

Approved: 3-13-97  
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Phil Kline at 10:41 a.m. on March 7, 1997 in Room 514-S of the Capitol.

All members were present except: Representative Ballard - Excused

Committee staff present: Alan Conroy, Russell Mills, Kathy Porter, Legislative Research Department;  
Jim Wilson, Mike Corrigan, Revisor of Statutes Office;  
Marcia Ayres, Appropriations Secretary; Helen Abramson, Administrative Aide

Conferees appearing before the committee:

Others attending: See attached list

The minutes of February 25 were distributed to the members for review.

Representative Mollenkamp presented the subcommittee report for the Judicial Council in which they concurred with the Governor's recommendations for FY 97 and FY 98. (Attachment 1)

A motion was made by Representative Mollenkamp, seconded by Representative Packer, to adopt the subcommittee report for the Judicial Council. No discussion. The motion carried.

Representative Spangler presented the subcommittee report for the Judicial Branch in which they concurred with the Governor's recommendations for FY 97. For FY 98 they concurred with the recommendations with adjustments. (Attachment 2)

A motion was made by Representative Spangler, seconded by Representative Packer, to adopt the subcommittee report for the Judicial Branch. Considerable discussion followed.

A motion was made by Representative Helgerson, seconded by Representative Wilk, to amend the subcommittee report for FY 98 by going back to the Governor's recommendation pending a report by Omnibus Session from the Judicial Branch on how they can improve their efficiency. A substitute motion was made by Representative Edmonds, seconded by Representative Minor, to amend the subcommittee report for FY 98 by striking the 1.0 FTE research staff secretary for the Court of Appeals and inserting a line for 1.0 FTE administrative assistant to the 20th Judicial District. Discussion followed. The motion failed. Continued discussion. The primary motion to amend was withdrawn by Representative Helgerson and the second was withdrawn by Representative Wilk. A new motion was made by Representative Helgerson, seconded by Representative McKechnie, to amend the subcommittee report for FY 98 by taking the budget back to zero in order to obtain additional information from the Judicial Branch. Discussion followed. The motion failed.

A motion was made by Representative Helgerson, seconded by Representative Wilk, to amend the subcommittee report for FY 98 by setting up the additional enhancement money in a separate line item. Discussion followed. A substitute motion was made by Representative Wilk, seconded by Representative Farmer, to amend the subcommittee report for FY 98 by going back to the original motion by Representative Helgerson which was to return to the Governor's recommendation pending a list of efficiencies from the Judicial Branch by the Omnibus Session. Discussion followed. The motion failed. The primary motion to amend the subcommittee report for FY 98 failed.

Further discussion followed regarding the SHaRP computer system, the Year 2000 Plan, and the court's 60-day to 90-day hiring freeze.

The Chairman announced that the original motion to adopt the subcommittee report for the Judicial Branch was renewed. A substitute motion was made by Representative Edmonds, seconded by Representative Nichols, to table the subcommittee report for the Judicial Branch until all other subcommittee reports have been dealt with. No discussion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, Room 514-S Statehouse, at 1:30 P.M. on March 7, 1997.

Representative Packer presented the subcommittee report for the Board of Indigents' Defense Services in which they concurred with the Governor's recommendations for FY 97 and concurred with the recommendations for FY 98 with some adjustments. (Attachment 3) Discussion.

A motion was made by Representative Helgerson, seconded by Representative Edmonds, to amend the subcommittee report for FY 98 by returning to the Governor's recommendations which include the supplemental increase, and if specific enhancements are needed to bring some of the individuals into compensation parity with comparable positions in other agencies, then that should be reported to the committee prior to the Omnibus Session. No discussion. The motion carried.

A motion was made by Representative Packer, seconded by Representative Dean, to adopt the subcommittee report for the Board of Indigents' Defense Services as amended. No discussion. The motion carried.

A motion was made by Representative Helgerson, seconded by Representative Farmer, to approve the minutes of February 25. The motion carried.

Representative Kejr introduced a bill creating a Joint Committee on Corrections and Juvenile Justice Oversight.

A motion was made by Representative Kline, seconded by Representative Helgerson, to introduce the bill requested. The motion carried.

Representative Farmer announced special appropriations committee meetings next Tuesday through Thursday from 3:30 to 4:30 p.m.

A motion was made by Representative Mollenkamp, seconded by Representative McKechnie, to introduce a bill concerning underground storage of natural gas. The motion carried.

A motion was made by Representative Packer, seconded by Representative Helgerson, to introduce a bill concerning the Kansas public employees retirement system relating to a 2 1/2 % COLA benefit increase. The motion carried.

A motion was made by Representative Nichols, seconded by Representative Dean, to introduce a bill concerning state officers and employees relating to compensation for accumulated sick leave. The motion carried.

The meeting adjourned at 1:00 p.m.

The next meeting is scheduled for March 10, 1997.



FY 1997-FY 1998


HOUSE SUBCOMMITTEE REPORTS

JUDICIAL COUNCIL  
BOARD OF INDIGENTS' DEFENSE SERVICES  
JUDICIAL BRANCH



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Representative Gayle Mollenkamp  
Subcommittee Chair



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Representative Greg Packer



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Representative Doug Spangler

Appropriations  
3-7-97  
Attachment 1

**SUBCOMMITTEE REPORT**

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Porter

Analysis Pg. No. 1112

Budget Page No. 296

<u>Expenditure</u>	<u>Agency Est. FY 97</u>	<u>Gov. Rec. FY 97</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 287,171	\$ 287,171	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 287,171</u>	<u>\$ 287,171</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 287,171</u></u>	<u><u>\$ 287,171</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 232,631	\$ 232,631	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 232,631</u>	<u>\$ 232,631</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 232,631</u></u>	<u><u>\$ 232,631</u></u>	<u><u>\$ 0</u></u>
Other Funds:			
State Operations	\$ 54,540	\$ 54,540	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 54,540</u>	<u>\$ 54,540</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 54,540</u></u>	<u><u>\$ 54,540</u></u>	<u><u>\$ 0</u></u>
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	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's revised FY 1997 budget** estimate of \$287,171 is an increase of \$5,521 above the \$281,650 approved by the 1996 Legislature. The estimate reflects State General Fund expenditures in the amount approved by the 1996 Legislature and an increase of \$5,521 above the level of expenditures approved from the agency's no-limit Publications Fee Fund. The funding estimated for FY 1997 would allow the Judicial Council to hold approximately 45 meetings, 35 of which would be funded from the State General Fund and 10 of which would be funded from the Publications Fee Fund.

**The Governor** concurs with the agency's revised FY 1997 estimate of \$287,171, including \$232,631 from the State General Fund and \$54,540 from the Publications Fee Fund.

### **Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the recommendations of the Governor.

### **Senate Committee Recommendation**

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

### **Senate Recommendation**

*The Full Senate has not taken action on this agency's budget.*

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Expenditure	Gov. Rec. FY 97	House Subcommittee Adjustments
All Funds:		
State Operations	\$ 287,171	\$ 0
Aid to Local Units	0	0
Other Assistance	0	0
Subtotal - Operating	\$ 287,171	\$ 0
Capital Improvements	0	0
TOTAL	<u>\$ 287,171</u>	<u>\$ 0</u>
State General Fund:		
State Operations	\$ 232,631	\$ 0
Aid to Local Units	0	0
Other Assistance	0	0
Subtotal - Operating	\$ 232,631	\$ 0
Capital Improvements	0	0
TOTAL	<u>\$ 232,631</u>	<u>\$ 0</u>
FTE Positions	4.0	0.0
Unclassified Temp. Positions	0.0	0.0
TOTAL	<u>4.0</u>	<u>0.0</u>

**House Subcommittee Recommendation**

The House Subcommittee concurs with the Governor's recommendations.

**Current Status Comparison**

Expenditure	Gov. Rec. FY 1997	Senate Committee Action FY 1997	House Committee Action FY 1997	House Change from Senate
All Funds:				
State Operations	\$ 287,171	\$ 0	\$ 0	0
Aid to Local Units	0	0	0	0
Other Assistance	0	0	0	0
Subtotal - Operating	\$ 287,171	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<b>\$ 287,171</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
State General Fund:				
State Operations	\$ 232,631	\$ 0	\$ 0	0
Aid to Local Units	0	0	0	0
Other Assistance	0	0	0	0
Subtotal - Operating	\$ 232,631	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<b>\$ 232,631</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
FTE Positions	4.0	0.0	0.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>4.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>



**SUBCOMMITTEE REPORT**

Agency: Judicial Council

Bill No. 178

Bill Sec. 37

Analyst: Porter

Analysis Pg. No. 1112

Budget Page No. 296

Expenditure	Agency Req. FY 98	Gov. Rec. FY 98	Senate Subcommittee Adjustments*
<b>All Funds:</b>			
State Operations	\$ 304,541	\$ 294,233	\$ (8,509)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 304,541	\$ 294,233	\$ (8,509)
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 304,541</b>	<b>\$ 294,233</b>	<b>\$ (8,509)</b>
<b>State General Fund:</b>			
State Operations	\$ 253,687	\$ 243,379	\$ (8,017)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 253,687	\$ 243,379	\$ (8,017)
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 253,687</b>	<b>\$ 243,379</b>	<b>\$ (8,017)</b>
<b>Other Funds:</b>			
State Operations	\$ 50,854	\$ 50,854	\$ (492)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 50,854	\$ 50,854	\$ (492)
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 50,854</b>	<b>\$ 50,854</b>	<b>\$ (492)</b>
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
<b>TOTAL</b>	<b>4.0</b>	<b>4.0</b>	<b>0.0</b>

\* The entire Senate Subcommittee adjustment noted reflects the recommendation to delete the Governor's FY 1998 pay plan recommendation.

## **Agency Request/Governor's Recommendation**

**The Judicial Council requests FY 1998 expenditures of \$304,541**, an increase of \$17,370, or 6.1 percent, above the FY 1997 estimate. The FY 1998 request would fund approximately 50 meetings, an increase of five above the number included in the FY 1997 estimate. Of the 50 meetings requested, 40 would be funded from the State General Fund and ten would be funded from the Publications Fee Fund. The agency's request includes \$11,931 from the State General Fund to finance the additional five meetings. Excluding the \$11,931 requested for the five additional meetings, the FY 1998 request is an increase of \$5,439, or 3.3 percent, above the FY 1997 estimate.

**The Governor recommends** FY 1998 total funding of \$294,233, which reflects a reduction of \$10,308 from the agency request for State General Fund financing. The recommendation would fund approximately 45 meetings, the same number recommended for FY 1997. As for all state agencies, the Governor recommends funding for a 3.5% unclassified merit pool (\$5,367), and longevity bonus payments (\$2,120).

## **Senate Subcommittee Recommendation**

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

1. Delete \$8,509, including \$8,017 from the State General Fund, based on the recommendation to delete funding for the 3.5 percent unclassified merit pool (\$6,100) and longevity bonus payments (\$2,409) from individual agency budgets.

## **Senate Committee Recommendation**

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

## **Senate Recommendation**

***The full Senate has not taken action on this agency's budget.***

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Expenditure	Gov. Rec. FY 98	House Subcommittee Adjustments
All Funds:		
State Operations	\$ 294,233	\$ 0
Aid to Local Units	0	0
Other Assistance	0	0
Subtotal - Operating	\$ 294,233	\$ 0
Capital Improvements	0	0
TOTAL	<u>\$ 294,233</u>	<u>\$ 0</u>
State General Fund:		
State Operations	\$ 243,379	\$ 0
Aid to Local Units	0	0
Other Assistance	0	0
Subtotal - Operating	\$ 243,379	\$ 0
Capital Improvements	0	0
TOTAL	<u>\$ 243,379</u>	<u>\$ 0</u>
FTE Positions	4.0	0.0
Unclassified Temp. Positions	0.0	0.0
TOTAL	<u>4.0</u>	<u>0.0</u>

**House Subcommittee Recommendation**

The House Subcommittee concurs with the Governor's recommendation.

### Current Status Comparison

<u>Expenditure</u>	<u>Gov. Rec. FY 1998</u>	<u>Senate Committee Action FY 1998</u>	<u>House Committee Action FY 1998</u>	<u>House Change from Senate</u>
All Funds:				
State Operations	\$ 294,233	\$ (8,509)	\$ 0	\$ 8,509
Aid to Local Units	0	0	0	0
Other Assistance	0	0	0	0
Subtotal - Operating	\$ 294,233	\$ (8,509)	\$ 0	\$ 8,509
Capital Improvements	0	0	0	0
TOTAL	<u>\$ 294,233</u>	<u>\$ (8,509)</u>	<u>\$ 0</u>	<u>\$ 8,509</u>
State General Fund:				
State Operations	\$ 243,379	\$ (8,017)	\$ 0	\$ 8,017
Aid to Local Units	0	0	0	0
Other Assistance	0	0	0	0
Subtotal - Operating	\$ 0	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0	0
TOTAL	<u>\$ 243,379</u>	<u>\$ (8,017)</u>	<u>\$ 0</u>	<u>\$ 8,017</u>
FTE Positions	4.0	0.0	0.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0	0.0
TOTAL	<u>4.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>

**SUBCOMMITTEE REPORT**

Agency: Judicial Branch

Bill No. –

Bill Sec. –

Analyst: Porter

Analysis Pg. No. 1095

Budget Page No. 298

Expenditure	Agency Est. FY 97	Gov. Rec. FY 97	Senate Subcommittee Adjustments
<b>All Funds:</b>			
State Operations	\$ 70,742,728	\$ 70,742,728	\$ 0
Aid to Local Units	3,092,694	3,092,694	0
Other Assistance	850,000	850,000	0
Subtotal – Operating	<u>\$ 74,685,422</u>	<u>\$ 74,685,422</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 74,685,422</u></u>	<u><u>\$ 74,685,422</u></u>	<u><u>\$ 0</u></u>
<b>State General Fund:</b>			
State Operations	\$ 67,329,846	\$ 67,329,846	\$ 0
Aid to Local Units	2,842,694	2,842,694	0
Other Assistance	0	0	0
Subtotal – Operating	<u>\$ 70,172,540</u>	<u>\$ 70,172,540</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 70,172,540</u></u>	<u><u>\$ 70,172,540</u></u>	<u><u>\$ 0</u></u>
<b>Other Funds:</b>			
State Operations	\$ 3,412,882	\$ 3,412,882	\$ 0
Aid to Local Units	250,000	250,000	0
Other Assistance	850,000	850,000	0
Subtotal – Operating	<u>\$ 4,512,882</u>	<u>\$ 4,512,882</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 4,512,882</u></u>	<u><u>\$ 4,512,882</u></u>	<u><u>\$ 0</u></u>
FTE Positions	1,748.0	1,748.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,748.0</u></u>	<u><u>1,748.0</u></u>	<u><u>0.0</u></u>

**Agency Estimate/Governor's Recommendation**

**FY 1997 Expenditures.** The agency's revised FY 1997 estimate is \$74,685,422, or \$409,809 more than the amount approved by the 1996 Legislature. The increase of \$68,231 in State General Fund expenditures reflects the expenditure of amounts carried forward from FY 1996 for Juvenile Intake and Assessment (\$53,697) and state operations (\$14,534). The remainder of the increase (\$341,578) is from special revenue funds, including the following:

*Appropriations  
3-7-97  
Attachment 2*

- ▶ increased expenditures of \$548,827 from the Judicial Technology Fund, which will include expenditures for appellate and district court automation;
- ▶ increased expenditures of \$86,042 from the Child Support Enforcement Fund;
- ▶ reduced expenditures of \$145,380 from the Access to Justice Fund; and
- ▶ reduced expenditures from all other special revenue funds totaling \$147,911.

**The Governor concurs** with the Judicial Branch's FY 1997 estimate of expenditures.

**Turnover Rate.** The Governor concurs with the FY 1997 turnover rate of 2.2 percent (\$1,517,173), which was included in the Judicial Branch estimate.

**FTE Position.** The increase of 1.0 FTE position reflects the addition of a Programmer II in the Data Processing Program.

**FY 1997 Longevity Bonus Pay.** The approved FY 1997 budgets for all state agencies include longevity bonus pay only for those employees at the end of their pay grade, as included in the *Governor's Budget Recommendation* to the 1996 Legislature. The 1996 Legislature recommended that the 1997 Legislature review this issue. The FY 1997 approved budget for this agency includes a total of \$139,752 (\$138,752 SGF and \$1,000 special revenue funds) for longevity bonus payments. The Judicial Branch's FY 1997 estimate includes longevity bonus expenditures of \$601,707, or \$461,955 more than the amount approved for this purpose.

**The Governor concurs** with the FY 1997 estimate for longevity bonus pay.

### **Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendations.

### **Senate Committee Recommendation**

The Senate Committee concurs with the Senate Subcommittee.

### **Senate Recommendation**

***The full Senate has not taken action on this budget.***

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Agency: Judicial Branch

Bill No. --

Bill Sec. --

Expenditure	Gov. Rec. FY 97	House Subcommittee Adjustments
All Funds:		
State Operations	\$ 70,742,728	\$ 0
Aid to Local Units	3,092,694	0
Other Assistance	850,000	0
Subtotal – Operating	\$ 74,685,422	\$ 0
Capital Improvements	0	0
TOTAL	<u>\$ 74,685,422</u>	<u>\$ 0</u>
State General Fund:		
State Operations	\$ 67,329,846	\$ 0
Aid to Local Units	2,842,694	0
Other Assistance	0	0
Subtotal – Operating	\$ 70,172,540	\$ 0
Capital Improvements	0	0
TOTAL	<u>\$ 70,172,540</u>	<u>\$ 0</u>
FTE Positions	1,748.0	0.0
Unclassified Temp. Positions	0.0	0.0
TOTAL	<u>1,748.0</u>	<u>0.0</u>

**House Subcommittee Recommendation**

The House Subcommittee concurs with the Governor's recommendations.

**Current Status Comparison**

Expenditure	Gov. Rec. FY 1997	Senate Committee Action FY 1997	House Committee Action FY 1997	House Change from Senate
All Funds:				
State Operations	\$ 70,742,728	\$ 0	\$ 0	0
Aid to Local Units	3,092,694	0	0	0
Other Assistance	850,000	0	0	0
Subtotal - Operating	\$ 74,685,422	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<b>\$ 74,685,422</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
State General Fund:				
State Operations	\$ 67,329,846	\$ 0	\$ 0	0
Aid to Local Units	2,842,694	0	0	0
Other Assistance	0	0	0	0
Subtotal - Operating	\$ 70,172,540	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<b>\$ 70,172,540</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>
FTE Positions	1,748.0	0.0	0.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>1748.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>



**SUBCOMMITTEE REPORT**

Agency: Judicial Branch

Bill No. 178

Bill Sec. 39

Analyst: Porter

Analysis Pg. No. 1095

Budget Page No. 298

Expenditure	Agency Req. 98	Gov. Rec. FY 98	Senate Subcommittee Adjustments*
<b>All Funds:</b>			
State Operations	\$ 73,375,745	\$ 72,649,664	\$ (2,396,821)
Aid to Local Units	300,000	300,000	0
Other Assistance	850,000	850,000	0
Subtotal – Operating	<u>\$ 74,525,745</u>	<u>\$ 73,799,664</u>	<u>\$ (2,396,821)</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 74,525,745</u></u>	<u><u>\$ 73,799,664</u></u>	<u><u>\$ (2,396,821)</u></u>
<b>State General Fund:</b>			
State Operations	\$ 70,245,773	\$ 69,508,739	\$ (2,328,265)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal – Operating	<u>\$ 70,245,773</u>	<u>\$ 69,508,739</u>	<u>\$ (2,328,265)</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 70,245,773</u></u>	<u><u>\$ 69,508,739</u></u>	<u><u>\$ (2,328,265)</u></u>
<b>Other Funds:</b>			
State Operations	\$ 3,129,972	\$ 3,140,925	\$ (68,556)
Aid to Local Units	300,000	300,000	0
Other Assistance	850,000	850,000	0
Subtotal – Operating	<u>\$ 4,279,972</u>	<u>\$ 4,290,925</u>	<u>\$ (68,556)</u>
Capital Improvements	0	0	0
<b>TOTAL</b>	<u><u>\$ 4,279,972</u></u>	<u><u>\$ 4,290,925</u></u>	<u><u>\$ (68,556)</u></u>
FTE Positions	1,763.0	1,747.0	2.0
Unclassified Temp. Positions	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,763.0</u></u>	<u><u>1,747.0</u></u>	<u><u>2.0</u></u>

\* Reflects the net reduction resulting from deleting the Governor's pay plan and adding \$200,000 from the State General Fund for salaries and wages items.

**Agency Request/Governor's Recommendation**

The Judicial Branch requests FY 1998 state operations funding of \$73,375,745, an increase of \$2,633,017, or 3.7 percent, above the FY 1997 estimate. The FY 1998 operating budget request includes no funding for grants to local juvenile intake and assessment programs because this function will be transferred to the Juvenile Justice Authority in FY 1998. The requested increase is included in the following items:

REQUESTED FY 1998 INCREASE		
Item	Amount of Increase	Percent of Total Increase
Salaries and Wages		
New Positions	\$ 462,371	17.6%
Other Salaries and Wages	2,563,537	97.4
Contractual Services	(346,831)	(13.2)
Commodities	1,466	0.1
Capital Outlay	(47,526)	(1.8)
Subtotal—State Operations	\$ 2,633,017	100.0%*
Aid to Local Units	(2,842,694)	
Other Assistance	50,000	
TOTAL	\$ (159,677)	

\* Percentages add to 100.1 percent due to rounding.

Of the total FY 1998 state operations request, \$70,245,773, or 95.7 percent, is from the State General Fund, and \$3,129,972, or 4.3 percent, is from special revenue funds.

**The Governor recommends** FY 1998 state operations funding of \$72,649,664, a reduction of \$726,081 from the Judicial Branch's request. As for all state unclassified employees, the Governor's recommendation includes a full-year 3.5 percent unclassified merit increase for all Judicial Branch employees and funding for longevity bonus payments. The Governor's recommendation increases turnover savings from the 1.3 percent included in the request (\$912,669) to 2.5 percent (\$1,787,632). The Governor concurs with all amounts requested for OOE in FY 1998, with the exception of amounts associated with requested enhancements (a total of \$12,232). The Governor concurs with the request for aid to local units (\$300,000) and other assistance (\$850,000).

### Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations of the Governor, with the following adjustments and recommendations:

1. Delete \$2,596,821, including \$2,528,265 from the State General Fund, based on the recommendation to delete funding for a 2.5 percent base salary increase (\$1,315,943); longevity bonus payments (\$658,825); and the 1.0 percent base salary adjustment (\$622,053) from individual agency budgets. **(Staff Note:** Although all Judicial Branch employees are unclassified, the recommended 1.0 percent base salary increase has been broken out from the 2.5 percent base salary increase for purposes of this recommendation.)

2. Add \$71,624 from the State General Fund for 2.0 FTE positions: an Administrative Assistant (Attorney) (\$46,903, including fringe benefits) for the Court of Appeals, to assist the Chief Judge in setting dockets, case management, and other administrative duties; and a Research Staff Secretary (\$24,721, including fringe benefits) to provide clerical support for the Central Research Staff. The Subcommittee notes that this recommendation is intended to provide some assistance to the Court of Appeals in managing its rapidly increasing caseload. While the number of cases filed has increased each year since the Court of Appeals was established, there has been a more dramatic increase since the implementation of sentencing guidelines. Following are the numbers of appeals docketed in the Court of Appeals by calendar year:

<b>COURT OF APPEALS CASES DOCKETED FY 1992-FY 1996</b>					
<u>Calendar Year</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>First Half 1996</u>
Cases Docketed	1,436	1,506	2,028	2,185	1,216

3. Add \$128,376 from the State General Fund to reduce the recommended turnover rate from 2.5 percent (\$1,787,632) to 2.3 percent (\$1,659,256). The Judicial Branch testified that, in recent years, the recommended salaries and wages turnover rate has forced it to mandate a 60-day hiring freeze on all vacant positions. The Subcommittee notes that the Judicial Branch budget is somewhat unique among state agency budgets in that 97 percent of the Judicial Branch budget is for salaries and wages. This is due in part to the manner in which district court operations are funded. The State pays for all salaries and wages costs associated with district court operations, and the counties pay for all other operating costs. The Subcommittee acknowledges that this recommendation does not address all requests made by the Judicial Branch, which made a compelling request both for additional FTE positions and a lower turnover rate.

The Subcommittee notes that, from FY 1989 to FY 1996, the total actual FTE positions for the Judicial Branch increased by 16.5 FTE positions (from 1,730.5 FTE positions to 1,747.0 FTE positions), while the total civil and criminal district court caseload during the same time period increased by 42.8 percent (for major criminal and civil cases, excluding cases of lesser jurisdiction). If cases of lesser jurisdiction were included, the percentage increase noted would have been even more dramatic.

### Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Senate Subcommittee

### Senate Committee of the Whole Recommendation

*The full Senate has not taken action on this budget.*

Agency: Judicial Branch

Bill No. 178

Bill Sec. 39

Expenditure	Gov. Rec. FY 98	House Subcommittee Adjustments
All Funds:		
State Operations	\$ 72,649,664	\$ 726,081
Aid to Local Units	300,000	0
Other Assistance	850,000	0
Subtotal – Operating	\$ 73,799,664	\$ 726,081
Capital Improvements	0	0
TOTAL	<u>\$ 73,799,664</u>	<u>\$ 726,081</u>
State General Fund:		
State Operations	\$ 69,508,739	\$ 726,081
Aid to Local Units	0	0
Other Assistance	0	0
Subtotal – Operating	\$ 69,508,739	\$ 726,081
Capital Improvements	0	0
TOTAL	<u>\$ 69,508,739</u>	<u>\$ 726,081</u>
FTE Positions	1,747.0	17.0
Unclassified Temp. Positions	0.0	0.0
TOTAL	<u>1,747.0</u>	<u>17.0</u>

### House Subcommittee Recommendation

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

1. Add \$726,081 from the State General Fund for salaries and wages items in FY 1998 and authorize an additional 17.0 FTE positions. In addition, the Subcommittee recommends that the Judicial Branch seek a Governor's Budget Amendment for \$622,053. The addition of these amounts (a total of \$1,348,134) would provide the Judicial Branch with its full FY 1998 request. (Excluding the \$622,053 recom-

mended by the Governor for the 1.0 percent base salary adjustment, the Governor's recommendation is a reduction of \$1,348,134 from the Judicial Branch request.) If a Governor's Budget Amendment is not recommended, the Subcommittee recommends that this issue be addressed further by the full Committee or as an Omnibus item.

The \$726,081 recommended by the Subcommittee would allow the Judicial Branch the flexibility to either reduce its FY 1998 turnover rate from the 2.5 percent included in the Governor's recommendation (with turnover savings of \$1,787,632) to 1.5 percent (with turnover savings of \$1,061,551); to add the 17.0 new FTE positions included in its FY 1998 request, at a total cost of \$462,371 and to reduce turnover savings by \$263,710; or to fund some other combination of FTE positions and turnover reduction. The additional \$622,053 (to be requested as a Governor's Budget Amendment) would fully fund all new FTE positions and would allow a 1.3 percent turnover rate in FY 1998.

The Subcommittee notes that the Judicial Branch request for both the turnover reduction and FTE positions was compelling. The Subcommittee was informed that, in recent years, the recommended turnover rate has forced the Judicial Branch to mandate a 60-day hiring freeze on all vacant positions. The 2.5 percent turnover rate included in the Governor's recommendation would require the Judicial Branch to continue the mandated 60-day hiring freeze.

The table below notes the 17.0 new FTE positions that would be authorized. The first two positions (the Research Attorney and Secretary) would provide some assistance to the Court of Appeals in managing its rapidly increasing caseload. The number of cases docketed in the Court of Appeals has increased each year since the Court was established, but there has been a more dramatic increase since the implementation of sentencing guidelines. Following are the number of appeals docketed in the Court of Appeals by calendar year:

<u>Calendar Year</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>
Cases Docketed	1,436	1,506	2,028	2,185	2,260

The remaining 15.0 FTE positions are recommended for the district courts, and would be assigned as noted in the table below. While the statewide district court caseload for combined civil and criminal cases (excluding cases of lesser jurisdiction and traffic cases) increased 42.8 percent from FY 1989 to FY 1996, total FTE positions for the Judicial Branch increased by only 16.5 FTE positions. The Subcommittee notes that, if cases of lesser jurisdiction had been included, the percentage increase would have been even more dramatic.

<b>FY 1998 Recommended New FTE Positions</b>		
Position		Salary and Benefits
<b>Court of Appeals</b>	1.0 FTE Research Attorney	\$46,903
	1.0 FTE Research Staff Secretary	\$24,721
<b>District Court Operations:</b>		
First Judicial District ( <i>Atchison and Leavenworth Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
Second Judicial District ( <i>Jackson, Jefferson, Pottawatomie, and Wabaunsee Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
Sixth Judicial District ( <i>Bourbon, Linn, and Miami Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
Eighth Judicial District ( <i>Dickinson, Geary, Marion, and Morris Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
Ninth Judicial District ( <i>Harvey and McPherson Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
11th Judicial District ( <i>Cherokee, Crawford, and Labette Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
15th Judicial District ( <i>Cheyenne, Logan, Rawlins, Sheridan, Sherman, Thomas, and Wallace Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
24th Judicial District ( <i>Edwards, Hodgeman, Lane, Ness, Pawnee, and Rush Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
26th Judicial District ( <i>Grant, Haskell, Morton, Seward, Stanton, and Stevens Counties</i> )	1.0 FTE Administrative Assistant	\$24,721
27th Judicial District ( <i>Reno County</i> )	1.0 FTE Administrative Assistant	\$24,721
29th Judicial District ( <i>Wyandotte County</i> )	1.0 FTE Transcriptionist	\$23,644
Tenth Judicial District ( <i>Johnson County</i> )	1.0 FT Programmer II	\$42,717
Third Judicial District ( <i>Shawnee County</i> )	1.0 FT Programmer II	\$42,717
Seventh Judicial District ( <i>Douglas County</i> )	1.0 FT Court Services Officer I	\$29,590
28th Judicial District ( <i>Saline and Ottawa Counties</i> )	1.0 FTE Court Services Officer I	\$29,590
<b>TOTAL</b>	<b>17.0 FTE</b>	<b>\$487,092</b>

**Current Status Comparison**

Expenditure	Gov. Rec. FY 1998	Senate Committee Action FY 1998*	House Committee Action FY 1998	House Change from Senate**
<b>All Funds:</b>				
State Operations	\$ 72,649,664	\$ (2,396,821)	\$ 726,081	\$ 3,122,902
Aid to Local Units	300,000	0	0	0
Other Assistance	850,000	0	0	0
Subtotal - Operating	<u>\$ 73,799,664</u>	<u>\$ (2,396,821)</u>	<u>\$ 726,081</u>	<u>\$ 3,122,902</u>
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<u><u>\$ 73,799,664</u></u>	<u><u>\$ (2,396,821)</u></u>	<u><u>\$ 726,081</u></u>	<u><u>\$ 3,122,902</u></u>
<b>State General Fund:</b>				
State Operations	\$ 69,508,739	\$ (2,328,265)	\$ 726,081	\$ 3,054,346
Aid to Local Units	0	0	0	0
Other Assistance	0	0	0	0
Subtotal - Operating	<u>\$ 69,508,739</u>	<u>\$ (2,328,265)</u>	<u>\$ 726,081</u>	<u>\$ 3,054,346</u>
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<u><u>\$ 69,508,739</u></u>	<u><u>\$ (2,328,265)</u></u>	<u><u>\$ 726,081</u></u>	<u><u>\$ 3,054,346</u></u>
FTE Positions	1,747.0	2.0	17.0	15.0
Unclass. Temp. Positions	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,747.0</u></u>	<u><u>2.0</u></u>	<u><u>17.0</u></u>	<u><u>15.0</u></u>

\* Reflects the net reduction resulting from deleting the Governor's pay plan (\$2,596,821 all funds; \$2,528,265 from the State General Fund) and adding \$200,000 from the State General Fund for salaries and wages items.

\*\* Excluding the Senate's deletion of the Governor's pay plan, the House Subcommittee recommendation reflects an increase of \$526,081 (from the State General Fund) from the House recommendation.

**SUBCOMMITTEE REPORT**

**Agency:** Board of Indigents' Defense Services

**Bill No.** 228

**Bill Sec.** 21

**Analyst:** Porter

**Analysis Pg. No.** 1119

**Budget Page No.** 278

Expenditure	Agency Est. FY 97	Gov. Rec. FY 97	Senate Subcommittee Adjustments
<b>All Funds:</b>			
State Operations	\$ 13,358,361	\$ 12,995,319	\$ 0
Aid to Local Units	0	0	0
Other Assistance	416,110	416,110	0
Subtotal - Operating	\$ 13,774,471	\$ 13,411,429	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 13,774,471</b>	<b>\$ 13,411,429</b>	<b>\$ 0</b>
<b>State General Fund:</b>			
State Operations	\$ 13,232,211	\$ 12,869,169	\$ 0
Aid to Local Units	0	0	0
Other Assistance	416,110	416,110	0
Subtotal - Operating	\$ 13,648,321	\$ 13,285,279	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 13,648,321</b>	<b>\$ 13,285,279</b>	<b>\$ 0</b>
<b>Other Funds:</b>			
State Operations	\$ 126,150	\$ 126,150	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 126,150	\$ 126,150	\$ 0
Capital Improvements	0	0	0
<b>TOTAL</b>	<b>\$ 126,150</b>	<b>\$ 126,150</b>	<b>\$ 0</b>
FTE Positions	155.0	149.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0
<b>TOTAL</b>	<b>155.0</b>	<b>149.0</b>	<b>0.0</b>

**Agency Est./Governor's Recommendation**

The agency's revised FY 1997 estimate of \$13,774,471 is an increase of \$1,355,367 from the amount approved by the 1996 Legislature. The FY 1997 revised estimate includes a request for a **State**

*Appropriations  
3-7-97  
Attachment 3*



**General Fund supplemental of \$1,349,241** and the expenditure of a reappropriation of \$17,976 carried forward from the amount approved for regional office expansion in FY 1996, offset by a reduction of \$11,850 in fee fund expenditures. The FY 1997 estimate would allow the installation of computer networks in the four Topeka offices (the Administration, Capital Defense Coordinator, Appellate Defender, and Public Defender offices). Also included in the FY 1997 estimate is funding for the relocation of the Topeka administrative office and an increase in office space for the Salina and Wichita offices. The Topeka administrative office has moved from the Landon State Office Building to the Jayhawk Walk Building at 714 Southwest Jackson Street.

**The Governor recommends** FY 1997 operating funds totaling \$13,411,429, a reduction of \$363,042 from the agency estimate. The Governor's recommendation reflects reductions from the agency estimate for assigned counsel (\$330,382) and trial level public defender offices (\$30,660). The Governor also does not include a \$2,000 nonexpense item (an expenditure to create an imprest fund for travel expenditures).

### **Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the recommendations of the Governor.

### **Senate Committee Recommendation**

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

### **Senate Recommendation**

**The full Senate has not taken action on this agency's budget.**

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Expenditure	Gov. Rec. FY 97	House Subcommittee Adjustments
All Funds:		
State Operations	\$ 12,995,319	\$ 0
Aid to Local Units	0	0
Other Assistance	416,110	0
Subtotal - Operating	<u>\$ 13,411,429</u>	<u>\$ 0</u>
Capital Improvements	0	0
TOTAL	<u><u>\$ 13,411,429</u></u>	<u><u>\$ 0</u></u>
State General Fund:		
State Operations	\$ 12,869,169	\$ 0
Aid to Local Units	0	0
Other Assistance	416,110	0
Subtotal - Operating	<u>\$ 13,285,279</u>	<u>\$ 0</u>
Capital Improvements	0	0
TOTAL	<u><u>\$ 13,285,279</u></u>	<u><u>\$ 0</u></u>
FTE Positions	149.0	0.0
Unclass. Temp. Positions	0.0	0.0
TOTAL	<u><u>149.0</u></u>	<u><u>0.0</u></u>

**House Subcommittee Recommendation**

The House Subcommittee concurs with the Governor's recommendations.

### Current Status Comparison

	<u>Gov. Rec. FY 1997</u>	<u>Senate Committee Action FY 1997</u>	<u>Senate Subcommittee Action FY 1997</u>	<u>House Subcommittee Change from Senate FY 1997</u>
All Funds:				
State Operations	\$ 12,995,319	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0	0
Other Assistance	<u>416,110</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 13,411,429	\$ 0	\$ 0	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 13,411,429</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
State General Fund:				
State Operations	\$ 12,869,169	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0	0
Other Assistance	<u>416,110</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 13,285,279	\$ 0	\$ 0	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 13,285,279</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
FTE Positions	149.0	0.0	0.0	0.0
Unclass. Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u>149.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>

**SUBCOMMITTEE REPORT**

**Agency:** Board of Indigents' Defense Services

**Bill No.** 178

**Bill Sec.** 38

**Analyst:** Porter

**Analysis Pg. No.** 1119

**Budget Page No.** 278

Expenditure	Agency Req. FY 98	Gov. Rec. FY 98	Senate Subcommittee Adjustments
<b>All Funds:</b>			
State Operations	\$ 13,881,574	\$ 11,945,690	\$ 91,645*
Aid to Local Units	0	0	0
Other Assistance	<u>416,110</u>	<u>415,220</u>	<u>0</u>
Subtotal - Operating	\$ 14,297,684	\$ 12,360,910	\$ 91,645
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b><u>\$ 14,297,684</u></b>	<b><u>\$ 12,360,910</u></b>	<b><u>\$ 91,645</u></b>
<b>State General Fund:</b>			
State Operations	\$ 13,769,574	\$ 11,833,690	\$ (170,855)
Aid to Local Units	0	0	0
Other Assistance	<u>416,110</u>	<u>415,220</u>	<u>0</u>
Subtotal - Operating	\$ 14,185,684	\$ 12,248,910	\$ (170,855)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b><u>\$ 14,185,684</u></b>	<b><u>\$ 12,248,910</u></b>	<b><u>\$ (170,855)</u></b>
<b>Other Funds:</b>			
State Operations	\$ 112,000	\$ 112,000	\$ 262,500
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 112,000	\$ 112,000	\$ 262,500
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<b><u>\$ 112,000</u></b>	<b><u>\$ 112,000</u></b>	<b><u>\$ 262,500</u></b>
FTE Positions	157.0	149.0	0.0
Unclass. Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
<b>TOTAL</b>	<b><u>157.0</u></b>	<b><u>149.0</u></b>	<b><u>0.0</u></b>

\* The \$104,145 increase noted reflects the net total resulting from deleting \$170,855 for the Governor's recommended pay plan and adding expenditures of \$262,500 from other funds.

**Agency Req./Governor's Recommendation**

The agency requests total FY 1998 expenditures of \$14,297,684, an increase of \$523,213, or 3.8 percent, above the FY 1997 estimate. The requested increase is proportioned as follows:

<b>FY 1998 Requested Increase</b>	
Item	Amount of Increase
Trial Level Public Defender Offices	\$ 522,022
Assigned Counsel	0
Appellate Defender Office	13,695
Legal Services for Prisoners, Inc.	0
Death Penalty Defense Unit	0
Administration	(12,504)
TOTAL	<u>\$ 523,213</u>

Of the total FY 1998 request, \$14,185,684, or 99.2 percent, is funded from the State General Fund, and \$112,000, or 0.8 percent, is funded from special revenue funds.

**The Governor recommends** a total FY 1998 operating budget of \$12,360,910, a reduction of \$1,936,774 from the agency request. As for all state agencies, the Governor recommends step movement and a 1.0 percent base salary increase for classified employees, a 3.5 percent merit pool for unclassified employees, and funding for longevity bonus payments. **(Staff Note:** Throughout the Governor's recommendation, the FY 1998 budget includes reductions to the salaries and wages base from the recommended FY 1997 base that are not explained by FTE reductions. This would have the effect of increasing the recommended turnover savings.)

**Turnover Rates.** The agency's FY 1998 request includes a 4.2 percent turnover rate (\$257,109).

**The Governor recommends** a 4.2 percent turnover rate in FY 1998 (\$238,510). As noted previously, there would, in effect, be a higher FY 1998 turnover rate because of the recommended reductions to the salaries and wages base.

**FY 1998 Enhancements**

**The agency requests the following four enhancements for FY 1998, at a total cost of \$238,253:**

**Reclassification and Establishment of an Agency Career Ladder for Attorneys (\$145,964).** BIDS requests a total of \$145,964 from the State General Fund in FY 1998 to place all agency attorneys below the level of "Chief Defender" in the classified civil service system.

**The Governor does not recommend** the reclassification.

**Installation of a Computer Network in the Olathe Public Defender Office (\$18,770).** The agency has embarked on a five-year plan to install a computer network in each of its regional offices. The requested funding would allow the agency to network its Olathe office. As noted above, the agency will install a network in the Topeka offices in FY 1996 and FY 1997, and the current services budget includes \$16,104 to install a computer network in the Wichita office.

**The Governor does not recommend** the computer network.

**Wichita Telecommunications Replacement.** The agency requests \$8,616 from the State General Fund in FY 1998 to replace the telephone system in its Wichita office. The current system frequently fails and does not allow for voice mail upgrades or additional growth.

**The Governor does not recommend** the telecommunications replacement.

**2.0 FTE Trial Level Office Positions.** The agency requests \$64,903 from the State General Fund for 2.0 new FTE positions, including 1.0 FTE Legal Assistant position (\$29,381) for its Wichita office and 1.0 FTE Special Investigator I (\$35,322) for its Hutchinson office. These positions would be used to assist professional legal staff with routine office work at a lower cost. The Hutchinson office does not have an investigator and currently must either borrow an investigator from the Wichita office or contract for investigative services.

**The Governor does not recommend** the 2.0 new FTE positions.

### **Senate Subcommittee Recommendation**

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

1. Delete \$170,855, all from the State General Fund, based on the recommendation to delete funding for the 3.5 percent unclassified merit pool (\$120,443); classified step movement (\$27,410); longevity bonus payments (\$7,926); and the 1.0 percent classified base salary adjustment (\$15,076) from individual agency budgets.
2. The Subcommittee recommends the introduction of legislation to require defendants to pay an "up-front" fee of \$50 prior to representation by Board of Indigents Defense Services (BIDS) attorneys. The Subcommittee notes that, while current law includes provisions requiring recoupment of expenses for representation by BIDS attorneys, those provisions are aimed more at collecting fees either on an ongoing basis or at the conclusion of a case. The Subcommittee was informed that similar "up front" fees have generated additional revenue in other states. As with other recoupment provisions in current law, this fee can be waived upon a finding by the Court that the fee would impose manifest hardship on the defendant or the defendant's family.

The Subcommittee notes that the agency estimates it will open approximately 21,000 cases in FY 1998. A total of \$1,050,000 would be collected from this new funding source in FY 1998. Of this estimated total, the Subcommittee recommends that the agency be allowed to retain 25 percent (or \$262,500), and that the remaining 75 percent be credited to the State General Fund. The Subcommittee recommends the creation of a no-limit BIDS Agency Recoupment Fund to carry out this recommendation. The Subcommittee recommends that the agency be allowed to make expenditures from this fund for several items included its FY 1998 request, such as providing salaries for the agency's attorneys more in line with those paid to state classified attorneys, funding additional support positions, providing requested funding a phone system for the Wichita office, and other items. The Subcommittee notes that expenditures from this fund would be subject to Legislative review each year.

The Subcommittee had considered allowing the agency to retain one-quarter of the amount it currently collects as recoupment from clients which currently is deposited into the State General Fund. However, the Subcommittee did not want to divert funding from the State General Fund.

3. The Subcommittee recommends the introduction of legislation that would add mitigation specialists to the list of positions included in the state unclassified service. The agency states that there currently is no appropriate job class in the classified service for a mitigation specialist, which would be used by BIDS to investigate mitigating circumstances and other factors in capital cases. The agency has been contracting for this service, but estimates that it could have saved \$17,336 in FY 1996 by using an employee rather than contractual services.
4. The 1996 Legislature enacted Sen. Sub. for H.B. 2012, which, among other provisions, allows the Attorney General to collect debts owed to courts, or to contract with agencies, firms, or individuals to collect debts owed to courts. The legislation authorizes a collection fee, which is not to exceed 33 percent of the amount of the debt, which would be retained by the Attorney General if the Attorney General is the collecting agent. The Subcommittee notes that this provision could be used to assist BIDS in its collection efforts from partially indigent defendants or defendants who subsequently obtain employment. This provision is new and BIDS is not aware of any collections that have been made to date. The Subcommittee recommends that this issue and any resulting collection efforts be reviewed by the 1998 Legislature.

### **Senate Committee Recommendation**

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

1. Although the full Committee is interested in the proposed "up front" fee recommended by the Subcommittee, the full Committee recommends that bill introduction on this issue be delayed until the Senate takes action on 1997 S.B. 28, which deals with BIDS issues.

**Senate Recommendation**

The full Senate has not taken action on this agency's budget.

Agency: Board of Indigents' Defense Services

Bill No. 2160

Bill Sec. 38

<u>Expenditure</u>	<u>Gov. Rec. FY 98</u>	<u>House Subcommittee Adjustments</u>
All Funds:		
State Operations	\$ 11,945,690	\$ 1,936,774
Aid to Local Units	0	0
Other Assistance	<u>415,220</u>	<u>0</u>
Subtotal - Operating	\$ 12,360,910	\$ 1,936,774
Capital Improvements	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 12,360,910</u>	<u>\$ 1,936,774</u>
State General Fund:		
State Operations	\$ 11,833,690	\$ 1,936,774
Aid to Local Units	0	0
Other Assistance	<u>415,220</u>	<u>0</u>
Subtotal - Operating	\$ 12,248,910	\$ 1,936,774
Capital Improvements	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 12,248,910</u>	<u>\$ 1,936,774</u>
FTE Positions	149.0	8.0
Unclass. Temp. Positions	<u>0.0</u>	<u>0.0</u>
TOTAL	<u>149.0</u>	<u>8.0</u>

**House Subcommittee Recommendation**

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



1. Add \$1,936,774 from the State General Fund for state operations in FY 1998 and authorize the following 8.0 new FTE positions, including 5.0 FTE positions for a public defender office serving Neosho, Woodson, Wilson, and Allen Counties, 2.0 support positions for public defender offices, and a mitigation specialist for the Death Penalty. The amount recommended would fund the full amount of the agency's request for FY 1998.

Of the total amount recommended by the Subcommittee, \$1,216,622 would be used for assigned counsel payments and would restore the agency to its full request of \$6,000,000 for this purpose. The Subcommittee notes that, in recent years, the funding approved for assigned counsel claims has consistently been less than the amount estimated by the agency and has resulted in a supplemental appropriation for the agency the following year. The Subcommittee further notes that the under funding of assigned counsel payments results in delays in payments to private attorneys. Although some attorneys that previously handled assigned counsel cases for the Board of Indigents Defense Services (BIDS) no longer take the assignments because of the \$50 hourly rate or for other reasons, some have expressed their frustrations with the delays in pay resulting from the agency running out of money each year and suspending payments until supplemental funding is approved, and are now refusing to take assigned counsel cases from BIDS.

The remaining \$720,152 recommended by the Subcommittee would restore other items requested by the agency, including \$145,964 to begin establishing a pay schedule for the agency's unclassified attorneys that would move agency attorney salaries to a level closer to that paid to classified and unclassified attorneys with similar experience in other agencies. An additional \$162,180 would fund a public defender office in Neosho, Wilson, Woodson, and Allen Counties, where the number of attorneys serving on the assigned counsel panel continues to decline; \$60,004 would restore funding cut from the agency's salaries and wages base in the Governor's recommendation; \$64,903 would fund 2.0 new support positions (a legal assistant for the Wichita office [\$29,381] and a special investigator for the Hutchinson office [\$35,322]); \$228,127 would restore the amount requested for salaries and wages and professional services for the Death Penalty Defense Unit; \$43,490 would provide funding to replace the phone system in the Wichita office and for computer networks in the Topeka and Olathe offices, and \$15,484 would fund miscellaneous other reductions recommended by the Governor.

2. The Subcommittee notes several recently implemented efficiencies that are consistent with the agency's efforts in recent years to examine its business practices and reduce expenditures wherever possible. The recently opened Reno County public defender office has reduced expenditures for assigned counsel by \$54,986, when expenditures for the first six months of FY 1997 are compared with the first six months of FY 1996. The addition of an appellate sentencing unit reduced contractual costs during the first six months of operations by \$54,986. Two contracts for legal services in Wichita provide for representation in 150 cases at \$575 per case and 400 cases at \$600 per case per year for a term of two years, and are estimated to save \$96,898 in assigned counsel funding per year. Other cost saving measures were presented to the Subcommittee.

3. The Subcommittee notes that the Senate Subcommittee recommended the introduction of legislation (1997 S.B. 376) that would add mitigation specialists to the list of positions included in the state unclassified service. The agency states that there currently is no appropriate job class in the classified service for a mitigation specialist, which would be used by BIDS to investigate mitigating circumstances and other factors in capital cases. The agency has been contracting for this service, but estimates that it could have saved \$17,336 in FY 1996 by using an employee rather than contractual services. The Subcommittee concurs with this recommendation.

**Current Status Comparison**

	Gov. Rec. FY 1998	Senate Committee Action FY 1998	House Subcommittee Action FY 1998	House Subcommittee Change from Senate FY 1998
<b>All Funds:</b>				
State Operations	\$ 11,945,690	\$ 91,645*	\$ 1,936,774	\$ 1,845,129
Aid to Local Units	0	0	0	0
Other Assistance	415,220	0	0	0
Subtotal - Operating	<u>\$ 12,360,910</u>	<u>\$ 91,645</u>	<u>\$ 1,936,774</u>	<u>\$ 1,845,129</u>
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<u><u>\$ 12,360,910</u></u>	<u><u>\$ 91,645</u></u>	<u><u>\$ 1,936,774</u></u>	<u><u>\$ 1,845,129</u></u>
<b>State General Fund:</b>				
State Operations	\$ 11,833,690	\$ (170,855)	\$ 1,936,774	\$ 2,107,629
Aid to Local Units	0	0	0	0
Other Assistance	415,220	0	0	0
Subtotal - Operating	<u>\$ 12,248,910</u>	<u>\$ (170,855)</u>	<u>\$ 1,936,774</u>	<u>\$ 2,107,629</u>
Capital Improvements	0	0	0	0
<b>TOTAL</b>	<u><u>\$ 12,248,910</u></u>	<u><u>\$ (170,855)</u></u>	<u><u>\$ 1,936,774</u></u>	<u><u>\$ 2,107,629</u></u>
FTE Positions	149.0	0.0	8.0	8.0
Unclass. Temp. Positions	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>149.0</u></u>	<u><u>0.0</u></u>	<u><u>8.0</u></u>	<u><u>8.0</u></u>

\* The \$91,645 increase noted reflects the net total resulting from deleting \$170,855 for the Governor's recommended pay plan and adding expenditures of \$262,500 from other funds.