

Approved: 2/25/98 _____
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 16, 1998 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Russell Mills, Legislative Research Department
April Holman, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

It was moved by Senator Salisbury and seconded by Senator Downey that bill draft 7 RS 2231 be introduced. The motion carried on a voice vote.

It was moved by Senator Salisbury and seconded by Senator Lawrence that bill draft 7 RS 2120 be introduced as requested by Senator Steffes. The motion carried on a voice vote.

Senator Lawrence, Chairperson of the Subcommittee for the Board of Indigents' Defense Services, reported that the Subcommittee concurs with the recommendations of the Governor for 1998. *(Attachment 1)*

Senator Lawrence then read through the recommendations in the Subcommittee's 1999 report. *(Attachment 2)*

Senator Kerr said it appeared they could take the assigned counsel appropriations and use for public defenders.

Senator Jordan said they've had this flexibility since 1994.

It was moved by Senator Lawrence and seconded by Senator Jordan that the Subcommittee report on Indigents' Defense Services be adopted. The motion carried on a voice vote.

Senator Lawrence read the 1998 Subcommittee report for the Judicial Branch and said that the Subcommittee concurs with the recommendations of the Governor, with one exception. This was to add a proviso in the appropriations bill to authorize payment for the two legislative members who serve on a commission that is advisory to the Judicial Administrator in connection with expenditures from the Permanent Families Account of the Family and Children Investment Fund. (Expenditures from the Fund are for the Court Appointed Special Advocate (CASA) programs and Citizen Review Boards.) The 1997 Legislature transferred administrative oversight of the fund from the corporation for Change to the Judicial Administrator, but authorization to pay legislative members of the advisory commission was inadvertently omitted. The two legislative members would be paid per diem compensation and travel expenses from the Fund. The commission is expected to meet one or two days a year.

In the Subcommittee report on the Judicial Branch for 1999, the Subcommittee concurred with the Governor with exceptions that are listed on pages 2 and 3 of the recommendation report. *(Attachment 4.)*

It was moved by Senator Jordan and seconded by Senator Gilstrap to amend the wording in paragraph number 2 in the Subcommittee report. The motion carried on a voice vote.

It was moved by Senator Jordan and seconded by Senator Ranson to amend paragraph number 5. This would not mean doing a new study but incorporating Post Audit's recommendations into the present study. The motion carried on a voice vote.

It was moved by Senator Lawrence and seconded by Senator Jordan to adopt the Subcommittee report as amended. The motion carried on a voice vote.

Senator Lawrence reported that the Subcommittee concurs with the recommendations of the Governor for 1998. *(Attachment 5.)*

The Subcommittee also concurred with the Governor for 1999 with the exception of a shift of \$4,986 in expenditures from the Publications Fee Fund to the State General Fund. *(Attachment 6.)*

It was moved by Senator Salisbury and seconded by Senator Jordan that "Unclassified Temp. Positions" be amended out of the expenditure summary of the subcommittee report for both 1998 and 1999. The motion carried on a voice vote.

It was moved by Senator Lawrence and seconded by Senator Jordan to approve the Subcommittee report as amended. The motion carried on a voice vote.

SB 465 An act concerning cancelled state warrants.

It was moved by Senator Morris with no second that SB 465 read "10% or \$25". Motion died for lack of a second.

It was then moved by Senator Petty and seconded by Senator Morris that SB 465 read "lessor of 10% or \$30". The motion carried on a voice vote.

It was moved by Senator Feleciano and seconded by Senator Salisbury that this same change on SB 465 be made in the register. The motion carried on a voice vote.

It was moved by Senator Morris and seconded by Senator Lawrence that SB 465 be passed as amended. The motion carried on a roll call vote.

It was moved by Senator Feleciano and seconded by Senator Salisbury that the minutes for February 9, 10 and 11, 1998 be approved. The motion carried on a voice vote.

The meeting adjourned at 12:00 noon.

The next meeting is scheduled for Tuesday, February 17, 1998.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 2/16/98

NAME	REPRESENTING
Pat Walters	BIDS
Pat Walters	BIDS
Bonnie Alphaus	Court Reporters
Su Behr	Court Reports Assn.
Don Crawby	DOB
Jerry Sloan	OJA
Vicki-Lynn Belsce	Budget

SUBCOMMITTEE REPORT

Agency: State Board of Indigents' Defense

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. 1066

Budget Page No. 279

<u>Expenditure Summary</u>	<u>Agency Estimate FY 98</u>	<u>Gov. Rec. FY 98</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 13,528,697	\$ 13,289,931	\$ 0
Aid to Local Units	0	0	0
Other Assistance	415,220	415,220	0
TOTAL	<u>\$ 13,943,917</u>	<u>\$ 13,705,151</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 13,370,942	\$ 13,132,176	\$ 0
Aid to Local Units	0	0	0
Other Assistance	415,220	415,220	0
TOTAL	<u>\$ 13,786,162</u>	<u>\$ 13,547,396</u>	<u>\$ 0</u>
FTE Positions	168.0	168.0	0.0
Unclass. Temp. Positions	1.5	1.5	0.0
TOTAL	<u>169.5</u>	<u>169.5</u>	<u>0.0</u>

The statutory mission of the State Board of Indigents' Defense Services (BIDS) is to provide, supervise, and coordinate the constitutionally and statutorily required counsel and related service for indigents accused of felonies. The Board supervises appropriated funds for the defense of accused felons by public defender offices and appointed counsel.

Public defender offices are located in Topeka, Junction City, Salina, Hutchinson, Wichita, Olathe, Garden City, Liberal, and Chanute. An appellate defender office, located in Topeka, handles all indigent felony appeals in Kansas. In response to the 1994 enactment of the death penalty for certain homicides, the Board of Indigents' Defense Services established the Death Penalty Defense Unit in July 1996. The purpose of the office is to defend persons accused of murder or who face potential capital murder charges.

The Board's new director began February 9.

Agency Estimate/Governor's Recommendation

The Board estimates expenditures of \$13,786,162 from the State General Fund. The amount includes \$158,486 that was reappropriated from FY 1997 and a requested supplemental appropriation of \$988,645. The additional funding is requested to pay expenses for assigned counsel and would bring the total estimated expenditure for the assigned counsel activity to \$5,404,000.

*S. W. D. M.
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Attachment 1-1*

The Governor recommends expenditures of \$13,705,151 from all funds in FY 1998. The amount includes a supplemental appropriation of \$750,000 for assigned counsel, for a total of \$5,200,297, which is \$238,645 less than requested. The Governor also shifts \$35,063 in savings in salaries and wages to other operating expenditures.

Senate Subcommittee Recommendation

The Subcommittee concurs with the recommendations of the Governor.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

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SUBCOMMITTEE REPORT

Agency: State Board of Indigents' Defense

Bill No. 642

Bill Sec. 35

Analyst: Rampey

Analysis Pg. No. 1066

Budget Page No. 279

<u>Expenditure Summary</u>	<u>Agency Request FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 14,044,642	\$ 13,173,589	\$ (209,406)*
Aid to Local Units	0	0	0
Other Assistance	550,730	415,220	0
TOTAL	\$ 14,595,372	\$ 13,588,809	\$ (209,406)
State General Fund:			
State Operations	\$ 13,939,642	\$ 13,068,589	\$ (209,406)*
Aid to Local Units	0	0	0
Other Assistance	550,730	415,220	0
TOTAL	\$ 14,490,372	\$ 13,483,809	\$ (209,406)
FTE Positions	168.5	168.5	-
Unclass. Temp. Positions	1.0	1.0	-
TOTAL	169.5	169.5	-

* Includes a reduction of \$209,406, all from the State General Fund, for the Governor's salary adjustments.

Agency Request/Governor's Recommendation

For FY 1999, the Board requests a total of \$14,595,372, of which all but \$105,000 would be from the State General Fund. Excluding enhancements that total \$160,297, the increase over the revised estimate for FY 1998 from the State General Fund is \$543,913 (3.9 percent). Several items account for the budget growth over the current year. In addition to expected growth in salaries and wages due to step increases for classified employees and a merit pool for unclassified employees, the Board has reduced its shrinkage rate to 4.2 percent (\$292,850) from the 7.0 percent rate that is budgeted for the current year. (Actual turnover in FY 1997 was 8.0 percent.) Inadvertently left out of the agency's budget is \$39,423 in salary and fringe benefits for an existing unclassified temporary position.

The Board's only FY 1999 enhancement totals \$160,297 and would provide a salary increase for the Board's attorneys. The Board estimates that it will take a total of \$400,743, plus fringe benefits, to upgrade its unclassified attorneys to a salary level that is comparable to other attorneys in state

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government. The Board's plan is to request one-third of the increase each year beginning in FY 1999.

Another item that accounts for part of the increase over FY 1998 is \$550,730 from the State General Fund requested for Legal Services for Prisoners, Inc., which is \$135,510 more than the current year level of \$415,220. Legal Services for Prisoners, Inc. is a nonprofit corporation organized to provide legal assistance to indigent inmates of Kansas correctional institutions. The Board of Indigents' Defense contracts with Legal Services for Prisoners, Inc. and serves as a pass-through agency for funding purposes. Other items in the Board's FY 1999 request include \$72,936 for capital outlay, a decrease of \$90,612 from the current year. Almost all of the money requested is for computer-related purchases, primarily for offices of public defenders.

The Governor recommends expenditures of \$13,588,809 from all funds in FY 1999, a reduction of \$116,342 from his recommendation for the current year. Overall, the Governor increases expenditures for salaries and wages by \$371,739 over the current year to allow for a 1.5 percent base salary increase for classified employees in addition to step increases and a 4.0 percent merit pool for unclassified employees. The Governor does not approve the enhancement for unclassified attorney parity pay. The Governor also recommends that a position limitation be imposed on the Board at its present level of 168.5 FTE positions. The Governor recommends a 7.0 percent shrinkage rate (\$492,140). The difference between the shrinkage rate imposed by the Governor and the rate requested by the agency (4.2 percent) is \$196,856 and accounts for a large portion of the difference between the agency request and the Governor's recommendation.

The reductions made by the Governor are in non-salary areas and total \$488,081 from all funds. The main area of reduction is for the court-appointed attorneys who are paid \$50 per hour to represent indigent defendants. The Governor's FY 1999 recommendation for assigned counsel is \$4,764,565, which is \$435,732 less than his recommendation of \$5,200,297 for the current year. The Board has a history of requesting supplemental appropriations for assigned counsel and in recent years has added public defenders to its staff to handle its workload. The Governor recommends the same amount of money in FY 1999 for Legal Services for Prisoners, Inc. (\$415,220) as in the current year and increases funding for the death penalty defense unit by \$75,405 over the current year, almost all of which is for salaries.

Senate Subcommittee Recommendations

The Subcommittee concurs with the recommendations of the Governor, with the following exceptions:

1. Delete \$209,406 from the State General Fund based on the recommendation to delete funding for the 4.0 percent unclassified merit pool (\$162,131); classified step movement (\$14,083); longevity bonus payments (\$6,441); and the 1.5 percent classified base salary adjustment (\$102,256) from individual agency budgets.
2. Continue the Legislature's practice since FY 1994 to place no limitation on the Board's positions in order to allow the Board the flexibility to add public defenders within available resources. The reason for the recommendation is that the cost per case for public defenders is less than for assigned counsel (\$378 per case for public defenders in FY 1997 compared to \$524 for assigned counsel). The recent history

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of the Board has been to increase its use of public defenders, which, according to the Board's staff, is part of the reason the cost for assigned counsel has gone down.

3. Request that the Board ask the Governor for a budget amendment to add \$39,423 in salary and fringe benefits for an existing unclassified temporary position in the death penalty defense unit (a Capital Defense Investigator). The position is filled, but the agency inadvertently left the salary out of its budget. The Subcommittee will consider the issue in the Omnibus Bill when the Governor's response to the request is known.
4. Add to the list of items that will be considered later in the Session the matter of "parity" increases for the Board's unclassified attorneys. Unclassified attorneys in state government were not part of a salary upgrade of classified attorneys that occurred in FY 1995. As a result, agencies that employ unclassified attorneys, most notably the Attorney General, have argued that a similar upgrade should be approved for their attorneys. (The 1996 Legislature added money to the Attorney General's budget for an unclassified attorney upgrade.) The Board of Indigents' Defense Services makes the same argument and requests \$160,297 in FY 1999 for the first year of a three-year plan to upgrade attorneys' salaries. Total cost of the upgrade is estimated to be \$400,743.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

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SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1050

Budget Page No. 299

<u>Expenditure Summary</u>	<u>Agency Estimate FY 98</u>	<u>Gov. Rec. FY 98</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 73,372,218	\$ 73,372,218	\$ 0
Aid to Local Units	713,000	713,000	0
Other Assistance	885,664	885,664	0
TOTAL	<u>\$ 74,970,882</u>	<u>\$ 74,970,882</u>	<u>\$ 0</u>
State General Fund:			
Operations	\$ 70,053,739	\$ 70,053,739	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 70,053,739</u>	<u>\$ 70,053,739</u>	<u>\$ 0</u>
FTE Positions	1,766.0	1,766.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u>1,766.0</u>	<u>1,766.0</u>	<u>0.0</u>

AGENCY OVERVIEW

The Kansas Courts' constitutional and statutory duty is to administer justice in the most equitable manner possible. The Kansas Supreme Court is given general administrative authority over all courts in the state, including the Court of Appeals and the district courts. Appeals from district courts go to the Court of Appeals except for certain exceptions in which appeals go directly to the Kansas Supreme Court. There are 31 judicial districts in the state presided over by a district judges. By far, district court expenses account for most of the costs in the judicial branch budget. In FY 1998, 85 percent of the judicial branch budget funds operations of the district courts. About 93 percent of the funding for the judicial branch is from the State General Fund.

Agency Estimate/Governor's Recommendation

Estimated expenditures for the Judicial Branch in FY 1998 from all funding sources total \$74,970,882, an increase of \$307,218 over the approved amount of \$74,663,664. The amount includes funding for 17.0 new FTE nonjudicial positions added by the 1997 Legislature. No change is made to

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estimated expenditures from the State General Fund, as approved, (\$70,053,739), but estimates of receipts to several special revenue funds are \$307,218 higher than originally estimated. The number of positions in the current year is 1,766.0 FTE, as approved by the 1997 Legislature. Shrinkage is budgeted at 2.1 percent (\$1,475,199). Actual turnover in FY 1997 was 2.6 percent. (Staff Note: According to the agency, normal turnover is about 1.0 percent for judges and 1.5 percent for nonjudicial personnel.)

The Governor concurs with the Judicial Branch's estimate of expenditures in the current year.

Senate Subcommittee Recommendation

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

1. Add a proviso in the appropriations bill to authorize payment for the two legislative members who serve on a commission that is advisory to the Judicial Administrator in connection with expenditures from the Permanent Families Account of the Family and Children Investment Fund. (Expenditures from the Fund are for the Court Appointed Special Advocate (CASA) programs and Citizen Review Boards.) The 1997 Legislature transferred administrative oversight of the fund from the Corporation for Change to the Judicial Administrator, but authorization to pay legislative members of the advisory commission was inadvertently omitted. The two legislative members would be paid per diem compensation and travel expenses from the Fund. The commission is expected to meet one or two days a year.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

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SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 642

Bill Sec. 37

Analyst: Rampey

Analysis Pg. No. 1050

Budget Page No. 299

<u>Expenditure Summary</u>	<u>Agency Request FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 78,023,234	\$ 76,831,551	\$ (2,711,116)
Aid to Local Units	763,000	763,000	0
Other Assistance	920,437	920,437	0
TOTAL	\$ 79,706,671	\$ 78,514,988	\$ (2,711,116)
State General Fund:			
Operations	\$ 74,838,457	\$ 73,645,877	\$ (2,626,847)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 74,838,457	\$ 73,645,877	\$ (2,626,847)
FTE Positions	1,816.0	1,775.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	1,816.0	1,775.0	0.0

* Includes a reduction of \$3,100,656 (\$3,016,387 from the State General Fund) for the Governor's employee salary adjustments.

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$79.7 million for FY 1999, of which \$74.8 million is from the State General Fund. The amount is an increase of \$4,735,789 (6.3 percent) from all funds over the revised estimate for the current year.

Part of the increase over FY 1998 is due to the Judicial Branch's enhancement request, which totals \$2,190,414. The enhancements are described below:

- ◆ **50.0 FTE Additional Positions—\$1,896,141.** To address the need for more judges, the agency includes in its FY 1999 budget a request for three new judges and support staff (two per judge) and nine new district magistrate judges, for a total of 18 judicial personnel. The Judicial Branch also is requesting a total of 27.0 FTE nonjudicial personnel. The positions are primarily for the offices of clerks and for court service officers. In addition, the agency requests 4.0 FTE attorneys for the central staff of the Supreme Court to handle increases in workload and 1.0 FTE Information Systems Analyst for the data processing unit.

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- ◆ **Court Reporter Upgrade—\$289,540.** According to the agency, court reporters in the Judicial Branch were not given an upgrade when the Comprehensive Classification study of state employees was completed several years ago. As a result, the agency reports that compensation for court reporters has fallen below the market rate. To address the situation, the Judicial Branch is requesting that the salary range for court reporters be raised from Range 23 to Range 25 and that Managing Court Reporters be raised from Range 24 to Range 26.
- ◆ **Reclassification of Positions—\$4,733.** Funding is requested to upgrade two Central Research Attorneys I to Central Research Attorneys II who are on the central research staff of the Court of Appeals.

The Governor recommends expenditures of \$78,514,988 for FY 1999, an increase of \$3,544,106 over his recommendation for the current year. The amount the Governor recommends is a reduction of \$1,191,683 from the Judicial Branch's request, of which \$1,142,267 is in the area of salaries. The Governor provides a 4.0 percent merit pool for unclassified employees, but does not approve the upgrade for the court reporters or the upgrade of the two research attorneys. In addition, the Governor increases the shrinkage rate from the 1.3 percent budgeted by the agency (\$968,644) to 1.7 percent (\$1,307,124). The Governor also recommends the addition of 9.0 FTE positions at total of \$351,437: The positions are 3.0 FTE District Magistrate Judges, 1.0 FTE District Court Judge, 1.0 FTE Administrative Assistant, 1.0 FTE Court Reporter, and 3.0 FTE Court Service Officers. Under the Governor's recommendation, it will be up to the Judicial Branch to decide where the new positions will be located.

Senate Subcommittee Recommendation

The Subcommittee concurs with the recommendations of the Governor, with the following exceptions:

1. Delete \$3,100,656, including \$3,016,387 from the State General Fund, based on the recommendation to delete funding for the 4.0 percent unclassified merit pool (\$634,759) and longevity bonus payments (\$2,465,897) from individual agency budgets.
2. Add \$100,000 from the State General Fund for additional positions to be designated by the agency. The Subcommittee has asked the Judicial Branch to designate the positions that are most needed from among the new judicial and nonjudicial positions that were requested.
3. Add \$289,540 from the State General Fund to upgrade the salaries of court reporters. According to information presented to the Subcommittee, a comparison of beginning, median, and top salaries of Kansas court reporters shows that Kansas ranks well below the national average and among the three lowest states in an eight-state region. Testimony before the Subcommittee indicates that low salaries and the lack of a court reporter training program in Kansas make recruiting and retaining court staff a problem.
4. Add a proviso in the appropriations bill to authorize payment for the two legislative members who serve on a commission that is advisory to the Judicial Administrator

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in connection with expenditures from the Permanent Families Account of the Family and Children Investment Fund. (Expenditures from the Fund are for the Court Appointed Special Advocate (CASA) programs and Citizen Review Boards.) The 1997 Legislature transferred administrative oversight of the Fund from the Corporation for Change to the Judicial Administrator, but authorization to pay legislative members of the advisory commission was inadvertently omitted. The two legislative members would be paid per diem compensation and travel expenses from the Fund. The commission is expected to meet one or two days a year.

5. Add a proviso in the appropriations bill stating that the Judicial Branch should report to the 1999 Legislature concerning a performance audit recommendation listing options to improve the efficiency of the district courts. In June, 1997, the Legislative Division of Post Audit identified five options that should be considered by the Judicial Branch to make the district court system more efficient. They include using more computer technology; increasing the use of magistrate, retired, and senior judges; increasing the use of mediation and other dispute resolution measures; ending the hiring freeze; and adding more nonjudicial staff. The Subcommittee believes the options merit serious consideration and asks that the Judicial Branch conduct a study and make a report to the 1999 Legislature.
6. The Judicial Branch, and other state agencies as well, is forced to keep vacant positions open in order to generate salary savings to stay within its appropriation. In the case of the Judicial Branch, 97 percent of its appropriation is for salaries, which means that almost no flexibility exists to shift funding from other operating expenses to make up a salary shortfall. The problem is compounded by the fact that the turnover rate among judicial and nonjudicial staff is low (about 1 percent for judicial personnel and 1.5 percent for nonjudicial personnel). Presently, there is a 45-day wait before nonjudicial personnel vacancies can be filled. The Judicial Branch did not appeal its turnover rate (2.1 percent in FY 1998 and 1.7 percent in FY 1999), but the Subcommittee shares the concerns expressed by the Chief Justice and others that resorting to a hiring freeze exacerbates an already overloaded court system and causes even greater delays and inefficiencies. The Subcommittee believes the Legislature should carefully consider the negative consequences to agencies of imposing shrinkage rates that require needed positions to remain vacant.

Senate Committee Recommendations

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

1. Clarify the intent of the Subcommittee with regard to the addition of \$100,000 for positions to be designated by the Judicial Branch by stating that the money is full-year funding for positions to be added as soon after July 1, 1998, as possible. The Committee does not want the agency to use the money late in the fiscal year to add numerous positions that will be built into the base for full funding in subsequent fiscal years.
2. Stipulate in the proviso to be added in connection with item 5 above that the Commission to implement the Kansas Citizens Justice Initiative should incorporate

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a consideration of the recommendations of the Legislative Division of Post Audit into its study. The Commission was appointed by the Chief Justice to consider all aspects of the judicial system and is expected to make its findings and recommendations to the Court late in 1998 or early in 1999. The Committee's recommendation is that the Judicial Branch should not undertake a new study of the post audit recommendations but that consideration of the recommendations should be part of the Kansas Citizens Justice Initiative.

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SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1060

Budget Page No. 297

<u>Expenditure Summary</u>	<u>Agency Estimate FY 98</u>	<u>Gov. Rec. FY 98</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 280,529	\$ 283,374	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 280,529	\$ 283,374	\$ 0
State General Fund:			
State Operations	\$ 236,680	\$ 239,525	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 236,680	\$ 239,525	\$ 0
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	1.0	1.0	0.0
TOTAL	5.0	5.0	0.0

AGENCY OVERVIEW

The Judicial Council was created in 1927 to survey and study the judicial branch of government and to recommend to the Legislature and Supreme Court any needed improvements. Studies and projects may be initiated by the Legislature, the Supreme Court, the bench, the bar, the public, or the Judicial Council itself. The Council has 12 advisory committees made up of attorneys, legislators, and other persons who have expertise in the topic being studied. Examples of advisory committees and the subjects that will be studied in FY 1999 are the Civil Code Advisory Committee, which will continue to study the civil code and related areas, including a revision of Kansas laws relating to liens and eminent domain; the Care and Treatment Advisory Committee, which is preparing a recodification of the codes for alcoholism and intoxication treatment and treatment of drug abusers; and the Family Law Advisory Committee, whose study includes the Model Adoption Act. The Judicial Council itself is comprised of the Justice of the Supreme Court, one judge of the Court of Appeals, two district court judges, two legislators, and four attorneys.

Agency Estimate/Governor's Recommendation

The Judicial Council estimates total expenditures of \$280,529 in FY 1998, a reduction of \$13,704 from the approved amount of \$294,233. The reduction consists of \$6,699 from the State

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General Fund and \$7,005 from the Publications Fee Fund. The current year's budget would fund 45 meetings of the Judicial Council (35 paid for from the State General Fund and 10 paid for from the Publications Fee Fund). All of the expenditures for publications are funded fully by the Publications Fee Fund. The Governor increases the Council's estimate of expenditures in FY 1998 by \$2,845 from the State General Fund due to a recalculation of fringe benefits. The Governor's recommendation is still less than the approved budget by \$10,859.

Senate Subcommittee Recommendations

The Subcommittee concurs with the recommendations of the Governor.

Senate Committee Recommendations

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

1. Delete reference in the table to 1.0 FTE unclassified temporary position, which the Council says it does not have.

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Attachment 5-2

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 642

Bill Sec. 34

Analyst: Rampey

Analysis Pg. No. 1060

Budget Page No. 297

<u>Expenditure Summary</u>	<u>Agency Request FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 299,840	\$ 297,504	\$ (9,033)*
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 299,840</u>	<u>\$ 297,504</u>	<u>\$ (9,033)</u>
State General Fund:			
State Operations	\$ 254,024	\$ 246,702	\$ (3,432)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 254,024</u>	<u>\$ 246,702</u>	<u>\$ (3,432)</u>
Other Funds:			
State Operations	\$ 45,816	\$ 50,802	\$ (5,601)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 45,816</u>	<u>\$ 50,802</u>	<u>\$ (5,601)</u>
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	1.0	1.0	0.0
TOTAL	<u>5.0</u>	<u>5.0</u>	<u>0.0</u>

* Includes a reduction of \$9,033 (\$8,418 from the State General Fund) for the Governor's employee salary adjustments.

Agency Request/Governor's Recommendation

The Judicial Council estimates expenditures of \$299,840 in FY 1999, an increase of \$19,311 from its estimate for the current year. The requested amount would allow 50 advisory committee meetings, five more than the current year. The five additional meetings are the Council's enhancement package and would cost \$6,077 from the State General Fund.

Salaries and wages represent a large portion of the Council's budget and amount to \$237,110, a \$15,124 increase over the current year. No shrinkage is budgeted in either FY 1998 or FY 1999. The

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request also includes a merit pool of \$3,965 (plus fringe benefits) and longevity pay for eligible employees. Of the amount budgeted for salaries, \$3,584 is attributable to the five additional advisory committee meetings that comprise the enhancement package. Funding for the salaries is \$222,276 from the State General Fund and \$11,250 from the Publications Fee Fund. Non-salary items in the Council's budget request total \$62,730. The single largest component is \$22,463 for travel, primarily for Council and advisory committee meetings.

The Governor recommends expenditures of \$297,504 in FY 1999, an increase of \$14,130 over his recommendation for FY 1998. The recommendation is a reduction of \$2,336 from the Council's request. Basically, the Governor increases salaries by \$3,741 over the request in order to fund a 4.0 percent merit increases for classified employees and does not approve the \$6,077 requested for the five additional meetings, which is the Council's enhancement. The Governor's recommendation would fund 45 meetings in FY 1999, the same number as in the current year.

Senate Subcommittee Recommendations

The Subcommittee concurs with the recommendations of the Governor, with the following exception:

1. Shift \$4,986 in expenditures from the Publications Fee Fund to the State General Fund. While balances in the Fund are adequate to fund the greater reliance on the Publications Fee Fund recommended by the Governor, the Legislature has stipulated by proviso that expenditures from the Fund must be related to the preparation, publication, and distribution of legal publications. (Expenditures from the Publications Fee Fund are about 15 percent of the budget submitted by the Council.) The Council's staff told the Subcommittee that it would be difficult to directly attribute the Governor's recommended increase to expenditures for publications. In addition, the staff said that technological developments over the next few years, such as the electronic transmittal of publications, could reduce the income the Council derives from the sale of books and other published materials, thus making increasing reliance on the Fund for operating expenditures problematic.
2. Delete \$9,033, including \$8,418 from the State General Fund, based on the recommendation to delete funding for the 4.0 percent unclassified merit pool (6,890) and longevity bonus payments (\$1,528).

Senate Committee Recommendations

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

1. Delete reference in the table to 1.0 FTE unclassified temporary position, which the Council says it does not have.

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