

Approved: 2-24-97
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on February 18, 1997 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Kathy Porter, Legislative Research Department
Mark Burenheide, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Janet Henning, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

It was moved by Senator Morris and seconded by Senator Jordan that bill draft 7 RS 0287 be introduced as requested by University of Kansas Medical Center. The motion was carried on a voice vote.

Senator Jordan moved, Senator Salmans seconded, that minutes of February 11 and 12 be approved. The motion carried on a voice vote.

Senator Lawrence reviewed the Subcommittee report for the Judicial Council budget (Attachment 1). Senator Lawrence moved, Senator Jordan seconded, that the Subcommittee report for Judicial Council budget be approved. The motion carried on a voice vote.

Senator Lawrence reviewed the Subcommittee report for the Judicial Branch budget (Attachment 2). Committee members discussed the funding, alternative measures of funding for support personnel, backlogs of cases, and the effects of sentencing guidelines within the Judicial Branch. Senator Lawrence moved, Senator Gilstrap seconded, that the Subcommittee report for Judicial Branch budget be approved. The motion carried on a voice vote.

Senator Lawrence reviewed the Subcommittee report for the Board of Indigents' Defense Services budget (Attachment 3). In response to questions from Committee members, Natalie Haag, Director, Indigents' Defense Services, stated the Federal and State Affairs Committee was considering SB 28 which deals with recoupment of certain state expenditures, a mandatory order by the Judge. Ms. Haag also advised the committee this would be a favorable financial impact for the State. Senator Lawrence moved to amend the Subcommittee report to indicate the Committee's interest in the \$50 upfront fee and that any action on introducing a bill to do this would be delayed until the Senate deals with SB 28, seconded by Senator Jordan. The motion carried on a voice vote.

Senator Lawrence moved, seconded by Senator Morris, to adopt the Subcommittee report as amended. The motion carried on a voice vote.

The Chairman adjourned the meeting at 11:55 a.m.

The next meeting is scheduled for February 19, 1997.

2-18-97

Please sign as

Guest List

Ken Babo

Ks. Governmental Consulting

~~Natalie Chao~~

Board of Indigent Defense Services

Meza Dign

KS District Judges Assoc.

Jane Nelson Kimball

Senator Morris

David B. Dallam

DOB

Doug Fairman

DOB

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Porter

Analysis Pg. No. 1112

Budget Page No. 296

Expenditure	Agency Est. FY 97	Gov. Rec. FY 97	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 287,171	\$ 287,171	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 287,171	\$ 287,171	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 287,171	\$ 287,171	\$ 0
State General Fund:			
State Operations	\$ 232,631	\$ 232,631	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 232,631	\$ 232,631	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 232,631	\$ 232,631	\$ 0
Other Funds:			
State Operations	\$ 54,540	\$ 54,540	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 54,540	\$ 54,540	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 54,540	\$ 54,540	\$ 0
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Senate Ways and Means Committee

Date *2-18-97*

Attachment # *1*

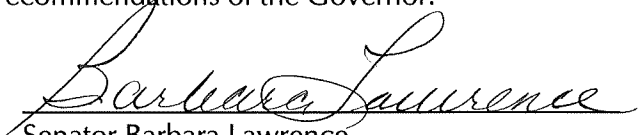
Agency Est./Governor's Recommendation

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

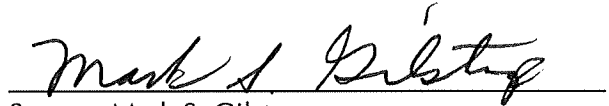
The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Barbara Lawrence
Subcommittee Chairperson



Senator Nick Jordan



Senator Mark S. Gilstrap

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*
All Funds:			
State Operations	\$ 304,541	\$ 294,233	\$ (8,509)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 304,541</u>	<u>\$ 294,233</u>	<u>\$(8,509)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 304,541</u></u>	<u><u>\$ 294,233</u></u>	<u><u>\$(8,509)</u></u>
State General Fund:			
State Operations	\$ 253,687	\$ 243,379	\$ (8,017)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 253,687</u>	<u>\$ 243,379</u>	<u>\$(8,017)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 253,687</u></u>	<u><u>\$ 243,379</u></u>	<u><u>\$(8,017)</u></u>
Other Funds:			
State Operations	\$ 50,854	\$ 50,854	\$ (492)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 50,854</u>	<u>\$ 50,854</u>	<u>\$(492)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 50,854</u></u>	<u><u>\$ 50,854</u></u>	<u><u>\$(492)</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>

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

Agency Req./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).

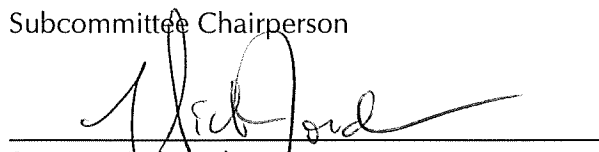
Senate Subcommittee Recommendation

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.



Senator Barbara Lawrence
Subcommittee Chairperson



Senator Nick Jordan



Senator Mark S. Gilstrap

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
All Funds:			
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
TOTAL	<u><u>\$ 74,685,422</u></u>	<u><u>\$ 74,685,422</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
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
TOTAL	<u><u>\$ 70,172,540</u></u>	<u><u>\$ 70,172,540</u></u>	<u><u>\$ 0</u></u>
Other Funds:			
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
TOTAL	<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
TOTAL	<u><u>1,748.0</u></u>	<u><u>1,748.0</u></u>	<u><u>0.0</u></u>

Agency Est./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:

Senate Ways and Means Committee

Date 2-18-97

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.

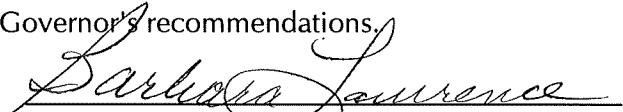
FTE Position. The increase of 1.0 FTE position reflects the addition of a Programmer II in the Data Processing Program.

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.

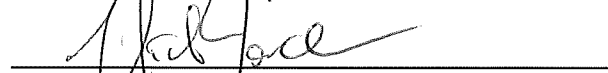
The Governor concurs with the FY 1997 estimate for longevity bonus pay.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations.



Senator Barbara Lawrence
Subcommittee Chairperson



Senator Nick Jordan



Senator Mark S. Gilstrap

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*
All Funds:			
State Operations	\$ 73,375,745	\$ 72,649,664	\$ (2,396,821)
Aid to Local Units	0	300,000	0
Other Assistance	1,150,000	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
TOTAL	<u><u>\$ 74,525,745</u></u>	<u><u>\$ 73,799,664</u></u>	<u><u>\$ (2,396,821)</u></u>
State General Fund:			
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
TOTAL	<u><u>\$ 70,245,773</u></u>	<u><u>\$ 69,508,739</u></u>	<u><u>\$ (2,328,265)</u></u>
Other Funds:			
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
TOTAL	<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	17,470.0	2.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u><u>1,763.0</u></u>	<u><u>17,470.0</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 Req./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	<u>\$ 2,633,017</u>	<u>100.0%*</u>
Aid to Local Units	(2,842,694)	
Other Assistance	50,000	
TOTAL	<u><u>\$ (159,677)</u></u>	

* 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:

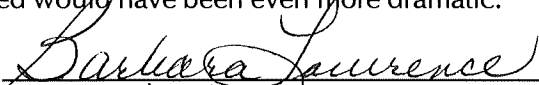
1. Delete \$2,596,821, including \$2,528,265 from the State General Fund, based on the recommendation to delete funding for a 2.5 percent base salary increase (\$1,315,943); longevity bonus payments (\$658,825); and the 1.0 percent base salary adjustment (\$622,053) from individual agency budgets. **(Staff 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:


COURT OF APPEALS CASES DOCKETED FY 1992-FY 1996					
Calendar Year	1992	1993	1994	1995	First Half 1996
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.

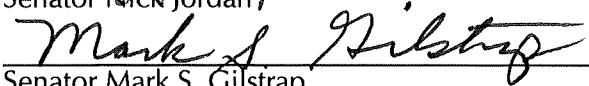
The Subcommittee notes that, from FY 1989 to FY 1996, the total actual FTE positions for the Judicial Branch increased by 15.5 FTE positions (from 1,730.5 FTE positions to 1,747.0 FTE positions), while the total civil and criminal district court caseload during the same time period increased by 42.8 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.



Senator Barbara Lawrence
Subcommittee Chairperson



Senator Nick Jordan



Senator Mark S. Gilstrap

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
All Funds:			
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
TOTAL	<u>\$ 13,774,471</u>	<u>\$ 13,411,429</u>	<u>\$ 0</u>
State General Fund:			
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
TOTAL	<u>\$ 13,648,321</u>	<u>\$ 13,285,279</u>	<u>\$ 0</u>
Other Funds:			
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
TOTAL	<u>\$ 126,150</u>	<u>\$ 126,150</u>	<u>\$ 0</u>
FTE Positions	155.0	149.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0
TOTAL	<u>155.0</u>	<u>149.0</u>	<u>0.0</u>

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**

Senate Ways and Means Committee

Date *2-18-97*

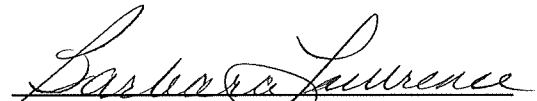
Attachment # *3*

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.

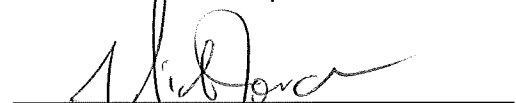
The Governor recommends FY 1997 operating funds totaling \$13,411,429, a reduction of \$363,042 from the agency estimate. The Governor's recommendation reflects reductions from the agency estimate for assigned counsel (\$330,382) and trial level public defender offices (\$30,660). The Governor also does 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.



Senator Barbara Lawrence
Subcommittee Chairperson



Senator Nick Jordan



Senator Mark S. Gilstrap

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
All Funds:			
State Operations	\$ 13,881,574	\$ 11,945,690	\$104,145*
Aid to Local Units	0	0	0
Other Assistance	416,110	415,220	0
Subtotal - Operating	\$ 14,297,684	\$ 12,360,910	\$ 104,145
Capital Improvements	0	0	0
TOTAL	<u>\$ 14,297,684</u>	<u>\$ 12,360,910</u>	<u>\$ 104,145</u>
State General Fund:			
State Operations	\$ 13,769,574	\$ 11,833,690	\$ (170,855)
Aid to Local Units	0	0	0
Other Assistance	416,110	415,220	0
Subtotal - Operating	\$ 14,185,684	\$ 12,248,910	\$(170,855)
Capital Improvements	0	0	0
TOTAL	<u>\$ 14,185,684</u>	<u>\$ 12,248,910</u>	<u>\$(170,855)</u>
Other Funds:			
State Operations	\$ 112,000	\$ 112,000	\$ 275,000
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 112,000	\$ 112,000	\$ 275,000
Capital Improvements	0	0	0
TOTAL	<u>\$ 112,000</u>	<u>\$ 112,000</u>	<u>\$ 275,000</u>
FTE Positions	157.0	149.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0
TOTAL	<u>157.0</u>	<u>149.0</u>	<u>0.0</u>

* 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 \$275,000 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:

FY 1998 Requested Increase	
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	\$ 523,213

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

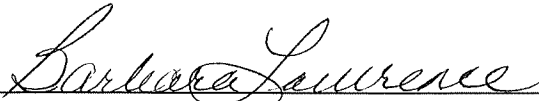
The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments:

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. Assuming that the agency would collect this fee in 50 percent of those cases, 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.



Senator Barbara Lawrence
Subcommittee Chairperson



Senator Nick Jordan



Senator Mark S. Gilstrap