

Approved: 3/17/99
Date

MINUTES OF THE SENATE WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on March 8, 1999 in Room 123S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Debra Hollon, Legislative Research Department
Rae Anne Davis, 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.

Senator Ranson read from the Subcommittee Report on the Judicial Branch. (Attach. 1).

The Subcommittee concurred with the Governor for Fiscal Year 1999.

For Fiscal Year 2000, the Subcommittee concurred with the Governor with the exceptions and comments in items 1 through 4 on pages 1-10, 1-11 and 1-12.

Chairman Kerr asked Kathy Porter of the Judicial Branch if the impediment of getting cases cleared up in Sedgwick County was for lack of judge power or was it related to problems within the judiciary or was it outside the judiciary so that the papers aren't put before the judge to allow them to finalize them.

Ms. Porter said they believed it was a combination of all these factors. Now a judge pro tem paid by SRS, handles juvenile offenders. One of the problems in Wichita, in each of the Child in Need of Care cases, there needs to be a guardian ad litem representing the child and there needs to be legal representation for the parents. Funding for this representation has been one of their major problems and also finding people who are willing to do it for the salary offered.

The Chair said that on that point, SRS has sent Kansas Legal Services another check to get them to represent some of these parties. They can play any of the three roles; prosecutor, guardian ad litem or representing the parents.

Senator Morris moved to amend the Subcommittee Report on the Judicial Branch to provide for consideration in Omnibus, of a roving judge to address the foster care issue. The motion was seconded by Senator Ranson and the motion to adopt carried on a voice vote.

Chairman Kerr then asked that a technical change be made in the wording of item 3 in regard to the phrase "use \$50,000 for salaries of existing staff". He asked that it be changed to "add at least \$50,000 for salaries for hiring persons whose duties relate to judicial technology", and suggested that the funding come from the Judicial Technology Fund grant program.

Senator Jordan read from the Subcommittee Report on the Board of Indigents' Defense. (Attach. 2).

The Subcommittee concurred with the Governor for Fiscal Year 1999 with the comment in item 1 on page 2-3.

For Fiscal Year 2000, the Subcommittee concurred with the Governor with the exceptions in items 1, 2 and 3 on pages 2-7 and 2-8

In regard to item 2, it was asked if this recommendation would boost attorneys beginning salaries to \$34,507.

Carolyn Rampey of Legislative Research explained that this was a three-year plan to get all 90 some attorneys up to parity. This is the second year and Pat Scalia, Executive Director of Indigents' Defense Services, would have to define how the money would be spread. The Director told the Subcommittee that because of the high turnover in their agency, she believed she'd be able to take turnover savings and implement the third year without coming back to the Legislature for the additional money. Ms. Rampey said that the implication was that with the money they're now requesting, plus whatever saving the Director can generate next year, she will be able to achieve parity.

Ms. Rampey said that as she understood it, the Legislature's policy has been to try to promote public defender offices to reduce the cost of assigned counsel. For the years 1996 through 1998, they began to see the relationship as the funding for public defenders went up, the assigned counsel cost did go down.

Senator Salisbury said she felt that if they were going to have a Public Defender system, and if they were going to believe that it was the most cost effective way to approach indigent cases, then they were going to have to fund it.

Randy Hearrell, of the Judicial Council, said that about 95% of everything recommended by the Legislature did pass and they felt that a couple of years ago they had the definition of indigency well in place. Also at every place that the defendant could be required to pay back, there was a statute to require that he do so.

Asked where the money went that was paid back, Cathy Estes, of the Board of Indigents' Defense Service, said that some went into the docket and the rest into the State General Funds. Over a million dollars were paid back last year and it goes up every year.

Senator Salisbury suggested they look at the increase that the State General Fund is receiving as a result of paybacks and see if it warrants some additional funding for Public Defenders Offices in order to make them work efficiently and effectively as they were first perceived.

Senator Ranson read from the Subcommittee Report on the Judicial Council. (Attach. 3).

The Subcommittee concurred with the Governor for Fiscal Year 1999 with the exception in item 1 on pages 3-3 and 3-4.

For Fiscal Year 2000, the Subcommittee concurred with the Governor with the exceptions listed in items 1 and 2 on pages 3-7 and 3-8.

The motion was made by Senator Ranson and seconded by Senator Jordan that the Subcommittee Reports be adopted as amended. The motion carried on a voice vote.

The meeting was adjourned at 11:55 a.m. The next meeting is scheduled for Wednesday, March 10, 1999.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 3/8/99

NAME	REPRESENTING
J. El-Koubysi	SBIDS
Cathy Estes	SBIDS
Ken Balw	KS: Environmental Consulting
Thad M. Neanece	KS Judicial Council
Jerry Sloan	OJA
Kathy Porter	OJA
J Patrick Brazil	Court of Appeals
Lynn Buckenth	Court of Appeals
Bill Henry	KS Gov. Council

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	<u>1,410,522</u>	<u>1,410,522</u>	<u>0</u>
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	<u>0</u>	<u>0</u>	<u>0</u>
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	<u>1,410,522</u>	<u>1,410,522</u>	<u>0</u>
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	<u>0.0</u>	<u>0.0</u>	<u>-</u>
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.

Senate Ways and Means Committee

Date 3/8/97

Attachment # [..]

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.

House Committee Recommendations

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

SENATE SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. -

Bill Sec. -

Analyst: Rampey

Analysis Pg. No. 1207

Budget Page No. 277

Expenditure Summary	Agency Estimate FY 99	Gov. Rec. FY 99	Senate Subcommittee Adjustments
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	\$ 79,868,844	\$ 79,868,844	\$ 0
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	\$ 73,744,690	\$ 73,744,690	\$ 0

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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	<u>0.0</u>	<u>0.0</u>	<u>-</u>
TOTAL	<u>1,787.0</u>	<u>1,787.0</u>	<u>-</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.

House Budget Committee Report

Agency: Judicial Branch

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. 1207

Budget Page No. 277

Expenditure Summary	Agency Req. FY 2000	Gov. Rec. FY 2000	House Budget Committee Adjustments
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	\$ 84,326,481	\$ 81,602,660	\$ 1,000,000
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	\$ 79,189,087	\$ 76,404,385	\$ 1,000,000
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	\$ 5,137,394	\$ 5,198,275	\$ 0
FTE Positions	1,830.0	1,796.0	34.0
Unclass. Temp. Positions	0.0	0.0	0.0
TOTAL	1,830.0	1,796.0	34.0

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

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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

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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
<u>1.0 FTE</u>	<u>Trial Court Clerk I–29th Judicial District (Wyandotte County)</u>	<u>20,571</u>
34.0 FTE	TOTAL	<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.

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- 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 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

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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 proceedings 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 judge 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-ROM technology to allow the storage of large quantities of data in a relatively small space and to make the data more readily accessible and retrievable.

House Committee Recommendations

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

- 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.
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Senate Subcommittee Report

Agency: Judicial Branch

Bill No. 326

Bill Sec. 36

Analyst: Rampey

Analysis Pg. No. 1207

Budget Page No. 277

Expenditure Summary	Agency Req. FY 2000	Gov. Rec. FY 2000	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 82,583,949	\$ 79,860,128	\$ (2,868,354)
Aid to Local Units	790,415	790,415	(50,000)
Other Assistance	952,117	952,117	0
TOTAL	\$ 84,326,481	\$ 81,602,660	\$ (2,918,354)
State General Fund:			
State Operations	\$ 79,189,087	\$ 76,404,385	\$ (2,830,558)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 79,189,087	\$ 76,404,385	\$ (2,830,558)
Other Funds:			
State Operations	\$ 3,394,862	\$ 3,455,743	\$ (37,796)
Aid to Local Units	790,415	790,415	(50,000)
Other Assistance	952,117	952,117	0
TOTAL	\$ 5,137,394	\$ 5,198,275	\$ (87,796)
FTE Positions	1,830.0	1,796.0	0.0
Unclass. Temp. Positions	0.0	0.0	0.0
TOTAL	1,830.0	1,796.0	0.0

* Includes a reduction of \$2,945,729 (\$2,857,933 from the State General Fund) for the Governor's employee salary adjustment. Absent the decrease for the pay plan, the recommendation is an increase of \$27,375 from the State General Fund over the Governor's recommendation.

Senate Subcommittee Report

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

1. Delete \$2,945,729 (\$2,857,933 from the State General Fund) based on the decision to delete funding for the Governor's recommended pay plan adjustments. The

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adjustments consist of \$630,768 for longevity bonus payments and \$2,314,961 for a 3.5 percent unclassified merit pool.

2. After the Governor made his recommendations, the Judicial Branch amended its budget for FY 2000 by withdrawing its request for four of the nine district magistrate judge positions the Governor recommended. As a result, there are savings of \$208,228 in the Governor's budget that the Subcommittee used to fund the priorities described below:

- a. Add \$128,103 from the State General Fund for the salaries and fringe benefits of 3.0 FTE Central Research Attorneys I for the Court of Appeals. The number of new cases filed in the Court of Appeals has increased by more than 75 percent from 1987 to 1997 and the number of opinions filed has increased by 127 percent during that period. In addition, the number of cases carried over to the following year continues to grow: As of January 1, 1998, there were 2,403 cases pending, or 423 more cases than were filed during 1997.

The Court of Appeals has taken steps to become more efficient, such as using outside judges to help reduce the backlog. Nevertheless, without adequate staffing the judges cannot be expected to increase their output or to even keep up. Research Attorneys review briefs, write research memoranda, and provide judges independent analyses of cases. The Subcommittee's recommendation would be one step toward helping the Court of Appeals address its increasing workload.

- b. Add \$107,500 from the State General Fund to upgrade the salaries of the clerks of the district court, the statutory official in each county who is the main ministerial officer of the district court. Classification adjustments have not been made to the salaries of clerks of the district court for 13 years, yet during that time competing salaries in the private sector have increased and the job of the clerk has become more demanding. The Subcommittee's recommendation would upgrade the starting salary of beginning clerks from \$20,176 to \$23,358, which the Subcommittee hopes will help the district courts fill vacancies and retain experienced staff.
3. Shift \$50,000 from the Judiciary Technology Fund currently earmarked for grants to salaries in order to replace money from the SGF that can be used to fund the new position of Assistant Fiscal Officer. For FY 2000, \$350,000 from the Judiciary Technology Fund is allocated for competitive grants to district courts for technology. This is an increase of more than \$100,000 in grants that have been awarded each year since 1996 when the Judicial Technology Fund grant program began. The Subcommittee's recommendation would reduce the grants in FY 2000 to \$300,000, which would still be an increase over prior years, and use \$50,000 for salaries of existing staff whose duties relate to judicial technology. (The statutory purposes of the Fund permit the money to be used for salaries related to judicial technology. Currently, 4.0 FTE positions are funded from the Fund.) By using \$50,000 from the

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Fund for salaries presently paid from the SGF, money from the SGF could be used for an Assistant Fiscal Officer position.

Judicial system financing has become more complicated, particularly because of an increase in federal funds, grants, and other special revenue funds. An annual budget of more than \$75.0 million from the SGF requires management and oversight that presently cannot be accomplished without additional staff resources.

4. The Subcommittee would like to take the opportunity to offer its perspective on the judicial system. The Subcommittee is concerned about increasing workload, not just for the Court of Appeals whose needs were discussed earlier in this report, but for the entire judicial system. Between the years FY 1987 and FY 1998, there was a 50 percent increase in case filings (excluding traffic cases), while the number of judges increased by only 6.6 percent and the number of nonjudicial employees by 7.9 percent.

The Legislature has tried to respond to these increased demands. Most recently, the 1998 Legislature appropriated funding that allowed the creation of new district judgeships in the First Judicial District (Leavenworth County), the Thirteenth Judicial District (Butler County), and the Twenty-Sixth Judicial District (Seward County). Each of these new judgeships was authorized an administrative assistant and court reporter. In addition, ten nonjudicial positions were authorized for districts around the state that were in the most need of additional staff. The 1998 Legislature also provided for an upgrade of court reporter salaries.

Improvements also have been made in nonpersonnel areas to make the system more efficient. In October, 1998, the new Caseload Management Reporting System was implemented to allow the district courts to electronically submit statistical information to a central database. Now, reports can be generated on demand and the ability of the Office of Judicial Administration to produce effective and timely statistical reports concerning the caseload of the district courts has been dramatically improved.

The Subcommittee is pleased with these developments, but remains concerned because caseloads are increasing and the cases themselves are becoming more complex. We are not the only ones who are concerned. In 1997, an in-depth study of the judicial system was begun by the Kansas Justice Commission whose members were appointed by the Governor, the Supreme Court, and the Legislature. The Commission began its work in 1997 and is expected to make its report this Spring. The Subcommittee expects that the report will address some of the issues the Subcommittee raises and awaits it with great interest.

Judicial Branch

FY 2000



Senator Pat Ranson
Subcommittee Chair



Senator Mark Gilstrap



Senator Nick Jordan

House Budget Committee Report

Agency: Board of Indigents' Defense Services

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1231

Budget Page No. 257

Expenditure Summary	Agency Est. FY 99	Gov. Rec. FY 99	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 13,586,178	\$ 13,578,550	\$ 0
Aid to Local Units	0	0	0
Other Assistance	480,220	480,220	0
TOTAL	\$ 14,066,398	\$ 14,058,770	\$ 0
State General Fund:			
State Operations	\$ 13,423,898	\$ 13,416,270	\$ 0
Aid to Local Units	0	0	0
Other Assistance	480,220	480,220	0
TOTAL	\$ 13,904,118	\$ 13,896,490	\$ 0
Other Funds:			
State Operations	\$ 162,280	\$ 162,280	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 162,280	\$ 162,280	\$ 0
FTE Positions	165.0	165.0	0.0
Unclass. Temp. Positions	1.0	1.0	0.0
TOTAL	166.0	166.0	0.0

AGENCY OVERVIEW

The statutory mission of the State Board of Indigents' Defense Services (BIDS) is to provide, supervise, and coordinate constitutionally and statutorily-required counsel and related services for indigents accused of felonies. The Board fulfills its mission in large part by overseeing a statewide system of public defender offices and assigned counsel. Public defender offices are located in Topeka, Salina, Junction City, Wichita (and a satellite office in Hutchinson), Olathe, Garden City, Liberal, and Chanute. Also in Topeka is the Northeast Kansas Conflict Office which handles conflict cases generated in Shawnee County and the Appellate Defender Office which represents indigent felony defendants on appeal. The Death Penalty Defense Unit, established in 1996, defends persons who face capital murder charges. The agency serves as the pass-through agency for funding for Legal Services for Prisoners, Inc., a nonprofit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions.

Senate Ways and Means Committee

Date 3/8/99

Attachment # 2

Agency Est./Governor's Recommendation

Estimated expenditures for FY 1999 are \$14,066,398, an increase of \$298,917 over the amount approved by the 1998 Legislature. Because the Board has the authority to reappropriate all savings from the prior year, no action by the Legislature is necessary to allow the agency to spend money in excess of the approved amount. The increase consists of \$241,637 from the SGF in savings reappropriated from FY 1998 and \$57,280 from other funds as the result of receipts to two special revenue funds being greater than originally estimated. The Governor recommends a total of \$14,058,770, a reduction in SGF expenditures of \$7,727 from the agency's estimate.

House Budget Committee Recommendations

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

House Committee Recommendations

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

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services

Bill No. 323

Bill Sec. 11

Analyst: Rampey

Analysis Pg. No. 1231

Budget Page No. 257

<u>Expenditure Summary</u>	<u>Agency Est. FY 99</u>	<u>Gov. Rec. FY 99</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 13,586,178	\$ 13,578,550	\$ 0
Aid to Local Units	0	0	0
Other Assistance	480,220	480,220	0
TOTAL	<u>\$ 14,066,398</u>	<u>\$ 14,058,770</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 13,423,898	\$ 13,416,270	\$ 0
Aid to Local Units	0	0	0
Other Assistance	480,220	480,220	0
TOTAL	<u>\$ 13,904,118</u>	<u>\$ 13,896,490</u>	<u>\$ 0</u>
Other Funds:			
State Operations	\$ 162,280	\$ 162,280	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 162,280</u>	<u>\$ 162,280</u>	<u>\$ 0</u>
FTE Positions	165.0	165.0	0.0
Unclass. Temp. Positions	1.0	1.0	0.0
TOTAL	<u>166.0</u>	<u>166.0</u>	<u>0.0</u>

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Senate Subcommittee Recommendations

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

1. The Board's Death Penalty Defense Unit currently has 16 active capital cases, with the possibility of two more being added. If even one of the two possible cases is added, the Board does not have enough money left to handle it. The Subcommittee calls attention to this matter and suggests that, if new cases are added, the Board should ask the Governor for an amendment to his budget. It is the Subcommittee's intention to review the status of the Death Penalty Defense Unit caseload at the end of the Session and to consider any Governor's Budget Amendment in the Omnibus Bill.

State Board of Indigents' Defense Services

FY 1999

Pat Ranson

Senator Pat Ranson
Subcommittee Chair

Mark Gilstrap

Senator Mark Gilstrap

Nick Jordan

Senator Nick Jordan

House Budget Committee Report

Agency: Board of Indigents' Defense Services

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1231

Budget Page No. 257

Expenditure Summary	Agency Req. FY 00	Gov. Rec. FY 00	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 14,286,248	\$ 13,690,029	\$ 147,623
Aid to Local Units	0	0	0
Other Assistance	555,010	497,218	0
TOTAL	<u>\$ 14,841,258</u>	<u>\$ 14,187,247</u>	<u>\$ 147,623</u>
State General Fund:			
State Operations	\$ 14,156,148	\$ 13,559,929	\$ 147,623
Aid to Local Units	0	0	0
Other Assistance	555,010	497,218	0
TOTAL	<u>\$ 14,711,158</u>	<u>\$ 14,057,147</u>	<u>\$ 147,623</u>
Other Funds:			
State Operations	\$ 130,100	\$ 130,100	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 130,100</u>	<u>\$ 130,100</u>	<u>\$ 0</u>
FTE Positions	167.0	165.0	0.0
Unclass. Temp. Positions	1.0	1.0	0.0
TOTAL	<u>168.0</u>	<u>166.0</u>	<u>0.0</u>

Agency Req./Governor's Recommendation

The Board of Indigents' Defense Services (BIDS) requests a total of \$14,841,258 for FY 2000. Requested enhancements include \$230,236, plus fringe benefits, to upgrade the salaries of 93 attorneys; \$14,000 for sign-on bonuses for attorneys who enter into an employment agreement committing them to work for the Board's Western Kansas office for three years; and a new Public Defender V position to develop and conduct training for attorneys at the various public defender offices around the state.

The Governor recommends \$14,187,247, a reduction of \$654,011 from the Board's request. Major areas of reduction are \$392,896 less than requested for assigned counsel and \$130,236 less than requested for the upgrade of attorney salaries.

House Budget Committee Recommendations

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

1. Add \$147,623 from the SGF for salary increases (including fringe benefits) for the attorney salary upgrade. In the early 1990s, the salaries of classified attorneys who work for the state were upgraded by two pay grades. Unclassified attorneys who work for BIDS were not included in the upgrade and consequently make less than their counterparts in other agencies. To illustrate, an Attorney I in the classified service would begin at a salary of \$34,507, but the entry level salary for an attorney at BIDS is \$32,042. According to the Executive Director, the agency has lost 12 attorneys this to date this fiscal year, of whom 11 said they were leaving because of low pay. As a result, agency turnover is high, most positions are filled at entry level, and new law school graduates lack trial experience. The Board is forced to place greater reliance on assigned counsel, even though the cost per case for assigned counsel is consistently higher than the public defender cost per case. (For example, in FY 1998, the cost per case of assigned counsel was \$513 compared to \$498 for public defenders.)

Providing counsel to indigents accused of felonies is constitutionally and statutorily required. The issue is whether the state wants to pay for it through the more expensive option of using assigned counsel or by recruiting and retaining experienced attorneys as state employees who generally can do the work for less. The Budget Committee believes the additional funds being recommended will save money in the long run and notes that in 1998, the Board requested a total of \$400,743, plus fringe benefits, over a three-year period to upgrade the salaries of 93 attorneys. The 1998 Legislature approved \$80,000 for FY 1999, leaving \$320,743, plus benefits, left to fund. The recommendation of the Budget Committee would leave approximately \$90,500, plus benefits, unfunded for the third year of the plan. However, the Executive Director of the Board has informed the Budget Committee that, if the Budget Committee's recommendation is approved, she believes she will be able to absorb the additional increase necessary for parity salary upgrades and will not ask the 2000 Legislature for third-year funding.

House Committee Recommendations

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

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Senate Subcommittee Report

Agency: Board of Indigents' Defense Services

Bill No. S.B. 326

Bill Sec.35

Analyst: Rampey

Analysis Pg. No. 1231

Budget Page No. 257

Expenditure Summary	Agency Req. FY 00	Gov. Rec. FY 00	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 14,286,248	\$ 13,690,029	\$ (58,289)
Aid to Local Units	0	0	0
Other Assistance	555,010	497,218	0
TOTAL	<u>\$ 14,841,258</u>	<u>\$ 14,187,247</u>	<u>\$ (58,289)</u>
State General Fund:			
State Operations	\$ 14,156,148	\$ 13,559,929	\$ (158,289)
Aid to Local Units	0	0	0
Other Assistance	555,010	497,218	0
TOTAL	<u>\$ 14,711,158</u>	<u>\$ 14,057,147</u>	<u>\$ (158,289)</u>
Other Funds:			
State Operations	\$ 130,100	\$ 130,100	\$ 100,000
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 130,100</u>	<u>\$ 130,100</u>	<u>\$ 100,000</u>
FTE Positions	167.0	165.0	0.0
Unclass. Temp. Positions	1.0	1.0	0.0
TOTAL	<u>168.0</u>	<u>166.0</u>	<u>0.0</u>

* Includes a reduction of \$208,289 from the SGF for the Governor's employee salary adjustment. Absent the salary adjustment, the Subcommittee's recommendation would be an increase of \$50,000 from the SGF and an increase of \$150,000 from all funds.

Senate Subcommittee Recommendations

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

1. Delete \$208,289 from the State General Fund based on the decision to delete funding for the Governor's recommended pay plan adjustments. The adjustments consist of \$40,037 for a 2.5 percent classified step movement, \$5,863 for longevity bonus payments, \$17,616 for a 1.0 percent classified base salary adjustment, and \$144,773 for a 3.5 percent unclassified merit pool.

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2. Add \$50,000 from the State General Fund for the upgrade of attorneys' salaries. This amount, along with an unexpected increase of about \$100,000 in revenues to the Indigents' Defense Services Fund, would fund the \$147,623 requested for the parity salary increase. (The primary source of revenue to the Indigents' Defense Services Fund is docket fees.) In the early 1990s, the salaries of classified attorneys who work for the state were upgraded by two pay grades. Unclassified attorneys who work for BIDS were not included in the upgrade and make less than their counterparts in other agencies. (An Attorney I in the classified service would begin at a salary of \$34,507 compared to \$30,810 for an attorney at BIDS.)

According to the Executive Director, the agency has lost 15 attorneys so far this fiscal year, most of whom said they were leaving because of low pay. The Board was forced to shut down the Johnson County Public Defender Office for two weeks last fall because of vacancies and had to pay \$20,820 in fees for assigned counsel to pick up the workload. On February 19, 1999, the Topeka Public Defender Office was shut down because three attorneys quit. The Board is assigning three out of four new cases to private counsel, even though the cost per case for assigned counsel is consistently higher than the public defender cost per case. (In FY 1998, the statewide average per case for assigned counsel was \$513 compared to \$498 per case for public defenders. Of course, it is not cost effective to establish public defender offices in every part of the state, and, in some cases, money can be saved by using assigned counsel.)

The state has the choice of paying for the defense of indigents through the more expensive option of using assigned counsel or by recruiting and retaining experienced attorneys as state employees who generally can do the work for less. The Subcommittee believes its recommendation will save money in the long run.

3. The Subcommittee calls attention to the fact that in 1987, the Kansas Supreme Court issued an opinion that the existing system of appointing and compensating assigned counsel was unconstitutional and that the state was required to pay reasonable compensation to attorneys assigned to represent indigent defendants. As a result, the 1988 Legislature approved a \$50 hourly compensation rate for assigned counsel.

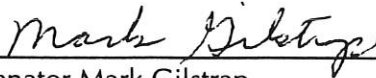
The rate has not changed in ten years. In addition, the payment to attorneys sometimes is late because BIDS runs out of money and has to wait until the next fiscal year to pay the bill. The Subcommittee hopes its recommendation to upgrade the salaries of public defenders will reduce the reliance on assigned counsel, except in those cases when assigned counsel is the most cost effective option. Nevertheless, it feels obligated to express its concern that another legal challenge could be precipitated by low hourly rates and late payments and notes that the Governor's recommendation of \$5,157,717 for assigned counsel in FY 2000 is \$392,898 less than the Board requested.

State Board of Indigents' Defense Services

FY 2000



Senator Pat Ranson
Subcommittee Chair



Senator Mark Gilstrap



Senator Nick Jordan

HOUSE BUDGET COMMITTEE REPORT

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Rampey

Analysis Pg. No. 1223

Budget Page No. 275

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

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 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

Senate Ways and Means Committee

Date 3/8/99

Attachment # 3-1

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.

House Committee Recommendations

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

SENATE SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. -

Bill Sec. -

Analyst: Rampey

Analysis Pg. No. 1223

Budget Page No. 275

Expenditure Summary	Agency Estimate FY 99	Gov. Rec. FY 99	Senate Subcommittee Adjustments
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>

Senate Subcommittee Recommendation

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

1. The Subcommittee 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 will in no way threaten the Council's operation or jeopardize the Fund's condition. The

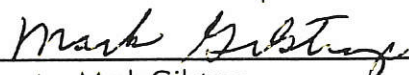
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Subcommittee's recommendation is that a shift be made to increase expenditures from the Publications Fee Fund by \$50,000 and reduce expenditures from the SGF by the same amount. To accomplish this recommendation, it would be necessary to remove the 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 Subcommittee'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.



Senator Pat Ranson, Subcommittee Chair



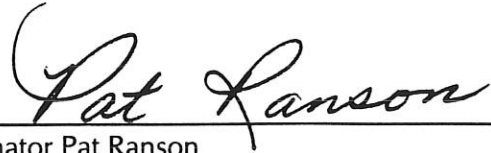
Senator Mark Gilstrap



Senator Nick Jordan

Judicial Branch

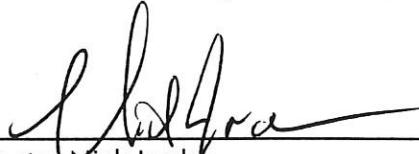
FY 1999



Senator Pat Ranson
Subcommittee Chair



Senator Mark Gilstrap



Senator Nick Jordan

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:

- 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.)

House Committee Recommendations

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

- Request that an advisory committee of 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 a "behavior problem child" and a "neglected child."

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

SENATE SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 326

Bill Sec. 34

Analyst: Rampey

Analysis Pg. No. 1223

Budget Page No. 275

Expenditure Summary	Agency Request FY 00	Gov. Rec. FY 00	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 303,152	\$ 305,062	\$ (8,264)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 303,152</u>	<u>\$ 305,062</u>	<u>\$ (8,264)</u>
State General Fund:			
State Operations	\$ 254,426	\$ 250,208	\$ (7,824)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 254,426</u>	<u>\$ 250,208</u>	<u>\$ (7,824)</u>
Other Funds:			
State Operations	\$ 48,726	\$ 54,854	\$ (440)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 48,726</u>	<u>\$ 54,854</u>	<u>\$ (440)</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>

* The reduction consists entirely of \$8,264 (\$7,824 from the State General Fund) deleted for the Governor's salary plan adjustment.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor, with the following exceptions:

1. Delete \$8,264 (including \$7,824 from the SGF) for the Governor's recommended pay plan adjustments for a 3.5 percent unclassified merit pool (\$6,586) and longevity bonus payments (\$1,638).

2. Building upon its recommendation for FY 1999 to make use of balances in the Publications Fee Fund to the enhancement of the SGF, the Subcommittee 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 Subcommittee's recommendation for FY 1999, it is estimated that balances in the Fund at the end of FY 2000 will be \$199,988. That means that \$24,988 would be transferred to the SGF if this recommendation is adopted.

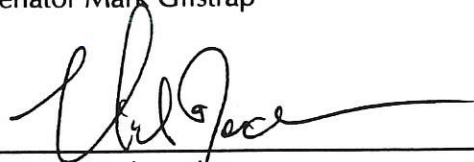
The recommendation has the support of the Judicial Council's Executive Director and would leave ample money in the Fund to pay the Fund's portion of the Council's operating expenses. The policy to transfer balances in the Fund to the SGF should be reviewed by the Legislature each year so that, if revenues to the Fund drop, the policy can be discontinued. To allow maximum use of special revenue funds, the Subcommittee 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.)



Senator Pat Ranson, Subcommittee Chair



Senator Mark Gilstrap



Senator Nick Jordan