

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 11:00 a.m. on February 27, 1995 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Kathy Porter, Legislative Research Department
Norman Furse, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Bobbi Mariani, Division of Personnel Services, Department of Administration
Kelly Jennings, Kansas Association of Public Employees
Pam Weigand, Director, Northeast Kansas Regional Juvenile Detention Center

It was moved by Senator Petty and seconded by Senator Vancrum that bill drafts 5 RS 1173 as requested by Senator Reynolds and 5 RS 1155 as requested by Senator Hensley be introduced. The motion carried on a voice vote.

Senator Lawrence moved, Senator Morris seconded, that bill draft 5 RS 1165 as requested by the Department of Transportation be introduced. The motion carried on a voice vote.

Senator Kerr moved, Senator Karr seconded, that bill drafts 5 RS 1167, 5 RS 1168, and 5 RS 1166 as requested by the Department of Corrections be introduced. The motion carried on a voice vote.

SB 48: Appropriations for FY 96, judicial council, state board of indigents' defense services, judicial branch

Senator Lawrence presented the FY 95 and FY 96 subcommittee reports for the Judicial Branch (Attachment 1). Members discussed at length the subcommittee's recommendation to fund three new district court judge positions and one administrative assistant position in the 25th, 18th, and 16th judicial districts (item 3, Attachment 1-5). In answer to Senator Salisbury's concern that district court judges were added and court reporters weren't, members of the subcommittee stated that their intent was for the appellate courts to evaluate their workload and determine how to limit the number of cases. Chairman Bogina stated that though he did not necessarily object to appropriating additional monies for court reporters, he believed that the Legislature had provided flexibility to hire nonjudicial personnel as needed by removing the position limitation within the agency. Senator Vancrum expressed his opinion that the Judicial Branch instead of the Legislature should designate which counties need additional personnel.

Senator Lawrence moved, Senator Rock seconded, that the FY 95 and FY 96 subcommittee reports be adopted. The motion carried on a voice vote.

Senator Morris reviewed the FY 95 and FY 96 subcommittee reports for the Judicial Council (Attachment 2) and the State Board of Indigents' Defense Services (Attachment 3). Chairman Bogina referred to the Post Audit study mentioned in item 1 of the FY 95 Board of Indigents' Defense Services (Attachment 3-2), and inquired whether any of the states in the comparison had made a determination of indigency. Members expressed concern that the state pays for the defense of persons who may not be indigent. It was noted that the agency is currently undergoing a management analysis. The Chair stated that he would request that the portion of the study pertaining to the determination of indigents be made available to the Legislature prior to the 1996 legislative session.

Item 6 of the FY 96 report (Attachment 3-7) -- Members expressed frustration with Wyandotte County's refusal to establish a public defender office and discussed ways of limiting expenditures for assigned counsel.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on February 27, 1995.

Senator Kerr moved, Senator Lawrence seconded, that the subcommittee report be amended by the inclusion of a proviso in the appropriations bill stating that not more than 15% of the funds expended in Wyandotte County for indigents' defense can be spent on assigned counsel. In answer to a question, it was stated that \$792,559 was appropriated in FY 93 and \$599,259 in FY 94 for indigents' defense services in Wyandotte County. The motion carried on a voice vote.

Item 4 of the FY 96 report (Attachment 3-6) -- Senator Vancrum commended the agency for working to reduce estimates for the establishment of a Capital Defender Office. It was noted by Senator Kerr that in capital cases, it is necessary to have a second attorney in order to avoid assigned counsel. Senator Morris moved, Senator Kerr seconded, that the subcommittee reports for the Judicial Council and the subcommittee reports as amended for the State Board of Indigents' Defense Services be adopted. The motion carried on a voice vote.

Senator Rock moved, Senator Morris seconded, that SB 48 as amended be recommended favorable for passage. The motion carried on a roll call vote.

SB 280: State officers and employees; civil service act

Ms. Bobbi Mariani, Division of Personnel Services, Department of Administration, appeared before the Committee in support of **SB 280** and reviewed her written testimony (Attachment 4). She called attention to a proposed amendment that would not repeal the statutes relating to Veterans Preference for the state as well as cities and counties. In answer to a question regarding Sec. 3 (b), Ms. Mariani stated that an annual review is the same as an evaluation in that an assigned rating will be given to it, and that an employee retains the right to appeal a performance review rating. In answer to concerns about Sec. 2 (c) (1), Ms. Mariani explained that under current law, if a former agency does not take the employee back and the current agency does not have a position available, the current agency has to keep the employee on the payroll. Members discussed whether the suggested language in lines 42 and 43 on page 2 and lines 1-7 on page 3 would provide more or less flexibility for retention of employees than current law. Senator Karr expressed concern about the standards and procedures for layoffs that might be established within rules and regulations [Sec. 3 (b)].

Ms. Kelly Jennings, Kansas Association of Public Employees, testified in opposition to Sec. 3 (b) of **SB 280** and presented members with her written testimony (Attachment 5). She urged the Committee to consider adding length of service as one of the criteria to be considered in determining layoffs. Ms. Jennings stated that KAPE would be in support of this bill if the word "may" in line 32 of Sec. 3 (b) were changed to "shall."

SB 107: Appropriations for FY 95, department of education

Ms. Pam Weigand, Director of the Northeast Kansas Regional Juvenile Detention Facility, appeared before the Committee in support of **SB 107** and presented her written testimony (Attachment 6). She explained that the Detention Center was not open during the November enrollment count, but anticipates a March 24, 1995 opening date. By including an additional enrollment count date of April 20 this year only and for this facility only, USD 497 could obtain reimbursement for educational programs of juvenile detention residents. It was noted that the appropriation has been made, but it cannot be used without this proposed legislation. Senator Kerr moved, Senator Lawrence seconded, that SB 107 be recommended favorable for passage. The motion carried on a roll call vote.

The Chairman adjourned the meeting at 12:35 P.M. The next meeting is scheduled for March 6, 1995.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: February 17, 1995

NAME	REPRESENTING
LINDA McGill	KOJA
Rosie Cooper	Keys For Networking
B. Menani	Dept of Agr. ✓
G. Taylor	Class project
Paul Shelley	OJA
Jerry Sloan	OJA
Kelly Janning	KAPE
TK Shively	KCS
Dodie Lacey	KCS
Ron Smith	Ks Bar Assoc
Mel Cathy	BIDS
Marla Mack	Wichita State Univ.
Scott B. Roth	Bd. of Indidents' Defense Services
Smith Jansky	SRS
Mary Beck Briscoe	Chief Judge, Ks. Ct. of App.
Randy M. Newzelle	Judicial Council
Pam WEIGAND	NE. KS REGIONAL JUVENILE DETENTION CTR.

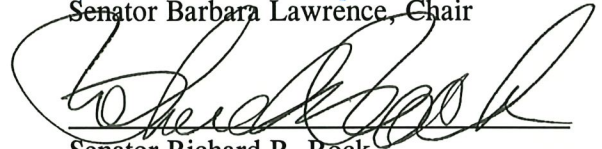
SUBCOMMITTEE REPORT

FY 1995 and FY 1996

Judicial Branch



Senator Barbara Lawrence, Chair



Senator Richard R. Rock

SWAM
February 27, 1995
Attachment 1

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Porter

Analysis Pg. No. 91

Budget Page No. 329

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 63,063,566	\$ 62,841,224	\$ 0
Judicial Technology Fund	672,818	563,152	0
Judicial Branch Educ. Fund	1,037,397	950,013	0
Other Special Revenue Funds	1,758,102	1,757,307	0
Subtotal -- State Operations	<u>\$ 66,531,883</u>	<u>\$ 66,111,696</u>	<u>\$ 0</u>
Aid to Local Units:			
State General Fund	\$ 1,420,131	\$ 1,420,131	\$ 0
TOTAL	<u><u>\$ 67,952,014</u></u>	<u><u>\$ 67,531,827</u></u>	<u><u>\$ 0</u></u>
FTE Positions:			
Appellate Court Judges & Justices	17.0	17.0	--
District Court Judges	221.0	221.0	--
Nonjudicial Personnel	1,494.0	1,494.0	--
Subtotal FTE	<u>1,732.0</u>	<u>1,732.0</u>	--
Special Project Appointments	0.0	0.0	--
TOTAL	<u><u>1,732.0</u></u>	<u><u>1,732.0</u></u>	<u><u>--</u></u>

Agency Estimate/Governor's Recommendation

The Judicial Branch estimates FY 1995 expenditures of \$66,531,883 for state operations, of which \$63,063,566 is from the State General Fund and \$3,468,317 is from special revenue funds. The estimate of expenditures from the State General Fund is as approved by the 1994 Legislature. Estimated expenditures from special revenue funds, which are appropriated without expenditure limitation, are \$183,906 above the amount estimated by the 1994 Legislature. Increased expenditures from the Judicial Branch Education Fund (\$108,100) and the Judiciary Technology Fund (\$86,039) are offset by a reduction of \$10,233 from other special revenue funds. Expenditures of \$1,500,000 are estimated for the Juvenile Intake and Assessment Program, as approved by the 1994 Legislature to initiate the 24-hour uniform Juvenile Intake and Assessment Program for juvenile offenders and children in need of care.

The FY 1995 estimate includes funding for a total of 1,732.0 FTE positions. This total includes the 1,712.5 FTE positions included in the Governor's recommendation to the 1994 Legislature, with several adjustments. The 1994 Legislature added 3.0 FTE Judge and 3.0 FTE Administrative Assistant positions. The 1994 Legislature also added 10.0 FTE positions because of the enactment of ten crime bills, but did not specify the specific positions to be added. The Judicial Branch added 1.0 FTE Court Services

Specialist position and 10.0 FTE Trial Court Clerk positions. In response to other legislation enacted by the 1994 Legislature, the Judicial Branch added an Alternative Dispute Resolution Coordinator position, a Court Services Specialist position to administer court services officers statewide, and a position to administer the Juvenile Intake and Assessment Program. In addition, a Trial Court Clerk position was reduced to a 0.5 FTE position. The FY 1995 estimate includes a turnover rate of approximately 1.4 percent in FY 1995. Actual turnover in FY 1994 was 2.9 percent (\$1,815,462).

The Governor recommends \$66,111,696 for state operations in FY 1995, a reduction of \$420,187 from the Judicial Branch request. Reductions are recommended from the amounts requested for salaries and wages (\$223,583), contractual services (\$167,223), and capital outlay (\$29,381). The reduction from salaries and wages reflects a reduction of \$7,700 from the amount requested for temporary help and a downward adjustment based on revised state employee health insurance rates. Reductions are recommended from the amounts estimated from the State General Fund (\$222,342), the Judicial Technology Fund (\$109,666), the Judicial Branch Education Fund (\$87,384), and other special revenue funds (\$795). The Governor concurs with the 1,732.0 FTE positions included in the FY 1995 estimate.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 48

Bill Sec. 4

Analyst: Porter

Analysis Pg. No. 91

Budget Page No. 329

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 67,542,844	\$ 65,462,511	\$ (1,801,605)
Judicial Technology Fund	718,690	466,525	0
Judicial Branch Educ. Fund	619,231	619,024	0
Other Special Revenue Funds	1,852,883	1,823,348	(60,896)
Subtotal -- State Operations	<u>\$ 70,733,648</u>	<u>\$ 68,371,408</u>	<u>\$ (1,862,501)</u>
Aid to Local Units:			
State General Fund	\$ 1,900,000	\$ 1,420,131	\$ 0
TOTAL	<u><u>\$ 72,633,648</u></u>	<u><u>\$ 69,791,539</u></u>	<u><u>\$ (1,862,501)</u></u>
FTE Positions:			
Appellate Court Judges & Justices	17.0	17.0	0.0
District Court Judges	225.0	221.0	3.0
Nonjudicial Personnel	1,530.5	1,494.0	3.0
Subtotal FTE	<u>1,772.5</u>	<u>1,732.0</u>	<u>6.0</u>
Special Project Appointments	0.0	0.0	0.0
TOTAL	<u><u>1,772.5</u></u>	<u><u>1,732.0</u></u>	<u><u>6.0</u></u>

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$72,633,648 for FY 1996, of which \$67,426,126 is for salaries and wages (92.8 percent of the total request), and \$3,307,522 is for other operating expenditures. A total of \$1,900,000 is requested for Juvenile Intake and Assessment Program grants. Excluding those grants, the total requested for state operations is \$70,733,648. The FY 1996 funding request of \$63,390,695 for the district courts accounts for 87.3 percent of the total request. The FY 1996 salaries and wages request is an increase of \$3,723,886, or 5.8 percent, above the FY 1995 estimate. The FY 1996 salaries and wages request includes the continuation of the 19.0 FTE positions added in FY 1995 with the addition of 40.5 new FTE positions, including 4.0 FTE new district court judges. The salaries and wages request also includes longevity payments for eligible personnel (\$506,800), funding for temporary employees (\$441,781), a 2.5 percent salary increase for judicial personnel (\$392,176), step movement salary increases for other unclassified nonjudicial personnel, and an FY 1996 turnover rate of 1.3 percent, which is a reduction of \$879,346 from the gross salaries and wages request. The FY 1996 request of \$3,307,522 for other operating expenses includes travel and subsistence (\$817,058), books and materials for the law library (\$513,129), final year costs of replacing the Judicial Center computer system (\$321,141), first-year cost of the district court automation project (\$472,274), printing and advertising (\$321,009), communications (\$199,071), and all other expenditures (\$663,840).

The Governor recommends FY 1996 total expenditures of \$69,791,539, a reduction of \$2,842,109 from the agency request. Of the reduction, \$2,362,240 is from the amount requested for state operations and \$479,869 is from the amount requested for other assistance (Juvenile Intake and Assessment Program grants). Reductions are recommended from the amounts requested for salaries and wages (\$1,755,819), contractual services (\$431,179), commodities (\$3,673), and capital outlay (\$171,569). The reduction from salaries and wages reflects the net effect of the deletion of the 40.5 new FTE positions requested for FY 1996 (\$1,409,437); an increased reduction of \$599,382 in the salaries and wages turnover rate, from the 1.3 percent included in the request (\$879,346) to 2.2 percent (\$1,478,728); the addition of a 1.0 percent base salary increase for all classified employees and a 3.5 percent merit pool for unclassified employees; a downward adjustment for revised state employee health insurance rates; and other fringe benefits adjustments.

Recommended state operations financing for FY 1996 includes \$65,462,511 from the State General Fund, a reduction of \$2,080,233 from the FY 1996 request. The Governor recommends expenditures of \$466,525 from the Judicial Technology Fund, a reduction of \$252,165 from the amount requested. Reductions are also recommended from the amounts requested from the Judicial Branch Education Fund (\$207) and other special revenue funds (\$29,535).

Senate Subcommittee Recommendation

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

1. Delete \$2,255,393 (including \$2,194,497 from the State General Fund) based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$647,096); classified step movement (\$636,967); a one percent base adjustment for classified employees (\$636,967); and the longevity bonus (\$560,035) from individual agency budgets.
2. Add \$32,419 from the State General Fund for the salaries and benefits of 1.0 FTE court Reporter position. This position would be assigned to the Eighth Judicial District (Dickinson, Geary, Marion, and Morris Counties), which currently is staffed with only one court reporter for the five district court judges and two district magistrate judges assigned to the district. The Subcommittee notes that the district has attempted to manage this situation through the use of tape recording, borrowing court reporters from other districts, and other management means. The Subcommittee concludes, however, that one court reporter simply cannot provide court reporting services for the seven judges assigned to the district.
3. Add \$314,339 from the State General Fund for 3.0 new District Court Judge positions and 1.0 FTE new Administrative Assistant position. The new FTE positions would be assigned as follows:

25th Judicial District (Finney, Greeley, Hamilton, Kearny, Scott, and Wichita Counties)	1.0 FTE District Court Judge	\$ 96,500
	1.0 FTE Administrative Assistant	24,839
18th Judicial District (Sedgwick County)	1.0 FTE District Court Judge	96,500
16th Judicial District (Clark, Comanche, Ford, Gray, Kiowa, and Meade Counties)	1.0 FTE District Court Judge	96,500
TOTAL		<u>\$ 314,339</u>

The Subcommittee heard testimony from judges from each of the three judicial districts and reviewed caseloads in those districts since 1984 (shown in the following table). The Subcommittee believes that the caseload increases and other factors noted by the judges, such as the increasing complexity of cases, justify these additional positions. The Subcommittee notes that both Ford and Finney Counties have had a dramatic increase in population in recent years, including many non-English speaking residents. The district courts in these counties cite an increasing need to provide interpreters in criminal cases, which further taxes the courts' time and contributes to the complexity of the proceedings. The 18th Judicial District (Sedgwick County) has historically borne eight to nine percent of the state's criminal caseload. The district has not had a new judge since 1987. It is anticipated that the death penalty and the sexual predator law will generate additional caseload increases.

The Subcommittee further notes that an Administrative Assistant position and a Court Reporter position were requested for each of the District Judge positions and that an additional District Court Judge position was requested for Johnson County. Although the Subcommittee found the Judicial Branch's reasons for requesting these positions to be compelling, the Subcommittee regrets that fiscal constraints do not allow the Subcommittee to add further positions at this time. The Subcommittee does recommend an Administrative Assistant position for the 25th Judicial District, which currently has no administrative assistant for any of the three district court judges and five magistrate judges assigned to the district.

Filings		FY 1984	FY 1987	FY 1990	FY 1993	FY 1994	Percent Change FY 84-94
Statewide	Criminal -Felonies	11,397	11,500	12,197	13,229	14,423	26.6
	Criminal-Misdemeanors	10,432	13,369	15,362	16,386	17,762	70.3
	Subtotal-Criminal	21,829	24,869	27,559	29,615	32,185	47.4
	Civil-Regular	19,864	26,385	25,733	22,347	23,287	17.2
	Civil-Domestic Relations	23,152	23,497	29,486	33,124	36,469	57.5
	Civil-Limited Actions	43,661	54,526	68,525	80,404	90,044	106.2
	Subtotal-Civil	86,677	104,408	123,744	135,875	149,800	72.8
	TOTAL	108,506	129,277	151,303	165,490	181,985	67.7
16th Judicial District (Clark, Comanche, Ford Gray, Kiowa, and Meade Counties)	Criminal-Felonies	271	284	221	254	326	20.3
	Criminal-Misdemeanors	282	293	420	409	490	73.8
	Subtotal-Criminal	553	577	641	663	816	47.6
	Civil-Regular	426	578	449	437	382	(10.3)
	Civil-Domestic Relations	456	367	404	502	563	23.5
	Civil-Limited Actions	796	680	1,146	1,808	2,119	166.2
	Subtotal-Civil	1,678	1,625	1,999	2,747	3,064	82.6
	TOTAL	2,231	2,202	2,640	3,410	3,880	73.9
18th Judicial District (Sedgwick Co.)	Criminal-Felonies	1,877	1,859	2,110	2,140	1,866	(0.6)
	Criminal-Misdemeanors	205	388	436	436	408	99.0
	Subtotal-Criminal	2,082	2,247	2,546	2,576	2,274	9.2
	Civil-Regular	3,604	4,732	5,558	4,582	5,247	45.6
	Civil-Domestic Relations	4,296	4,377	5,076	5,441	6,070	41.3
	Civil-Limited Actions	10,774	12,455	15,349	19,796	19,169	77.9
	Subtotal-Civil	18,674	21,564	25,983	29,819	30,486	63.3
	TOTAL	20,756	23,811	28,529	32,395	32,760	57.8
25th Judicial District (Finney, Greeley, Hamilton, Kearny, Scott, and Wichita Counties)	Criminal-Felonies	407	391	369	330	271	(33.4)
	Criminal-Misdemeanors	366	448	405	333	414	13.1
	Subtotal-Criminal	773	839	774	663	685	(11.4)
	Civil-Regular	459	560	533	404	411	(10.5)
	Civil-Domestic Relations	485	505	673	1,044	905	86.6
	Civil-Limited Actions	1,223	1,305	2,609	3,404	4,969	306.3
	Subtotal-Civil	2,167	2,370	3,815	4,852	6,285	190.0
	TOTAL	2,940	3,209	4,589	5,515	6,970	137.1

4. Add \$46,134 from the State General Fund for the salaries and wages (including fringe benefits) of 1.0 FTE Research Staff Attorney II position. According to the Court, an experienced attorney would be hired to analyze petitions for review, motions, original actions, and to perform assigned research. The Court reports that petitions for review by the Supreme Court have increased 221 percent over the

past 12 years. A total of 441 petitions for review were filed with the Supreme Court in calendar year 1993. The Court cited the enactment of the death penalty and sexual predator laws as an additional reason for the request. Capital cases are complex in nature and, according to the Court's research, can require 250 motions or more per capital case.

5. The Subcommittee notes that the Governor's recommendation includes \$44,904 from the Judicial Technology Fund for SHARP (Statewide Human Resource and Payroll Project) equipment. The Subcommittee recommends that the agency continue to work with SHARP Project personnel in determining the Judicial Branch's needs for SHARP system access.
6. The Subcommittee received testimony on the status of the case load within the Appellate Court system, particularly the Kansas Court of Appeals. In 1977, the first year the Court of Appeals was in existence, 760 cases were filed with the court. With gradual increases and some sudden spurts, the number of cases filed had increased to 1,400 cases by 1992. In 1994, over 2,000 appeals were filed in the Court of Appeals. The Court of Appeals increased from its original size of seven judges to ten judges in 1987 and has not increased in size since that time.

The Subcommittee notes that legislative changes, including the Sentencing Guidelines Act and workers compensation legislation, have had a great impact on the number of appeals filed with the Court of Appeals.

The Subcommittee recommends that the Judicial Branch study this issue, possibly with assistance from the National Center for State Courts, and determine whether the Legislature should consider limiting the kinds of issues or cases that can be appealed. The Subcommittee notes that this would be a movement away from allowing an appeal in every case and, arguably, toward "closing the courthouse door." The Subcommittee recommends an interim study on the issue of Kansas Appellate Court caseloads. The Judicial Branch could submit its conclusions and recommendations, together with input from the National Center for State Courts, at that time. An interim study could provide the in-depth review that this issue warrants.

SUBCOMMITTEE REPORT

FY 1995 and FY 1996

Judicial Council
State Board of Indigents' Defense Services



Senator Stephen R. Morris, Chair



Senator Dave Kerr

SWAM
February 27, 1995
Attachment 2

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Porter

Analysis Pg. No. 109

Budget Page No. 327

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 223,639	\$ 223,103	\$ 0
Publications Fee Fund	48,383	48,383	0
TOTAL	<u><u>\$ 272,022</u></u>	<u><u>\$ 271,486</u></u>	<u><u>\$ 0</u></u>
FTE Positions	4.0	4.0	0.0
Special Project Appointments	0.0	0.0	0.0
TOTAL	<u><u>4.0</u></u>	<u><u>4.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency estimates FY 1995 expenditures of \$272,022, as approved by the 1994 Legislature. The approved amount reflects the recommendation of the 1994 Legislature to finance travel and subsistence for 38 Judicial Council Advisory Committee meetings, and to publish and sell the supplements to *Kansas Probate Forms*, *The Kansas Municipal Court Manual*, *PIK-Civil 2d*, and *PIK-Criminal 3d*.

The Governor recommends FY 1995 funding of \$271,486. The recommendation reflects the agency's request with a downward modification of \$536 for the cost of state employee health insurance.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations.

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 48

Bill Sec. 2

Analyst: Porter

Analysis Pg. No. 109

Budget Page No. 327

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 250,983	\$ 240,219	\$ (7,617)
Publications Fee Fund	32,710	32,710	0
TOTAL	\$ 283,693	\$ 272,929	\$ (7,617)
FTE Positions	4.0	4.0	0.0
Special Project Appointments	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Request/Governor's Recommendation

The Judicial Council requests total FY 1996 expenditures of \$283,693, including \$250,983 from the State General Fund and \$32,710 from the Publications Fee Fund. The request is an increase of \$11,671, or 4.3 percent, above the revised current year estimate. Excluding the agency's FY 1996 capital outlay request of \$4,500, the FY 1996 request is an increase of \$7,171, or 2.6 percent, above the FY 1995 estimate. Requested FY 1996 expenditures would fund 44 Judicial Council Advisory Committee meetings and would provide for publication of supplements to *Kansas Probate Forms*, *The Kansas Municipal Court Manual*, *PIK-Civil 2d*, and *PIK-Criminal 3d*.

The Governor recommends FY 1996 funding of \$272,929, a reduction of \$10,764 from the agency request. The recommendation reflects a reduction of \$3,813 from the amount requested for salaries and wages, and a reduction of \$6,951 from the amount requested for other operating expenditures.

Senate Subcommittee Recommendation

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

1. Delete \$7,617 from the State General Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$5,718); classified step movement (\$0); a one percent base adjustment for classified employees (\$0); and the longevity bonus (\$1,898) from individual agency budgets.
2. The Subcommittee notes that the agency did not request funding for computer equipment to access SHARP (the Statewide Human Resource and Payroll System). The agency has contacted SHARP personnel and estimates that approximately

\$1,000 would be necessary to purchase equipment necessary for SHARP access. The Subcommittee recommends that the agency determine its precise needs and that the House Subcommittee examine the need for SHARP-related equipment.

3. The Subcommittee commends the agency for its efforts in following through on a recommendation made by the 1994 Legislature. The 1994 Senate Subcommittee recommended that the agency pursue an alternate method of publishing *PIK-Civil 2d* (pattern jury instructions). Lawyers' Cooperative Publishing maintains a copyright on the publication. Lawyers' Cooperative sells approximately 1,200 supplements each year and the Judicial Council receives a 15 percent royalty from the sales. The 1994 Senate Subcommittee concurred with the agency's goal of attempting to obtain control over the publication in order to bring the book up to the standards of other agency publications.

The agency actively pursued this issue and retained the services of an intellectual properties attorney. The copyright owner will not sell the copyright, but will agree to assign the copyright to the Judicial Council. The copyright owner will pay the Judicial Council a percentage of sales to write a new volume of the book, and will also pay the Judicial Council a percentage of the proceeds from supplement and CD Rom sales. Under the terms of the agreement, the Judicial Council will have complete control over the publication of *PIK-Civil 2d* within ten years.

SUBCOMMITTEE REPORT

Agency: State Board of Indigents'
Defense Services

Bill No. 236

Bill Sec. 3

Analyst: Porter

Analysis Pg. No. 113

Budget Page No. 305

<u>Expenditure Summary</u>	<u>Agency Estimate FY 95</u>	<u>Governor's Recommendation FY 95</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 10,188,205	\$ 9,847,542	\$ 330,353
State Budget Stabilization Fund	40,000	65,000	0
Special Revenue Funds	170,000	170,000	0
Subtotal -- Operations	\$ 10,398,205	\$ 10,082,542	\$ 330,353
Other Assistance:			
State General Fund	428,564	428,564	0
TOTAL	\$ 10,826,769	\$ 10,511,106	\$ 330,353
FTE Positions	113.0	113.0	--
Special Project Appointments	0.0	1.0	--
TOTAL	113.0	114.0	--

Agency Estimate/Governor's Recommendation

Approved FY 1995 expenditures for the Board of Indigents' Defense Services total \$9,780,667, of which \$9,542,667 is from the State General Fund, \$173,000 is from the Indigents' Defense Services Fund, and \$65,000 is from the State Budget Stabilization Fund. The Board's revised estimate of expenditures for FY 1995 of \$10,826,769 includes \$10,616,769 from the State General Fund, an increase of \$1,074,102 above the amount approved (\$804,386 for assigned counsel, and \$304,716 for the salaries and other operating expenditures of 11.5 new FTE positions). The revised estimate also includes \$170,000 from the Indigents' Defense Services Fund, a reduction of \$3,000 from the approved amount, and \$40,000 from the State Budget Stabilization Fund, a reduction of \$25,000 from the approved amount.

The Governor recommends FY 1995 funding of \$10,511,106, a reduction of \$315,663 from the agency estimate. The recommendation includes a State General Fund supplemental appropriation of \$733,439, a reduction of \$340,663 from the \$1,074,102 supplemental appropriation requested by the agency. The recommendation includes funding of \$65,000 from the State Budget Stabilization Fund, which is the amount approved by the 1994 Legislature and reflects an increase of \$25,000 above the amount included in the agency estimate. The \$25,000 was authorized by the 1994 Legislature for a special project attorney appointment to audit assigned counsel claims.

*SWAM
February 27, 1995
Attachment 3*

Senate Subcommittee Recommendation

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

1. Add \$310,746 for assigned counsel payments in the current year. This would increase funding for assigned counsel to a total of \$5,848,386, the amount requested by the agency in its budget submission.

Based on year-to-date assigned counsel payments, the agency submitted a revised request of \$6,188,382 to the Subcommittee. However, the Subcommittee does not recommend this increased amount and recommends that the agency continue its attempts to reduce assigned counsel expenditures. Toward that end, the Subcommittee notes that a September 1994 Legislative Post Audit report, *Reviewing the Operations of the Board of Indigents' Defense Services*, compared the compensation rate for assigned counsel allowed in Kansas (\$50 per hour, for both in-court and out-of-court time) with the rates paid in Colorado (\$50 in-court time, \$40 out-of-court time), Kentucky (\$35 in-court time, \$25 out-of-court time), Ohio (\$50 in-court time, \$40 out-of-court time), and Oregon (\$40 for both in-court and out-of-court time). The Subcommittee notes that the Kansas Supreme Court, in *State ex rel. Stephan v. Smith*, 242 Kan. 336, 383, 747 P.2d 816 (1987), held that the state "has an obligation to pay appointed counsel such sums as will fairly compensate the attorney, not at the top rate an attorney might charge, but at a rate which is not confiscatory, considering overhead and expenses." Although the statewide rate since the *Stephan v. Smith* case has been set at \$50 per hour for both in- and out-of-court time, the Subcommittee questions whether a lesser rate could be considered for out-of-court time, as is the practice in two of the states noted above.

The Subcommittee further notes that the agency is currently conducting an audit of assigned counsel claims, as recommended by the 1994 Legislature. The agency expects the audit to identify standard costs (based on the number of hours billed) for certain types of cases. The agency would use this information to identify significant variances from the standard cost and to determine whether the number of hours billed in certain cases is reasonable.

2. Add \$19,607 from the State General Fund for one-half of the requested partial year salary (\$16,382) and equipment (\$3,225) for the agency's special project appointment Operations Manager. The Subcommittee recommends that the agency fund the remaining half of the salary and equipment costs through achieving savings in other areas of the budget. The Subcommittee recommends that this remain a special project appointment rather than an FTE position. The Subcommittee notes that the Operations Manager would perform many of the management functions found lacking in the agency in a recent Legislative Post Audit report, *Reviewing the Operations of the Board of Indigents' Defense Services*. However, the Subcommittee recommends that the agency demonstrate the effectiveness of this appointment before it is made an FTE position.

3. The Subcommittee notes that the Governor's recommendation for FY 1995 includes \$40,000 from the State Budget Stabilization Fund to finance a management study of the agency, as approved by the 1994 Legislature. The Subcommittee concurs with the agency's plan for the study, which includes a contractual agreement for faculty from the Wichita State University School of Urban and Public Affairs to conduct the study. The 1994 Legislature specified that the study should determine whether additional offices should be opened, what the agency should look like five years from now, and the procedures to be used by judges in determining indigence. The management study is expected to culminate in a strategic plan for the agency. The Subcommittee recommends that the agency be allowed to reappropriate any unexpended funds approved for the study from FY 1995 to FY 1996 and notes that language in 1995 H.B. 2264 (the Department of Administration bill) would allow the reappropriation of any unexpended funds.

SUBCOMMITTEE REPORT

Agency: State Board of Indigents' Defense Services

Bill No. 48

Bill Sec. 3

Analyst: Porter

Analysis Pg. No. 113

Budget Page No. 305

<u>Expenditure Summary</u>	<u>Agency Request FY 96</u>	<u>Governor's Recommendation FY 96</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 13,214,225	\$ 9,956,306	\$ 26,123
State Budget Stabilization Fund	0	0	0
Special Revenue Funds	173,000	173,000	0
Subtotal -- Operations	<u>\$ 13,387,225</u>	<u>\$ 10,129,306</u>	<u>\$ 26,123</u>
Other Assistance:			
State General Fund	611,889	438,011	0
TOTAL	<u><u>\$ 13,999,114</u></u>	<u><u>\$ 10,567,317</u></u>	<u><u>\$ 26,123</u></u>
FTE Positions	165.0	113.0	--
Special Project Appointments	0.0	1.0	--
TOTAL	<u><u>165.0</u></u>	<u><u>114.0</u></u>	<u><u>--</u></u>

Agency Request/Governor's Recommendation

The Board's request for FY 1996 totals \$13,999,114, including \$13,387,225 for agency operations and \$611,889 for the grant to Legal Services for Prisoners, Inc. Requested expenditures from the Indigents' Defense Services Fund of \$173,000 are \$3,000 more than the current year estimate. The FY 1996 request reflects a total increase of \$3,172,345 and 52.0 FTE positions above the revised FY 1995 estimate. The 11.5 FTE positions added in FY 1995 in response to caseload increases would be continued in FY 1996. The FY 1996 request includes partial implementation of the Regional Defense Delivery System whereby new offices are established or services are extended initially to the more urban counties while voucher review and the assumption of some high cost cases are offered in rural counties. Beginning in FY 1996, the agency proposes the establishment of a Capital Defender Office in response to the enactment of the death penalty for certain homicides. The Board also requests a total of \$306,301, including benefits, to implement a career ladder for its unclassified attorneys which includes pay range movement comparable to the pay ranges in effect for attorneys in the classified state service.

The Governor recommends FY 1996 total funding of \$10,129,306, a reduction of \$3,257,919 from the agency request. The Governor does not recommend any of the 52.0 new FTE positions requested by the agency. The recommendation would not allow the agency to expand its delivery of services through the Regional Defense Delivery System, would not allow the agency to establish a Capital Defender Office, would not provide funding for reclassification of its attorney positions to a level consistent with attorneys in the classified state service, and would provide \$1,579,047 less for assigned counsel than the level the agency estimates will be necessary without expansion of its Regional Defense Delivery System.

The Governor's FY 1996 recommendation includes separate State General Fund accounts for Assigned Counsel, Capital Defense Operations, Legal Services for Prisoners, Inc., and Operating Expenditures. The 1993 Legislature merged the Operating Expenditures and Assigned Counsel accounts of the State General Fund into one line item and eliminated the FTE limitation to provide the agency with as much flexibility as possible to manage its responsibilities within limited financial resources. The Governor also imposes an FTE limitation in FY 1996, which would eliminate the agency's flexibility to shift funds from assigned counsel to trial level public defender offices as caseload dictates.

Senate Subcommittee Recommendation

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

1. Delete \$125,275 from the State General Fund based on the recommendation to delete funding for a 3.5 percent unclassified merit pool (\$86,163); classified step movement (\$21,785); a one percent base adjustment for classified employees (\$11,005); and the longevity bonus (\$6,322) from individual agency budgets.
2. Merge the Operating Expenditures account and the Assigned Counsel account of the State General Fund into one line item. The Subcommittee also recommends the elimination of the FTE position limitation for the agency. The 1993 Legislature made this same recommendation, and included the following rationale:

"the agency needs as much flexibility as possible to manage its responsibilities within limited financial resources. . . . A single appropriation will not only permit the agency to shift financing to assigned counsel, but will also enable the agency to hire additional attorneys as needed to defend indigent defendants at a cost estimated to be 31 percent less than assigned counsel payments. If the agency is permitted to look at the defense system as a whole it may be more able to address the burgeoning caseload assigned to agency attorneys, . . . and reduce the increasing number of cases assigned to private counsel in counties with public defender offices."

The 1994 Legislature again reviewed this issue and noted that BIDS "has chosen to utilize the flexibility provided by the 1993 Legislature by adopting and initiating a Regional Defense Delivery System. . . . [T]he Board has taken a very positive step forward in the implementation of a much more cost effective and efficient manner of providing public defense and encourages the Board to move forward."

The Subcommittee further notes that a September 1994 legislative Post Audit report, *Reviewing the Operations of the Board of Indigents' Defense Services*, included the following among its recommendations:

"To ensure that indigents' defense services are provided as cost-effectively as possible and that the State is not paying more than it should for assigned counsel, the Board should do the following:

. . .

Continue to expand the use of public defenders by adding staff to existing offices, or establishing new offices when the Board determines it is cost-effective to do so after considering such factors as the number of cases and existing costs for handling cases with private attorneys.”

The Subcommittee believes that the rationale provided by the 1993 Legislature still applies in FY 1996 and recommends that the agency continue to pursue cost savings through the efforts noted above. The Subcommittee’s recommendation would allow the agency the flexibility to accomplish this goal.

3. The Subcommittee reviewed the agency request for SHARP (Statewide Human Resource and Payroll System) computers and equipment. The agency did not include a request for SHARP equipment in its FY 1996 budget submission, but has since consulted with SHARP project personnel and has been advised that its equipment needs for SHARP system access for the central, appellate, and regional offices would cost a total of \$15,600. The Subcommittee recommends that this amount be appropriated from the State General Fund to the Department of Administration budget in the 1995 Omnibus bill.
4. Add \$126,014 from the State General Fund and 2.0 FTE positions for a Capital Defender Office. The recommendation includes funding for an Attorney C position (\$45,000 base salary, \$54,083 including fringe benefits) and a Special Investigator II position (\$34,613), and \$37,318 for operating expenditures (including start-up costs for capital outlay, such as computers, desks, chairs, equipment for the investigator, and other items) for the new and existing staff.

The Subcommittee notes that, in response to the 1994 enactment of the death penalty for certain homicides, BIDS established a Capital Defense Coordinator position and transferred its most experienced attorney into the position. The agency proposed the establishment of a Capital Defender Office, which would be staffed by the current Capital Defense Coordinator, two additional attorneys, and 4.0 FTE support staff, including an Investigator III, a Mitigation Specialist, a Secretary III, and an Office Assistant I. It was anticipated that the Capital Defender Office would perform the following duties: represent individuals charged in capital or potentially capital cases; establish and administer a system by which courts could appoint qualified attorneys; plan and present training programs; establish and maintain a resource library and consultation service; collect and maintain statistical records regarding the use of capital punishment; and establish a system for providing trial counsel with competent and cost-effective expert and investigative services. The Governor did not recommend the proposed Capital Defender Office, but did provide funding to continue the existing Capital Defense Coordinator position.

The Subcommittee reviewed the agency’s capital defense activities to date and considered the agency’s estimated level of activity for FY 1996. The Subcommittee cautions that additional staffing may be necessary in the future depending on the number and complexity of capital cases charged. However, the Subcommittee

believes that its recommendation addresses current and reasonably anticipated needs.

5. Add \$25,384 from the State General Fund to finance half of the salaries and benefits of the agency Operations Manager in FY 1996. As in FY 1995, the agency should attempt to fund the remaining half of the salary costs through savings in other areas of the budget.
6. The Subcommittee recommends that the agency establish a public defender office in Wyandotte County. The Post Audit report noted above, *Reviewing the Operations of the Board of Indigents' Defense Services*, stated that the Wyandotte County legal community has adamantly opposed the opening of a public defender office in that county. The Post Audit report concluded that the state could have saved at least \$245,000 in FY 1993 if a public defender office had been opened in Wyandotte County. The report further notes that, fearing the establishment of a public defender office, the Wyandotte County legal community took steps to reduce assigned counsel expenditures, including changing sentencing procedures and reducing attorneys' in-court time. Even though costs dropped as a result of these measures, the Post Audit report estimates that costs were still \$135,000 higher than they would have been if a public defender office had been established in Wyandotte County.

Testimony To The
SENATE WAYS AND MEANS COMMITTEE

By
Bobbi Mariani

Monday, February 27, 1995
RE: Senate Bill 280

Mr. Chairperson and members of the committee, thank you for the opportunity to appear before you today in support of Senate Bill 280. My name is Bobbi Mariani, and I am the Acting Assistant Director of the Division of Personnel Services. Thank you for the opportunity to speak about some of the issues facing the State of Kansas as it seeks to deal with one variety of personnel issues.

As a framework, I would like to review the Department of Administration's vision, mission, and agency philosophy. The Department's vision relies on the process of planning for long range goals. Our mission is to be a central service resource for Kansas government functions. Our philosophy is to perform our mission with a dedication to quality service and with an obligation to perform these services at the lowest possible costs. We dedicate ourselves to looking at state government as a whole and shall always be mindful of what role we can play statewide in increasing efficiency and quality of service.

A review of the historical basis for our current Civil Service practices sets the climate for change. The Kansas Civil Service system has been in place since 1941. Over time incremental changes have been made to the system but the basic system has generally remained unchanged for over 50 years. Several factors that now influence the civil service system, such as re-engineering, privatization, new management philosophies, and the constraints of federal laws, did not exist 30 years ago.

The State of Kansas now has a window of opportunity to review the civil service system and refocus the direction of human resource management in state government. Through re-engineering and partnerships, we will be better equipped to adapt to the continually changing business environment as we move into the 21st century.

To be successful in this endeavor, we must have a common vision and a framework for change. This framework is based on two main goals:

1. State government is considered one employer for all employment practices.
2. The State Civil Service System will more nearly reflect the best business practices of the private sector especially in the areas of efficiency and productivity.

One such way of moving toward these changes is addressed in Senate Bill 280 regarding performance evaluation philosophy. The wording is changed from performance ratings to performance reviews. This terminology more accurately reflects that a performance evaluation is a comprehensive assessment of an employee's job performance over a given period of time, rather than simply an assignment of an adjective rating. The proposed bill provides more flexibility in that performance reviews may be used when determining transfers, promotions, demotions, layoffs, and other decisions relating to the status of employees. The reviews should provide for personal and professional development and should not be punitive in nature. In addition, reviews are of a very individualized nature.

SWAM
February 27, 1995
Attachment 4

The proposed bill also addresses classified permanent employees who are promoted but do not successfully complete the probationary period. If an employee is promoted to another agency and is subject to a demotion, because the employee does not successfully complete the probationary period, current statute requires that the employee must be offered a position in that agency in the class from which the employee was promoted. The former agency the employee was promoted from may agree to demote the employee back to that agency.

Senate Bill 280 gives the Secretary of Administration the authority to identify a vacant position in any agency, if the agency the employee was promoted to does not have a vacancy in the employee's former class in which to demote the employee. This keeps the agency from having to retain the employee on the payroll while finding a job in which the employee can be returned. An example of this situation would be if a Grain Inspector I is promoted to a Database Programmer Analyst I. If the employee does not successfully complete the probationary period and there are no suitable vacant positions in either the agency of promotion or the former agency of employment in the Database Programmer Analyst class, there may be no alternative but to remove the employee from active work duty. During this time the employee would still be paid the full salary of a Grain Inspector I. The proposed bill gives the Secretary of Administration the authority to search statewide for a vacancy the employee is qualified to fill. This will result in a reduction in the amount of time used in finding a suitable position.

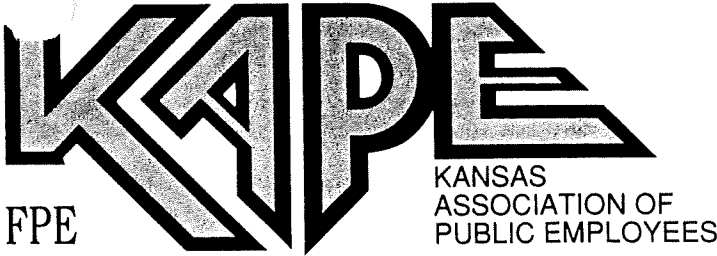
In addition, this will allow the state to place or demote a current employee into a vacant position that may have been difficult to fill and may reduce the need for extensive recruiting efforts if the state experiences a lack of applicants for a particular position. However, if the employee does not accept the demotion identified by the Secretary, the employee will not be offered any further placement opportunities. This places a limit on the number of positions to be offered an employee who is being demoted, which will result in less time spent on trying to relocate an employee who has failed to successfully complete the probationary period which occurred due to a promotion. This doesn't happen often, but every time it does, it is a problem.

Senate Bill 280 also allows the Secretary of Administration to base the order of layoffs on relative knowledge, skills and ability. It will allow for the retention of employees who possess the skills still needed in that agency. This will result in less disruption to state agencies. The type of appointment, length of service, and performance reviews may still be considered when determining the order of layoff.

The proposed changes will allow the State of Kansas to evaluate employees in a more acceptable format through performance reviews. It is also consistent with the "one employer" philosophy. It will allow for the retention of employees with the skills needed to best serve the citizens of the State of Kansas.

In addition, I want to recommend an amendment to section four to delete the references to K.S.A. 73-201 through 204. Those are old statutes relating to Veterans Preference for the state as well as cities and counties. The state has addressed this in the Civil Service Act. It is not necessary, nor our intent, to repeal those statutes.

The Department of Administration would appreciate your support for passage of this bill and the proposed amendment. I would be happy to answer any questions you may have.



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KELLY JENNINGS
KANSAS ASSOCIATION OF PUBLIC EMPLOYEES
IN OPPOSITION TO
SENATE BILL 280
February 27, 1995

Mr. Chairman and members of the committee, good morning. My name is Kelly Jennings and I appear here this morning in behalf of the Kansas Association of Public Employees in opposition to Senate Bill 280.

KAPE stands in opposition to Section 3, subsection (b) of SB 280, which can be found on page 3, lines 28-34. This language would essentially eliminate length of service as a determining factor in layoff procedures.

KAPE firmly supports an employment system which insures the state the highest quality and most productive workforce possible. Such a system should be designed to give all employees equal opportunities and eliminate, to the greatest extent possible, the potential for abuse with the system.

Currently length of service is a strong determining factor in determining layoffs. This bill would allow an appointing authority to completely ignore this criteria when determining layoffs.



SB280 establishes the order of layoff to be determined on the basis of the merit principles of relative knowledge, skill and ability. By not including length of service as a criteria, a very negative message is sent to employees that the layoff system may be manipulated. Loyalty and career commitment to the state may count for nothing during times of layoff.

Certainly knowledge, skill and ability must be included as criteria in determining layoffs. However, a system which relies more heavily on objective, measurable criteria, such as seniority, sends two messages. First, that the system attempts to eliminate discrimination; and second, that the state appreciates loyalty and intends to reward that loyalty with special consideration.

KAPE does not propose that length of service be a replacement for skills and ability, but if an employee is properly qualified, their career commitment to the state should carry with it some value. Length of service should be added as a determining factor in establishing layoffs. Doing so would provide the state with a qualified workforce of employees who had demonstrated a prior commitment to state service, and the employees would feel a greater sense of loyalty and commitment to a thankful employer.

With such an amendment KAPE would be appearing in support of SB 280 rather than in opposition to it.

Thank you for your consideration, and I would be happy to answer any questions you may have.

Testimony Pertaining to Senate Bill 107

Presented by

Pam D. Weigand
Director
Northeast Kansas
Regional Juvenile Detention Center
330 N. Industrial Lane
Lawrence, KS 66044

Senate Ways and Means Committee
February 27, 1995

SWAM
February 27, 1995
Attachment 6

Senator Bogina and other distinguished members of the Senate Ways and Means Committee. My name is Pam Weigand and I am the Director of the Northeast Kansas Regional Juvenile Detention Center in Lawrence, Kansas. I am here to offer testimony in support of Senate Bill 107.

As the director of the Northeast Kansas Regional Juvenile Detention Center I represent 16 counties in Northeast Kansas. (Anderson, Atchison, Brown, Chase, Coffey, Doniphan, Douglas, Jackson, Jefferson, Lyon, Marshall, Miami, Nemaha, Osage, Pottawatomie and Wabaunsee)

The detention center was designed to provide secure care services to juveniles from Northeast Kansas and from other Kansas Counties as needed. While a juvenile is detained in the detention center, they will receive educational services from Unified School District 497 (K.S.A. 72-1046).

The Detention Center is currently scheduled to open on March 24th of this year. As the detention center was not operational during September or November no "enrollment" count could be conducted to determine reimbursement for educational expenses of pupils residing at the Northeast Kansas Regional Juvenile Detention Center.

If enacted Senate Bill 107 will provide an additional enrollment count date of April 20th. The additional count date will allow Unified School District 497 to obtain reimbursement for educational programming provided to the residents of the juvenile detention center from March 24th through the end of the school year.

In conclusion,

The 16 counties that comprise the "Northeast Region" understand that there are significant costs associated with providing educational services at the detention center, to a population with a wide range of academic abilities and often times special needs. The counties represented feel that the financial burden placed on U.S.D. 497 for educating juveniles in the Northeast Kansas Regional Juvenile Detention Center can best be addressed by passage of Senate Bill 107.