

Approved: 4-26-95
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 11:00 a.m. on April 6, 1995 in Room 254-E of the Capitol.

All members were present except: Senator Rock (excused)
Senator Feleciano (excused)
Senator Martin (excused)
Senator Brady (excused)

Committee staff present:
Janice Brasher, Committee Secretary

Conferees appearing before the committee: Lisa Moots, Kansas Sentencing Commission

Others attending: See attached list

Meeting of the Judiciary Committee was called to order by the Chair at 11:10 a.m..

SB 378--Kansas sentencing commission reduction in number of members.

The Chair explained that this bill would reduce the voting membership of the Sentencing Commission from 13 to 10 by removing the position reserved for the Chairperson of the Parole Board and two members of the general public. This bill would also eliminate four non-voting ex officio members of the Legislature.

Senator Moran stated that this bill was requested by the 1994 Session Senate Subcommittee as explained in (Attachment 1). The reduction in the membership is expected to save approximately \$7,500. The savings could help fund a FTE position.

Lisa Moots answered questions regarding the reasons for eliminating certain positions. Ms Moots stated those positions would account for cost reductions in compensation and in subsistence for attendance of Commission meetings.

Discussion followed.

Motion made by Senator Vancrum, second by Senator Petty to add language to the bill stating: that at least one member appointed by the Governor be a member of a racial minority, (to be inserted on line 35).

Substitute motion was made by Senator Parkinson, second by Senator Harris to table SB 378. Motion fails

Motion made by Senator Vancrum, second by Senator Petty to add language to the bill stating: that at least one member appointed by the Governor be a member of a racial minority, (to be inserted on line 35). Motion carried

Motion was made by Senator Moran, second by Senator Reynolds to recommend SB 378 favorably for passage. Motion fails on a four to four vote.

The Chair adjourned the meeting at 11:00 a.m.

The next meeting is scheduled for on call of the Chair.

SENATE JUDICIARY COMMITTEE GUEST LIST


DATE: 4-6-95

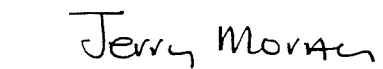
NAME	REPRESENTING
Jill CAMPBELL	GOVERNOR'S OFFICE
Scott Abisoglu	Budget
Paula Helchrist	Sen Phil Martin

FY 1995-FY 1996 SUBCOMMITTEE REPORT

House Bill No. 2090

Sec. 14 – Kansas Sentencing Commission


Senator Barbara Lawrence
Subcommittee Chair


Senator Jerry Moran

Senate Judiciary
4-6-95
Attachment 1

SUBCOMMITTEE REPORT

Agency: Kansas Sentencing Commission

Bill No. --

Bill Sec. --

Analyst: Robinson

Analysis Pg. No. 527

Budget Page No. 465

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 510,182	\$ 560,150	\$ 0
Local Aid	3,138,850	3,138,850	0
TOTAL	<u>\$ 3,649,032</u>	<u>\$ 3,699,000</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 287,463	\$ 286,813	\$ 0
FTE Positions	5.0	5.0	0.0
Special Project Appointments	3.0	3.0	0.0
TOTAL	<u>8.0</u>	<u>8.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The agency estimate for FY 1995 totals \$3,649,032, a reduction of \$3,289,088 from the amount approved by the 1994 Legislature, as adjusted by State Finance Council action and as further adjusted by Executive Directive of the Governor. **(Staff Note:** By executive directive, the Governor transferred a total of \$6,682,556 from the Department of Administration to the Sentencing Commission. The funding included \$145,681 for state operations (3.0 special projects positions), and \$6,536,875 for state aid to local units of government for federal drug abuse grants.)

The agency's revised FY 1995 estimate includes funding of \$510,182 for state operations, and \$3,138,850 for aid to local units of government for federal drug abuse grants. **(Staff Note:** The budget also reflects nonreportable expenditures totaling \$896,162 for aid to state units of government for federal drug abuse grants. This funding passes through the budget of the Kansas Sentencing Commission to other state agencies for anti-drug abuse purposes.)

The amount requested for aid in FY 1995 is a reduction of \$3,398,025 from the amount authorized. This is the result in a reduction in funding from the federal Byrne memorial grant, which funds the largest portion of the agency's anti-drug abuse expenditures. The FY 1995 request would fund 5.0 FTE positions, the number currently authorized.

The Governor recommends FY 1995 expenditures totaling \$3,699,000, an increase of \$49,968 over the amount estimated by the agency. **(Staff Note:** By Executive Directive, the Governor authorized the agency to expend \$51,000 from a federal Juvenile Justice grant. This amount was not included in the agency's revised FY 1995 estimate.) The Governor's recommendation includes a reduction of \$1,032 in salaries and wages to reflect health insurance rate revisions. The Governor's recommendation includes \$560,150 for state operations, a reduction of \$1,032 from the agency's revised estimate. The Governor

concur with the agency's estimate of \$3,138,850 for local aid expenditures. The Governor's recommendation would fund the existing 5.0 FTE positions and 3.0 special projects appointments.

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor.

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 95</u>	<u>House Rec. FY 95</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 0	\$ 560,150	\$ 0
Local Aid	0	3,138,850	0
TOTAL	<u>\$ 0</u>	<u>\$ 3,699,000</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 0	\$ 286,813	\$ 0
FTE Positions	0.0	5.0	0.0
Special Project Appointments	0.0	3.0	0.0
TOTAL	<u>0.0</u>	<u>8.0</u>	<u>0.0</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House.

SUBCOMMITTEE REPORT

Agency: Kansas Sentencing Commission

Bill No. 2090

Bill Sec. 14

Analyst: Robinson

Analysis Pg. No. 527

Budget Page No. 465

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 963,698	\$ 1,097,989	\$ (37,137)
Local Aid	3,138,850	3,138,850	0
TOTAL	<u>\$ 4,102,548</u>	<u>\$ 4,236,839</u>	<u>\$ (37,137)</u>
State General Fund:			
State Operations	\$ 451,600	\$ 448,069	\$ (13,753)
FTE Positions	9.0	6.0	(1.0)
Special Project Appointments	0.0	3.0	0.0
TOTAL	<u>9.0</u>	<u>9.0</u>	<u>(1.0)</u>

Agency Request/Governor's Recommendation

The agency's total FY 1996 request is \$4,102,548, an increase of \$453,516 from the revised FY 1995 estimate. The requested increase is entirely in state operations. The request would fund a total of 9.0 FTE positions, an increase of 4.0 over the number approved for FY 1995. The agency is requesting that 3.0 special projects appointments be made FTE positions, and that one other new FTE position be added.

The request also includes funding for improvement of criminal history record information. According to the agency, this would bring Kansas into compliance with the federal mandate outlined in the Brady Bill regarding the improvement of criminal history records. The federal Byrne grant provides a mechanism for Kansas to obtain assistance in upgrading and improving criminal history records. The federal funds would, however, require a 25 percent state match.

The Governor recommends FY 1996 expenditures of \$4,236,839, an increase of \$134,291 from the amount requested by the agency. The Governor's recommendation includes: \$352,074 for salaries and wages (a reduction of \$3,976 from the agency's request); \$102,212 for contractual services (a reduction of \$1,000); \$6,320 for commodities (as requested by the agency); and \$637,473 for capital outlay (an increase of \$139,267). The Governor's recommendation includes funding for: 1.0 new FTE Research Analyst position (\$22,773, excluding fringe benefits); for computer simulation software and fees (\$25,000); and for the agency's criminal history records improvement plan (\$625,073).

House Subcommittee Recommendation

The House Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. Delete \$9,863, including \$6,934 from the State General Fund, based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$9,863); classified step movement (\$0); a one percent base adjustment for classified employees (\$0); and the longevity bonus (\$0) from individual agency budgets.
2. Delete funding of \$27,274, including \$6,819 from the State General Fund and delete the 1.0 new FTE Research Analyst position recommended by the Governor.
3. The Subcommittee heard testimony concerning the development of the Criminal Justice Information System. The Governor's recommendation includes a total of \$625,073 (including \$156,267 from the State General Fund and \$468,806 from federal funds) to allow the Sentencing Commission, under the authority of the Kansas Criminal Justice Coordinating Council, to develop a plan for the establishment of an integrated statewide criminal justice information system. The Subcommittee is generally supportive of the proposal, but would recommend that the agency utilize the services of an outside professional consultant to perform a needs analysis before the actual acquisition of hardware and software takes place. The needs analysis should involve a thorough analysis to define the computer needs, and using that information, should determine the tasks and products involved in the design and implementation of the system. When the analysis is completed, the information should be used to evaluate and estimate the resources needed to carry out the project.

House Committee Recommendation

Concur.

House Committee of the Whole Recommendation

Concur.

<u>Expenditure Summary</u>	<u>House Adj. FY 96</u>	<u>House Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (37,137)	\$ 1,060,852	\$ 0
Local Aid	0	3,138,850	0
TOTAL	<u>\$ (37,137)</u>	<u>\$ 4,199,702</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ (13,753)	\$ 434,316	\$ 0
FTE Positions	(1.0)	5.0	0.0
Special Project Appointments	0.0	3.0	0.0
TOTAL	<u>(1.0)</u>	<u>8.0</u>	<u>0.0</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the House, with the following adjustments and observations:

1. During the 1994 Session, the Senate Subcommittee recommended the introduction of a bill to reduce the size of the Sentencing Commission by two members, the chairperson of the Kansas Parole Board or the chairperson's designee, and one commission member who is a representative of the general public. The bill, S.B. 831, was introduced and referred to the Senate Committee on Governmental Organization, and died in committee at the end of the 1994 Session. The Subcommittee still believes that the size of the Commission could be reduced without a negative impact on the ability of the Commission to fulfill its statutory mission. The Subcommittee recommends, therefore, that a substantive bill be introduced which would reduce the membership of the Commission by three members, the chairperson of the Kansas Parole Board or the chairperson's designee, and two commission members who are representatives of the general public. In addition, the Subcommittee recommends, as suggested by the House Subcommittee considering the agency's budget during the 1994 Session, that the bill also remove from the Commission the four members of the Legislature who are ex officio, nonvoting members of the Commission. As noted by the 1994 House Subcommittee, while legislative input may have been desirable on the Commission prior to the enactment of the Sentencing Guidelines Act, there is little justification for continued legislative membership. The reduction in the size of the Commission is expected to save approximately \$4,000 to \$5,000 annually.

The current Commission membership includes: the Chief Justice or a designee; two district court judges appointed by the Chief Justice; the Attorney General or a designee; one public defender; one private defense counsel; two members of the general public (at least one of whom must be a member of a racial minority group), one county or district attorney, and a director of a community corrections program; all appointed by the Governor; the Secretary of Corrections or a designee; the Chairperson of the Kansas Parole Board, or a designee; and a court services officer appointed by the Chief Justice. Four members of the Legislature are designated ex officio, nonvoting members of the Commission. The Governor appoints a Chairperson and no more than three of the Governor's appointments may be from the same political party.

2. The Governor's recommendation includes funding of \$625,073, including \$156,267 from the State General Fund, for use in developing the Criminal Justice Information System (CJIS). The State General Fund recommendation provides the 25 percent match to access \$468,806 in federal funding. Since the Governor's recommendation was made, the agency has been informed that an additional \$437,934 in federal funding is available for use on the CJIS. This would require an additional match of \$145,978 from the State General Fund. The agency indicated that it had requested a Governor's Budget Amendment for the additional state matching funds. The Subcommittee recommends that this issue be revisited during consideration of items for inclusion in the Omnibus appropriations bill.

3. As a technical adjustment, add transfer language to the appropriations bill to allow the transfer of funding from the Department of Administration to the Sentencing Commission. A fund to accept the money is included in the bill, but the necessary transfer language was inadvertently omitted.