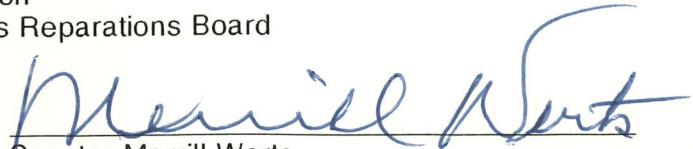


Senate Subcommittee Reports on House Bill No. 2675
FY 1989 Appropriations Bill
And
House Bill No. 2796 -- Supplemental Appropriations Bill

Sections Pertaining to:

- Section 2 -- Judicial Council
- Section 3 -- State Board of Indigents' Defense Services
- Section 4 -- Judicial Branch
- Section 5 -- Crime Victims Reparations Board



Senator Merrill Werts
Subcommittee Chairperson



Senator Joseph Harder



Senator Frank Gaines

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 2675

Bill Sec. 2

Analyst: Mills

Analysis Pg. No. 101

Budget Pg. No. 1-49

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89</u>	<u>Subcommittee Adjustments</u>
State Operations:			
All State General Fund	\$ 213,694	\$ 192,605	\$ --
FTE Positions	3.0	3.0	--

Agency Estimate/Governor's Recommendation

A. **FY 1988.** The agency estimate of \$209,962 is \$3,451 lower than the expenditure level of \$213,413 which was approved by the 1987 Legislature.

The Governor's recommendation for FY 1988 totals \$209,898, which is \$64 less than the agency estimate. The difference is attributed to revised calculations of fringe benefits (FICA and health insurance).

B. **FY 1989.** The agency request of \$213,694 represents a 1.8 percent increase over the current year estimate and would continue the current 3.0 FTE positions and maintain 51 Council and Advisory Committee meetings, which is the average number of meetings held over the past nine-year period. No major program changes are contemplated in FY 1989.

The Governor's recommendation for FY 1989 totals \$192,605, which is a reduction of \$21,089 from the agency request of \$213,694. The major reductions are in printing (\$12,000), per diem (\$2,144), travel (\$7,650), and communication (\$1,000). Presumably, the amount recommended for travel would fund approximately 42 Council and Committee meetings, and the amount recommended for printing deletes the funding requested for a supplement to the probate forms manual and the printing of one Judicial Council Bulletin.

House Subcommittee Recommendations

FY 1988. The House Subcommittee concurs with the Governor's recommendation for FY 1988.

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

House Committee Recommendation

FY 1988. The House Committee concurs with the House Subcommittee recommendation for FY 1988.

FY 1989. The House Committee concurs with the House Subcommittee recommendation for FY 1989.

House Committee of the Whole Recommendation

FY 1988. The House Committee of the Whole concurs with the House Committee recommendation for FY 1988.

FY 1989. The House Committee of the Whole concurs with the House Committee recommendation for FY 1989.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 89</u>	<u>House Rec. FY 89</u>	<u>Senate Sub. Adjustment</u>
State Operations:			
All State General Fund	\$ --	\$ 192,605	\$ --
FTE Positions	--	3.0	--

FY 1988. The Senate Subcommittee concurs with the House recommendation for FY 1988.

FY 1989. The Senate Subcommittee concurs with the House recommendation for FY 1989.

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SUBCOMMITTEE REPORT

Agency: State Board of Indigents'
Defense Services

Bill No. 2796

Bill Sec. 37

Analyst: Mills

Analysis Pg. No. 103

Budget Pg. No. 1-127

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 3,299,756	\$ 3,242,570	\$ 190,020
Other Assistance	<u>240,000</u>	<u>240,000</u>	<u>--</u>
TOTAL	<u>\$ 3,539,756</u>	<u>\$ 3,482,570</u>	<u>\$ 190,020</u>
State General Fund:			
State Operations	\$ 3,256,508	\$ 3,199,322	\$ 190,020
Other Assistance	<u>240,000</u>	<u>240,000</u>	<u>--</u>
TOTAL	<u>\$ 3,496,508</u>	<u>\$ 3,439,322</u>	<u>\$ 190,020</u>
FTE Positions	47.0	47.0	14.0

Agency Estimate/Governor's Recommendation

The Legislature approved total expenditures of \$3,619,508 during FY 1988 to provide legal services to indigent criminal defendants by public defenders, assigned counsel, and Legal Services for Prisoners, Inc. Of the total approved, \$3,496,508 is from the State General Fund and \$123,000 is from the Aid to Indigent Defendants Reimbursement Fund, a new special revenue fund created by the 1987 Legislature by S.B. 289, which derives its revenues from a \$0.50 fee added to the docket fee in certain court actions. The Board proposes expenditures of \$43,248 from this new fund in FY 1988. The Board's FY 1988 revised estimate is \$3,539,756, an amount which is \$79,752 below the approved expenditure level. This difference is attributed to underspending of \$115,100 in the Assigned Counsel activity, with estimated increased spending of \$35,348 in the public defender program.

In response to the Supreme Court ruling on December 15, 1987, which declared the present system of providing indigents defense services unconstitutional, the Board submitted a revised budget request for a supplemental appropriation of \$190,020 in FY 1988. The supplemental was requested to allow the Board to begin implementation of the regional public defender concept in FY 1988. The supplemental would provide funding for 2.0 positions (Personnel Management Specialist and Account Clerk) in Administration and for 2.0 positions (Chief Public Defender and Administrative Assistant) in each of the six regional public defender offices.

The Governor recommends expenditure of \$3,482,570 in FY 1988, an amount which is \$57,186 less than the agency estimate. Of the total recommended, \$3,439,322 is from the State General Fund and \$43,248 is from the Aid to Indigent Defendants Reimbursement Fund (docket fees). The reductions are found in salaries and wages (\$55,746), contractual services (\$826), and commodities (\$614).

House Subcommittee Recommendation

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

1. Addition of \$190,020 as an FY 1988 supplemental to allow the Board to begin implementation of the regional public defender concept. Such funding would permit the addition of 2.0 positions in the Administration Office for four months and the addition of 12.0 positions in the six regional offices for two months in FY 1988.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1988.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1988.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 88</u>	<u>House Rec. FY 88</u>	<u>Senate Sub. Adjustments</u>
All Funds:			
State Operations	\$ 190,020	\$ 3,432,590	\$ (190,020)
Other Assistance	--	240,000	--
Total	<u>\$ 190,020</u>	<u>\$ 3,672,590</u>	<u>\$ (190,020)</u>
State General Fund:			
State Operations	\$ 190,020	\$ 3,389,342	\$ (190,020)
Other Assistance	--	240,000	--
Total	<u>\$ 190,020</u>	<u>\$ 3,629,342</u>	<u>\$ (190,020)</u>
FTE Positions	14.0	--	(14.0)

The Senate Subcommittee concurs with the House recommendation, with the following adjustment:

1. The Senate Subcommittee does not support the regional public defender plan proposed by the Board and, therefore, recommends deletion of the \$190,020 added as an FY 1988 supplemental and reduction of the 14.0 FTE new positions authorized by the House.

SUBCOMMITTEE REPORT

Agency: State Board of Indigents'
Defense Services

Bill No. 2675

Bill Sec. 3

Analyst: Mills

Analysis Pg. No. 103

Budget Pg. No. 1-127

Expenditure Summary	Agency Req. FY 89	Governor's Rec. FY 89	Subcommittee Adjustments
All Funds:			
State Operations	\$ 4,076,140	\$ 3,637,598	\$ 2,208,028
Other Assistance	279,672	256,387	--
TOTAL	\$ 4,355,812	\$ 3,893,985	\$ 2,208,028
State General Fund:			
State Operations	\$ 4,076,140	\$ 3,557,598	\$ 2,208,028
Other Assistance	279,672	256,387	--
TOTAL	\$ 4,355,812	\$ 3,813,985	\$ 2,208,028
FTE Positions	55.0	47.0	54.0

Agency Estimate/Governor's Recommendation

The Board's request for FY 1989 totals \$4,355,812 (all State General Fund), which is a 23.1 percent increase over the Board's revised estimate for FY 1988. Most of this increase may be attributed to requested new positions, an increase in the Assigned Counsel program, capital outlay requests, and incremental increases spread through various object codes. The Board proposes no expenditures from the Aid to Indigent Defendants Reimbursement Fund (docket fees) in FY 1989, but rather wishes to build the fund balance for use as a contingency fund to meet any shortfall in the Assigned Counsel activity. Included in the Board's request for FY 1989 is funding for 8.0 new positions (\$184,622), for the reclassification of 14.0 attorney positions (\$37,716), for implementation of the "clerical study" for 6.5 positions (\$4,560), and for merit salary increases (\$32,798) and step movement increases (\$33,290).

State ex rel. Stephan v. Smith. On December 15, 1987, the Kansas Supreme Court ruled in State ex rel. Stephan v. Smith (No. 60,643) that "the present system for appointment of counsel for the indigent, as administered, violates the Equal Protection Clause of the United States Constitution, and Article 2, §17 of the Kansas Constitution." The Court held that the "present system quite obviously does not operate uniformly throughout the state"; and that "when an attorney is required to advance expense funds out-of-pocket for an indigent, without full reimbursement" or "when an attorney is required to spend an unreasonable amount of time on indigent appointments so that there is genuine and substantial interference with his or her private practice, the system violates the Fifth Amendment." The Supreme Court then directed Kansas judges to comply with the present system until July 1, 1988. Presumably, this will permit the Legislature to make modifications to the current system during the 1988 Session.

Subsequent to the Court's ruling, the Board submitted a revised budget request which would allow implementation of a regional public defender system in

Kansas. Under the proposal, six regional offices would be established to provide public defender services and the Board also proposes to use voluntary attorney panels (who would be compensated at the rate of \$50 per hour). The Board's request for the new plan totals \$2,182,057, including 50.0 FTE new positions to staff the regional offices.

The Governor recommends a total expenditure of \$3,893,985 in FY 1989, a reduction of \$461,827 from the agency request. Of the total recommended, \$3,813,985 is from the State General Fund and \$80,000 is from the Aid to Indigent Defendants Reimbursement Fund (docket fees). The reductions are found in salaries and wages (\$239,816), contractual services (\$182,501), commodities (\$1,802), capital outlay (\$14,423), and the grant to LSP (\$23,285). The Governor recommends funding of \$73,832 for a 5.8 percent merit pool for unclassified employees. The Governor does not recommend funding for the 8.0 new positions requested, for the attorney reclassifications, or for the clerical study implementation. The Governor's recommendation for assigned counsel is based on an hourly rate of \$35. The Governor's recommendation does not include funding for the regional public defender proposal.

House Subcommittee Recommendation

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

1. Addition of \$2,061,529 (SGF) and 50.0 FTE new positions to allow the Board to implement the regional public defender proposal as presented to the House Subcommittee. The Subcommittee believes that, in light of the ruling of the Supreme Court, the Legislature faces a mandate to establish a new system for providing services to indigent criminal defendants; the Subcommittee feels that the Board's proposal for establishing six regional public defender offices (in conjunction with voluntary attorney panels to be compensated at the rate of \$50 per hour) is basically sound and will satisfy the objections noted in the Court's ruling. The Subcommittee's recommendation is \$120,528 less than the agency request, which is the result of reducing the salaries proposed for the Chief Public Defenders in each regional office from \$56,000 requested by the agency to \$38,000, which the Subcommittee feels is a more appropriate salary level for these positions.
2. Addition of \$146,499 (SGF) to fund 4.0 FTE new attorney positions, two for the Appellate Defender Office and two for the Wichita Public Defender Office. These four positions were contained in the Board's original budget request to meet increased caseload in the two offices.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1989.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1989.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 89</u>	<u>House Rec. FY 89</u>	<u>Senate Sub. Adjustments</u>
All Funds:			
State Operations:			
Public Defenders	\$ 1,810,352	\$ 3,292,135	\$ (1,555,327)
Assigned Counsel	321,390	2,309,629	1,549,071
Administration	<u>76,286</u>	<u>243,862</u>	<u>(45,760)</u>
Subtotal	\$ 2,208,028	\$ 5,845,626	\$ (52,016)
Other Assistance	--	<u>256,387</u>	<u>23,285</u>
Total	<u>\$ 2,208,028</u>	<u>\$ 6,102,013</u>	<u>\$ (28,731)</u>
State General Fund:			
State Operations:			
Public Defenders	\$ 1,810,352	\$ 3,292,135	\$ (1,555,327)
Assigned Counsel	321,390	2,229,629	1,549,071
Administration	<u>76,286</u>	<u>243,862</u>	<u>(45,760)</u>
Subtotal	\$ 2,208,028	\$ 5,845,626	\$ (52,016)
Other Assistance	--	<u>256,387</u>	<u>23,285</u>
Total	<u>\$ 2,208,028</u>	<u>\$ 6,022,013</u>	<u>\$ (28,731)</u>
FTE Positions	54.0	101.0	(45.0)

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

1. The Senate Subcommittee does not support the regional public defender plan proposed by the Board and recommends the continuation of the existing public defender offices, coupled with the use of voluntary panels of assigned counsel to be compensated at the rate of \$50 per hour (with no caps on the amount of compensation). The recommendation of the Senate Subcommittee would provide FY 1989 funding for the Board of \$6,073,282, comprised of the following: public defender offices (\$1,736,808); assigned counsel (\$3,858,700); administration (\$198,102); and Legal Services for Prisoners, Inc. (\$279,672). The recommendation of the Senate Subcommittee provides funding for 9.0 FTE new positions, including 6.0 new public defenders, 1.0 personnel officer, and 2.0 clerical positions, for a total staff of 56.0 positions. The Senate Subcommittee requested that the Board develop an alternative plan which did not include the regional public defender proposal; the Senate Subcommittee recommendation essentially adopts the alternative plan presented

by the Board (with a reduction of 2.0 requested new positions). The Senate Subcommittee recommendation reflects a reduction of 45.0 positions and \$28,731 from the House recommendation.

The Senate Subcommittee heard testimony from district court judges who stated that continuation of the present public defender offices, with an increased rate of compensation for voluntary assigned counsel, would be preferable to a regional plan. The judges stated that a rate of \$50 per hour would assure that a sufficient number of attorneys would be available to serve on the voluntary panels. The Senate Subcommittee also learned that the Board intends to establish a "prequalification" procedure to determine which attorneys may serve on the voluntary panels. The Senate Subcommittee believes that the issue of attorney qualifications should be controlled by the judges and not by the Board.

2. The Senate Subcommittee recommends that a position limitation of 56.0 FTE positions be established for this agency (47.0 existing positions plus the 9.0 new positions recommended). This agency has never had a position limitation and the Senate Subcommittee believes that it is now appropriate to establish such a limitation in the appropriations bill.
3. The Senate Subcommittee strongly recommends that a legislative interim study be authorized in the 1988 interim to review the entire issue of providing legal services to indigent defendants in Kansas. In light of the recent Supreme Court ruling and the Board's proposal for a regional public defender plan, the Legislature should conduct a comprehensive study of this issue to determine the most efficient and effective course for the provision of these required legal services. The Senate Subcommittee is not willing to commit to a major new program in this area without adequate study of the issues involved in providing legal services to indigent defendants.

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 117

Budget Pg. No. 1-51

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 44,146,713	\$ 43,876,595	\$ --
Special Revenue Funds	<u>2,649,038</u>	<u>2,640,483</u>	--
Total	<u>\$ 46,795,751</u>	<u>\$ 46,517,078</u>	<u>\$ --</u>
FTE Positions:			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	216.0	216.0	--
Nonjudicial Personnel	<u>1,412.5</u>	<u>1,412.5</u>	--
Total	1,645.5	1,645.5	--

Agency Request/Governor's Recommendation

The FY 1988 approved budget was \$46,548,988, which was composed of \$44,213,530 from the State General Fund and \$2,335,458 of special revenue funds. The revised agency estimate for FY 1988 is \$46,795,751, an amount which is \$246,763 above the approved budget. This increase is attributed to: (1) estimated underspending of a State General Fund appropriation by \$66,817; (2) expenditure of \$304,086 above the budgeted amount from the federal Child Support Enforcement Contractual Agreement Fund; (3) additional spending of \$2,075 from two no-limit special revenue funds and underspending of \$500 from the Court Reporter Fund; and (4) two special grants totaling \$7,919.

The Governor recommends expenditure of \$46,517,078 in FY 1988, an amount which is \$278,673 below the agency estimate for FY 1988. The reductions are contained in salaries and wages (\$113,313); contractual services (\$158,939); and commodities (\$6,421). For FY 1988, the Governor recommends expenditure of \$43,876,595 from the State General Fund and \$2,640,483 from special revenue funds.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1988.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1988.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1988.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 88</u>	<u>House Rec. FY 88</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 43,876,595	\$ 10,000
Special Revenue Fund	--	<u>2,640,483</u>	--
TOTAL	<u>\$ --</u>	<u>\$ 46,517,078</u>	<u>\$ 10,000</u>
FTE Positions:			
Appellate Court Judges and Justices	--	17.0	--
District Court Judge	--	216.0	--
Nonjudicial Personnel	--	<u>1,412.5</u>	--
TOTAL	<u>--</u>	<u>1,645.5</u>	<u>--</u>

The Senate Subcommittee concurs with the House recommendation, with the following adjustment:

1. Addition of \$10,000 (State General Fund) in FY 1988 for the Commission on Judicial Qualifications to meet a shortfall caused by unexpected demand for legal and investigative services.

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 2675

Bill Sec. 4

Analyst: Mills

Analysis Pg. No. 117

Budget Pg. No. 1-51

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89 As Amended</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 47,919,401	\$ 48,153,355	\$ 246,116
Special Revenue Funds	<u>3,131,047</u>	<u>3,173,576</u>	<u>672</u>
TOTAL	<u>\$ 51,050,448</u>	<u>\$ 51,326,931</u>	<u>\$ 246,788</u>
FTE Positions:			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	216.0	216.0	--
Nonjudicial Personnel	<u>1,412.5</u>	<u>1,412.5</u>	<u>--</u>
TOTAL	<u>1,645.5</u>	<u>1,645.5</u>	<u>--</u>

Agency Estimate/Governor's Recommendation

The Judicial Branch is requesting a total of \$51,050,448 for FY 1989, which is composed of \$47,919,401 from the State General Fund and \$3,131,047 from special revenue funds. The total request represents a 9.1 percent increase over the agency's estimate for FY 1988. The Judicial Branch is requesting a three-year program of 7 percent salary increases for all Judges and Justices. The proposal would grant judges a 7 percent salary increase, plus any general statewide salary adjustments, in each of the fiscal years 1989, 1990, and 1991. Funding of \$886,837 is included in the FY 1989 budget request in order to implement the first stage of this salary upgrade. The Judicial Branch is also requesting funding to upgrade the salaries of Appellate Court Attorneys. The proposed upgrades would affect 27 positions in the Judicial Branch, and the FY 1989 budget request contains funding of \$116,183 to implement the proposed salary upgrades for appellate attorney positions.

The Governor's recommendation for FY 1989, as amended, totals \$51,326,931, which is composed of \$48,153,355 from the State General Fund and \$3,173,576 from special revenue funds. The Governor's recommendation for FY 1989 is an increase of \$276,483 over the agency request for FY 1989. The main component of this increase is found in salaries and wages, in that the Governor's recommendation for salaries and wages is an increase of \$276,483 over the agency request (largely attributable to the recommended 4 percent salary adjustment for all Judicial Branch employees, to step increases, and to annualization of FY 1988 salary increases). The amended Governor's recommendation includes a technical adjustment to reduce the State General Fund appropriation by \$548,556 to correct the calculation for fringe benefits which were miscalculated in the Governor's original recommendation.

The Governor's recommendation, as amended, for FY 1989 includes funding (\$1,790,588) to grant a 4 percent cost-of-living salary adjustment to all Judicial Branch employees, including judges. In addition, the Governor's recom-

mentation for FY 1989 includes step movement salary increases for eligible employees. (The 1987 Legislature approved expenditure of \$750,000 from the State General Fund for the last half of FY 1988 to: (1) convert the Judicial Branch pay plan to the same ranges as the civil service pay plan (\$400,000) and (2) implement "clerical study" salary upgrades for nonjudicial clerical-related positions (\$350,000). In addition, the 1987 Legislature approved a 2 percent cost-of-living adjustment for the last half of FY 1988 for all state employees, including those of the Judicial Branch. The FY 1989 budget request contains funding to annualize these three salary enhancements, and such funding is recommended by the Governor to annualize the pay plan conversion, the general salary adjustments, and the clerical upgrades for the full year in FY 1989.)

House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendations for FY 1989, with the following adjustments:

1. Addition of \$228,116 (SGF) to grant each justice and judge of the Judicial Branch (excluding district magistrate judges) an additional 2.2 percent base salary increase in FY 1989. This proposed increase is in addition to the 4 percent general salary adjustment already included in the Governor's recommendation for FY 1989. The Subcommittee shares the concern of the Judicial Branch that adequate compensation is necessary to attract and retain well-qualified judges. This additional increase would serve to increase judges' compensation to a higher level, especially since the Governor's recommendation contains a 4 percent salary increase for judges. (Legislative action will 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.)
2. Addition of \$15,000 (SGF) for the automation project for the Appellate Clerk's Office. The agency requested \$49,138 for this project in FY 1989. The Governor recommended a total of \$29,275 (a reduction of \$19,863), which the agency states will be inadequate to implement the project. The Subcommittee recommendation would provide a total of \$44,275 for the project in FY 1989.
3. Addition of \$3,000 (SGF) to permit the acquisition of a micro-computer for the Commission on Judicial Qualifications.
4. A technical adjustment to the expenditure limitation on the Bar Admission Fee Fund (\$672 increase) to permit funding of the 4 percent salary increase for one position which was inadvertently omitted from the Governor's recommendation.
5. The House Subcommittee notes that the salaries of several state officers are linked, by statute, to the salaries of either district court or appellate court judges. Examples of such linked salaries

include the members of the Corporation Commission (K.S.A. 74-601), the members of the Parole Board (K.S.A. 22-3708), and the members of the Board of Tax Appeals (K.S.A. 74-2434). The Subcommittee believes that it is inappropriate to tie the salaries of executive branch officers to those of the judiciary, (especially in light of the special consideration recommended for judges' salaries in FY 1989), and recommends that legislation be introduced to set these executive branch salaries in some other fashion.

6. The House Subcommittee recommends that an interim legislative study be authorized to review the current assignment and number of judges, their caseloads, and the need for more or fewer judges in various geographic regions.
7. The House Subcommittee also recommends that any additional salary improvements which might be approved should be used to enhance retirement benefits or to supplement health care costs, rather than to support longevity pay bonuses.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendations, with the following exceptions:

1. Deletion of the \$228,116 (SGF) recommended for the additional 2.2 percent salary increase for judges. The Committee recommends that a bill be introduced on judges' salaries to allow the Legislature to address the judicial compensation issue.
2. Introduction of a bill to create a new district court judgeship in the 29th Judicial District (Wyandotte County) to permit the Legislature to discuss the need for the new judgeship.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation, with the following adjustment:

1. Addition of \$36,000 (State General Fund) for the collection of statistical information by the court relating to personal injury civil litigation.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 89</u>	<u>House Rec. FY 89</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 54,000	\$ 48,207,355	\$ 426,904
Special Revenue Fund	<u>672</u>	<u>3,174,248</u>	<u>--</u>
TOTAL	<u>\$ 54,672</u>	<u>\$ 51,381,603</u>	<u>\$ 426,904</u>
FTE Positions:			
Appellate Court Judge and Justices	--	17.0	--
District Court Judges	--	216.0	1.0
Nonjudicial Personnel	--	<u>1,412.5</u>	<u>2.0</u>
TOTAL	<u>--</u>	<u>1,645.5</u>	<u>3.0</u>

The Senate Subcommittee concurs with the House recommendation, with the following adjustment:

1. Addition of \$307,690 (State General Fund) to grant each justice and judge of the Judicial Branch (excluding magistrate judges) an additional 3 percent base salary increase in FY 1989. This proposed increase is in addition to the 4 percent general salary adjustment already included in the Governor's recommendation for FY 1989 and will result in a total base salary increase of 7 percent. (Legislative action will 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.)
2. Addition of \$119,214 (State General Fund) and 3.0 FTE positions for the creation of a new district court judgeship in the 29th Judicial District (Wyandotte County). The recommendation includes salaries and wages funding for one district court judge (\$69,400), one court reporter (\$28,321), and one administrative assistant (\$21,493). The Subcommittee was presented statistical data on court caseloads in Wyandotte County which demonstrate the need for an additional judge in the judicial district.
3. The Senate Subcommittee notes that Item No. 6 in the House Subcommittee recommendation requests another interim study on the court system. The Senate Subcommittee believes that no interim study on the court system is justified at this time, as there have been several studies conducted in recent years (including a major study in 1986 under Proposal No. 5 -- Court System).

SUBCOMMITTEE REPORT

Agency: Crime Victims Reparations
Board

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 132

Budget Pg. No. 4-33

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
Special Revenue Funds:			
State Operations	\$ 102,822	\$ 102,547	\$ --
Aid to Local Units	309,809	309,809	--
Other Assistance	<u>569,455</u>	<u>569,455</u>	--
TOTAL	<u>\$ 982,086</u>	<u>\$ 981,811</u>	<u>\$ --</u>
FTE Positions	3.0	3.0	--

Agency Estimate/Governor's Recommendation

FY 1988. The FY 1988 approved budget, as modified by the State Finance Council on November 2, 1987, for the Crime Victims Reparations Board was \$939,180, all of which is from special revenue funds. Amounts approved for expenditure from the various funds are as follows: Crime Victims Reparations Fund, \$516,344; Protection From Abuse Fund, \$213,766; federal Victims of Crime Assistance Act, \$131,000; the federal Family Violence Prevention and Services Fund, \$42,254; and the federal Preventive Health Services Block Grant, \$35,816. The action by the Finance Council increased the expenditure limitations on two of the Board's funds by a total of \$70,000 (\$51,564 on the Crime Victims Reparations Fund and \$18,436 on the federal Victims of Crime Assistance Act). The agency revised estimate for FY 1988 totals \$982,086, an amount which is \$42,906 above the approved budget. The difference is attributed to underspending of \$22,631 from the budgeted amount in the Protection From Abuse Fund, with increased spending of \$65,537 from the federal Family Violence Prevention and Services Fund.

The Governor recommends expenditure of \$981,811 in FY 1988, a reduction of \$275 from the agency estimate. The reductions are found in salaries and wages (\$225) and other contractual services (\$50).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1988.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1988.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1988.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 89</u>	<u>House Rec. FY 89</u>	<u>Senate Subcommittee Adjustments</u>
Special Revenue Funds:			
State Operations	\$ --	\$ 102,547	\$ --
Aid to Local Units	--	309,809	--
Other Assistance	--	569,455	--
TOTAL	<u>\$ --</u>	<u>\$ 981,811</u>	<u>\$ --</u>
FTE Positions	--	3.0	--

The Senate Subcommittee concurs with the House recommendation for FY 1988.

SUBCOMMITTEE REPORT

Agency: Crime Victims Reparations Board

Bill No. 2675

Bill Sec. 5

Analyst: Mills

Analysis Pg. No. 132

Budget Pg. No. 4-33

<u>Expenditure Summary</u>	<u>Agency Req. FY 89</u>	<u>Governor's Rec. FY 89</u>	<u>Subcommittee Adjustments</u>
Special Revenue Funds:			
State Operations	\$ 116,779	\$ 108,748	\$ --
Aid to Local Units	292,502	271,275	--
Other Assistance	651,000	571,000	--
TOTAL	<u>\$ 1,060,281</u>	<u>\$ 951,023</u>	<u>\$ --</u>
FTE Positions	3.5	3.0	--

Agency Estimate/Governor's Recommendation

~~FY 1989.~~ The Board requests a total of \$1,060,281 for FY 1989, all of which is from special revenue funds. The agency proposes expenditures at the following levels from the various funds: Crime Victims Reparations Fund, \$619,880; Protection From Abuse Fund, \$192,000; federal Victims of Crime Assistance Act, \$140,000; federal Preventive Health Services Block Grant, \$35,952; and the federal Family Violence Prevention and Services Fund, \$72,449. The budget request proposes the addition of a 0.5 FTE position of Office Assistant III (\$8,904 including benefits), which would increase the agency's authorized FTE positions from 3.0 to 3.5. The agency request for FY 1989 presumes that the \$2.00 assessment on docket fees in criminal proceedings credited to the Crime Victims Reparations Fund (K.S.A. 20-362) will be increased to \$4.00 for FY 1989. Such an increase in the fee assessment will require legislative action to amend the current statute.

The Governor's recommendation for FY 1989 contains a total expenditure of \$951,023, all of which is from special revenue funds. The Governor recommends expenditure of \$512,287 from the Crime Victims Reparations Fund, \$190,335 from the Protection From Abuse Fund, \$35,952 from the federal Preventive Health Block Grant, \$140,000 from the federal Victims of Crime Assistance Act, and \$72,449 from the federal Family Violence Prevention and Services Fund. The Governor does not recommend the addition of the half-time Office Assistant III position. Also, the Governor does not recommend any increase in the docket fee assessment.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendations, with the following additional recommendations:

1. The House Subcommittee notes that current Kansas law (K.S.A. 1987 Supp. 22-4510 and 22-4513) authorizes the State Board of Indigents' Defense Services to recover all or part of the expenditures made by the Board to provide counsel and defense

services to indigent defendants upon conviction or whenever the court finds that funds are available from or on behalf of a defendant. Funds recovered under these recoupment statutes are currently credited to the State General Fund. The House Subcommittee recommends that legislation be introduced to provide that any funds recovered from indigent defendants, who were represented by counsel at state expense, be credited to the Crime Victims Reparations Fund and used to provide funding for claims to victims of crime. Such a change would assist the Crime Victims Reparations Board in meeting the growing demands for additional funds for crime victims claims. The State Board of Indigents' Defense Services recovered a total of \$211,113 from indigent defendants in FY 1987; the agency projects recovery of \$220,000 in FY 1988 and \$230,000 in FY 1989 under the recoupment program. In accordance with normal Committee procedure, no expenditures from this new funding source are reflected in the appropriations bill until after the substantive law changes have been enacted.

2. The House Subcommittee also recommends that a new voluntary gifts and grants fund be created for the Crime Victims Reparations Board, with a no limit expenditure limitation, to receive any voluntary donations or grants which may be received for the victim reparations program. The House Subcommittee recommends that the Crime Victims Reparations Board publicize the existence of the new fund and seek voluntary donations and grants to supplement the program. The House Subcommittee also recommends that any such voluntary donations or grants be tax deductions under Kansas law.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1989.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1989.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adj. FY 89</u>	<u>House Rec. FY 89</u>	<u>Senate Subcommittee Adjustments</u>
Special Revenue Funds:			
State Operations	\$ --	\$ 108,748	\$ --
Aid to Local Units	--	271,275	--
Other Assistance	--	571,000	--
TOTAL	<u>\$ --</u>	<u>\$ 951,023</u>	<u>\$ --</u>
FTE Positions	--	3.0	--

The Senate Subcommittee concurs with the House recommendation for FY 1989.