

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE.

The meeting was called to order by Chairperson Phill Kline at 9:00 a.m. on February 17, 1999 in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Legislative Research - Alan Conroy, Robert Waller, Stuart Little, Carolyn Rampey, Robert Chapman
Revisor of Statutes - Jim Wilson, Mike Corrigan
Secretary - Ann McMorris

Conferees appearing before the committee:

Others attending: See attached list-

Chair opened meeting and called for budget report from Tax, Judicial and Transportation Budget Committee for:

Judicial Council

Chairman Powell presented the Tax, Judicial and Transportation Budget Committee report on the Governor's recommendations on the Judicial Council FY1999 and FY2000 budgets. (Attachment 1)

Moved by Representative Powell, seconded by Representative Nichols, to amend the FY2000 report of the Judicial Council to request that the Judicial Council undertake a study of the definitions of reasons why juveniles are removed from their homes. In particular, clearly identify the standards and guidelines that are used to determine that a juvenile is considered to be an "abused or neglected child". Motion carried.

This motion is made to reflect the Budget Committee's concern about the number of juveniles who are being identified by the Department of Social and Rehabilitation Services as Children in Need of Care or who are in the foster care system and must be dealt with by the judicial system. The Budget Committee believes all parties involved (the judicial system, SRS, and parents) must have a clear understanding of the reasons why children are recommended for removal from their parents.

Moved by Representative Powell, seconded by Representative Nichols, to adopt the Judicial Council FY1999 and FY2000 budget recommendations of the Tax, Judicial and Transportation Budget Committee as amended. Motion carried.

Judicial Branch

Representative Powell presented the recommendations of the Tax, Judicial and Transportation Budget Committee for the Judicial Branch for FY1999 and FY 2000. (Attachment 2)

Moved by Representative Neufeld, seconded by Representative Shriver, to amend the budget report of the Tax, Judicial and Transportation Budget Committee for the Judicial Branch for FY2000 by striking the following wording in exception #3 - "However, the Budget Committee is concerned that the money might not be available after FY 1999 and expresses its opinion that SRS has a responsibility to continue to help pay for the increased workload the judicial system has experienced because of the influx of cases involving foster care children." After considerable discussion, Representative Neufeld withdrew his motion to amend. Representative Shriver concurred.

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE, Room 514-S Statehouse, at 9:00 a.m. on February 17, 1999.

Moved by Representative McKechnie, seconded by Representative Neufeld, to add to the report a statement commending the Kansas Supreme Court for its effort to monitor the caseload of judges and make reassignments as necessary to address uneven workloads. Further, encourage the Supreme Court to undertake an expanded and broadly-based program to temporarily assign and reassign judges of the district court throughout the state for extended periods to other judicial districts in order to address critical judicial workloads and case backlogs in those judicial districts. Specific priority should be given to cases involving children in need of care and other cases involving the welfare of children, including foster, care, adoption, and related cases. Motion carried.

Moved by Representative Powell, seconded by Representative Nichols, adoption of the budget report of the Tax, Judicial and Transportation Budget Committee for the Judicial Branch for FY1999 and FY 2000 as amended. Motion carried.

Due to the lack of time, the report by Commissioner Albert Murray of the Juvenile Justice Authority was not heard. Mr. Murray's prepared report was distributed to the committee and his presentation was rescheduled for Tuesday, February 23. (Attachment 3)

Information requested by the Committee at the February 4, 1999, hearing of the Juvenile Justice Authority was distributed to the committee. (Attachment 4)

Next meeting is scheduled for February 18, 1999.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 4

**HOUSE APPROPRIATIONS COMMITTEE
GUEST LIST**

DATE: FEBRUARY 17, 1999

NAME	REPRESENTING
Albert Murray	JJA
MARK MATESE	OJDP
Richard Kline	JJA
Runnie Ching	JJA
Patti Korinek	UCS
Carol Smith	UCS

HOUSE BUDGET COMMITTEE REPORT

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1223

Budget Page No. 275

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 297,344	\$ 297,344	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 297,344</u>	<u>\$ 297,344</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 249,911	\$ 249,911	\$ (50,000)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 249,911</u>	<u>\$ 249,911</u>	<u>\$ (50,000)</u>
Other Funds:			
State Operations	\$ 47,433	\$ 47,433	\$ 50,000
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 47,433</u>	<u>\$ 47,433</u>	<u>\$ 50,000</u>
FTE Positions	4.0	4.0	--
Unclassified Temp. Positions	0.0	0.0	-
TOTAL	<u>4.0</u>	<u>4.0</u>	<u>-</u>

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 Council itself. The Council has 12 advisory committees made up of attorneys, legislators, and other persons who have expertise in the topic being studied. The Council itself is comprised of one justice of the Kansas Supreme Court, one judge of the Court of Appeals, two district court judges, two legislators, and four attorneys.

Agency Estimate/Governor's Recommendation

Estimated expenditures for FY 1999 are \$297,344. The amount is \$160 less than the 1998 Legislature approved, but a slight funding shift has occurred, with a reduction of \$1,777 from the State General Fund (SGF) being almost offset by an increase in spending from the Publications Fee Fund of \$1,617. The Governor concurs with the Judicial Council's estimate for FY 1999.

Budget Committee Recommendations

The Budget Committee concurs with the Governor, with the following exception:

1. The Budget Committee agrees with the Governor's recommended level of expenditures, but makes recommendations for both FY 1999 and FY 2000 that pertain to the Publications Fee Fund. The Publications Fee Fund receives revenues from the sale of books, manuals, and other publications prepared by the Judicial Council. By proviso, expenditures from the Fund may be made only for operating costs related to preparation, publication, and distribution of legal publications. Expenditures from the Fund for the last several years have been in the range of \$45,000 to \$50,000, which represents about 20 percent of the Council's budget.

In recent years, balances in the Fund have grown to the extent that now it is possible to make greater use of the Fund, to the benefit of the State General Fund. This greater use of the Fund is supported by the Executive Director of the Council and will in no way threaten the Council's operation or jeopardize the Fund's condition. The Budget Committee's recommendation is that a shift be made to increase expenditures from the Publications Fee Fund by \$50,000 and reduce expenditures from the SGF by the same amount. To accomplish this recommendation, it would be necessary to remove the proviso restricting use of the Fund so that expenditures from the Fund may be used for operating expenditures not directly connected with the Council's legal publications.

Under the Budget Committee's recommendation for FY 1999, expenditures from the Publications Fee Fund would increase from \$47,433 to \$97,433 and expenditures from the SGF would decrease from \$249,911 to \$199,911. The action still would leave balances in the Publications Fee Fund of \$175,224 to carry forward to FY 2000.



 Rep. Tony Powell, Budget Committee Chair




 Representative Peggy Palmer



 Representative Jeff Peterson



 Representative Rocky Nichols



 Representative Eber Phelps

HOUSE BUDGET COMMITTEE REPORT

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1223

Budget Page No. 275

<u>Expenditure Summary</u>	<u>Agency Request FY 00</u>	<u>Gov. Rec. FY 00</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 303,152	\$ 305,062	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 303,152	\$ 305,062	\$ 0
State General Fund:			
State Operations	\$ 254,426	\$ 250,208	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 254,426	\$ 250,208	\$ 0
Other Funds:			
State Operations	\$ 48,726	\$ 54,854	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 48,726	\$ 54,854	\$ 0
FTE Positions	4.0	4.0	-
Unclassified Temp. Positions	0.0	0.0	-
TOTAL	4.0	4.0	-

Agency Request/Governor's Recommendation

The Judicial Council requests expenditures of \$303,152, of which \$254,426 would be from the State General Fund (SGF) and \$48,726 would be from the Publications Fee Fund. The Governor recommends \$305,062. Under the Governor's recommendation, \$250,208 would be financed from the SGF and \$54,854 from the Publications Fee Fund.

Budget Committee Recommendations

The Budget Committee concurs with the Governor, with the following exception:

1. Building upon its recommendation for FY 1999 to make use of balances in the Publications Fee Fund to the enhancement of the SGF, the Budget Committee

recommends that a proviso be added stipulating that any unencumbered balances in the Publications Fee Fund at the end of FY 2000 in excess of \$175,000 be transferred to the SGF. Based on the Governor's recommendation and taking into account the Budget Committee's recommendation for FY 1999, it is estimated that balances in the Fund at the end of FY 2000 will be \$200,428. That means that \$25,428 would be transferred to the SGF if this recommendation is adopted.

The recommendation has the support of the Judicial Council's Executive Director and would leave ample money in the Fund to pay the Fund's portion of the Council's operating expenses. The policy to transfer balances in the Fund to the SGF should be reviewed by the Legislature each year so that, if revenues to the Fund drop, the policy can be discontinued. To allow maximum use of special revenue funds, the Budget Committee recommends the deletion of the proviso that limits expenditures from the Publications Fee Fund to costs associated with legal publications. (This is the same recommendation made for FY 1999.)



Rep. Tony Powell, Budget Committee Chair




Representative Peggy Palmer



Representative Jeff Peterson



Representative Rocky Nichols



Representative Eber Phelps

HOUSE BUDGET COMMITTEE REPORT

Agency: Judicial Branch

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1207

Budget Page No. 277

<u>Expenditure Summary</u>	<u>Agency Estimate FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 77,183,038	\$ 77,183,038	\$ 0
Aid to Local Units	1,275,284	1,275,284	0
Other Assistance	1,410,522	1,410,522	0
TOTAL	<u>\$ 79,868,844</u>	<u>\$ 79,868,844</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 73,744,690	\$ 73,744,690	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 73,744,690</u>	<u>\$ 73,744,690</u>	<u>\$ 0</u>
Other Funds:			
State Operations	\$ 3,438,348	\$ 3,438,348	\$ 0
Aid to Local Units	1,275,284	1,275,284	0
Other Assistance	1,410,522	1,410,522	0
TOTAL	<u>\$ 6,124,154</u>	<u>\$ 6,124,154</u>	<u>\$ 0</u>
FTE Positions	1,787.0	1,787.0	-
Unclassified Temp. Positions	0.0	0.0	-
TOTAL	<u>1,787.0</u>	<u>1,787.0</u>	<u>-</u>

Agency Overview

The budget of the Judicial Branch includes funding for the Kansas Supreme Court, the Kansas Court of Appeals, almost all personnel costs of the 105 district courts, and a number of judicial and professional review boards and commissions. (Nonsalary costs of the district courts are funded by the counties.)

The Kansas Constitution vests the judicial power of the state in one court of justice, which is divided into the Supreme Court, district courts, and such other courts as are provided by law. The Supreme Court has general administrative authority over all the courts in the state.

Agency Estimate/Governor's Recommendation

For FY 1999, the Judicial Branch estimates expenditures of \$79,868,844, of which \$73,744,690 is from the State General Fund (SGF). Expenditures from the SGF are estimated to be \$524,794 less than approved because turnover in the current year is greater than expected. (Savings would be used to finance expenditures in FY 2000.) Expenditures from other funds are \$1,255,043 greater than expected, primarily because the Judicial Branch was given \$500,000 from the Department of Social and Rehabilitation Services to distribute to district courts in order to help expedite proceedings related to the placement of foster care children and also because the Judicial Branch received a Byrne Grant in the amount of \$189,418 for strategic planning that was not part of the original FY 1999 budget.

The Governor makes no change to the Judicial Branch's estimate of expenditures for FY 1999.

House Budget Committee Recommendation

The House Budget Committee concurs with the recommendations of the Governor.




Rep. Tony Powell, Budget Committee Chair




Representative Peggy Palmer



Representative Jeff Peterson



Representative Rocky Nichols



Representative Eber Phelps

House Budget Committee Report

Agency: Judicial Branch

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. 1207

Budget Page No. 277

<u>Expenditure Summary</u>	<u>Agency Req. FY 2000</u>	<u>Gov. Rec. FY 2000</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 82,583,949	\$ 79,860,128	\$ 1,000,000
Aid to Local Units	790,415	790,415	0
Other Assistance	952,117	952,117	0
TOTAL	<u>\$ 84,326,481</u>	<u>\$ 81,602,660</u>	<u>\$ 1,000,000</u>
State General Fund:			
State Operations	\$ 79,189,087	\$ 76,404,385	\$ 1,000,000
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 79,189,087</u>	<u>\$ 76,404,385</u>	<u>\$ 1,000,000</u>
Other Funds:			
State Operations	\$ 3,394,862	\$ 3,455,743	\$ 0
Aid to Local Units	790,415	790,415	0
Other Assistance	952,117	952,117	0
TOTAL	<u>\$ 5,137,394</u>	<u>\$ 5,198,275</u>	<u>\$ 0</u>
FTE Positions	1,830.0	1,796.0	34.0
Unclass. Temp. Positions	0.0	0.0	0.0
TOTAL	<u>1,830.0</u>	<u>1,796.0</u>	<u>34.0</u>

Agency Req./Governor's Recommendation

For FY 2000, the Judicial Branch requests expenditures of \$84,326,481, of which \$79,189,087 would be from the State General Fund (SGF). Enhancements requested include \$2,547,650 from the SGF for salary increases for judges, \$1,555,330 from the SGF for 43.0 FTE positions; \$107,500 to upgrade the salaries of the clerks of the district court, and \$50,000 from the SGF for a multistate study to determine the appropriateness of the schedules on which child support is based. (Following the submission of its budget, the Judicial Branch withdrew its request for four of the nine district magistrate judge positions requested.)

The Governor recommends a total of \$81,602,660, of which \$76,404,385 would be from the SGF. The Governor recommends \$800,000 for salary increases for district court and district magistrate judges, to be allocated as determined by the Judicial Branch, and 9.0 FTE district magistrate judge positions (three for the Third Judicial District–Shawnee County, four for the Tenth Judicial District–Johnson County, and two for the Twenty-Fifth Judicial District–Finney County). The Governor does

not recommend funding for the upgrade of salaries for clerks of the district court or for the multistate study relating to child support schedules.

House Budget Committee Recommendation

The House Budget Committee concurs with the recommendations of the Governor, with the following exceptions:

1. The Budget Committee is not opposed to salary increases for judges, but its first priority is meeting the need for additional staff to deal with increasing caseloads and paperwork that are causing delays in the system, particularly with regard to foster care cases. (Information presented to the Budget Committee indicates that for the ten-year period from FY 1989 through FY 1998, the number of all types of cases increased by almost 42 percent and the number of criminal and civil cases increased by almost 57 percent.) For this reason, the Budget Committee recommends that the \$800,000 the Governor recommends for salary increases for judges be used for additional staff. In addition, the Budget Committee notes that the Judicial Branch has withdrawn its request for four of the nine district magistrate judge positions recommended by the Governor, which makes an additional \$208,228 available to be used for new nonjudicial staff.

This redirection of money recommended by the Governor makes a total of \$1,008,228 available to help fund staff in those judicial districts that are experiencing the greatest growth in cases, which include courts in the largest counties and those that are experiencing the greatest population growth. It also provides funding for those positions the Judicial Branch itself considers the most important of the 43.0 FTE positions it requested. Testimony before the Budget Committee from the Chief Judge of the Court of Appeals, administrative judges of two judicial districts, and from a court administrator attested to the impact of increasing workloads without corresponding increases in personnel. The problems associated with child welfare cases alone demand that the Legislature look at ways to prevent the delays that literally cause children to become lost in the system.

The Budget Committee's first priority is funding positions to help with increasing caseloads. Responding to testimony and data it received, the Budget Committee worked with the Judicial Branch to identify one possible way to address the needs of the Kansas judicial system. The following table reflects the Budget Committee's response to the caseload information it received:

1.0 FTE	Children's Case Management Coordinator-Office of Judicial Admin.	\$	44,875
1.0 FTE	Secretary I-Office of Judicial Administration		22,352
4.0 FTE	Central Research Attorneys I-Court of Appeals		170,804
1.0 FTE	Central Research Attorney II-Court of Appeals		48,921
1.0 FTE	Trial Court Clerk I-1st Judicial District (Leavenworth County)		20,571
1.0 FTE	Court Services Officer I-2nd Judicial District (Jackson County)		31,455
1.0 FTE	Programmer II-3rd Judicial District (Shawnee County)		44,875
3.0 FTE	Trial Court Clerks I-3rd Judicial District (Shawnee County)		61,703

1.0 FTE	Administrative Assistant–3rd Judicial District (Shawnee County)	26,266
1.0 FTE	Court Services Officer I–3rd Judicial District (Shawnee County)	31,455
1.0 FTE	Trial Court Clerk I–5th Judicial District (Lyon County)	20,571
1.0 FTE	Trial Court Clerk I–7th Judicial District (Douglas County)	20,571
1.0 FTE	Trial Court Clerk I–8th Judicial District (Geary County)	20,571
2.0 FTE	Trial Court Clerks II–10th Judicial District (Johnson County)	44,704
1.0 FTE	Court Services Officer I–16th Judicial District (Ford County)	31,455
3.0 FTE	Court Services Officer I–18th Judicial District (Sedgwick County)	94,365
3.0 FTE	Administrative Assistants–18th Judicial District (Sedgwick County)	79,398
2.0 FTE	Trial Court Clerks I–21st Judicial District (Riley County)	41,142
1.0 FTE	Court Services Officer I–23rd Judicial District (Ellis County)	31,455
1.0 FTE	Trial Court Clerk I–23rd Judicial District (Ellis County)	20,571
2.0 FTE	Trial Court Clerks I–28th Judicial District (Saline County)	41,142
1.0 FTE	Trial Court Clerk I–29th Judicial District (Wyandotte County)	20,571
<u>34.0 FTE</u>	<u>TOTAL</u>	<u>\$ 969,793</u>

The Budget Committee wants to stress that the ultimate authority for allocation of money for salaries rests with the Judicial Branch. The chart above merely points out the belief of the Budget Committee that more nonjudicial positions are needed for the Court of Appeals and the district court.

The most pressing need identified is for trial court clerks who have been particularly impacted by the increase in caseload. Clerks are involved in every case filing. The duties of clerks also are affected by new legislation. A shortage of clerks means that documents are not filed quickly, case files are not available for judges, hearings are postponed, payments of child support do not get to recipients when they should, and delays occur in posting payments to accounts in all types of cases. That is why the list above includes 14 Trial Court Clerk positions as funding priorities for the following judicial districts:

- 1st Judicial District, Leavenworth County, which has had a 22 percent increase in civil case filings the last year alone.
- 5th Judicial District–Lyon County, where there has been a 40 percent increase in civil caseload over the last ten years, with no increase in positions in the clerk’s office.
- 7th Judicial District–Douglas County, which has had a ten-year increase of almost 70 percent in criminal cases and more than a 105 percent increase in civil cases.
- 8th Judicial District–Geary County, where there has been a 178 percent increase in civil cases and a 30 percent increase in criminal cases since FY 1988.
- 10th Judicial District–Johnson County, where criminal and civil cases have increased by between 20 and 25 percent but where the clerk’s office has been understaffed for years.

- 21st Judicial District–Riley County, which has had a ten-year increase of 145 percent in civil case filings and 153 percent in criminal filings, but has had no additional positions in the clerks office during this time.
- 23rd Judicial District–Ellis County, which has experienced more than a 100 percent increase in civil case filings over the last ten years.
- 28th Judicial District–Saline County, where civil cases increased by 177 percent and criminal cases increased by 95 percent, but where the staff actually was reduced by 10 percent in FY 1992.
- 29th Judicial District–Wyandotte County, where criminal case filings have increased by 16 percent, but the staff in the clerk’s office was reduced by almost 7 percent in FY 1992.

In addition, the Budget Subcommittee recognizes the need for Court Service Officers who have primary responsibilities, for probation supervision, presentence report filing, and activities relating to juvenile offenders. The list above includes seven of these positions for the following judicial districts:

- 2nd Judicial District–Jackson County, where four Court Services Officers serve a four-county district which has seen juvenile offender cases grow by 306 percent in ten years.
- 3rd Judicial District–Shawnee County, which has experienced an 84 percent increase in total criminal and civil filings, but which lost five Court Services Officers in FY 1992 budget cuts.
- 16th Judicial District–Ford County, a six-county area served by five Court Services Officers (no increase in the last ten years), where criminal filings have increased by 75 percent.
- 18th Judicial District–^{SEDGWICK}~~Shawnee~~ County, which has had a substantial increase in workload because of Child in Need of Care cases and other cases involving juveniles.
- 23rd Judicial District–Ellis County, where two Court Services Officers serve four counties and where the criminal caseload has grown by 76 percent.

Increased caseloads in two of the states largest counties prompt the Budget Committee to recommend the addition of four Administrative Assistants—three in Sedgwick County and one in Shawnee County. Although it is desirable for each judge to have an administrative assistant, this is not always the case, resulting in a reduction in efficiency. Administrative Assistants provide critical secretarial duties for judges, act as bailiffs during trials, prepare jury instructions, and schedule cases. In the absence of an Administrative Assistant, a judge must rely upon help from other departments, which already are understaffed. In addition, a particular need of Shawnee County is for a Programmer II position to maintain the district court’s computer system. The court in Shawnee County has to meet

increasing demands from outside agencies, such as the Department of Social and Rehabilitation Services and the Kansas Bureau of Investigation.

Finally, the Budget Committee recognizes the needs of the Court of Appeals and the Office of Judicial Administration, which has responsibilities that involve oversight of the state's entire judicial system. The Budget Committee includes the following positions on its list of funding priorities:

- 1.0 FTE Children's Case Management Coordinator and 1.0 FTE Secretary I, new positions that would develop and implement procedures for managing and tracking cases involving children and create a data base to provide information on children in the court system. These activities would ensure that court cases meet federally imposed time standards and also help the court system become more responsive to children and families. Activities also include reviewing foster care, domestic, and juvenile offender cases on an ongoing basis across the state.
 - 5.0 FTE Research Attorneys for the Court of Appeals, which experienced a caseload increase of 71 percent from 1991 to 1996. Central Research Staff attorneys research cases that come before the Court of Appeals. Failure to provide the Court with adequate research staff will decrease its productivity.
2. The Budget Committee is convinced of the merit of making judicial and nonjudicial salaries attractive enough to compensate qualified individuals and, in the case of nonjudicial personnel, also help recruit and maintain experienced employees. For that reason, the Budget Committee recommends the addition of \$1,038,435 which the Judicial Branch could use, at its discretion, for salary increases for judges, for which \$2,547,650 was requested, and to upgrade the salaries of the clerks of the district court, for which \$107,500 was requested. Recognizing the ability of the Judicial Branch to allocate available resources as it sees fit, the Budget Committee recommends that the money be made available for salary increases for judges and clerks of the district court or for other priorities that the Judicial Branch believes appropriate. The Budget Committee notes that the addition would allow for the upgrade of the salaries of the clerks of the district court and also provide salary increases of approximately \$3,500 for appellate and district court judges and \$1,750 for district magistrate judges.

Because salaries for judges are set statutorily, the Budget Committee recommends the addition of a proviso to the appropriation for the Judicial Branch that would allow it to give salary increases to judges in excess of the statutory amount.

3. The Budget Committee notes that \$500,000 was made available by the Department of Social and Rehabilitation Services (SRS) to help expedite proceeding related to the placement of foster care children. In some judicial districts, the money is being used to pay the salaries of judges *pro tem*. However, the Budget Committee is concerned that the money might not be available after FY 1999 and expresses its opinion that SRS has a responsibility to continue to help pay for the increased workload the judicial system has experienced because of the influx of cases involving foster care children. In this connection, the Budget Committee recommends the 2000

Legislature consider adding another district court position in Sedgwick County, an urban area that has been particularly hard hit by new cases involving children.

4. The Budget Committee is aware of the large number of documents the Judicial Branch handles and stores. For that reason, it asks the Judicial Branch to make a report to the Legislature by the end of the 1999 Session on the development of a plan to make greater use of technology, including plans for document storage and caseload management, that would enhance the performance of the judicial system. To cite but one example, the Kansas Supreme Court Law Library could benefit from using CD-ROMs to allow the storage of large quantities of data in a relatively small space and to make the data more readily accessible and retrievable.

JUDICIAL BRANCH

FY 2000 BUDGET COMMITTEE REPORT



Rep. Tony Powell, Budget Committee Chair



Representative Peggy Palmer



Representative Jeff Peterson



Representative Rocky Nichols



Representative Eber Phelps



Presentation to the House Appropriations Committee

Wednesday, Feb. 17, 1999

Commissioner Albert Murray

Funding formula for aid to local communities

Background of this Legislative Mandate:

The Juvenile Justice Reform Act called for a new way of working with juvenile offenders and a new way to plan for and provide juvenile justice services in the community. Integral to the new way of planning for and administering juvenile justice services, is the State's commitment to share public funds with local communities for community-based juvenile justice services. Pursuant to that purpose, the Legislature called upon the Juvenile Justice Authority (JJA) to develop a formula to allocate aid to local communities.

Strategies & Data Gathering:

Prior to developing a funding mechanism and allocation formula the JJA researched the criminal justice funding mechanisms used in other states and examined how community based aid is currently being allocated in Kansas. In the most general terms, the agency sought to learn how juvenile justice is currently being funded and to determine ways to improve the means of funding juvenile justice, consistent with the values and parameters of the Juvenile Justice Reform Act.

From this work nine guiding principles were developed. These are:

1. The **pooling of funds at the local level** can lead to greater efficiency and resource management.
2. The **community**, rather than the State, has primary responsibility for juvenile crime **prevention and supervision of** juvenile offenders in the community.
3. The **community**, rather than the State, can better identify and apply prevention and supervision strategies for at-risk youth, and "lower risk" offenders.
4. The **State** has increased responsibility for juveniles that present a greater risk to public safety and primary responsibility for offenders that require removal from the community.
5. An ideal juvenile justice system has certain core components which every locality or district should implement.

Attachment 3-1
House Appropriations Committee
February 17, 1999

6. Every locality will be at varying levels of development and will require flexibility to address its needs.
7. There will never be enough state funds to meet everyone's needs. However, by developing a state and local partnership, finite state and local funding resources can go further.
8. The funding mechanism should be consistent with the guiding principles and intent of the Juvenile Justice Reform Act.
9. State aid, being finite, should be shared with communities based on the communities' comparative need as it applies to juvenile crime.

Assumptions

Additionally, nine assumptions were drawn that determine the structure of the funding mechanism, what funding sources are or are not included in this mechanism, and the allocation formula. These assumptions are predicated on an understanding of the reform act, the current realities of the Kansas juvenile justice system, and the nature of existing services for juvenile offenders. These assumptions are:

1. A single allocation formula and funding mechanism shall be used to administer the agency's appropriation for aid to local communities. This shall include funding for juvenile community corrections, juvenile intake and assessment, and case management operations, plus selected other services and costs funded by the Juvenile Justice Authority consistent with individual community plans. The pooling of these funds is consistent with the intent of the reform act and enhances efficiency and flexibility at the local level.
2. Application of a single rationale for sharing resources, **where one previously did not exist**, will alter the comparative level of state aid communities receive. A change in the status quo is inevitable and necessary.
3. State general fund monies should be shared with local communities according to proportional need as it relates to juvenile crime. Unlike competitive federal grants, or targeted incentive grants, the objective of this mechanism is to share public resources with communities to meet a basic public need at the community level. Although funds may not be awarded to operate unsuccessful programs or if the grant request is lacking, in merit, the aid to communities provided through this mechanism is not a competition for funds.
4. Current essential services must not be lost or unduly disrupted. It is incumbent on the agency to continue mandated services and not to dramatically disrupt or destabilize financial support for these current local programs. Therefore, the agency must continue financial support for, and communities must continue to operate juvenile intake and assessment programs, juvenile community corrections, and juvenile case management services. Additionally, any correction to the proportional share of funding to communities resulting from a formula may need to be buffered or phased in, to mitigate disruption of core services.

5. The allocation formula must be based on equitable and measurable variables. The data upon which the variables are measured must be in an accessible database, uniformly applicable to the entire state and be logically and empirically associated with the agency's mandate.
6. That **state funds for juvenile probation provided by the Office of Judicial Administration should not be included in the pooled funds.** Juvenile probation services provided by the Unified Court Services of Kansas is not within the scope or authority of the Juvenile Justice Authority.
7. That **alternative funding opportunities, such as federal grant funds, shall not be included** within aid to local communities administered via this funding mechanism.
8. The aid to local communities provided by the agency through this funding mechanism should be allocated according to judicial district boundaries and not individual counties.
9. The funds for purchased services for juvenile offenders in the custody of the commissioner of juvenile justice shall not be included in this funding mechanism.

Effect of the Funding Formula:

The overall effect of the formula and funding mechanism will enhance local control, creativity and flexibility. It will promote efficiency and enhance the state and local partnership. **The allocation formula and finance mechanism does this by avoiding the typical pitfall of public sector funding of rewarding less efficient programs by increasing funding and penalizing more efficient organizations by reducing funding.**

This formula allows the JJA to allocate funds in a manner consistent with its mission and mandate, and be distinctive from other state and local funding responsibilities. To this end, the agency shall pool the existing funding streams that comprise the agency's aid to local communities, and allocate the local aid to a single community entity according to a single allocation rationale. Currently local aid goes to a multitude of local providers, agencies or entities according to several different allocation rationales. That way of providing local aid is a disincentive to local coordination, priority setting and resource management.

◆ **Community Based Juvenile Justice Services:**

Communities of like size juvenile populations may have significant differences in the amount of juvenile crime in the community. Also, the threat to public safety and the demand for juvenile correctional services is different depending on the kind of juvenile offending that a community experiences. A crime wave consisting of misdemeanor shoplifting, theft or public order infractions, although serious, does not have the same impact on public safety, community wellbeing or the demand for criminal justice resources as would a crime wave of drive-by shootings.

Therefore, the allocation formula the agency shall use will be based on the variables most reflective of a community's volume and type of juvenile crime. **Those variables are the annual number of juvenile offenders adjudicated who can be classified in two of three categories.** One category of juvenile offenders can be referred to as the **felony** category. The second category consists of the **escalating or "immature" juvenile offenders.** A community's share of the state's total number of sentencing within a given year, of the two types noted above, shall determine the community's available share of the funds for immediate intervention and graduated sanctions programs.

It should be understood that the two categories of juvenile offenders noted above **do not** include all juvenile offenders. Excluded are those juvenile offenders who can be described as **public order** offenders. These are **first time misdemeanor** offenders who have committed non-person misdemeanors. This population poses the least risk to public safety, has the lowest level of need, is not likely to re-offend and is typically served successfully by the Office of Judicial Administration probation services.

◆ **Prevention Services:**

The funds designated for prevention programs shall be shared with communities according to that risk factor which is most predictive of juvenile offending, particularly as it may predict serious, chronic, violent or escalating offending. The most reliable and valid predictive factor is the incidence of youth that begin ninth grade but do not graduate from high school. This risk factor is also one few which is collected and exist in a reliable and uniform manner across the entire state. This single factor shall determine the community's share of the available prevention funds.

Summary of the Finance Allocation Model:

For the most recent year of available data, a judicial district's number of felony category and immature category juvenile offenders sentenced, divided by the total number of sentenced for the state, will determine the judicial district's percent of the state's total. That percent will determine the district's share of the available funds for graduated sanctions and immediate interventions programs.

**Formula for Aid to Local Communities
(graduated sanctions and early intervention programs)**

$$\frac{\text{\# of juvenile offenders convicted of felonies*} + \text{\# of "escalating juvenile offenders"}}{\text{Total \# of juvenile offenders in Kansas}} = \% \text{ of judicial district's share of available JJA funds}$$

Likewise, the district's number of high school graduation failures, divided by the state's number of high school graduation failures, will result in the community's equitable percent of the agency's available prevention funds.

$$\begin{array}{c} \textbf{Formula for JJA Prevention Funds} \\ \\ \text{Judicial District's number of} \\ \text{high school graduation failures} \\ \hline \text{Number of high school graduation failures in Kansas} \\ \\ = \text{percentage of JJA available prevention funds} \end{array}$$

Conclusion:

The outcome of the formula will change depending on the level of appropriation and current data on the formula factors. As the juvenile justice information system improves the state's ability to measure juvenile crime and more is learned about the cost of services, improvements in the means of sharing state aid will be made. Although adjustments will be made, the basic rationale and factors that drive the funding mechanism provide a measure of predictability.

The funding strategy is consistent with the reform principles. It stresses public safety. It is community based and allows for the exercise of community norms, values and priorities. It promotes collaboration, resource management and efficiency. Additionally, it equitably shares public funds to address public needs.

Summary of the content of community strategic plans and fiscal needs

Background:

With the passage of the Juvenile Justice Reform Act, Kansas initiated a state wide process to give communities the opportunity to be active participants in identifying the needs of youth in their communities and the types of programs to best meet those needs.

Throughout the past year, each of the 29 Community Planning Teams have been diligently working through a planning process which has led to the submission of a comprehensive strategic plan. The Communities that Care Planning Model was used in assisting the teams in understanding the comprehensive strategic plan legislation, organization of the local planning process, identification of needed data, assessment of risk/protective factors, program resources to address risk and problem behavior needs. A series of 34 regional training events held during the year provided teams with the resources, data, and methods to use in compiling the necessary documentation needed in the plans. The teams were also provided training as to the Strategic Plan Outline that was

the template for which they followed in the preparation of their community comprehensive plan. Technical assistance by JJA staff, Developmental Research and Programs, and the National Council on Crime and Delinquency consultants was provided through out the planning process.

With the leadership of the 29 conveners, facilitators and more than 1,000 community members the comprehensive strategic plans were completed. The following is a brief summary that highlights some of the significant findings and recommendations compiled in the planning initiative.

Priority Risk Factors:

These are the top five risk factors as identified by the community planning teams:

- Family Management Problems (23/29 teams noted this as a top risk factor)
- Early and Persistent Anti-Social Behavior (18/29)
- Community Plans and Norms (18/29)
- Availability of Drugs (14/29)
- Lack of Commitment to Schools (13/29)

Barriers/Gaps in Services and Resources:

Barriers to efficiency within the Juvenile justice system are items that the planning teams identified which create difficulties in the management and delivery of services at the local level. Some of the top issues mentioned as needing addressed include:

- Development of a state wide Management Information System
- Enhanced Coordination and Collaboration of service agencies
- Development of a structured decision making tool for courts to use
- Under-utilization in some areas of Juvenile Intake and Assessment Services
- Transportation or access to services (especially in rural areas)

Gaps in resources are issues relate to the program needs as identified by the community planning teams. The top program concerns noted include:

- ◆ Prevention Level Services
- ◆ Mentoring
- ◆ After-School Recreation
- ◆ Parenting Education
- ◆ Intervention Level Services
- ◆ Increase use of Intake and Assessment
- ◆ Attendant Care for very short term needs
- ◆ Graduated Sanctions
- ◆ Out-of-Home Placement needs (Foster Care and therapeutic group homes)
- ◆ Sanction Houses
- ◆ Alcohol and Drug abuse treatment (all level of services)

Fiscal Overview of Plans:

The attached page provides a summary of the community plans identified level of funding needs and the areas for which those funds were requested.

I must note, that the strategic plans are NOT a grant request. The task of the community planning teams was to develop a picture of a full continuum of services and what those services should be, for their specific communities. As with all strategic plans, these plans will take time to fully implement. As with all strategic plans, to be effective, they must not be rigid, but should remain fluid enough that priorities may be adjusted if necessary.

Planning teams were asked to give a reasonable idea of the fiscal impact their recommended programs. They were asked to identify – to the greatest extent possible – current funding resources and to suggest potential future funding resources.

In very general terms, analysis of the plans indicate that local planning teams expect that a comprehensive community based continuum of programs will cost \$162,948,047. This amount applies to **all** funding sources: state, local, federal and private.

Of that amount, the community plans reflect a need for \$73,917,035 in state aid to local communities through the Juvenile Justice Authority.

A breakdown of the \$73,917,035, shows \$5,935,515 for prevention programs and \$67,981,520 needed for intermediate intervention and graduated sanctions programs.

Of the dollars associated with immediate intervention and graduated sanctions programs, \$19,285,961 would be for existing core programs such as juvenile intake and assessment, intensive community-based supervision and other programs. Also, \$27,697,293 would be for purchase of services, such as mental health services, counseling and other direct services for juveniles within communities; \$8,689,640 for new programs and finally, \$12,308,626 for capital improvements costs at the local level.

The JJA is requesting \$49,010,541 in state monies to fund aid to local communities for FY2000. The agency’s current budget for these functions is \$28,019,562. Therefore, the agency is requesting a total of \$20,990,979 in new funds.

JJA Aid to Local Communities Request for FY2000

Community planning <u>Team request</u>	FY99 JJA aid <u>to local communities</u>	Total JJA request <u>for aid to local communities</u>
\$73,917,035	\$28,019,562	\$49,010,541

Community Plan Needs Assessment: JJA Funding

<u>Judicial District</u>	<u>Capital* Improvements</u>	<u>New Programs</u>	<u>Purchase of Services **</u>	<u>Existing Core Programs ***</u>	<u>Prevention</u>	<u>Total</u>
1	0	327,500	432,590	329,680	154,667	1,244,437
2	1,316,000	59,840	1,090,100	452,800	143,334	3,062,074
3	0	328,576	1,603,369	904,604	236,421	3,072,970
4	50,000	342,000	76,823	477,654	185,000	1,131,477
5	0	135,335	278,966	408,172	83,750	906,223
6	0	70,768	120,000	495,278	48,500	734,546
7	1,116,666	157,333	944,395	439,952	29,531	2,687,877
8	0	507,784	471,901	702,215	312,500	1,994,400
9	278,175	288,830	727,000	593,968	219,200	2,107,173
10	0	546,044	3,039,320	2,221,575	246,667	6,053,606
11	2,500	271,140	841,069	1,015,005	220,000	2,349,714
12	0	236,700	687,390	240,000	685,000	1,849,090
13	60,000	185,500	529,134	469,881	0	1,244,515
14	253,000	279,551	509,077	429,149	235,000	1,705,777
15/17/23	187,785	223,765	476,633	503,036	134,750	1,525,969
16	4,382,500	291,797	0	119,500	37,500	4,831,297
18	382,000	959,380	5,878,938	1,878,613	780,000	9,878,931
19	0	70,292	167,901	253,228	97,500	588,921
20	0	140,414	588,367	484,169	515,400	1,728,350
21	0	205,000	275,000	579,000	50,000	1,109,000
22	0	142,500	140,250	486,000	461,325	1,230,075
24	0	9,000	539,276	297,512	46,820	892,608
25	100,000	831,859	316,810	1,063,920	115,400	2,427,989
26	0	608,750	1,007,500	380,991	36,667	2,033,908
27	155,000	735,840	987,218	884,000	453,000	3,215,058
28	0	226,000	530,896	544,791	79,150	1,380,837
29	4,025,000	64,142	3,384,000	1,740,408	83,333	9,296,883
30	0	4,000	1,768,060	630,000	63,100	2,465,160
31	0	440,000	285,310	260,860	182,000	1,168,170
Total	12,308,626	8,689,640	27,697,293	19,285,961	5,935,515	73,917,035

* Includes construction and building costs to expand sanction houses, residential treatment facilities and detention centers at the county level.

** Purchase of service funds provide community-based direct services such as counseling, mental health services, substance abuse treatment and out-of-home placements.

*** Case management, juvenile intake & assessment, intensive supervision & other programs

3-8

JUVENILE JUSTICE AUTHORITY

JAYHAWK WALK
714 SW JACKSON, STE 300
TOPEKA, KS 66603

February 8, 1999

State Representative Phil Kline
Statehouse, Room 171-W
Topeka, Kansas 66612

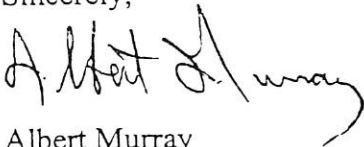
Dear Representative Kline:

During the Juvenile Justice Authority (JJA) presentation to the House Appropriations Committee on Thursday February 4, 1999, you requested a breakdown of the overcrowding plan expenditures. I have attached a breakdown of the expenditures as requested by JJA and included in the Governors budget. Please note the following:

1. The plan includes funding for overcrowding at the Topeka facility during the remainder of fiscal year 1999.
2. There is approval to roll over unspent funds into fiscal year 2000.
3. The proposed funding plan includes projected expenditures for a five (5) month period.
4. The funding plan calls for expenditure of funds as needed up to an additional 57 beds.
5. In the event the overcrowding persist beyond the authorized funded period, program needs and options will be re-assessed.

I hope this information will be helpful for you and other committee members. Please feel free to contact me if there is a need for further information or clarification.

Sincerely,



Albert Murray
Commissioner

AM:JF:bt

cc: Phill Kline Committee Chairman

(enclosure)

Attachment 4-1
House Appropriations Committee
February 17, 1999

