

Approved: 4-28-92
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson George Teagarden at 1:40 p.m. on March 26, 1992 in room 514-S of the Capitol.

All members were present except: Representatives Kline, Hochhauser, Adam, Blumenthal and Goossen.
(All excused).

Committee staff present: Ellen Piekalkiewicz, Legislative Research Department
Debra Duncan, Legislative Research Department
Jim Wilson, Revisor of Statutes
Sue Krische, Administrative Aide
Rose Baker, Committee Secretary

Conferees appearing before the committee:

None.

Others attending: See attached list

SB 495 - Appropriations for FY93, judicial council, state board of indigents' defense services, judicial branch.

JUDICIAL COUNCIL

Representative Dean presented the subcommittee report on the Judicial Council for FY92 and FY93 (Attachment 1). Representative Gatlin questioned the increase in the Council's budget recommendation while there was a decrease in the number of meetings for FY93. Staff stated that the increase was due in part to the increase in traveling expenses. Representative Dean moved adoption of the subcommittee report on the Judicial Council for FY92 and FY93. Seconded by Representative Fuller. Motion carried.

JUDICIAL BRANCH

Representative Heinemann presented the subcommittee report on the Judicial Branch for FY92 and FY93 (Attachment 2). During discussion, the Chairman stated that he does not view judges as elected officials, but more as other state employees. The subcommittee explained to Representative Lowther that they did a comparison of travel and subsistence over several years, and adjusted each of these expenditures accordingly to the present costs. Representative Wisdom expressed concern over the removal of 56 nonjudicial personnel and what this reduction would do to the caseloads throughout the court system. Representative Heinemann moved adoption of the subcommittee report on the Judicial Branch for FY92 and FY93. Seconded by Representative Dean. Motion carried.

BOARD OF INDIGENTS' DEFENSE SERVICES

Representative Everhart presented the subcommittee report on the Board of Indigents' Defense Services for FY92 and FY93 (Attachment 3). Representative Dean responded to a question regarding the expenditure of \$62,172 for office equipment. Presently, personnel are bringing to the office their own home computers to complete daily work. The amount budgeted is recommended to purchase computers and software that is compatible within the offices.

Representative Everhart gave an explanation regarding assigned counsel expenditures in Wyandotte, Leavenworth, and Finney Counties. The subcommittee recommends initiating a contract in Leavenworth and Finney Counties. The subcommittee believes that once the contract is acted upon and working that a savings will be seen. The subcommittee recommends the Board hold a hearing on the feasibility of contracting in Wyandotte County in future years. Representative Everhart moved adoption of the subcommittee report on the Board of Indigents' Defense Services for FY92 and FY93. Seconded by Representative Fuller. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 1:40 p.m. on March 26, 1992.

Representative Everhart moved that SB 495, as amended, be recommended favorably for passage. Seconded by Representative Dean. Motion carried.

Chairman Teagarden called for discussion and final action on SB 257 concerning the percentage increases in annual salaries of justices and judges. Representative Vancrum moved to reconsider the action taken on his previous motion as stated in the minutes dated April 29, 1991, to amend SB 257 by adopting the proposed technical amendments and to include in the bill all statewide elected officials in the executive branch. Seconded by Representative Solbach. Motion carried. Representative Vancrum moved to withdraw his motion to amend SB 257 by adopting the proposed technical amendments and to include in the bill all statewide elected officials in the executive branch. Seconded by Representative Heinemann. Motion carried.

Staff explained the proposed amendments for SB 257. The way the bill was drafted the step increase could not take effect if there was ever a year when there was no COLA, so an adjustment is suggested. Also, clarification in the bill is needed when the increases take effect. Representative Solbach moved that SB 257, as amended, be recommended favorably for passage. Seconded by Representative Everhart. A substitute motion was made by Representative Heinemann to adopt the technical amendments. Seconded by Representative Chronister. Substitute motion carried. Representative Heinemann moved that SB 257, as amended, be recommended favorably for passage. Seconded by Representative Fuller. Motion carried.

INTRODUCTION OF BILLS

Representative Patrick moved to introduce a bill concerning repealing old statutes on S & H green stamps. Seconded by Representative Chronister. Motion carried.

Meeting adjourned at 2:55 p.m. The next scheduled meeting will be March 27, 1992 at 8:00 a.m. in room 514-S.

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 495

Bill Sec. 2

Analyst: Rothe

Analysis Pg. No. 251

Budget Page No. 348

<u>Expenditure Summary</u>	<u>Agency Req. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>Senate Committee Adjustments</u>
State Operations:			
State General Fund	\$ 287,953	\$ 210,368	\$ 16,432
FTE Positions	4.0	4.0	--

Agency Request/Governor's Recommendation

The Council requests FY 1993 expenditures of \$287,953, all from the State General Fund. The request is an increase of \$73,789 above the FY 1992 estimate. The request includes salary funding to support 4.0 FTE positions and per diem for committee members (\$185,477); funding for travel and subsistence for 52 council and advisory committee meetings (\$49,571); and printing and distribution of Council publications (\$33,798). The Council requests that the appropriation language authorize that all moneys be reappropriated without limitation. The Council also requests the creation of a "Judicial Council Publications Fee Fund" to permit the sale and printing of Council publications.

The Governor recommends FY 1993 expenditures of \$210,368 (all from the State General Fund), a reduction of \$77,585 from the agency's request. The reduction includes \$6,344 from salaries, \$30,241 from travel and subsistence, \$32,000 from printing, \$2,800 from communications, \$4,000 from capital outlay, and \$2,200 from other costs. The Governor does not recommend unlimited reappropriation authority or the creation of a Judicial Council Publications Fee Fund in FY 1993.

Senate Subcommittee Recommendation

FY 1992. The Subcommittee concurs with the Governor's recommendation for FY 1992.

FY 1993. The Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Add \$23,000 from the State General Fund to double the number of Judicial Council Advisory Committee meetings from 20 to 40 in FY 1993. The historical number of 52 meetings per year fell to 42 in FY 1991 and 29 in FY 1992. The Council requested 52 meetings for FY 1993, but the Governor recommended financing for 20 meetings. The Subcommittee supports the work of the advisory committees and feels strongly that the number of meetings be increased for FY 1993. The following table shows the Council's budget and number of meetings since FY 1981:

*HA
3-26-92
Attachment 1*

Fiscal Year	Budget	No. of Meetings
1981	\$ 147,621	62
1982	141,121	49
1983	201,385	60
1984	179,115	55
1985	160,301	34
1986	177,496	55
1987	185,903	41
1988	209,386	53
1989	215,416	64
1990	230,543	52
1991	222,808	40
1992	213,458	29
1993 (Gov. Rec.)	210,368	20
1993 (Sen. Subc.)	233,368	40

2. The Council requested \$37,000 in FY 1993 to publish the supplement to the PIK-Criminal 2d (\$16,000) and a supplement to Kansas Probate Forms (\$21,000), neither of which has been published since FY 1988. None of the funding was recommended by the Governor. The Subcommittee recognizes the value of Judicial Council publications to attorneys and judges, but acknowledges that such publications are unlikely to be kept current as long as the publishing costs are financed from the State General Fund. The Subcommittee recommends the establishment of a "no-limit" Publications Fee Fund with a proviso authorizing the Council to fix, charge and collect fees (and to collect gifts, grants or donations) for the sale and distribution of legal publications in order to recover direct and indirect costs incurred for the preparation, publication and distribution of legal publications.
3. The Subcommittee notes that if the Kansas Sentencing Guidelines Act (S.B. 479) passes, the Council may need to publish additional documents -- especially the PIK-Criminal 2d, last published in 1988. The Subcommittee recommends that additional funding for such publications be addressed in the Omnibus Bill.
4. The Subcommittee examined the Bar Discipline Fee Fund of the Judicial Branch in hopes that its ending balance could be a source of revenue for Judicial Council publications. The Subcommittee discovered that the fund finances 4.5 positions, had FY 1991 expenditures of \$378,538, and a beginning balance of \$699,641 for FY 1992. The fund is not a part of the Judicial Branch budget, nor is it a part of the state treasury (K.S.A. 20-1a01). Although attorneys on active status pay \$60 per year to the fund and the unexpended fund balance is nearly \$700,000, the legislative and administrative branches have no oversight on expenditures. The Subcommittee recommends that the Chief Justice evaluate fund balances, determine whether an adjustment in attorney fees are necessary, or consider changing court rules to permit the use of the unexpended balances elsewhere. The Chief Justice also informed the Subcommittee that Kansas is one of the few states without a fund to provide restitution to clients of attorneys. The

Subcommittee asks the Chief Justice to provide model legislation to be considered by the Kansas Legislature.

5. The Subcommittee also reviewed expenditures and balances of the Continuing Legal Education (CLE) Commission, created by rules of the court rather than by statute in hopes that its ending balance could be a source of revenue for Judicial Council publications. Commission fees are not part of the Judicial Branch budget or the state treasury. Fees are determined by the Commission with the approval of the Supreme Court. According to the Commission, annual fee receipts from 6,500 attorneys total approximately \$139,000. Annual expenditures of approximately \$130,000 to \$140,000 provide for two positions and OOE. The fund balance totals between \$200,000 and \$250,000. The Subcommittee believes state oversight of this fund may also be necessary and recommends that the Chief Justice review the rules of the court and report back to the 1993 Legislature with a report of CLE expenditures, balances, and oversight alternatives.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee with the following adjustment:

1. Delete \$6,568 from the State General Fund in FY 1993 recommended by the Governor for longevity and unclassified merit.

Senate Committee of the Whole Recommendation

The Senate concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 93</u>	<u>Senate Rec. FY 93</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 16,432	\$ 193,936	\$ 11,568
FTE Positions	--	4.0	--

House Subcommittee Recommendation


FY 1992. The House Subcommittee concurs with the Senate which concurred with the Governor's recommendation for FY 1992.

FY 1993. The House Subcommittee concurs with the recommendations of the Senate with the following adjustments:

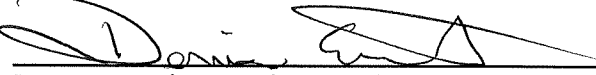
1. Restore \$6,568 from the State General Fund recommended by the Governor for longevity and unclassified merit pay.

- 2. Add \$5,000 from the State General Fund for "start-up" publishing costs. The Subcommittee concurs with the Senate recommendation establishing a Publications Fee Fund to permit the preparation and sale of legal publications. However, the Subcommittee believes the new fund will be ineffective without some start-up funds.

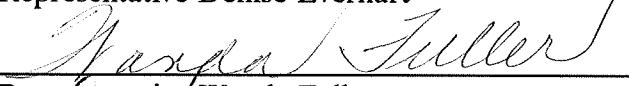
- 3. The Subcommittee agrees that a review of the Bar Discipline Fee Fund by the Chief Justice is necessary. The Subcommittee further recommends an audit by the Legislative Division of Post Audit to determine the use of the fund and whether the \$700,000 ending balance can be used for other purposes.



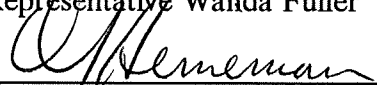
Representative George Dean
Subcommittee Chair



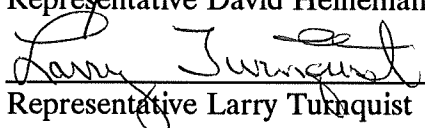
Representative Denise Everhart



Representative Wanda Fuller



Representative David Heinemann



Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 495

Bill Sec. 4

Analyst: Rothe

Analysis Pg. No. 255

Budget Page No. 350

<u>Expenditure Summary</u>	<u>Agency Req. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>Senate Adjustments</u>
State Operations:			
State General Fund	\$ 61,368,499	\$ 58,329,069	\$ (1,473,531)
Special Revenue Funds	1,716,888	1,717,787	(75,127)
Total	<u>\$ 63,085,387</u>	<u>\$ 60,046,856</u>	<u>\$ (1,548,658)</u>
FTE Positions:			
Appellate Court Judges and Justices	17.0	17.0	--
District Court Judges	218.0	218.0	--
Nonjudicial Personnel	1,514.0	1,461.0	--
Total	<u>1,749.0</u>	<u>1,696.0</u>	<u>--</u>

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$63,085,387 for FY 1993, an increase of \$3,766,680 (6.7 percent) above the FY 1992 estimate. The request includes \$60,347,276 for salaries (95.7 percent of the total request) and \$2,738,111 for OOE. The request includes 53.0 FTE new nonjudicial positions (\$1,325,837); longevity payments for eligible nonjudicial personnel (\$502,868); funding for temporary employees (\$428,957); a 2.5 percent salary increase for judicial personnel (\$381,340); step movement salary increases for nonjudicial personnel (\$905,723); nonjudicial personnel actions (\$96,805); and an FY 1993 turnover rate of 1.2 percent or a reduction in gross salaries of \$740,443.

The Governor recommends \$60,046,856 in FY 1993, a decrease of \$3,038,531 from the agency's request. The recommendation includes \$58,241,561 for salaries (a reduction of \$2,105,715) and \$1,805,295 for OOE (a reduction of \$932,816). The recommended reduction in salaries includes the deletion of 53.0 FTE requested new positions, a reduction of \$30,000 from temporary salaries, and a reduction of \$704,488 associated with an increase in the turnover rate to 2.4 percent compared to the requested rate of 1.2 percent. The Governor concurs with the request for a 2.5 percent unclassified salary increase and classified step movement and most of the requested salary upgrades. The Governor recommends an FTE position limitation of 1,696.0 for FY 1993. The 1991 Legislature removed the FTE position limitation for FY 1992.

Senate Subcommittee Recommendation

FY 1992. The Subcommittee concurs with the Governor's recommendation for FY 1992.

FY 1993. The Subcommittee concurs with the Governor's recommendation with the following adjustments:

*HA
3-26-92
Attachment 2*

1. Concur with Governor's Budget Amendment No. 1 which makes the following two technical adjustments: (a) Add \$64,684 from the State General Fund to provide a 2.5 percent salary increase for the 69 Magistrate Judges, as intended, and; (b) Delete \$90,386 from the State General Fund from salary upgrades for 31.5 FTE appellate attorneys -- the salary upgrades were not intended. The net change in expenditures as a result of GBA No. 1 is a reduction in expenditures of \$25,702 from the State General Fund.
2. Add \$35,000 from the State General Fund to finance a study to determine the computer automation needs of the Judicial Branch. According to a review by the Division of Information Systems and Communications (DISC), the current WANG computer (which is only compatible with the Governor's system) does not have sufficient capacity to provide word processing, office automation, and on-line inquiry capability to the Appellate Case Tracking System for all justices, judges and appropriate judicial center staff. DISC also states that the existing WANG system has become outdated, maintenance costs for it have increased (FY 1993 maintenance contract of \$69,000) reaching a level nearly five times that of the amount needed to purchase state-of-the-art technology. The Subcommittee notes that the Court may want to assess the cost effectiveness of continuing its maintenance contracts. Four applications have been identified by DISC, including an Appellate Clerk's System, an Attorney Registration System, a Trial Court Case Management System, and a Word Processing System. The Governor did not recommend the \$386,102 requested by the Judicial Branch for a new minicomputer for FY 1993. The Subcommittee believes it is time to begin addressing the computer automation needs of the Judicial Branch.
3. Add \$15,000 from the State General Fund for Law Library expenditures. Law Library expenditures of \$746,559 in FY 1991 compare with the FY 1992 estimate of \$687,722 in FY 1992 and \$763,124 recommended for FY 1993. Although the FY 1993 recommendation is \$16,565 above actual FY 1991 expenditures, most of the increase is for salaries (\$14,766). The Subcommittee notes the FY 1992 reduction in expenditures and recommends additional funds in FY 1993 to support the acquisition of subscriptions, legal materials and books.
4. The Subcommittee notes that S.B. 436, which passed the Senate Committee on Ways and Means and the Senate Committee of the Whole during the 1991 Session, was the subject of an interim study by the Special Committee on Judiciary. The bill would clarify the Supreme Court's authority to manage the state court system, and addresses judicial redistricting and the allocation of judicial and nonjudicial personnel. The Subcommittee believes that the courts have been restrained in financing Law Library upgrades, computer systems, appellate attorney salary upgrades, and the proper staffing of district court offices. In the current economy the Judicial Branch needs the flexibility provided by S.B. 436 to provide the most efficient court system possible. The Subcommittee recognizes that passage of S.B. 436 would not result in expenditure reductions in FY 1993, but that savings in future years could be realized.
5. The Subcommittee observes that the Governor's FY 1993 salary request for the Judicial Branch includes \$317,749 for a 2.5 percent salary increase for judicial personnel and \$905,723 for step movement salary increases for nonjudicial personnel. A proviso is included in the Judicial Branch appropriation bill (as it has in past years) specifically authorizing the 2.5 percent salary increase to judges

and justices. Such proviso limits the ability of the Chief Justice to reallocate such funds to provide for a more efficient court system. S.B. 257 was passed by the Senate Committee on Ways and Means and the Senate Committee of the Whole during in 1991 Session, and awaits action by the House Committee on Appropriations. The Bill would expand the basis for indexing to include the estimated average percentage of step movement salary increases under the state pay plan for the classified service. Although the bill would eliminate the need for strict proviso language, the Chief Justice would still be limited in his ability to allocate limited resources.

6. The Subcommittee recommends that the FTE limitation for the Judicial Branch be eliminated. The Legislature recommended the deletion of the limitation for FY 1992 during the 1991 Session, but the Governor reimposed the limitation for FY 1993. The Subcommittee believes that the Court needs authority to manage its personnel in the most efficient manner possible.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee with the following adjustments:

1. Delete \$1,497,829 from the State General Fund and \$75,127 from fee funds in FY 1993 recommended by the Governor for step increases, longevity, and unclassified merit.
2. The Committee asks the House Subcommittee to review the agency's nonjudicial personnel needs throughout the state. The Committee notes that a reduction of 56 nonjudicial personnel was caused by a 4 percent reduction spread throughout the court system in FY 1992.

Senate Committee of the Whole Recommendation

The Senate concurs with the recommendations of the Committee.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 93</u>	<u>Senate Rec. FY 93</u>	<u>House Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ (1,473,531)	\$ 56,855,538	\$ 1,750,386
Special Revenue Funds	(75,127)	1,642,660	75,127
Total	<u>\$ (1,548,658)</u>	<u>\$ 58,498,198</u>	<u>\$ 1,825,513</u>
FTE Positions:			
Appellate Court Judges and Justices	--	17.0	--
District Court Judges	--	218.0	--
Nonjudicial Personnel	--	1,461.0	--
Total	<u>--</u>	<u>1,696.0</u>	<u>--</u>

House Subcommittee Recommendation

FY 1992. The House Subcommittee concurs with the Senate which concurred with the Governor's recommendation for FY 1992.


FY 1993. The House Subcommittee concurs with the recommendations of the Senate with the following adjustments:

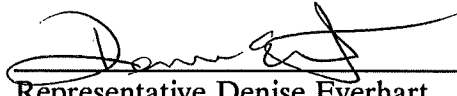
1. Restore \$1,497,829 from the State General Fund and \$75,127 from fee funds recommended by the Governor for salary step increases, longevity, and unclassified merit.
2. Add \$15,000 from the State General Fund above the \$35,000 recommended by the Senate to finance a study to determine the computer automation needs of the Judicial Branch. The Subcommittee believes \$50,000 is a more reliable estimate of the cost of such a study.
3. Add \$10,000 from the State General Fund above the \$15,000 recommended by the Senate for law library expenditures. The addition of \$25,000 above the Governor's recommendation would maintain the current acquisition level of subscriptions, legal materials and books rather than an expanded level.
4. Add \$96,171 from the State General Fund for travel and subsistence, including \$5,000 for the Supreme Court, \$11,171 for the Court of Appeals, and \$80,000 for the Judges of the District Courts. The amounts recommended by the Subcommittee would still be less in most cases than actual travel expenditures in FY 1989 and FY 1990.
5. Add \$41,000 from the State General Fund to restore a Court Services Officer Specialist (special project position) deleted by the agency in response to a 4.0 percent reduction in personnel for FY 1992. The position would be assigned to the Office of Judicial Administration to provide administrative oversight and coordination to CSOs in the field who perform probation functions for juveniles and adults, complete presentence investigations, and perform domestic and custody investigations.
6. Add \$90,386 from the State General Fund to upgrade the salaries of all 31.5 FTE appellate court attorneys. The proposed upgrades, shown in the following table, would parallel the salary ranges for attorneys in the state's classified service.

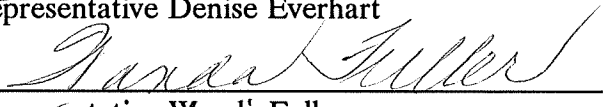
Position	FTE	Current Range	Proposed Range
Research Attorney	17.0	22	26
Central Research Attorney I	9.0	22	26
Central Research Attorney II	1.0	25	28
OJA Staff Attorney	1.0	26	28
Appellate Reporter II	3.5	26	28

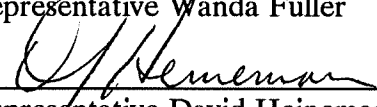
- 7. The Subcommittee reviewed a conflict between the Office of Judicial Administration (OJA) and the Kansas Bureau of Investigation concerning the handling of the processing of OJA probation reports. The reports include individual cases handled by a Court Services Officer (CSO), including identifiers, case numbers and prior involvements with the criminal justice system. Since 1980 the KBI Statistical Analysis Center, through an informal agreement, has been inputting and processing these reports and providing monthly summaries concerning individual CSO caseloads to the OJA. Due to a four-month backlog in the entry of Incident Based Reports, the KBI decided to cease entry of OJA probation reports in May, 1991, until the backlog could be resolved. The KBI also explained that the loss of a key staff person in August, 1991 from the Statistical Analysis Center has made this even more difficult.

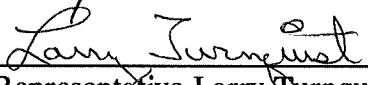
The Subcommittee directs the two agencies to prepare a report detailing the method by which this backlog and resulting conflict can be resolved and present it to the Subcommittee in April for consideration in the Omnibus Bill.


 Representative George Dean
 Subcommittee Chair


 Representative Denise Everhart


 Representative Wanda Fuller


 Representative David Heinemann


 Representative Larry Turnquist

SUBCOMMITTEE REPORT

Agency: Board of Indigents'
Defense Services

Bill No. 495

Bill Sec. 3

Analyst: Rothe

Analysis Pg. No. 271

Budget Page No. 326

<u>Expenditure Summary</u>	<u>Agency Req. FY 93</u>	<u>Gov. Rec. FY 93</u>	<u>Senate Committee Adjustments</u>
State Operations:			
State General Fund	\$ 10,016,077	\$ 7,095,412	\$ (143,299)
Special Revenue Funds	180,769	302,978	--
Subtotal	<u>\$ 10,196,846</u>	<u>\$ 7,398,390</u>	<u>\$ (143,299)</u>
Other Assistance			
State General Fund	575,204	412,280	--
Total	<u><u>\$ 10,772,050</u></u>	<u><u>\$ 7,810,670</u></u>	<u><u>\$ (143,299)</u></u>
 FTE Positions	 170.0	 80.0	 (1.0)

Agency Request/Governor's Recommendation

The Board's request for FY 1993 totals \$10,772,050, including \$10,196,846 for agency operations and \$575,204 for a grant to Legal Services for Prisoners, Inc. (LSP). The Board proposes reducing expenditures from the Indigents' Defense Services Fund from \$299,640 in FY 1992 to \$180,769 in FY 1993, and requests that the fund balances be used for contingencies. The FY 1993 request reflects a total increase of \$2,851,176 above the revised FY 1992 estimate. Most of the increase can be attributed to the agency's request for a Regional Defense Delivery Plan (\$2,765,558), including 78.0 FTE new positions; and 16.5 requested new FTE positions for existing agency operations (\$343,305). The agency requests a reduction in expenditures for assigned counsel of \$600,457 in FY 1993, assuming implementation of the Regional Defense Delivery Plan.

The Governor recommends total expenditures of \$7,398,390 for agency operations and \$412,280 for the grant to LSP. The Governor recommends expenditures of \$302,978 from the Indigents' Defense Services Fund and \$7,507,692 from the State General Fund. The Governor's recommendation does not include funding for the Regional Defense Delivery Plan. The Governor recommends \$71,644 for 4.5 FTE new clerical positions for existing offices. The Governor also recommends turnover savings of \$101,929 (3.5 percent) compared to the Board's requested rate of 2.0 percent.

Senate Subcommittee Recommendation

FY 1992. The Subcommittee concurs with the Governor's recommendation for FY 1992.

*HA
3-26-92
Attachment 3*

FY 1993. The Subcommittee concurs with the Governor's recommendation with the following adjustments:

1. Delete \$15,822 (SGF) and the 1.0 FTE new Office Assistant position added by the Governor for the Appellate Defenders Office. The Subcommittee further recommends the addition of \$15,000 (SGF) to provide a microcomputer system for each of the 12 Attorneys assigned to the Appellate Defenders Office in Topeka, and to provide a minimum of three FAX machines to be distributed to the offices with the greatest need determined by the agency director. One state-owned computer is currently available to the attorneys who must deliver lengthy handwritten legal briefs to three existing clerical positions. The unique nature of this office (lengthy legal briefs and a very heavy typing load) provides an opportunity to discover whether the deletion of a needed fourth clerical position can be offset by a one-time expenditure to computerize the legal staff. The Subcommittee directs the agency to examine the effects of this demonstration project and to report its findings to the 1993 Legislative subcommittees. The results of the study can be used to determine whether to pursue computerization projects in other agency offices.
2. Reduce assigned counsel expenditures for Wyandotte County by \$52,493 (10 percent), for Leavenworth County by \$22,175 (15 percent), and for Finney County by \$18,519 (10 percent) for total savings of \$93,187 from the State General Fund. The reduction is based upon the implementation of contracts with private attorneys in the three counties. It is assumed that the Board will negotiate contracts based on costs less than the rates currently paid for assigned counsel. During the 1991 Legislative Session the Senate Subcommittee recommended the implementation of such contracts in the three counties. The House concurred with the recommendation for Finney and Leavenworth counties, but not for Wyandotte County. During its 1992 hearings, the Subcommittee learned that a contract in Finney County will probably be approved by the Board this spring (although savings were not taken into account in the Governor's recommendation for FY 1993), but that a contract in Leavenworth County is unlikely to be approved by the Board during FY 1992.

The Senate Subcommittee is disappointed with the lack of resolve shown by the Board in pursuing such contracts. The Subcommittee strongly supports the initiation of contracts with private counsel to provide representation to indigent defendants at a cost lower than currently paid by the state, and asserts the Legislative expectation that its recommendation will be followed.

3. Add \$12,000 from the State General Fund to provide for a pool of unspecified capital outlay. The Subcommittee heard testimony and reviewed documents indicating a serious lack of usable furniture and equipment assigned to the seven agency offices. The Governor's recommendation includes financing for file cabinets in the Wichita office and in the Appellate Defenders office in Topeka. The recommendation does not address the needs of offices which are increasingly being furnished out of the pockets of state employees to equip their offices with desks, chairs, file cabinets, computers, and book cases. Some essential equipment is simply old and worn out. Some of the equipment has never been provided by

the state for some of the offices. The Board surveyed the offices and developed an agencywide capital outlay request to adequately furnish each office. The request for Option One totals \$161,195, which includes 42 stand-alone computers in addition to other furniture, equipment and law books. The request for Option Two totals \$248,995, which includes 67 computers set up as a local area network. The Subcommittee believes it is time to begin addressing the agency's critical capital outlay needs.

4. The Subcommittee notes that the agency's recoupment program has been increasingly successful in requiring certain indigent defendants to repay amounts expended by the state to provide legal representation for the defendant. The Governor's FY 1993 recommendation includes the addition of a 0.5 FTE clerical position to be assigned to the recoupment program. The amounts returned to the state and deposited in the State General Fund are shown below:

FY 1980	\$ 0
FY 1981	67
FY 1982	1,758
FY 1983	22,228
FY 1984	43,562
FY 1985	115,916
FY 1986	190,717
FY 1987	211,113
FY 1988	244,451
FY 1989	315,570
FY 1990	399,674
FY 1991	560,932

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee with the following adjustment:

1. Delete \$61,290 from the State General Fund in FY 1993 recommended by the Governor for step increases, longevity, and unclassified merit.

Senate Committee of the Whole Recommendation

The Senate concurs with the recommendation of the Committee.

<u>Expenditure Summary</u>	<u>Senate Adj. FY 93</u>	<u>Senate Rec. FY 93</u>	<u>Senate Committee Adjustments</u>
State Operations:			
State General Fund	\$ (143,299)	\$ 6,952,113	\$ 305,765
Special Revenue Funds	--	302,978	15,000
Subtotal	<u>\$ (143,299)</u>	<u>\$ 7,255,091</u>	<u>\$ 320,765</u>
Other Assistance:			
State General Fund	--	412,280	--
Total	<u><u>\$ (143,299)</u></u>	<u><u>\$ 7,667,371</u></u>	<u><u>\$ 320,765</u></u>
 FTE Positions	 --	 (1.0)	 1.0

House Subcommittee Recommendation

FY 1992. The House Subcommittee concurs with the Senate which concurred with the Governor's recommendation for FY 1992.


FY 1993. The House Subcommittee concurs with the recommendations of the Senate with the following adjustments:

1. Restore \$61,290 from the State General Fund recommended by the Governor for step increases, longevity, and unclassified merit pay.
2. Collapse the operating expenditures and the assigned counsel accounts of the State General Fund into a state operations account, as approved by the legislature for FY 1992 and in prior years. The Subcommittee believes that the agency needs the flexibility to shift funds from assigned counsel expenditures to public defender offices when necessary.
3. Increase the expenditure limitation on the Indigents' Defense Services Fee Fund by \$15,000 to permit the agency to pursue a contract to provide legal services to indigent misdemeanor defendants in Republic County. Misdemeanor contracts were initiated in Shawnee and Cloud Counties in FY 1992.
4. Restore \$93,187 from the State General Fund for assigned counsel expenditures in Wyandotte County (\$52,493), Leavenworth County (\$22,175) and Finney County (\$18,519). The House Subcommittee does not recommend contracting for private attorneys in Wyandotte County in FY 1993, but directs the Board of Indigents' Defense Services to hold a hearing on the feasibility of contracting in a future year. The Subcommittee concurs with the Senate recommendation to initiate contracts in Leavenworth and Finney Counties, but believes that start-up costs would offset any savings in FY 1993.
5. Restore \$15,822 from the State General Fund for 1.0 FTE new Office Assistant position deleted by the Senate from the Appellate Defenders Office. The House Subcommittee concurs with the Senate's recommendation to add \$15,000 for computers and fax machines. The Subcommittee believes, however, that the

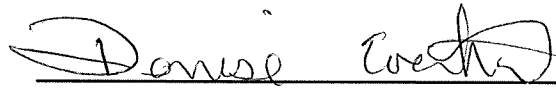
heavy workload of the three existing secretaries requires the addition of a fourth clerical position which was added by the Governor.

- 6. Add \$135,466 from the State General Fund for capital outlay costs. Total capital outlay expenditures of \$169,181 are recommended by the House Subcommittee, including \$6,715 recommended by the Governor and \$27,000 added by the Senate. The Subcommittee reviewed at length the agency's capital outlay needs and visited two public defender's offices to witness the condition of existing furnishings and equipment. The House Subcommittee concurs with the Senate Subcommittee's observation that some offices lack essential furnishings, and what furnishings exist are old and worn out. The House Subcommittee's recommendation of a total of \$169,181 includes \$161,195 for the offices of the public defenders, \$7,486 for the administration office, and \$500 for the Shawnee County Misdemeanor office. The recommendation would provide \$23,768 for office furniture, \$5,410 for professional equipment, \$70,758 for library and research materials, and \$69,245 for office equipment. Recommended office equipment includes \$62,172 for 43 microcomputers, five laptop computers, and related hardware and software.

- 7. The Subcommittee notes that if the Kansas Sentencing Guidelines Act (S.B. 479) passes, additional appropriations may be necessary for the Board and the Legal Services for Prisoners contract. The Subcommittee will review such appropriations in the Omnibus Bill if S.B. 479 passes.



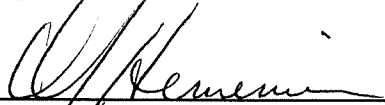
 Representative George Dean
 Subcommittee Chairperson




 Representative Denise Everhart



 Representative Wanda Fuller



 Representative David Heinemann



 Representative Larry Turnquist