judicial district (Coffey County), as recommended by the Governor.
6. The Subcommittee concurs with the Governor's recommendation to add 13.0 nonjudicial personnel, but disagrees with the Governor's designation of 5.0 FTE for Shawnee County and 8.0 FTE for Johnson County. The Subcommittee adopts the plan presented by the Court for designation of nonjudicial personnel. The Court recommended that three of the FTE recommended by the Governor be assigned to different districts. The Court's recommendation does the following:
 - a. delete a Trial Court Clerk IV in the 3rd Judicial District and adds a Trial Court Clerk III in the 1st Judicial District;
 - b. deletes a Trial Court Clerk I in the 3rd Judicial District and adds .5 Trial Court Clerk I for the 25th Judicial District and 26th Judicial District;
 - c. delete one Trial Court Clerk I in the 10th Judicial District and adds 1 Trial Court Clerk I to the 29th Judicial District.

Further, the Subcommittee recommends that one of the Trial Court Clerks I be deleted from the 10th Judicial District and that a Secretary II be added to the 30th Judicial District. The Subcommittee recommends that the Court be allowed the flexibility to place the recommended nonjudicial

personnel in the judicial districts with the most critical need for judicial support.

7. Add \$257,588 from the State General Fund to grant each justice and judge of the Judicial Branch an additional 2 percent base salary increase in FY 1990. This proposed increase is in addition to the 4 percent general salary adjustment included in the Governor's FY 1990 recommendation. The Subcommittee believes that adequate compensation is necessary to attract and retain well-qualified judges. A proviso would be needed to implement this additional salary increase, as judges' salaries are set by statute and tied only to the general salary adjustments granted to classified employees.
8. The Subcommittee recognizes the necessity for an Administrative Assistant for the Chief Judge of the Court of Appeals. The Subcommittee recommends that the second house review this position.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation with the following adjustment:

1. The Senate Subcommittee was informed that item No. 7 of the Subcommittee report included the additional 2 percent base salary increase for the district magistrate judges. This was not the intent of the Subcommittee; therefore the Committee concurs with the Subcommittee's request to delete \$44,789 from salaries and wages for district court operations. The total amount recommended for an additional 2 percent base salary increase for each justice and judge of the Judicial Branch (excluding the district magistrate judges) is \$212,799.
2. The Senate Committee recognized that the salaries of several state officers are linked, by statute, to the salaries of either district court of appellate court judges. The Senate Committee believes that it is inappropriate to tie the salaries of executive branch officers to those of the judiciary. The Committee recommends the introduction of legislation to set these salaries in some other fashion.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs with the Senate Committee's recommendation.

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<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 522,775	\$ 55,109,674	\$ 50,662
Special Revenue Fund	--	3,216,231	--
Total	<u>\$ 522,775</u>	<u>\$ 58,325,905</u>	<u>\$ 50,662</u>
FTE Positions:			
Appellate Justices and Judges	--	17.0	--
District Court Judges	1.0	218.0	--
Nonjudicial Personnel	<u>--</u>	<u>1,513.5</u>	<u>(4.0)</u>
Total	<u>1.0</u>	<u>1,748.5</u>	<u>(4.0)</u>

House Subcommittee Recommendation

The House Subcommittee concurs with the Senate's recommendation with the following adjustment:

1. Add \$212,799 from the State General Fund to grant each justice and judge of the Judicial Branch (excluding the district magistrate judges) an additional 2 percent base salary increase for a total of 8 percent in FY 1990. The Subcommittee believes that in some rural areas the state is able to attract qualified judges at the current level of compensation. The Subcommittee recommends that the Judicial Council study the concept of compensating judges based on the geographic location of judges. The Subcommittee also believes that any additional increase in judicial salaries should be dependent upon the Judicial Council report to the 1990 Legislature.
2. Delete a net amount of \$43,372 from the State General Fund for the district courts -- salaries and wages and add 2.0 FTE for judicial support personnel (Administrative Assistant, Court Reporter). The Subcommittee concurs with the Senate's recommendation to add an additional district court judgeship in the 5th Judicial District (Lyon and Chase counties); however, the Subcommittee's recommendation would provide three months' funding for the new judge and nonjudicial personnel in FY 1990.
3. Add \$36,512 from the State General Fund and add 1.0 FTE position for an Appellate Reporter II for the Appellate Reporter's office. The Subcommittee notes that the Appellate Reporter serves the Supreme Court, as well as the Court of Appeals. The Subcommittee believes that the expansion of the Court of Appeals and the current caseload of the appellate courts necessitates the addition of this position.
4. Delete \$116,132 from the State General Fund and 7.0 FTE positions from the district courts -- salaries and wages for nonjudicial personnel. The Subcommittee recommends that the remaining 6.0 FTE positions be assigned to the following districts.

<u>District</u>	<u>Position</u>	<u>FTE</u>	<u>Salary (in- cludes benefits)</u>
1	Administrative Assistant	1.0	\$ 21,951
3	Trial Court Clerk I	2.0	16,730
10	Trial Court Clerk I	2.0	15,299
	Trial Court Clerk I		15,299
25	Trial Court Clerk I	.5	15,299
26	Trial Court Clerk I	.5	15,299
			<u>\$ 122,849</u>

5. Delete \$40,145 from the State General Fund for travel and subsistence for judicial education in the district courts, as recommended by the Senate.
6. The Subcommittee notes the Court's request of \$89,414 to upgrade the salaries of appellate court research attorneys. The Subcommittee believes that it would be appropriate to review attorney salaries when the Legislature considers that phase of the classification and job rate study which includes attorneys.
7. During the Subcommittee's review of the need for the additional judgeship in the 5th judicial district, the Subcommittee reviewed judicial caseloads, the allocation of judicial personnel, and the Court's considerable use of temporary assignments. The Subcommittee believes that the data indicates that it may be time to consider the allocation of judicial personnel and the reapportionment of the judicial districts. The Subcommittee requests that the Judicial Council study this issue and make recommendations to the 1990 Legislature.


 Representative Rex Hoy
 Subcommittee Chairman


 Representative Henry Helgerson


 Representative Anthony Hensley

SUBCOMMITTEE REPORT

Agency: State Board of Indigents' Defense Services

Bill No. 80

Bill Sec. 36

Analyst: Duffy

Analysis Pg. No. 62

Budget Pg. No. 336

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 5,761,800	\$ 5,765,934	\$ --
Other Assistance	279,672	304,646	(24,974)
TOTAL	<u>\$ 6,041,472</u>	<u>\$ 6,070,580</u>	<u>\$ (24,974)</u>
State General Fund:			
State Operations	\$ 5,685,521	\$ 5,662,655	\$ --
Other Assistance	279,672	304,646	(24,974)
TOTAL	<u>\$ 5,965,193</u>	<u>\$ 5,967,301</u>	<u>\$ (24,974)</u>
FTE Positions	58.5	58.5	--

Agency Request/Governor's Recommendation

The Legislature approved total expenditures of \$6,096,561 during FY 1989 to provide legal services to indigent criminal felony defendants by public defenders, assigned counsel, and Legal Services for Prisoners, Inc. (LSP). Of the total approved \$5,993,282 is from the State General Fund and \$103,279 is from the Indigents' Defense Docket Fee Fund. The Board's revised estimate of total expenditures for FY 1989 is \$6,041,472, an amount which is \$55,089 below that approved for FY 1989. The difference is attributed to the Board's expending in FY 1988, \$55,089 of a reappropriated balance of \$57,186. According to the agency, the expenditures were necessary because of unanticipated activity in the area of assigned counsel.

The Governor recommends expenditures of \$6,070,580 in FY 1989, an amount which is \$29,108 more than the agency's revised estimate. For state operations, the FY 1990 recommendation reflects an increase in salaries and wages of \$6,339 and a decrease in other operating expenditures of \$2,205. For other assistance (i.e., the LSP contract), the FY 1990 recommendation is \$304,646, an increase of \$24,974 over the agency's estimate. Of the total amount recommended for FY 1989, \$5,967,301 is from the State General Fund and \$103,279 is from the Indigents' Defense Docket Fee Fund.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following adjustment:

1. Delete \$24,974 from the Governor's recommended State General Fund supplemental appropriation of \$29,108 for a total supplemental appropriation of \$4,134. The Governor's recommendation overstated the State General Fund amount necessary to finance the FY 1989 contract.

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3-5-89
Analysis List #

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs with the Senate Committee's recommendation.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 89</u>	<u>Senate Rec. FY 89</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 5,765,934	\$ (28,209)
Other Assistance	(24,974)	279,672	--
TOTAL	<u>\$ (24,974)</u>	<u>\$ 6,045,606</u>	<u>\$ (28,209)</u>
State General Fund:			
State Operations	\$ --	\$ 5,662,655	\$ (28,209)
Other Assistance	(24,974)	279,672	--
TOTAL	<u>\$ (24,974)</u>	<u>\$ 5,942,327</u>	<u>\$ (28,209)</u>
FTE Positions	--	58.5	--

House Subcommittee Recommendation

The House Subcommittee concurs with the Senate's recommendation with the following adjustment:

1. Delete \$28,209 from the State General Fund, based upon the Subcommittee's review of current year expenditures. This recommendation would eliminate the supplemental appropriation for this agency and the remainder of the savings would be reappropriated as an offset to the FY 1990 appropriation.

Max Moomaw

Representative Max Moomaw
Subcommittee Chairperson

Fred Gatlin

Representative Fred Gatlin

Bill Brady

Representative Bill Brady

SUBCOMMITTEE REPORT

Agency: State Board of Indigents' Defense Services

Bill No. 27

Bill Sec. 3

Analyst: Duffy

Analysis Pg. No. 62

Budget Pg. No. 336

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 7,521,512	\$ 6,432,176	\$ 18,596
Other Assistance	323,801	306,589	--
TOTAL	<u>\$ 7,845,313</u>	<u>\$ 6,738,765</u>	<u>\$ 18,596</u>
State General Fund:			
State Operations	\$ 7,521,512	\$ 6,323,676	\$ 18,596
Other Assistance	323,801	306,589	--
TOTAL	<u>\$ 7,845,313</u>	<u>\$ 6,630,265</u>	<u>\$ 18,596</u>
FTE Positions	119.0	68.5	(6.0)

Agency Request/Governor's Recommendation

The Board's request for expenditures in FY 1990 totals \$7,845,313, which is a 29.9 percent increase over the Board's FY 1989 revised estimate. Most of this increase may be attributed to requested new positions associated with the Board's request for a regional delivery of indigent defense services plan and incremental increases in expenditures spread across the various object codes. The Board proposes no expenditures from the Indigents' Defense Docket Fee Fund in FY 1990, but requests that the fund balance be used as a contingency fund.

The Governor recommends expenditures of \$6,738,765 in FY 1990, an amount which is \$1,106,548 less than the agency's request. Of the total amount recommended, \$6,630,265 is from the State General Fund and \$108,500 is from the Indigents' Defense Docket Fee Fund. The FY 1990 recommendation reflects an reduction in salaries and wages of \$1,447,183 from the agency's request; an increase of \$749,953 for assigned counsel expenditures from the agency's request; and a reduction of \$409,318 in other operating expenditures from the agency's FY 1990 request. The FY 1990 recommendation includes a 4 percent salary increase for classified employees (\$19,323); a 5.8 percent merit pool for unclassified (\$72,145); 10.0 new FTE positions for public defender offices in the 10th Judicial District (Johnson County) and 29th Judicial District (Wyandotte County) (\$302,300, including fringe benefits); and increased funding for employee health insurance.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Add \$71,178 to the salaries and wages line-item of the appropriation bill and 3.0 FTE positions, and delete the same amount from the assigned counsel and other professional payments line-item. Currently, BIDS is

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contracting for the work of two attorneys and a clerical position in the Appellate Defender office and the Subcommittee believes that BIDS should convert these contractual employees to full-time employees. Practically, the recommendation simply transfers funds from one line-item to another line-item in the appropriation bill.

2. Add \$18,596 from the State General Fund and 1.0 FTE position for an additional investigator for the Sedgwick County Public Defender Office due to increased case loads.
3. The Subcommittee convened a public hearing on the issue of the regional delivery of indigent services, specifically the Governor's recommendation to provide public defender offices in the 10th Judicial District (Johnson county) and the 29th Judicial District (Wyandotte County). The Subcommittee received testimony indicating support for a public defender office in Johnson County, however, there was no evidence of support for an office in Wyandotte County. The Subcommittee recommends that a public defender office be established in Johnson County, only. The Subcommittee believes that it is important that the Board have flexibility in establishing the office in Johnson County and that it be adequately funded to insure its success. The Subcommittee recommends that the 10.0 FTE positions recommended by the Governor for the Johnson and Wyandotte offices be deleted and that a proviso be included in the bill to provide that the position limitation not apply to the positions associated with the new Johnson County public defender office for the first year of operation, in order to provide BIDS the flexibility necessary to start the new office. Further, the Subcommittee recommends that in addition to the \$415,642 recommended by the Governor for the two public defender offices that \$167,700 be shifted from assigned counsel to salaries and wages and other operating expenditures to be available to support the operations of the new public defender office. Also, the Subcommittee recommends that a proviso be added to the salaries and wages line-item and the other operating expenditures line-item requiring BIDS to consider the utilization of a contract for indigent defense services, if a contractual arrangement would be less expensive and at the same time provide quality defense services.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

Senate Committee of the Whole Recommendation

The Senate Committee of the Whole concurs with the Senate Committee's recommendations:

<u>Expenditure Summary</u>	<u>Senate Adj. FY 90</u>	<u>Senate Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 18,596	\$ 6,450,772	\$ (223,466)
Other Assistance	--	306,589	--
TOTAL	<u>\$ 18,596</u>	<u>\$ 6,757,361</u>	<u>\$ (223,466)</u>
State General Fund:			
State Operations	\$ 18,596	\$ 6,342,272	\$ (241,966)
Other Assistance	--	306,589	--
TOTAL	<u>\$ 18,596</u>	<u>\$ 6,648,861</u>	<u>\$ (241,966)</u>
FTE Positions	(6.0)	62.5	(1.0)

House Subcommittee Recommendation


The House Subcommittee concurs with the Senate's recommendation with the following adjustments:

1. Delete \$18,596 from the State General Fund for salaries and wages and 1.0 FTE position for the additional investigator for the Sedgwick County Public Defender Office.
2. Delete \$10,000 from the State General Fund for salaries and wages as a result of the recommendation to convert three contractual employees in the appellate defender office to full-time employees.
3. Add \$11,130 from the State General Fund for temporary employees in the administration program due to the increase in assigned counsel vouchers.
4. Add \$6,000 from the State General Fund for rents for the appellate defender office to expand the existing space occupied by the Appellate Defender's Office.
5. Delete \$212,000 from the State General Fund for assigned counsel payments. The Subcommittee recommends no increase in the hourly rate of compensation for assigned counsel. The 1988 Legislature approved additional expenditures to increase the rate from \$30 an hour to \$50 an hour, in response to Stephen v. Smith.
6. The Subcommittee received a request from Legal Services for Prisoners, Inc. (LSP) for \$108,120 to establish two new branch offices. The Subcommittee was informed that over the last eight years the prison population has increased from 2,500 inmates to 6,000 inmates. The Subcommittee is concerned about LSP's ability to provide services to inmates given the number of inmates in the system and the expansion of correctional facilities. It is the Subcommittee's opinion that at this time it would be premature to address the LSP proposal until decisions concerning Corrections are final; therefore, the Subcommittee recommends that the LSP proposal be considered during Omnibus review.

6-0

7. The Subcommittee notes that legislation (S.B. 10) has been introduced to provide for an increase in the number of members appointed to the Board of Indigents' Defense Services. The Subcommittee identifies this as an issue for Omnibus review.
8. Increase the Indigents' Defense Docket Fee Fund from \$108,500 to \$127,000 due to revised projections of docket receipts. The Subcommittee recommends a corresponding decrease of \$18,500 from the State General Fund.
9. The Subcommittee recommends that the position limitation established for the first time by the 1988 Legislature be removed and that the three State General Fund line items (salaries and wages, assigned counsel and other professional payments, and other operating expenditures) be combined into one line item (indigents' defense services) in the FY 1990 appropriation bill (S.B. 27).


The Subcommittee reviewed the statutory authority of the Board of Indigents' Defense Services and cites K.S.A. 22-4522 which states that the Board shall "provide, supervise and coordinate, in the most efficient and economical manner possible, the constitutionally and statutorily required counsel and related services for each indigent person accused of a felony" Further, the Board shall "establish, in each county or combination of counties designated by the board, a system of appointed counsel, contractual arrangements for providing contract counsel or public defender offices, or any combination thereof" The Subcommittee believes that the Legislature has given the Board the statutory authority to provide for the delivery of indigents' defense services and that the Board should be afforded considerable flexibility within existing appropriation to operate the system as mandated by statute. The Subcommittee supports the Governor's recommendation to establish public defender offices in Wyandotte and Johnson counties and notes that the Governor's recommendation includes new funds of \$415,642 for the start-up of the two offices. The Senate recommended a public defender office for Johnson County only and recommended, in addition to the \$415,642, a shift of \$167,700 in assigned counsel expenditures to public defender expenditures. Although the Subcommittee believes that the Board should make the decision as to whether offices in Wyandotte and Johnson counties should be established, the Subcommittee anticipates that if an office is created in only one county that 50 percent of the start-up funds (\$207,821) would be lapsed by the 1990 Legislature.



Representative Max Moomaw
Subcommittee Chairperson



Representative Fred Gatlin



Representative Bill Brady

PROPOSED AMENDMENT TO H.B. NO. 2493

Be amended:

On page 3, in line 106, after "fund" by inserting "shall be exempt from competitive bid procedures under K.S.A. 75-3739 and amendments thereto and";

On page 4, following line 141, by inserting the following subsection to read as follows:

"(f) Upon the request of the Kansas all-sports hall of fame board of trustees and in accordance with the provisions of appropriations acts, the state historical society may transfer moneys in the all-sports hall of fame fund to a bank to the account of the Kansas all-sports hall of fame. Such bank account shall be awarded to a bank located in the county in which the Kansas all-sports hall of fame is located by the pooled money investment board under a written agreement in accordance with procedures for state bank accounts under K.S.A. 75-4217 and amendments thereto and shall be secured by pledge of securities in the manner prescribed for state bank accounts under 75-4218 and amendments thereto and in the amount prescribed for fee agency accounts under that statute. Each such transfer shall be made upon vouchers of the state historical society, which the director of accounts and reports and the state treasurer are hereby authorized and directed to honor by making such transfers, and the moneys so transferred shall be for use by the board of trustees of the Kansas all-sports hall of fame in operating and conducting the activities of the Kansas all-sports hall of fame. The board of trustees of the Kansas all-sports hall of fame shall make a full and complete report on a monthly basis and by object classification to the state historical society of all expenditures for each fiscal year from such bank account.";

And the bill be passed as amended.

AA
3-15-89
Attachment 7

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Roger V. Endell
Secretary

March 14, 1989

Rep. William Buntен
Chairman, House Appropriations Committee
State Capitol
Topeka, Kansas 66612

Dear Rep. Buntен:

Per your request on behalf of the House Appropriations Committee concerning the criteria utilized to select El Dorado as the site for the proposed maximum security facility, I attach a copy of my letter to Governor Hayden specifying the reasons.

Should you, or any member of the Committee, have specific questions about the items or process, I will be happy to respond in more detail. The Department was very impressed with the proposals and sites offered by all of the competing communities. Our decision was based on our desire to manage the state's correctional system in the most effective and cost efficient manner possible while meeting the needs of the State and Judge Rogers' orders.

I appreciate the opportunity to respond to your questions.

Sincerely,

Roger V. Endell
Secretary

HA
3-15-89
Attachment 8



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Roger V. Endell
Secretary

December 15, 1988

The Honorable Mike Hayden
Governor of Kansas
State Capitol - 2nd Floor
Topeka, Kansas 66614

RE: CORRECTIONAL FACILITY SITE SELECTION

Dear Governor Hayden:

Twelve Kansas communities have requested to be considered and selected as a potential location for the construction of major new state correctional facilities.

We have concluded the examination of all materials and all sites proposed to the Department of Corrections for review by these Kansas communities. In addition to several staff who have been involved in the site selection process, I have personally reviewed every written proposal and visited every proposed site. As a result, our recommendations to you are based upon the collective judgment and opinion of our professional staff concerning spatial and logistical requirements of the Department of Corrections.

Without reservation I recommend to you that a site of approximately 600 acres, known locally as the "Valley View site," available in the community of El Dorado be selected as the state's most logical and best choice. This site, and the community's infrastructure and geographic location, meets or exceeds all criteria previously established by the Department. Our highest priority has been, and remains, the establishment of a major new multi-security correctional facility to be constructed in the Sedgwick County area. El Dorado offers the location which most closely satisfies this logistical priority.

Other factors which reinforce this recommendation include:

1. An ample supply of locally supplied natural gas is available, potentially at below market rates.
2. Excess utility capacity and ready availability of utility services including sewer, water, power, telephone and solid waste disposal.
3. Good logistical location to both highway and airport resources.
4. Excellent educational resources, including the Butler County Community College and schools with expansion possibilities.
5. Good hospital and mental health resources and services.
6. With approximately 26% of the state's prison population coming from the south central area of the state, the El Dorado site will offer good proximity for purposes of maintaining family ties to the inmates incarcerated there.
7. Good housing availability for staff, as well as recreational and cultural resources.
8. Excellent local and area endorsements in support of the project.
9. Preliminary environmental evaluations, including geological and soil inspections, indicate good building conditions at the site.
10. A positive attitude from public and community officials which includes a commitment from the City and County to provide the land and utilities to the site at no cost to the state.

In addition to the prioritized and primary site at El Dorado, I am recommending that if a second correctional facility is to be constructed, that either Concordia or Russell be selected as the site.

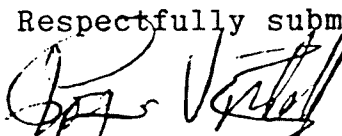
One further comment--it is clear that a variety of

Governor Hayden
Page 3
December 15, 1988

communities have recognized the need for expansion of the state's correctional system, as well as the advantages to the local economy provided by a long-term correctional operation. The twelve Kansas communities have worked long and hard to share with us the advantages of their resources, the significance of their needs and their wonderful enthusiasm and hospitality. They deserve our thanks for their outstanding public spirit, and their willingness to work hard to help the state resolve an important and difficult public-policy issue.

Thank you for your attention to this important matter.

Respectfully submitted,



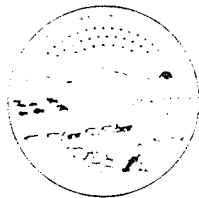
ROGER V. ENDELL
Secretary of Corrections

RVE:dja

Enclosures 1) Community Proposal List
2) Capital Improvements Summary

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STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

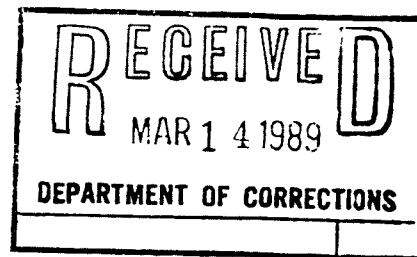
Forbes Field
Topeka, Kansas 66620-0001
Phone (913) 296-1500

Mike Hayden, *Governor*

March 9, 1989

Stanley C. Grant, Ph.D., *Secretary*
Gary K. Hulett, Ph.D., *Under Secretary*

Mr. Roger V. Endell
Secretary of Corrections
Department of Corrections
Office of the Secretary
Landon State Office Building
900 S.W. Jackson, Suite 400-N
Topeka, Kansas 66612-1284



Re: Your Letter of February 27, 1989
Potential El Dorado - Valley View Site

Dear Mr. Endell:

This responds to your request to Secretary Grant on environmental issues or difficulties in developing the "Valley View Site" near El Dorado as a correctional facility. The Bureau of Water Protection has reviewed this site from the standpoint of the availability of sewer and water facilities. The site is in a good location for obtaining central services for both of these utilities.

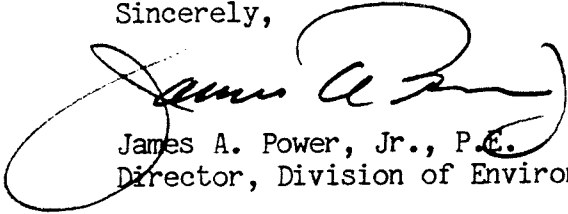
The site is within the Rural Water District No. 1 service area, but the City also indicates they are fully capable of providing water service. Regarding sewer service the area is located between the City of El Dorado and Butler County Sewer District No. 15 which pumps wastewater into the city for treatment. Therefore this site could either utilize and expand the sewer district facilities (subject to sewer district approval, of course) and/or contact the City of El Dorado directly to coordinate sewage treatment service. We would require existing water and sewer utilities be utilized in this area. We encourage use of the City of El Dorado's utilities since they have an excellent utility management history and adequate capacity.

Our files also indicate there are no oil field activities or industrial facilities on the site.

Mr. Roger V. Endell
March 9, 1989
Page 2

We trust the above information is helpful. If you have any further questions, please contact this office.

Sincerely,



James A. Power, Jr., P.E.
Director, Division of Environment

JP:RRG:eam

pc: Gerald Grant, TSS
Rodney Geisler, Municipal Programs
South Central District

8-6