

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairman Kenny Wilk at 9:05 a.m. on March 8, 2001, in Room 514-S of the Capitol.

All members were present except Representative Pottorff
 Representative Shultz

Committee staff present: Alan Conroy, Legislative Research
 Rae Anne Davis, Legislative Research
 Carolyn Rampey, Legislative Research
 Amy Kramer, Legislative Research
 Robert Chapman, Legislative Research
 Robert Waller, Legislative Research
 Paul West, Legislative Research
 Jim Wilson, Revisor of Statutes
 Mike Corrigan, Revisor of Statutes
 Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee: Jack Brier, Kansas Finance Development Authority
 Kim Wells, Bond Counsel
 Kathy Porter, Office of Judicial Administration
 Brad Rayl, Kansas State Fair Board

Others attending: See Attached

Representative Wilk requested the introduction of legislation regarding the Securities Commissioner investment education fund. Motion was seconded by Representative Minor. Motion carried.

Representative Peterson, Chairman of the Tax, Judicial, and Transportation Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Judicial Council for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 with the noted exception (Attachment 1). Motion was seconded by Representative Spangler. Motion carried.

Representative Peterson presented the Budget Committee report on the Governor's budget recommendations for the Judicial Council for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted exceptions (Attachment 1). Motion was seconded by Representative Spangler. Motion carried.

Representative Spangler presented the Budget Committee report on the Governor's budget recommendations for the Judicial Branch for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 with the noted exception (Attachment 1). Motion was seconded by Representative Peterson.

Representative Neufeld made a substitute motion to amend the report by striking the recommendation that \$300,000 from the State General Fund be added for salaries for nonjudicial personnel and that this recommendation for funding be deferred and reviewed during Omnibus. Motion was seconded by Representative Schwartz. Motion carried.

The Committee expressed concerns regarding the recommendation for additional funding when it had been their impression that the increased docket fees would address the salary issue. The Budget Committee Chairman explained that the Committee had realized the importance of this as the Judicial Branch will be forced to impose an extended hiring freeze without the proposed additional funding. By deferring this to Omnibus, there is a good chance there will be a forced compromise of \$150,000 which will not provide adequate funding for nonjudicial personnel. It was noted that the Governor's recommendation for a shrinkage rates disproportionate for the Judicial Branch as the largest portion of their budget is for personnel. The Committee discussed the need for consistency in dealing with all the budgets being reviewed and not show preferential treatment of one agency over another concerning shrinkage. An option mentioned was to lift the cap on expenditures which are funded through the docket fees which provided \$3.9 million, however, only \$3.5 million was budgeted for FY 2001. No expenditure limit has been assigned to FY 2002.

Representative Nichols moved to amend the report by requesting that the issue of allowing a no-limit fund be explored. Motion was seconded by Representative Peterson. Motion carried.

Representative Spangler moved that the Budget Committee report on the Governor's budget recommendations for the Judicial Branch for FY 2001 as amended and with the noted exception be adopted (Attachment 1). Motion was seconded by Representative Peterson. Motion carried.

Representative Spangler presented the Budget Committee report on the Governor's budget recommendations for the Judicial Branch for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted recommendations (Attachment 1). Motion was seconded by Representative Hermes.

Representative Neufeld moved to amend the Budget Committee report by striking language in the paragraph Exception No. 1 which would add \$1,212,197 from the State General Fund and defer this issue to Omnibus. Motion was seconded by Representative Schwartz. Motion carried.

The Budget Committee explained that this requested funding was necessary to lower the turnover rate among nonjudicial personnel from 4 percent to 1 percent. The Senate has added this funding in their budget report for the Judicial Branch. Kathy Porter of the Office of Judicial Administration reported there is enough space for the additional four Court of Appeals judges however some space renovation will be necessary.

Representative Spangler moved for the adoption of the Budget Committee report on the Governor's budget recommendations for the Judicial Branch for FY 2002 with the noted exceptions and as amended (Attachment 1). Motion was seconded by Representative Hermes. Motion carried.

Representative Hermes presented the Budget Committee report on the Governor's budget recommendations for the State Board of Indigents' Defense Services for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 with the noted exception (Attachment 1). Motion seconded by Representative Peterson. Motion carried.

Representative Hermes presented the Budget Committee report on the Governor's budget recommendations for the State Board of Indigents' Defense Services for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted recommendations (Attachment 1). Motion seconded by Representative Peterson.

Representative Neufeld moved to amend paragraph No. 2 of the Budget Committee report by removing the addition of \$2121,213 from the State General Fund for Kansas Legal Services for Prisoners, Inc., and that the State Board of Indigents' Defense request supplemental funding after the Judicial Council Report is completed. Motion was seconded by Wilk. Motion carried.

The Budget Committee pointed out that contract lawyers will have to be hired at a rate of \$75 per hour in order to meet the needs of the prisoners and that bills will be in arrearage until the supplemental is paid. Committee members questioned why the total cost of funding the death penalty was not addressed in FY 2002. Defense funds must be available for provide for defense in all capital murder cases and there is absolutely no way to predict the number of defendants which will require such services. If adequate defense is not provided, the accused may be set free on appeal.

Representative Hermes moved for the adoption of the Budget Committee report on the Governor's budget recommendations for the State Board of Indigents' Defense Services for FY 2002 as amended and with the noted recommendations (Attachment 1). Motion seconded by Representative Peterson. Motion carried.

Representative Schwartz, Chairperson of the Agriculture and Natural Resources Budget Committee presented the Budget Committee report on the Governor's budget recommendation for the Department of Wildlife and Parks for FY 2001 and moved for the adoption of the Budget Committee recommendations for FY 2001 (Attachment 2). Motion seconded by Representative Kline. Motion carried.

Representative Schwartz, Chairperson of the Agriculture and Natural Resources Budget Committee presented the Budget Committee report on the Governor's budget recommendation for the Department of Wildlife and Parks for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with the noted adjustments (Attachment 2). Motion seconded by Representative Kline.

Committee members expressed concern regarding the \$500,000 requested for Local Government Outdoor

Recreation Grants. The Economic Development initiatives fund is already \$2.9 million over-budgeted.

Representative Stone moved to strike Item 3 of the Budget Committee recommendations for Wildlife and Parks for FY 2002 and requested that this item be revisited at Omnibus. Motion was seconded by Representative Shriver.

The Committee discussed that by requiring that the \$500,000 funding for the Local Government Outdoor Recreation Grants to come from the Economic Development initiatives fund at Omnibus, and if, by that time that fund has been depleted, some other source of funding would have to be found. The Committee acknowledged the success of the program.

Representative Stone withdrew his motion with the consent of Representative Shriver who had seconded the motion.

Chairman Wilk announced the continuation of the Budget Committee report on the Governor's recommendations for Wildlife and Parks FY 2002 would continue on Friday, March 9, 2001.

Action on HB 2493– Kansas state fairgrounds repair and reconstruction

Robert Chapman, Legislative Research Department explained the bill which would allow bonding of not to exceed \$29 million for the renovation and reconstruction of the Kansas State Fairgrounds.

Brad Rayl, Kansas State Fair Board, distributed copies of Resolution No. 2000-R17 from the City of Hutchinson and Resolution 2000-17 from the Commissioners of Reno County pledging on-going support for the reconstruction and renovation of the Kansas State Fairgrounds (Attachment 3). It was pointed out that both resolutions would have to be redrawn if the state funding is not granted this year.

Representative Kline moved for a conceptual amendment on Page 1, line 30 which would strike "state general fund" and insert "state economic development initiatives fund;" Page 1, Line 39 insert following the word "except" "after review of the Joint Building Construction Committee." Motion was seconded by Representative Campbell. Motion carried.

The Committee discussed the appropriateness of such a motion as the renovation and reconstruction of the Kansas State Fairgrounds could certainly be considered economic development.

Jack Brier, Kansas Finance Development Authority, explained that even if the revenue stream for payment of the bonds was from the EDIF, the City of Hutchinson, and Reno County, the bonds would be much more marketable if they were sold with the "Kansas" name on them. The bonds could be issued at five different times depending upon the market rates and the need for the money. Representative Kline requested that the plans and estimates be brought before the Joint Committee on Building Construction prior to each phase of the construction plan. Kim Wells, Bond Counsel for the Kansas Department of Transportation, said the authorization for letting the total amount of the bonds up front would allow for more flexibility which leads to better rates.

Representative Spangler moved to amend the bill in subsection (c) of Section 1 to strike the language which delineates the increments of the bill and tiers and authorize the total amount of bonding to be \$24 million. Motion was seconded by Representative Nichols.

The Committee discussed the necessity of having the total amount of \$29 million available in order to have more flexibility. The bonds would not be sold at the same time but rather as the market dictates and according to the IRS code and bond spend down provisions. The State Finance Council would also have to approve this bonding issue.

Representative Spangler withdrew his motion with the consent of Representative Nichols who had seconded the motion.

Representative Neufeld moved to amend the bill by striking all of subsection (c) of Section 1. Motion was seconded by Representative Shriver. Motion carried.

Representative Nichols moved to conceptually amend the bill in order to authorize a transfer in FY 2003 of at least \$1,660,656 from the economic development initiatives fund with the anticipation that additional funding could come through appropriations. Motion was seconded by Representative Wilk. Motion carried. Representative Spangler asked to be recorded as a "no" vote.

Representative Schwartz moved for the bill to be reported favorably as amended. Motion was seconded by Representative Spangler. Motion carried.

The meeting adjourned at 11:00 a.m. The next meeting is scheduled for Friday, March 9, 2001.

APPROPRIATIONS COMMITTEE GUEST LIST

DATE: 3/08/01

| NAME | REPRESENTING |
|--------------------------|-------------------|
| TK Shively | KS LEGAL SERVICES |
| Melinda Gawe | DOB |
| Udilyn Kelsel | DOB |
| Carole Jordan | KDA |
| Jim Stoecklein | Kansas State Fair |
| Denny Stoecklein | " " |
| BRAD D. RAYL | " " " |
| Kathy Parker | Judicial Branch |
| Kim Fowler | Judicial Branch |
| Jerry Sloan | Judicial Branch |
| Edgim. Hearrell | Judicial Council |
| Dick Koeth | KDWP |
| Kristen Brand | ESU |
| Mat + Walters | Rep. Schwartz |
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**2001 TAX, JUDICIAL, AND TRANSPORTATION
BUDGET COMMITTEE**

FY 2001 and FY 2002

Judicial Council

Judicial Branch

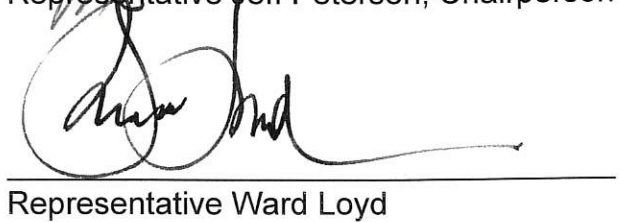
Board of Indigents' Defense Services



Representative Cindy Hermes



Representative Jeff Peterson, Chairperson



Representative Ward Loyd



Representative Doug Spangler



Representative Dan Thimesch

HOUSE APPROPRIATIONS

DATE 3/8/01
ATTACHMENT #1

House Budget Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. 1185

Budget Page No. 273

| Expenditure Summary | Agency Estimated FY 01 | Governor's Recommendation FY 01 | House Budget Adjustments |
|------------------------------|------------------------------|---------------------------------------|-----------------------------|
| All Funds: | | | |
| State Operations | \$ 331,245 | \$ 331,245 | \$ 5,000 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 |
| TOTAL | \$ 331,245 | \$ 331,245 | \$ 5,000 |
| State General Fund: | | | |
| State Operations | \$ 214,575 | \$ 211,930 | \$ 5,000 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 |
| TOTAL | \$ 214,575 | \$ 211,930 | \$ 5,000 |
| FTE Positions | 4.0 | 4.0 | 0.0 |
| Unclassified Temp. Positions | 0.0 | 0.0 | 0.0 |
| TOTAL | 4.0 | 4.0 | 0.0 |

Agency Estimate/Governor's Recommendation

Expenditures are estimated to be \$331,245 in the current year, a slight reduction (\$175) from the approved total. Advisory committees to the Council are expected to hold 50 meetings during the year, a greater number than usually is the case. (Advisory councils held 40 meetings in FY 2000. The Council considers 45 meetings to be a normal year.)

The Governor concurs with the Council's estimated expenditures of \$331,245, the only adjustment being a shift in expenditures of \$2,465 from the State General Fund to the Publications Fee Fund.

House Budget Committee Recommendations

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

1. Add \$5,000 from the State General Fund for a study of guardians *ad litem* requested by the SRS Transition Oversight Committee. The request necessitated

additional meetings of an advisory committee, which had not been budgeted. The study will be presented to the Legislature in early March.

House Budget Committee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. 1185

Budget Page No. 273

| Expenditure Summary | Agency Request FY 02 | Governor's Recommendation FY 02 | House Budget Committee Adjustments |
|------------------------------|----------------------------|---------------------------------------|--|
| All Funds: | | | |
| State Operations | \$ 321,634 | \$ 319,515 | \$ 0 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 |
| TOTAL | \$ 321,634 | \$ 319,515 | \$ 0 |
| State General Fund: | | | |
| State Operations | \$ 235,727 | \$ 204,528 | \$ 29,080 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 |
| TOTAL | \$ 235,727 | \$ 204,528 | \$ 29,080 |
| FTE Positions | 4.0 | 4.0 | 0.0 |
| Unclassified Temp. Positions | 0.0 | 0.0 | 0.0 |
| TOTAL | 4.0 | 4.0 | 0.0 |

Agency Request/Governor's Recommendation

The Judicial Council requests a total of \$321,634 in FY 2002, a reduction of \$9,611 from the current year. The reduction primarily is the consequence of budgeting for 45 meetings of advisory councils, not the 50 meetings estimated for FY 2001. The request includes as an enhancement a shift of \$29,080 in expenditures from the Publications Fee Fund to the State General Fund.

The Governor recommends total expenditures of \$319,515, \$2,119 less than the Council's request. The amount would fund 45 advisory council meetings, as requested. The Governor does not recommend shifting expenditures from fee funds to the State General Fund and increases expenditures from the Publications Fee Fund from the \$85,907 budgeted by the Council to \$114,987. Based on the Council's estimates of the costs of its publications, the Governor's recommendation would use \$29,080 from the Publications Fee Fund for operating expenses not related to publications.

House Budget Committee Recommendations

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

1. Shift \$29,080 from the Publications Fee Fund to the State General Fund. Legislation enacted by the 2000 Legislature specifies that expenditures from the Publications Fee Fund are to be used only for activities related to the Council's publications. The Governor uses \$29,080 from the fee fund for activities not related to publications, which the Budget Committee shifts to the State General Fund in order to conform to the statute.
2. Request that the Judicial Council undertake a study and report back to the 2002 Legislature on the constitutional obligation the state has to provide legal services to inmates of Kansas correctional institutions. The issue arises in connection with funding for Legal Services for Prisoners, Inc., a corporation funded through the budget of the State Board of Indigents' Defense Services. The Budget Committee is aware that inmates must have access to legal services, but believes both the Legislature and the Governor need to know the level of services that is constitutionally required in order to make informed funding decisions.

House Budget Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. 1171

Budget Page No. 275

| Expenditure Summary | Agency Est. FY 01 | Governor's Recommendation FY 01 | House Budget Adjustments |
|------------------------------|-------------------------|---------------------------------------|-----------------------------|
| All Funds: | | | |
| State Operations | \$ 85,996,015 | \$ 85,996,015 | \$ 300,000 |
| Aid to Local Units | 705,481 | 555,481 | 0 |
| Other Assistance | 996,444 | 1,146,444 | 0 |
| Capital Improvements | 0 | 0 | 0 |
| TOTAL | \$ 87,697,940 | \$ 87,697,940 | \$ 300,000 |
| State General Fund: | | | |
| State Operations | \$ 78,058,920 | \$ 78,058,920 | \$ 300,000 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 |
| Capital Improvements | 0 | 0 | 0 |
| TOTAL | \$ 78,058,920 | \$ 78,058,920 | \$ 300,000 |
| FTE Positions | 1,815.5 | 1,815.5 | 0.0 |
| Unclassified Temp. Positions | 0.0 | 0.0 | 0.0 |
| TOTAL | 1,815.5 | 1,815.5 | 0.0 |

Agency Est./Governor's Recommendation

The Judicial Branch estimates expenditures of \$87,697,940 for FY 2001, a net increase of \$208,291 over the approved amount. It also makes an internal shift from salaries and wages to other operating expenditures. The reason is that, a year ago, the Governor reduced the Judicial Branch's request for non-salary operating costs by about \$450,000 and none of the cut was restored by the Legislature. The judicial Branch therefore proposed to use salary money to fund other operating expenditures, such as travel for judges who hold hearings around the state, communications expenses, and other costs.

The difference between the total estimated and the amount approved is accounted for by an increase of \$401,030 from the State General Fund in Kansas Savings Incentive Program (KSIP) expenditures and by a decrease of \$192,739 in various special revenue funds. The Judicial Branch intends to use its KSIP money for computer server and software upgrades and the instillation of an accounting and case management system for the district courts. The Judicial Branch also added one position in the Office of Judicial Administration that was not approved by the 2000 Legislature.

However, the Judicial Branch has no position limitation and may add personnel it considers necessary, within available appropriations.

The Governor makes no change to the total amount estimated by the Judicial Branch for FY 2001, but shifts back to salaries \$400,000 that the Judicial Branch had shifted internally to other operating expenditures. The Governor's action was take to ensure that salaries are adequately funded in the current year. Under the Governor's recommendation, other operating expenditures in the current year would total \$3,864,202, which is \$400,000 less than the \$4,264,202 budgeted by the Judicial Branch.

House Budget Committee Recommendations

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

1. Add \$300,000 from the State General Fund for salaries for nonjudicial personnel. The Judicial Branch currently has imposed a 60-day hiring freeze on all positions because of inadequate funding for salaries. High turnover among nonjudicial personnel is what caused the 2000 Legislature to approve an increase in docket fees in order to provide a one-time salary upgrade. The Judicial Branch reports that the upgrade has had the effect of reducing turnover and appears to be accomplishing the desired effect. Without the supplemental appropriation of \$300,000, the Judicial Branch will have to impose an even greater hiring freeze, thus defeating the purpose of the upgrade.

House Budget Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. 1171

Budget Page No. 275

| Expenditure Summary | Agency Req. FY 02 | Governor's Recommendation FY 02 | House Budget Adjustments |
|------------------------------|-------------------------|---------------------------------------|-----------------------------|
| All Funds: | | | |
| State Operations | \$ 93,377,272 | \$ 88,282,377 | \$ 1,212,197 |
| Aid to Local Units | 956,664 | 806,664 | 0 |
| Other Assistance | 935,740 | 1,085,740 | 0 |
| Capital Improvements | 0 | 0 | 0 |
| TOTAL | \$ 95,269,676 | \$ 90,174,781 | \$ 1,212,197 |
| State General Fund: | | | |
| State Operations | \$ 84,724,338 | \$ 79,630,787 | \$ 1,212,197 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 0 | 0 | 0 |
| Capital Improvements | 0 | 0 | 0 |
| TOTAL | \$ 84,724,338 | \$ 79,630,787 | \$ 1,212,197 |
| FTE Positions | 1,858.3 | 1,815.5 | 0.0 |
| Unclassified Temp. Positions | 0.0 | 0.0 | 0.0 |
| TOTAL | 1,858.3 | 1,815.5 | 0.0 |

Agency Req./Governor's Recommendation

The Judicial Branch requests a total of \$90,174,781, of which \$79,630,787 would be from the State General Fund. The total is an increase of \$2,476,841 over the current year. Major items in the request include:

The Governor recommends a total of \$90,174,781 for FY 2002, of which \$79,630,787 would be from the State General Fund. The total is an increase of \$2,476,841 (2.8 percent) over the current year and a reduction of \$5,094,895 from the Judicial Branch's request.

- The Governor recommends a total of \$1,697,449 for an unclassified merit pool equivalent to a 3.0 percent annualized classified base salary adjustment, not the requested 4.0 percent cost-of-living-adjustment.
- The Governor recommends a shrinkage rate of 2.74 percent in FY 2001 and 4.25 percent in FY 2002. Actual shrinkage in FY 2000 was 2.64 percent. The Judicial

Branch budgeted a shrinkage rate of 2.9 percent for FY 2001 and 1.3 percent for FY 2002. It is the Judicial Branch's position that the salary upgrade for nonjudicial personnel implemented in FY 2001 will reduce turnover among nonjudicial personnel.

- The Governor recommends expenditures of \$4,237,899 from the Nonjudicial Salary Initiatives Fund, an increase of \$87,655 over the expenditure estimated by the Judicial Branch. The additional \$87,655 is being used to fund part of the Governor's recommended unclassified merit pool.
- The Governor recommends continuation of the implementation of the accounting and case management system for the district courts, budgeted at \$817,000.
- The Governor recommends none of the requested enhancements.

House Budget Committee Recommendations

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

1. Add \$1,212,197 from the State General Fund. The total is comprised of \$887,373 to reduce turnover for judges from 4.25 percent to 1.0 percent and \$324,824 for other operating expenses. The imposition of a 4.25 percent turnover rate will work hardships for nonjudicial personnel, but is attainable through hiring freezes. Imposing that rate on judges is unrealistic because there are few vacancies and a judge cannot be laid off. The Governor's recommendation for other operating expenses is a reduction from actual spending levels over the last six years and would impact necessary expenditures, primarily judicial travel. For example, the 12th, 17th, and 24th Judicial Districts each have six counties, but just one district judge who must travel within the district. District magistrate judges must travel to population centers, judges must travel when they are reassigned to replace a judge who is ill, and the Court of Appeals travels in panels of three around the state to conduct its business. The combination of a high shrinkage rate and reduced other operating expenditures would give the Judicial Branch no flexibility to shift funds to cover necessary expenditures and necessitates the additional funding recommended by the Budget Committee. Failure to restore the funding would defeat the purpose of the salary upgrade approved by the 2000 Legislature, which was intended to enable the Judicial Branch to hire and retain qualified nonjudicial employees. The Budget Committee sees no rationale in forcing an extended hiring freeze following the year docket fees were raised to help eliminate turnover.
2. Consider other items in the Omnibus Bill if additional resources become available. The Budget Committee calls attention to the attached list of enhancements, which are considered worthy of funding, but which are not recommended at this time because of fiscal constraints. In the Budget Committee's opinion, the items should be revisited at the end of the Session for possible funding. The items are listed in order of the Judicial Branch's priorities.

3. The Budget Committee calls attention to legislation that would expand the Court of Appeals from ten to 14 members over a four-year period (HB 2297). In the Budget Committee's opinion, the workload of the Court of Appeals justifies the addition of more judges. In a report to the Kansas Justice Initiative Commission made in 1998, the Court of Appeals quoted findings of the Kansas Judicial Study Advisory Committee that were made in 1974 and are as pertinent today as they were then:

The backlog of cases in the Kansas Court of Appeals means that decisions in the cases are delayed. If the courts are unable to decide issues in a reasonable time, loss of respect for the judicial system will eventually result. The toll of appellate backlog is measured in many ways; children whose custody or severance is an issue will have unsettled futures, at a time in their lives when stability may be essential; persons guilty of crimes may be on the street and persons improperly convicted of crimes may be spending unjustified time in jail; titles to real estate may be clouded, so owners cannot make desired use of the lands; and deserving plaintiffs may be denied use of needed money while defendants must live with uncertainty as to what may or may not happen in their case. In some cases appellate delay may affect persons not involved in the litigation who are in similar circumstances or in an affected business. Some of the judges of the Kansas Court of Appeals have experienced health problems which may be related to the heavy workload of the court.

**Attachment I
Judicial Branch Enhancements
Requested for FY 2002**

- \$120,235 from the State General Fund for 2.0 FTE new district magistrate judges. One is requested for the 8th Judicial District (Dickinson, Geary, Marion, and Morris counties), which currently has five district judges and two district magistrate judges. The second position is requested for the 9th Judicial District (Harvey and McPherson counties) which currently has three district judges and no district magistrate judges. In both cases, the reasons cited for the request are already heavy and growing caseloads.
- \$127,358 from the State General Fund for 2.0 FTE Research Attorneys for the Supreme Court (for a total of 13 Research Attorneys.) The Judicial Branch cites several reasons for the need for the new positions, including an increase in the number of cases appealed to the Supreme Court from the Court of Appeals, but the main reason is the additional workload resulting from capital cases. The Supreme Court has been involved in its first death penalty appeal and there are three more appeals pending.
- \$1,063,000 from the State General Fund for 35.8 FTE nonjudicial personnel, of which the top priority is \$417,004 for 14.0 FTE Court Services Officers I. In addition to the Court Services Officers, the positions consist of 13.3 FTE Trial Court Clerks II, 3.5 FTE Secretaries I, 2.0 FTE Records Clerks II, 2.0 FTE Transcriptionists, and 1.0 Clerk Typist. The requested positions are shown, by judicial district, on the table that follows.
- \$373,790 from the State General Fund is requested for an additional judge for the Court of Appeals (for a total of 11 judges). The additional judge was recommended by the Kansas Citizens Justice Initiative. The request is prompted by the heavy caseload for each judge (currently 184 new cases per year), which grows approximately 3 percent each year. The Court of Appeals often sits in panels of three judges that travel extensively around the state to hear oral arguments. In addition to the judge, the Judicial Branch is requesting 2.0 FTE supporting positions and proposes to renovate a portion of the Judicial Center that was vacated by the Office of the Attorney General to serve as offices for the new judge and staff. The total request consists of \$138,050 for the salary and fringe benefits of an Appellate Court Judge, \$36,309 for the salary and fringe benefits of 1.0 FTE Judicial Executive Assistant, \$50,861 for the salary and fringe benefits of 1.0 FTE Research Attorney, \$34,170 for operating costs associated with the new positions, and \$114,400 to renovate space for one judicial suite.
- \$4,413 from the State General Fund for per diem compensation and other operating costs of the Judicial Nominating Commission for activities associated with appointing a new Appellate Court Judge. (The Nominating Commission would be required to meet and select three names to submit to the Governor to fill the newly-created position.)
- \$2,121,274, of which \$2,030,676 would be from the State General Fund, is requested for a 4.0 percent inflationary salary adjustment for nonjudicial employees. The increase is tied to the Employment Cost Index reported by the United States Bureau of Labor Statistics, which increased 4.0 percent in FY 2000. (The Consumer Price Index All Urban Consumers (CPI-U) is the index generally used for state revenue and expenditure profiles prepared by the Legislative Research Department and the Division of the Budget. The CPI-U increased by 2.9 percent in FY 2000 and is estimated to increase by 3.1 percent in FY 2001 and by 2.6 percent in FY 2002.)

| New District Court Positions Requested | | | | |
|---|--------------------------|----------------------------|--------------------|------------------|
| <u>Judicial District</u> | <u>Classification</u> | <u>Number of Positions</u> | <u>Base Salary</u> | <u>Gov. Rec.</u> |
| 1 st –Leavenworth | Trial Court Clerk II | 1.0 | \$ 19,198 | \$ 0 |
| 2 nd –Jackson | Court Services Officer I | 1.0 | 29,786 | 0 |
| 3 rd –Shawnee | Court Services Officer I | 1.0 | 29,786 | 0 |
| | Trial Court Clerk II | 2.0 | 38,396 | 0 |
| 4 th –Franklin | Secretary I | 1.0 | 19,198 | 0 |
| 5 th –Lyon | Court Services Officer I | 2.0 | 59,572 | 0 |
| 6 th –Bourbon | Records Clerk II | 1.0 | 17,399 | 0 |
| 7 th –Douglas | Court Services Officer I | 1.0 | 29,786 | 0 |
| 8 th –Dickinson/Geary | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 9 th –McPherson | Court Services Officer I | 1.0 | 29,786 | 0 |
| 10 th –Johnson | Court Services Officer I | 1.0 | 29,786 | 0 |
| | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 11 th –Cherokee/Crawford | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 12 th –Cloud | Court Services Officer I | 1.0 | 29,786 | 0 |
| 13 th –Butler | Court Services Officer I | 1.0 | 29,786 | 0 |
| | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 15 th –Sherman | Trial Court Clerk II | 0.3 | 6,399 | 0 |
| 16 th –Ford | Court Services Officer I | 1.0 | 29,786 | 0 |
| 18 th –Sedgwick | Court Services Officer I | 1.0 | 29,786 | 0 |
| | Transcriptionist | 1.0 | 22,204 | 0 |
| | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 19 th –Cowley | Trial court Clerk II | 1.0 | 19,198 | 0 |
| 20 th –Barton | Secretary I | 0.5 | 9,599 | 0 |
| 21 st –Riley | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 22 nd –Brown | Secretary | 1.0 | 19,198 | 0 |
| 23 rd –Ellis | Secretary | 1.0 | 19,198 | 0 |
| 25 th –Finney | Clerk Typist | 1.0 | 17,399 | 0 |
| | Trial Court Clerk II | 0.5 | 9,599 | 0 |
| 26 th –Seward | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 27 th –Reno | Court Services Officer I | 1.0 | 29,786 | 0 |
| 28 th –Saline | Court Services Officer I | 1.0 | 29,786 | 0 |
| | Transcriptionist | 1.0 | 22,204 | 0 |
| 29 th –Wyandotte | Court Services Officer I | 1.0 | 29,786 | 0 |
| | Trial Court Clerk II | 1.0 | 19,198 | 0 |
| 30 th –Pratt | Trial Court Clerk II | 0.5 | 9,599 | 0 |
| 31 st –Neosho | Records Clerk II | 1.0 | 17,399 | 0 |

House Budget Report

Agency: Board of Indigents' Defense Services **Bill No. --**

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. 1195

Budget Page No. 255

| Expenditure Summary | Agency Est. FY 01 | Governor's Recommendation FY 01 | House Budget Adjustments |
|------------------------------|-------------------------|---------------------------------------|-----------------------------|
| All Funds: | | | |
| State Operations | \$ 15,020,405 | \$ 14,556,650 | \$ 0 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 497,218 | 497,218 | 0 |
| TOTAL | \$ 15,517,623 | \$ 15,053,868 | \$ 0 |
| State General Fund: | | | |
| State Operations | \$ 14,693,256 | \$ 14,274,650 | \$ 0 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 497,218 | 497,218 | 0 |
| TOTAL | \$ 15,190,474 | \$ 14,771,868 | \$ 0 |
| FTE Positions | 164.0 | 164.0 | 0.0 |
| Unclassified Temp. Positions | 1.0 | 1.0 | 0.0 |
| TOTAL | 165.0 | 165.0 | 0.0 |

Agency Est./Governor's Recommendation

The Board of Indigents' Defense Services estimates expenditures from all funds of \$15,517,623. The total exceeds the amount approved by the 2000 Legislature by \$1,284,190. Of that amount, \$1,239,041 would be from the State General Fund and \$45,149 would be from fee funds. Part of the State General Fund amount is reappropriated balances from FY 2000 totaling \$70,435, which the Board has authority to spend. However, \$1,168,606 is requested as a supplemental appropriation for assigned counsel. According to the Board, of the requested supplemental appropriation, \$923,606 is necessary due to general underfunding of the Board's original FY 2001 request and \$245,000 is due to new legislation and a court case that will have an effect on the agency's workload.

The Governor recommends a total of \$15,053,868, of which \$14,771,868 would be from the State General Fund. The total is an increase of \$820,435 from the State General Fund over the approved amount and consists of \$70,435 in reappropriated balances budgeted by the agency and a supplemental appropriation of \$750,000. The supplemental appropriation is \$418,606 less than requested by the Board. The Governor's recommendation also would reduce planned expenditures from the Indigents' Defense Fee Fund from \$318,167 to \$275,000 in order to use \$43,167 in

reappropriated balances to help finance FY 2002. In all, the Governor's recommendation is \$463,755 less than the Board's revised estimate.

House Budget Committee Recommendations

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

1. The Budget Committee calls attention to the fact that four new capital murder cases arising from two quadruple homicides in Sedgwick County now are proceeding to trial, which brings the total of cases the Board's death penalty defense unit is involved in to nine. Because the additional costs of the Wichita homicides were not known at the time the budget was submitted and still are uncertain, the Executive Director of the Board asked for permission to present more information later in the Session. The Budget Committee's recommendation is that any request for additional funding be considered in the Omnibus Bill.

House Budget Report

Agency: Board of Indigents' Defense Services **Bill No. --**

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. 1195

Budget Page No. 55

| Expenditure Summary | Agency Req. FY 02 | Governor's Recommendation FY 02 | House Budget Adjustments |
|------------------------------|-------------------------|---------------------------------------|-----------------------------|
| All Funds: | | | |
| State Operations | \$ 15,396,384 | \$ 14,776,706 | \$ 0 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 572,010 | 286,005 | 211,213 |
| TOTAL | \$ 15,968,394 | \$ 15,062,711 | \$ 211,213 |
| State General Fund: | | | |
| State Operations | \$ 15,067,384 | \$ 14,417,706 | \$ 0 |
| Aid to Local Units | 0 | 0 | 0 |
| Other Assistance | 572,010 | 286,005 | 211,213 |
| TOTAL | \$ 15,639,394 | \$ 14,703,711 | \$ 211,213 |
| FTE Positions | 164.0 | 164.0 | 0.0 |
| Unclassified Temp. Positions | 1.0 | 1.0 | 0.0 |
| TOTAL | 165.0 | 165.0 | 0.0 |

Agency Req./Governor's Recommendation

For FY 2002, the Board requests a total of \$15,968,394, an increase of \$450,771 over its revised request, which includes a supplemental appropriation. As in FY 2001, the Board is concerned about rising costs for assigned counsel and includes in its request an enhancement of \$993,333 for the assigned counsel program, which accounts for the largest part of the increase over the current year.

The Board also requests a \$72,792 increase from the State General Fund for Kansas Legal Services for Prisoners, Inc. The Board has no programmatic responsibility for Kansas Legal Services for Prisoners, Inc., and serves as a flow-through agency for funding purposes. Kansas Legal Services for Prisoners, Inc., provides legal assistance to indigent inmates in Kansas correctional institutions.

The Governor recommends expenditures of \$15,062,711, an increase of \$8,843 over his recommendations for the current year and a decrease of \$905,683 from the Board's request. Funding from the State General Fund would decrease by \$68,157 from the Governor's current year recommendations, to be partially offset by increased expenditures from fee funds that the Board had intended to use in the current year.

Under the Governor's recommendation, expenditures for assigned counsel would increase by \$17,432 over FY 2002 (from \$6,019,032 to \$6,036,464) and expenditures for Kansas Legal Services for Prisoners, Inc., would be reduced from \$497,218 in the current year to \$286,005, exactly half of the amount requested.

Budget Committee Recommendations

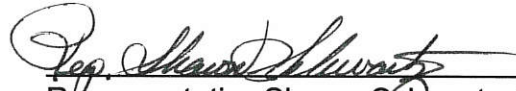
1. The Budget Committee calls attention to funding for assigned counsel, which, under the Governor's recommendation is only \$17,432 more than the Governor's recommendation for the current year. (For the current year, the Governor recommends a supplemental appropriation of \$750,000.) The recommended amount is \$743,333 less than requested by the Board and could result in a shortfall in FY 2002, particularly in view of increasing costs for expert witnesses and a rising caseload. It is the Budget Committee's recommendation that, if additional funding is needed, the Board should seek a supplemental appropriation during the 2002 Session when it will be possible to make more precise estimates of expenditures.
2. Add \$211,213 from the State General Fund for Kansas Legal Services for Prisoners, Inc., for a total of \$497,218, the same as the current year. Kansas Legal Services for Prisoners, Inc., is a non-profit corporation organized to provide legal assistance to indigent inmates of Kansas correctional institutions. The Board of Indigents' Defense Services serves as a pass-through agency for the corporation's funding.

For FY 2002, the Governor cut the request in half, resulting in an appropriation of \$286,005. The Budget Committee is aware that Inmates have a constitutional right to access to the legal system and is concerned that the Governor's recommendation could jeopardize that right. Further, alternatives to providing the service, such as having the Board of Indigents' Defense Services represent inmates, would cost the state more. In addition, the state faces the risk of expensive litigation if a suit were to be filed. The Budget Committee recommends that funding be restored to its current level and that, in order to make informed decisions in the future, the Judicial Council should be requested to undertake a study and report back to the 2002 Legislature on the constitutional obligation the state has to provide legal services to inmates of Kansas correctional institutions.


**AGRICULTURE AND NATURAL
RESOURCES BUDGET COMMITTEE**

FY 2001 and FY 2002

Department of Wildlife and Parks



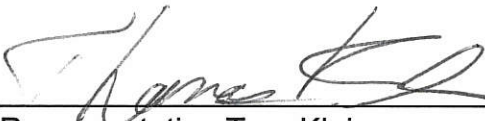
Representative Sharon Schwartz, Chairperson



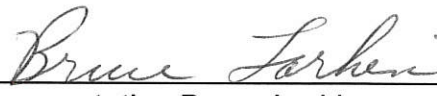
Representative Vaughn Flora



Representative Carl Holmes



Representative Tom Klein



Representative Bruce Larkin



Representative Bill McCreary



Representative Don Myers

HOUSE APPROPRIATIONS

DATE 3/08/01

ATTACHMENT # 2

House Budget Report

Agency: Kansas Department of Wildlife and Parks **Bill No. --**

Bill Sec. --

Analyst: Nogle

Analysis Pg. No. 461

Budget Page No. 81

| Expenditure Summary | Agency Est. FY 01 | Governor's Recommendation FY 01 | House Budget Adjustments |
|-------------------------------------|-------------------------|---------------------------------------|-----------------------------|
| Operating Expenditures | | | |
| State Operations | \$ 32,869,606 | \$ 32,567,308 | \$ 0 |
| Aid to Local Units | 1,914,596 | 1,914,596 | 0 |
| Other Assistance | 35,000 | 35,000 | 0 |
| Sub-Total—Operating | \$ 34,819,202 | \$ 34,516,904 | \$ 0 |
| Capital Improvements | 11,291,128 | 11,291,128 | 0 |
| TOTAL | \$ 46,110,330 | \$ 45,808,032 | \$ 0 |
| State General Fund | | | |
| Other Funds | 42,155,881 | 41,843,582 | 0 |
| TOTAL | \$ 46,110,330 | \$ 45,808,032 | \$ 0 |
| FTE Positions | | | |
| | 394.5 | 397.5 | 0.0 |
| Unclassified Temp. Positions | 56.0 | 53.0 | 0.0 |
| TOTAL | 450.5 | 450.5 | 0.0 |

Agency Est./Governor's Recommendation

The **agency estimate** for FY 2001 operating expenditures of \$34,819,202 is an increase of \$117,361 (0.3 percent) more than the amount approved by the 2000 Legislature. The increase is due to an increase in federal funds for FY 2001.

The **Governor recommends** \$34,516,904 for FY 2001 operating expenditures. This is a decrease of \$184,937 (0.5 percent) from the amount approved by the 2000 Legislature and a reduction of \$282,296 from the agency's revised estimate.

House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendation.

House Budget Report

Agency: Kansas Department of Wildlife and Parks **Bill No. --**

Bill Sec. --

Analyst: Nogle

Analysis Pg. No. 461

Budget Page No. 81

| Expenditure Summary | Agency Est. FY 02 | Governor's Recommendation FY 02 | House Budget Adjustments |
|-------------------------------|-------------------------|---------------------------------------|-----------------------------|
| Operating Expenditures | | | |
| State Operations | \$ 36,390,200 | \$ 35,750,266 | \$ 0 |
| Aid to Local Units | 1,735,000 | 1,735,000 | 500,000 |
| Other Assistance | 0 | 0 | 0 |
| Sub-Total—Operating | \$ 38,125,200 | \$ 37,485,266 | \$ 500,000 |
| Capital Improvements | 6,252,500 | 5,834,000 | (50,000) |
| TOTAL | \$ 44,377,700 | \$ 43,319,266 | \$ 450,000 |
| State General Fund | | | |
| Other Funds | \$ 4,931,184 | \$ 4,375,369 | \$ 0 |
| TOTAL | \$ 44,377,700 | \$ 43,319,266 | \$ 450,000 |
| FTE Positions | | | |
| Unclassified Temp. Positions | 406.5 | 406.5 | 0.0 |
| TOTAL | 462.5 | 460.5 | 0.0 |

Agency Est./Governor's Recommendation

The **agency requests** FY 2002 operating expenditures of \$38,056,714, an increase of \$3,237,512 or 9.3 percent above the revised FY 2001 estimate.

The Governor recommends FY 2002 operating expenditures of \$37,485,266, an increase of \$2,968,362 (8.6 percent) from the FY 2001 recommendation and a decrease of \$639,934 (1.7 percent) from the agency's FY 2002 request.

House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendation with the following adjustments:

1. Add a proviso allowing the expenditure of \$200,000 from the Boating Fee Fund for Kansas and Missouri river access.

2. The House Budget Committee recommends the addition of the following proviso regarding river access on the Kansas and Missouri Rivers: () ***During the fiscal year ending June 30, 2002, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for construction of any new river access on the Kansas River or Missouri River unless the secretary of wildlife and parks has obtained (1) the prior written permission for the proposed river access from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the new river access project is to be constructed, and (2) if a parcel of an such immediately adjacent real property is being leased, then the secretary of wildlife and parks also shall obtain the prior written permission for the proposed new river access from lessor of such immediately adjacent real property.***
3. Add \$500,000 from the Economic Development initiatives fund for Local Government Outdoor Recreation Grants.
4. Delete \$250,000 Wildlife Conservation Fund (WCF) to limit expenditures for Land Acquisition from the WCF to \$250,000 for FY 2002.
5. The House Budget Committee recommends the addition of a proviso limiting wetlands acquisition to wetlands located within 1.1 mile of state owned property.
6. The House Budget Committee recommends the addition of a proviso limiting Playa Lake purchases to property within 1.1 miles of state owned property and prohibiting pumping of groundwater into the lake, leaving it fed only by rainwater.
7. The House Budget Committee recommends passage of SB 86, which amends KSA 32-1001 section 1(b) to increase the late fee charged to persons using state park facilities without paying the user fees from \$5 to \$15.
8. The House Budget Committee recommends passage of SB 147, which relates to certain fees collected by the Department of Wildlife and Parks; amending KSA 32-988 and 32-1172 and repealing the existing sections. The bill would increase the statutory minimum and maximum amounts charged by the agency for various fees.
9. The House Budget Committee commends the Department for its progress on dam repair across the state. By the end of FY 2001, 80 percent of the state's dams will have been repaired.

R\StateFair

RESOLUTION NO. 2000-R17

A RESOLUTION PLEDGING SUPPORT FOR THE KANSAS STATE FAIR MASTER PLAN

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF KANSAS, KANSAS, THAT:

WHEREAS, the Kansas State Fair has adopted a Master Plan for improvements to its physical facilities located in Hutchinson; and

WHEREAS, the State Fair Board has proposed that funding for the Master Plan come from the State of Kansas, local governments and increases in Fair revenues.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hutchinson, Kansas, that if the State of Kansas contributes \$3,850,000 per year for each of the next six years and if the State Fair enterprise fee fund contributes \$400,000 per year for the next ten years, then the City Council of Hutchinson will, cooperatively with the Reno County Commission, contribute \$300,000 per year for the next ten years toward the completion of the Kansas State Fair Master Plan, the first such payment to be made in March, 2002.

ADOPTED BY THE CITY COUNSEL AND SIGNED BY THE MAYOR ON THIS 18TH DAY OF APRIL, 2000.



Patrick McCreary
Patrick McCreary, Mayor

ATTEST:

Ross A. VanderHamm

Ross A. VanderHamm
Finance Director/City Clerk

HOUSE APPROPRIATIONS

DATE 3/08/01

ATTACHMENT # 3

RESOLUTION 2000- 17

A RESOLUTION PLEDGING SUPPORT FOR THE KANSAS STATE FAIR MASTER PLAN


WHEREAS, the Kansas State Fair has adopted a Master Plan for improvements to its physical facilities located in Hutchinson and Reno County, Kansas; and

WHEREAS, the State Fair Board has proposed that funding for the Master Plan come from the State of Kansas, local governments and increases in Fair revenues.


NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Reno County, Kansas, that if the State of Kansas contributes \$3,850,000 per year for each of the next six years and if the State Fair enterprise fee fund contributes \$400,000 per year for the next ten years, then the Board of Commissioners of Reno County, Kansas, will cooperatively with the City of Hutchinson, contribute \$300,000 per year for the next ten years toward the completion of the Kansas State Fair Master Plan, the first such payment to be made in March, 2002.

ADOPTED IN REGULAR SESSION this 19th day of April, 2000.

BOARD OF COMMISSIONERS OF RENO COUNTY, KANSAS


Francis E. Schoepf, Chairman


Frances J. Garela, Member


Larry R. Sharp, Member

ATTEST:


County Clerk