

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:40 a.m. on March 10, 2003, in Room 123-S of the Capitol.

All members were present except: All present

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Debra Hollon, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Nicoletta Buonasera, Kansas Legislative Research Department
Michael Corrigan, Assistant Revisor of Statutes
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2003 and FY 2004 were distributed to the committee.

Subcommittee reports on:

Judicial Council (Attachment 1)

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notations for FY 2003.

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notations for FY 2004.

Senator Feleciano moved, with a second by Senator Jordan, to amend the subcommittee report in FY 2004 to note that the Committee recognizes that the Agency is \$60,000 short and that this issue will need to be addressed either during the budget conference committee or at Omnibus. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Judicial Council for the FY 2003 and FY 2004 budget as amended. Motion carried on a voice vote.

Board of Indigents' Defense Services (Attachment 2)

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notation for FY 2003. Chairman Morris mentioned that possibly representatives of the Board of Indigents' Defense Services and the Committee could meet before the session is over regarding the high cost death penalty defense cases.

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notations for FY 2004. Chairman Morris acknowledged Pat Scalia, Executive Director, Board of Indigents' Defense Services, in response to a question that BIDS will probably be running out of funds by the second week in April in FY 2003. She noted that their assigned counsel have already waited two months to be paid. Ms. Scalia noted that they have lost a few assigned counsel panel members and as a result they

CONTINUATION SHEET

will have to open a public defender office in Montgomery and Chautauqua counties in which will require a startup cost and it will not be a cost effective office.

Senator Jordan moved, with a second by Senator Schodorf, to amend the subcommittee report for FY 2004 to fund start up costs for the possibility of the opening a public defender office in Chautauqua and Montgomery counties in either FY 2004 or FY 2005. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Board of Indigents' Defense Services for the FY 2003 and FY2004 budget as amended. Motion carried on a voice vote.

Judicial Branch (Attachment 3)

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor for FY 2003.

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with exceptions and comments for FY 2004.

Senator Jordan moved, with a second by Senator Schodorf, to amend the subcommittee report regarding Item No. 2., c., in FY 2004 that the Committee recommends that the Judicial Branch share in whatever the Executive Branch agencies pay increase would be, if it is the 1.5 percent increase, or whatever the increase would be. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Kerr, to amend the subcommittee report in FY 2004, regarding Item No. 3, to delete the \$114,400 for capital improvements to the Judicial Center for the purpose of renovating a judicial suite for the 12th Judge for the Court of Appeals, and delay the capital improvement to support the expansion of the Court for one year. Motion carried on a voice vote.

Committee questions and discussion followed regarding the placeholder budget.

Senator Jordan moved, with a second by Senator Kerr, to amend the subcommittee report in FY 2004, Item No. 1, regarding the feasibility of extending the imposition of emergency docket fee surcharge and report back to the Committee by Omnibus regarding how the fee was received and how much money was generated. Motion carried on a voice vote.

Senator Barone requested that Staff research the ability of the court to levy tax/fee if the Judiciary is not fully funded and request that Staff give an opinion.

Senator Adkins moved, with a second by Senator Kerr, to amend the subcommittee report in FY 2004 regarding Item No. 2, a., that the Committee requests a more workable mechanism to address the fact that this budget is submitted directly to the Legislature and to express concern in regard to a Governor's Budget Amendment and that the Chairman submit a letter directly to the Director of the Budget or the Governor requesting a Governor's Budget Amendment to fund the items listed in Item 2, a., before final action is taken on the bill in Committee. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Judicial Branch for the FY 2003 and FY2004 budget as amended. Motion carried on a voice vote.

The meeting adjourned at 11:25 a.m. The next meeting is scheduled for March 11, 2003.

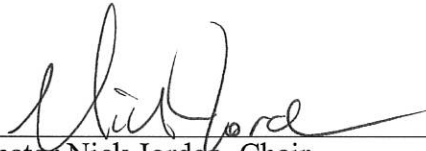
SENATE WAYS AND MEANS COMMITTEE
GUEST LIST

DATE March 10, 2003

NAME	REPRESENTING
Pat Scalia	SBIDS
Jerry Sloan	Judicial Branch
Kim Fowler	Judicial Branch
Kathryn Porter	Judicial Branch
Mike Kuffles	Ks. Governmental Consulting
Kyle Kessler	DOJ

**FY 2003 and FY 2004
Judicial Subcommittee**

Judicial Council



Senator Nick Jordan, Chair



Senator Jim Barone

Senator Jean Schodorf

House Budget Committee Report

Agency: Judicial Council

Bill No.

Bill Sec.

Analyst: Deckard

Analysis Pg. No. Vol. 2-1269

Budget Page No. 251

Expenditure Summary	Agency Est. FY 03	Governor's Recommendation FY 03	House Budget Committee Adjustments
State General Fund	\$ 193,708	\$ 186,123	\$ 0
All Other Funds	123,076	123,076	0
TOTAL	\$ 316,784	\$ 309,199	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Est./Governor's Recommendation

The agency estimates FY 2003 operating expenditures at \$316,784, which includes \$193,708 from the State General Fund. The estimate includes: \$261,292 for salaries and wages; \$52,390 for contractual services; and \$3,102 for commodities.

The Governor recommends \$309,199 for FY 2003 operating expenditures, including \$186,123 from the State General Fund. The Governor's recommendation reflects the August 2002 allotment which reduced State General Fund expenditures for this agency by \$3,953, and the November 2002 allotment which reduced State General Fund expenditures by an additional \$7,585.

House Budget Committee Recommendation

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

1. Continue the proviso that allows funds from the Publications Fee Fund to be utilized for items not directly related to cost of publications. Examples of these items include: rent, salaries and wages, and office supplies.

House Committee Recommendation

The House Committee concurs with the Budget Committee's recommendation with the following notation:

The Subcommittee concurs with the Governor's recommendation with the following notations:

1. The Subcommittee notes the value of the service that the Judicial Council provides to the state and recognize the good work that they do. The agency is a valuable asset to the Judicial and Legislative branches of government and hopes that the agency continues to be able to provide these services in the future.
2. The Subcommittee wishes to note the possible long-term implications of the recommendation to make this agency solely fee funded. The agency will make it through one year on their fee fund balance. It is very likely that this recommendation will result in some kind of downsizing and that services available in the past may not be available in the future to the same extent or at all.

The Subcommittee notes that in FY 2005 the savings will be depleted and the funding for this agency will have to be reassessed at that time.

3. Continue the proviso that allows funds from the Publications Fee Fund to be utilized for items not directly related to cost of publications.

House Budget Committee Report

Agency: Judicial Council

Bill No.

Bill Sec.

Analyst: Deckard

Analysis Pg. No. Vol. 2-1269

Budget Page No. 251

Expenditure Summary	Agency Req. FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
State General Fund	\$ 208,750	\$ 0	\$ 60,000
All Other Funds	122,941	309,106	(60,000)
TOTAL	\$ 331,691	\$ 309,106	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Req./Governor's Recommendation

The agency requests FY 2004 operating expenditures of \$331,691, which includes \$208,750 from the State General Fund. The request includes: \$272,061 for salaries and wages; \$56,345 for contractual services; and \$3,285 for commodities. The agency's request includes an enhancement package for eight additional Judicial Council meetings at the cost of \$12,787.

The Governor recommends \$309,166 for FY 2004 operating expenditures. This includes the recommendation that the agency become totally fee funded. The Governor does not recommend the requested enhancement package in FY 2004.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation with the following exceptions and notations:

1. Add \$60,000 from the State General Fund. The Budget Committee finds it unrealistic for the agency to entirely supplant State General Fund financing with sales of its publications as reflected in the Governor's recommendation. The recommended SGF funding, in addition to \$249,106 from the agency fee fund, will maintain the total expenditure amount recommended by the Governor.
2. The Budget Committee wishes to review the agency's request for additional funding at Omnibus. In order to more accurately understand the State General Fund needs of this agency, the Budget Committee requests a five-year financing plan from the agency that reviews the agency's projected revenue from the sale of publications.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following notations:

1. The Subcommittee notes the value of the service that the Judicial Council provides to the state and recognize the good work that they do. The agency is a valuable asset to the Judicial and Legislative branches of government and hopes that the agency continues to be able to provide these services in the future.
2. The Subcommittee wishes to note the possible long term implications of the recommendation to make this agency solely fee funded. The agency will make it through one year on their fee fund balance. It is very likely that this recommendation will result in some kind of downsizing and that services available in the past may not be available in the future to the same extent or at all.

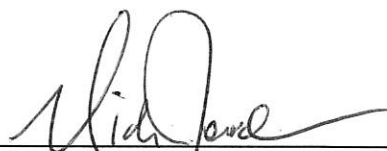
The Subcommittee notes that in FY 2005 the savings will be depleted and the funding for this agency will have to be reassessed at that time.

3. Continue the proviso that allows funds from the Publications Fee Fund to be utilized for items not directly related to cost of publications.

FY 2003 and FY 2004

SENATE WAYS AND MEANS SUBCOMMITTEE REPORT

Board of Indigents' Defense Services



Senator Nick Jordan, Chair



Senator Jim Barone



Senator Jean Schodorf

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No.** HB 2026

Bill Sec. 12

Analyst: Hollon

Analysis Pg. No.

Budget Page No. 233

Expenditure Summary	Agency Est. FY 03	Gov. Rec. FY 03	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 16,725,108	\$ 16,004,036	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 16,725,108</u>	<u>\$ 16,004,036</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 16,298,123	\$ 15,577,051	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 16,298,123</u>	<u>\$ 15,577,051</u>	<u>\$ 0</u>
FTE Positions	165.0	165.0	0.0
Non-FTE Uncl. Perm. Positions	1.0	1.0	0.0
TOTAL	<u>165.0</u>	<u>165.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The agency's estimate for FY 2003 operating expenditures of \$16,725,108 is an increase of \$2,376,057 (16.6 percent) from the approved budget. The estimated funding from the State General Fund is \$16,298,123 which is an increase of \$2,271,072 (16.2 percent) from the approved budget. The agency requests the following supplemental appropriations:

- \$297,066 - reinstatement of the Governor's August, 2002, State General Fund allotment of executive branch agencies.
- \$1,244,000 - Assigned Counsel Program.
- \$550,000 - Death Penalty Defense Unit.
- \$180,000 - Legal Services for Prisoners.

The Governor's recommendation for FY 2003 operating expenditures of \$16,004,036 is an increase of \$1,654,985 (11.5 percent) from the approved budget. The recommendation includes funding from the State General Fund of \$15,577,051 which is an increase of \$1,550,000 (10.8 percent) from the approved budget. The recommendation includes supplemental appropriations of:

- \$1,000,000 - Assigned Counsel (includes funding to delay allotment until June 30, 2003).
- \$550,000 - Death Penalty Defense Unit.

House Budget Committee Recommendations

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

1. The House Budget Committee requests a report from the agency at Omnibus on the available cash balances for the Death Penalty Defense Unit and the Assigned Counsel Program. The agency's budget has been strained during FY 2003 due to several high cost death penalty cases. Two of these cases cost the agency in excess of \$2,225,000 which is greater than the entire FY 2003 budget of the Death Penalty Defense Unit. As a result, the agency stopped paying attorney and expert witness fees in December, 2002. The Governor's recommendation did include a supplemental appropriation which has been passed by the Legislature, but the Budget Committee feels that close monitoring of the situation is advisable.

House Committee Recommendations

The House Committee concurs with the House Budget Committee's recommendation.

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services **Bill No.** SB 30

Bill Sec. 12

Analyst: Hollon

Analysis Pg. No. Vol. II, p. 1281 **Budget Page No.** 233

Expenditure Summary	Agency Est. FY 03	Gov. Rec. FY 03	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 16,725,108	\$ 16,004,036	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 16,725,108</u>	<u>\$ 16,004,036</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 16,298,123	\$ 15,577,051	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 16,298,123</u>	<u>\$ 15,577,051</u>	<u>\$ 0</u>
FTE Positions	165.0	165.0	0.0
Non-FTE Unclass. Perm. Positions	1.0	1.0	0.0
TOTAL	<u>165.0</u>	<u>165.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The agency's estimate for FY 2003 operating expenditures of \$16,725,108 is an increase of \$2,376,057 (16.6 percent) from the approved budget. The estimated funding from the State General Fund is \$16,298,123 which is an increase of \$2,271,072 (16.2 percent) from the approved budget. The agency requests the following supplemental appropriations:

- \$297,066—reinstatement of the Governor's August, 2002, State General Fund allotment of executive branch agencies;
- \$1,244,000—Assigned Counsel Program;
- \$550,000—Death Penalty Defense Unit; and
- \$180,000—Legal Services for Prisoners.

The Governor's recommendation for FY 2003 operating expenditures of \$16,004,036 is an increase of \$1,654,985 (11.5 percent) from the approved budget. The recommendation includes funding from the State General Fund of \$15,577,051 which is an increase of \$1,550,000 (10.8 percent) from the approved budget. The recommendation includes supplemental appropriations of:

- \$1,000,000—Assigned Counsel (includes funding to delay allotment until June 30, 2003); and
- \$550,000—Death Penalty Defense Unit.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the Governor's recommendation with the following notation:

1. The Senate Subcommittee requests a review at Omnibus of the available cash balances of the Death Penalty Defense Unit. Due to several high cost death penalty cases during FY 2003, the agency delayed paying attorney and expert witness fees. Senate Substitute for HB 2026 addressed the funding shortfall for those cases, but the agency noted during its presentation to the subcommittee that four new unexpected death penalty cases will be coming to trial during FY 2004. The pretrial work, costing approximately \$400,000, will begin in FY 2003.

House Budget Committee Report

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

Bill Sec. ----

Analyst: Hollon

Analysis Pg. No.

Budget Page No. 233

Expenditure Summary	Agency Req. FY 04	Gov. Rec. FY 04	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 16,303,770	\$ 14,631,312	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 16,303,770	\$ 14,631,312	\$ 0
State General Fund:			
State Operations	\$ 15,890,770	\$ 14,218,312	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 15,890,770	\$ 14,218,312	\$ 0
FTE Positions	165.0	165.0	0.0
Non-FTE Unclass. Perm. Positions	1.0	1.0	0.0
TOTAL	165.0	165.0	0.0

Agency Request/Governor's Recommendation

The agency request for FY 2004 operating expenditures of \$16,303,770 is a decrease of \$421,338 (2.5 percent) from the FY 2003 estimate. The requested funding from the State General Fund is \$15,890,770 which is a decrease of \$421,338 (2.5 percent) from the FY 2003 estimate. The agency requested \$1,356,782 SGF in enhancements.

The Governor's recommendation for FY 2004 operating expenditures of \$14,631,312 is a decrease of \$1,372,724 (8.6 percent) from the FY 2003 recommendation. The recommended funding from the State General Fund is \$14,218,312 which is a decrease of \$1,358,739 (8.7 percent) from the FY 2003 recommendation. The Governor recommends a 2.2 percent reduction package for this agency totaling \$315,676 SGF.

Under the Governor's FY 2004 **statutory budget recommendation**, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$2,993,211.

House Budget Committee Recommendations

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

1. The House Budget Committee expresses concern over the funding level for this agency and recommends a review of the budget at Omnibus. It was brought to the attention of the Budget Committee that four death penalty cases which had not been factored into the agency's budget submission would be proceeding to trial in FY 2004 and could cost an estimated \$1,600,000. The Budget Committee

notes that this agency has had to stop payment of attorney and expert witness fees in the past and believes that the potential of class action lawsuits against the state and the increased risk to public safety caused by dismissal of cases merit the additional review.

2. The House Budget Committee notes Senate Bill 45 which would establish a \$100 application fee for indigent defendants to be assessed prior to trial. The bill also eliminates a \$35 post-trial administrative fee currently in statute, but rarely applied. The Budget Committee strongly supports this measure as a means to generate additional funding for the agency and encourages the judiciary to apply the \$35 administrative fee in all cases where possible.
3. The House Budget Committee acknowledges several pieces of introduced legislation which would add to the number of or severity of felonies in statute. Such increases have the potential to expand the caseload of this agency and, as a result, its budgetary requirements. The Budget Committee notes that legislators need to be aware of the overall impact of such legislation before making any decision on these measures.

House Committee Recommendations

The House Committee concurs with the House Budget Committee's recommendation.

Senate Subcommittee Report

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

Analyst: Hollon **Analysis Pg. No.** Vol. II, p. 1281 **Budget Page No.** 233

Expenditure Summary	Agency Req. FY 04	Gov. Rec. FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 16,303,770	\$ 14,631,312	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 16,303,770</u>	<u>\$ 14,631,312</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 15,890,770	\$ 14,218,312	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	<u>\$ 15,890,770</u>	<u>\$ 14,218,312</u>	<u>\$ 0</u>
FTE Positions	165.0	165.0	0.0
Non-FTE Unclass. Perm. Positions	1.0	1.0	0.0
TOTAL	<u>165.0</u>	<u>165.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency request for FY 2004 operating expenditures of \$16,303,770 is a decrease of \$421,338 (2.5 percent) from the FY 2003 estimate. The requested funding from the State General Fund is \$15,890,770 which is a decrease of \$421,338 (2.5 percent) from the FY 2003 estimate. The agency requested \$1,356,782 SGF in enhancements.

The Governor's recommendation for FY 2004 operating expenditures of \$14,631,312 is a decrease of \$1,372,724 (8.6 percent) from the FY 2003 recommendation. The recommended funding from the State General Fund is \$14,218,312 which is a decrease of \$1,358,739 (8.7 percent) from the FY 2003 recommendation. The Governor recommends a 2.2 percent reduction package for this agency totaling \$315,676 SGF.

Under the Governor's FY 2004 **statutory budget recommendation**, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$2,993,211.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the Governor's recommendation with the following notations:

1. The Senate Subcommittee requests a review at Omnibus of the budget for the Death Penalty Defense Unit. Several high cost death penalty defense cases during FY 2003 caused the agency to delay payment of attorney and expert witness fees. In addition, four death penalty cases which had not been factored into the agency's budget submission will be proceeding to trial in FY 2004. These cases could cost the state an estimated \$1,200,000.
2. The Senate Subcommittee requests a review at Omnibus of the budget for Legal Services for Prisoners, Inc. LSP is a non-profit corporation funded through the Board of Indigents' Defense Services and organized to provide legal assistance to indigent inmates of Kansas correctional facilities. Based upon the Governor's FY 2004 recommendation, the program has been reduced 28.7 percent since FY 2002. Given that Salaries and Wages make up 90 percent of the contract for this program, any budget reduction causes a reduction in positions and a corresponding reduction in the organization's ability to defend all of its cases. Any overflow of cases is handled by the Assigned Counsel Program of the Board of Indigents' Defense Services, further taxing its resources, and through the Department of Corrections. A report by the Judicial Council in January, 2002, stated that Legal Services for Prisoners, Inc., is the most cost-effective method of providing access to courts for incarcerated individuals and, in fact, deters some frivolous lawsuits.
3. The Senate Subcommittee voices its strong support for Senate Bill 45 which would establish a \$100 application fee for indigent defendants to be assessed when that individual is released on bond prior to trial. It was noted that many individuals are able to pay a bond of several thousands of dollars and, therefore, should be able to pay the application fee. This tie-in with pre-trial release is critical to collecting the fee in as many cases as possible.
4. The Senate Subcommittee expresses concern over the accountability which the agency has over the hours billed by assigned counsel in death penalty cases and notes in particular one recent case in Johnson County. The Subcommittee suggests that the agency monitor these billings more closely to ensure that payments accurately reflect actual hours worked.

5. The Senate Subcommittee recommends that the agency work with the Legislative Research Department and the Division of the Budget to develop a consensus estimate of caseloads for the agency so that all entities involved in the budget process have the same understanding of the anticipated workload. It is the Subcommittee's intent with this suggestion that the estimated caseload would then be fully funded from the outset of the budget process to avoid the shortfalls the agency has experienced in the past.

FY 2003 and FY 2004

SENATE SUBCOMMITTEE REPORT

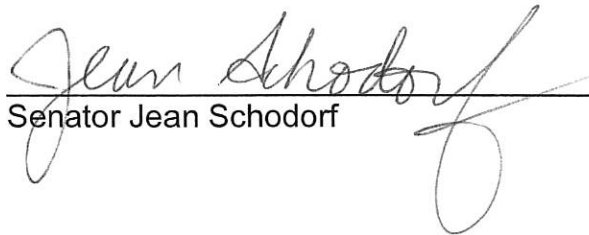
Judicial Branch



Senator Nick Jordan, Chair



Senator Jim Barone



Senator Jean Schodorf

House Budget Committee Report

Agency: Judicial Branch

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No.

Budget Page No. 253

<u>Expenditure Summary</u>	<u>Agency Est. FY 03</u>	<u>Governor's Recommendation FY 03</u>	<u>Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 94,877,041	\$ 94,762,641	\$ 0
Aid to Local Units	535,719	535,719	0
Other Assistance	<u>1,068,002</u>	<u>1,068,002</u>	<u>0</u>
Subtotal—Operating	\$ 96,480,762	\$ 96,366,363	\$ 0
Capital Improvements	<u>0</u>	<u>114,400</u>	<u>0</u>
TOTAL	<u><u>\$ 96,480,762</u></u>	<u><u>\$ 96,480,762</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 80,965,866	\$ 80,851,466	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal—Operating	\$ 80,965,866	\$ 80,851,466	\$ 0
Capital Improvements	<u>0</u>	<u>114,400</u>	<u>0</u>
TOTAL	<u><u>\$ 80,965,866</u></u>	<u><u>\$ 80,965,866</u></u>	<u><u>\$ 0</u></u>
FTE Positions	1,816.3	1,816.3	0.0
Non FTE Uncl. Perm. Pos.	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>1,816.3</u></u>	<u><u>1,816.3</u></u>	<u><u>0.0</u></u>

Agency Est./Governor's Recommendation

The Judicial Branch estimates expenditures of \$96,480,762 in the current year, of which \$80,965,866 is from the State General Fund. The State General Fund amount is \$24,396 more than what was approved by the 2002 Legislature as the result of \$24,396 in reappropriations comprised of equal amounts of Kansas Savings Incentives Program savings and savings from a prior year. Expenditures from the emergency surcharge on docket fees imposed by the Chief Justice as a temporary and emergency measure are estimated to be \$3,645,785. The surcharge is effective from April 1, 2002 through June 30, 2003. Funding is included in the budget to add an eleventh judge to the Court of Appeals.

The Governor concurs with the Judicial Branch's estimates for the current year. The Judicial Branch was not subject to the August and November allotments.

Budget Committee Recommendations

The 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. 1253

Budget Page No. 253

<u>Expenditure Summary</u>	<u>Agency Est. FY 03</u>	<u>Governor's Recommendation FY 03</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 94,877,041	\$ 94,762,641	\$ 0
Aid to Local Units	535,719	535,719	0
Other Assistance	<u>1,068,002</u>	<u>1,068,002</u>	<u>0</u>
Subtotal—Operating	\$ 96,480,762	\$ 96,366,363	\$ 0
Capital Improvements	0	114,400	0
TOTAL	<u><u>\$ 96,480,762</u></u>	<u><u>\$ 96,480,762</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 80,965,866	\$ 80,851,466	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal—Operating	\$ 80,965,866	\$ 80,851,466	\$ 0
Capital Improvements	0	114,400	0
TOTAL	<u><u>\$ 80,965,866</u></u>	<u><u>\$ 80,965,866</u></u>	<u><u>\$ 0</u></u>
FTE Positions	1,816.3	1,816.3	0.0
Non FTE Uncl. Perm. Pos.	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>1,816.3</u></u>	<u><u>1,816.3</u></u>	<u><u>0.0</u></u>

Agency Est./Governor's Recommendation

The Judicial Branch estimates expenditures of \$96,480,762 in the current year, of which \$80,965,866 is from the State General Fund. The State General Fund amount is \$24,396 more than what was approved by the 2002 Legislature as the result of \$24,396 in reappropriations comprised of equal amounts of Kansas Savings Incentives Program savings and savings from a prior year. Expenditures from the emergency surcharge on docket fees imposed by the Chief Justice as a temporary and emergency measure are estimated to be \$3,645,785. The surcharge is effective from April 1, 2002 through June 30, 2003. Funding is included in the budget to add an eleventh judge to the Court of Appeals.

The Governor concurs with the Judicial Branch's estimates for the current year. The Judicial Branch was not subject to the August and November allotments.

Senate Subcommittee Recommendations

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.

Budget Page No. 253

<u>Expenditure Summary</u>	<u>Agency Req. FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 100,007,937	\$ 91,331,657	\$ 3,377,097
Aid to Local Units	535,439	504,154	0
Other Assistance	1,120,066	990,606	0
Subtotal—Operating	<u>\$ 101,663,442</u>	<u>\$ 92,826,417</u>	<u>\$ 3,377,097</u>
Capital Improvements	0	114,400	0
TOTAL	<u><u>\$ 101,663,442</u></u>	<u><u>\$ 92,940,817</u></u>	<u><u>\$ 3,377,097</u></u>
State General Fund:			
State Operations	\$ 90,294,787	\$ 80,827,070	\$ 3,377,097
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal—Operating	<u>\$ 90,294,787</u>	<u>\$ 80,827,070</u>	<u>\$ 3,377,097</u>
Capital Improvements	0	114,400	0
TOTAL	<u><u>\$ 90,294,787</u></u>	<u><u>\$ 80,941,470</u></u>	<u><u>\$ 3,377,097</u></u>
FTE Positions	1,844.3	1,819.3	(3.0)
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,844.3</u></u>	<u><u>1,819.3</u></u>	<u><u>(3.0)</u></u>

Agency Req./Governor's Recommendation

The Judicial Branch requests \$90,294,787 from the State General Fund for FY 2004, an increase over estimated expenditures in the current year of \$9,328,921. Part of the increase is attributable to replacing funding from the docket fee surcharge, which is not budgeted for FY 2004, but is budgeted at \$3,317,028 in FY 2003. Other components of the increase are the following:

- \$381,849 for the statutory expansion of the Court of Appeals from 11 judges in FY 2003 to 12 judges in the last half of FY 2004. The total is comprised of \$106,380 for the salary for half a year for the judge, an Administrative Assistant, and a Research Attorney; \$19,990 for furniture and office equipment for the three new positions; \$4,322 for other operating expenditures; and \$251,149 to renovate part of the Judicial Center to create two judicial suites—one for the judge to be added in 2004 and one for the judge to be added in 2005.

- \$337,302 for one new district court judge and 2.0 FTE associated positions, plus two new district magistrate judges.
- \$749,898 for 20.0 FTE new nonjudicial positions.

It is the position of the Chief Justice that the Judicial Branch budget should be submitted directly to the Legislature, in the form in which it is submitted, without revisions or recommendations of the Governor.

The Governor acknowledges the request of the Judicial Branch to have its budget submitted directly to the Legislature and honors the request by submitting a "placeholder" budget. The Judicial Branch budget contained in the Governor's proposals for the State General Fund essentially is at the same level as FY 2003, not the budget submitted by the Judicial Branch. The Governor's budget contains \$92,940,817 for the Judicial Branch in FY 2004, of which the State General Fund amount is \$80,941,470--the same amount approved by the 2002 Legislature for FY 2003.

Under the Governor's FY 2004 **statutory budget recommendation**, the Judicial Branch's budget would have to be reduced by an additional \$17,039,641.

Budget Committee Recommendations

The Budget Committee concurs with the Governor with the following exceptions:

1. Add \$3,377,097 from the State General Fund for mandated increases in fringe benefits that are the result of rate increases from FY 2003 to FY 2004 and for a 1.5 percent cost-of-living adjustment for judicial and nonjudicial personnel. The fringe benefit increases were not included in the placeholder budget submitted by the Governor and consist of the following:

- \$1,001,744--KPERs rate increase for judges' retirement
- \$263,927--KPERs rate increase for nonjudicial employees
- \$833,815--Group health insurance rate increase
- \$24,784--Unemployment Compensation Insurance rate increase
- \$58,165--Worker's Compensation Insurance rate increase

The addition of \$1,194,662 for a cost-of-living adjustment is intended to make the Judicial Branch consistent with the Governor's recommendation for Executive Branch Employees.

2. Recommend the introduction of legislation to amend K.S.A. 2002 Supp. 20-3002 to postpone the continued expansion of the Court of Appeals by one year, the effect being that the twelfth judge would be added January 1, 2005, the thirteenth on January 1, 2006, and the fourteenth on January 1, 2007. The recommendation is concurred with by the Judicial Branch, in recognition of the state's severe revenue shortfall.
3. The Budget Committee acknowledges that, under its recommendations, the Judicial Branch still will face a shortfall in FY 2004 as the result of the emergency docket fee surcharge expiring on June 30, 2003. The shortfall is estimated to be

approximately \$3.3 million and likely will require the Judicial Branch to made additional cuts in its budget or consider extending the surcharge.

4. The Budget Committee calls attention to 2003 H.B. 2307 which, among other things, would give the Kansas Supreme Court the authority to reassign a district magistrate position to another judicial district to meet workload demands. The Budget Committee notes that passage of this bill would provide some relief in the future to help the district courts deal with increasing workloads in some judicial districts. (The Judicial Branch included in its FY 2004 budget a request for one new district judge and two new district magistrate judges. Because of revenue constraints, these positions were not approved.)

House Committee Recommendations

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

1. Delete Item 1, the effect being that the addition of \$3,377,097 from the State General Fund for fringe benefits and a 1.5 percent cost-of-living adjustment is not recommended.
 2. Recommend the introduction of legislation to impose an increase in docket fees identical to the fee increases imposed by the emergency docket fee surcharge instituted by order of the Chief Justice of the Kansas Supreme Court in April 2002. (The increase is due to expire June 30, 2003.) In addition, amend KSA 22-4529 to require judges to impose an administrative fee of \$35 against indigent defendants who qualify for court-appointed defense. Currently, assessing the \$35 fee is up to the discretion of the judge.
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Senate Subcommittee Report

Agency: Judicial Branch

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. 1253

Budget Page No. 253

Expenditure Summary	Agency Req. FY 04	Governor's Recommendation FY 04	Senate Subcom- mittee Adjustments
All Funds:			
State Operations	\$ 100,007,937	\$ 91,331,657	\$ 1,804,435
Aid to Local Units	535,439	504,154	0
Other Assistance	1,120,066	990,606	0
Subtotal—Operating	<u>\$ 101,663,442</u>	<u>\$ 92,826,417</u>	<u>\$ 1,804,435</u>
Capital Improvements	0	114,400	0
TOTAL	<u><u>\$ 101,663,442</u></u>	<u><u>\$ 92,940,817</u></u>	<u><u>\$ 1,804,435</u></u>
State General Fund:			
State Operations	\$ 90,294,787	\$ 80,827,070	\$ 1,804,435
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal—Operating	<u>\$ 90,294,787</u>	<u>\$ 80,827,070</u>	<u>\$ 1,804,435</u>
Capital Improvements	0	114,400	0
TOTAL	<u><u>\$ 90,294,787</u></u>	<u><u>\$ 80,941,470</u></u>	<u><u>\$ 1,804,435</u></u>
FTE Positions	1,844.3	1,819.3	(3.0)
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,844.3</u></u>	<u><u>1,819.3</u></u>	<u><u>(3.0)</u></u>

Agency Req./Governor's Recommendation

The Judicial Branch requests \$90,294,787 from the State General Fund for FY 2004, an increase over estimated expenditures in the current year of \$9,328,921. Part of the increase is attributable to replacing funding from the docket fee surcharge, which is not budgeted for FY 2004, but is budgeted at \$3,317,028 in FY 2003. Other components of the increase are the following:

1. \$381,849 for the statutory expansion of the Court of Appeals from 11 judges in FY 2003 to 12 judges in the last half of FY 2004. The total is comprised of \$106,380 for the salary for half a year for the judge, an Administrative Assistant, and a Research Attorney; \$19,990 for furniture and office equipment for the three new positions; \$4,322 for other operating expenditures; and \$251,149 to renovate

part of the Judicial Center to create two judicial suites—one for the judge to be added in 2004 and one for the judge to be added in 2005.

2. \$337,302 for one new district court judge and 2.0 FTE associated positions, plus two new district magistrate judges.
3. \$749,898 for 20.0 FTE new nonjudicial positions.

It is the position of the Chief Justice that the Judicial Branch budget should be submitted directly to the Legislature, in the form in which it is submitted, without revisions or recommendations of the Governor.

The Governor acknowledges the request of the Judicial Branch to have its budget submitted directly to the Legislature and honors the request by submitting a “placeholder” budget. The Judicial Branch budget contained in the Governor’s proposals for the State General Fund essentially is at the same level as FY 2003, not the budget submitted by the Judicial Branch. The Governor’s budget contains \$92,940,817 for the Judicial Branch in FY 2004, of which the State General Fund amount is \$80,941,470--the same amount approved by the 2002 Legislature for FY 2003.

Under the Governor’s FY 2004 **statutory budget recommendation**, the Judicial Branch’s budget would have to be reduced by an additional \$17,039,641.

Senate Subcommittee Recommendation

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

1. The Senate Subcommittee commends the Judicial Branch for its ability to manage in light of generally increasing workloads and fiscal constraints that have resulted in hiring freezes in eight of the last ten years and the imposition of an emergency docket fee surcharge in April 2002. Because of the likelihood that the state’s revenue situation will not improve in the near future, the Subcommittee encourages the Kansas Supreme Court to consider extending the surcharge beyond its scheduled expiration date of June 30, 2003. In addition, the Subcommittee requests that the Judicial Branch report back on the feasibility of extending the surcharge, the reaction at the district court level and among the public to a proposed extension, and how revenues from an extended surcharge would be used.
2. The Senate Subcommittee calls attention to the fact that the Governor submitted a “placeholder” budget for the Judicial Branch in FY 2004 that contains an amount from the State General Fund that is identical to the amount approved for FY 2003. As a result, no increase is budgeted for mandated fringe benefits, nor are other adjustments made to make the Judicial Branch consistent with budgets for Executive Branch agencies. The increases in Group Health, Unemployment Compensation, and Worker’s Compensation Insurance are due to rate increases that affect all state employees. The increases in retirement benefits are based on actuarial studies and are the statutory obligation of the state to pay. Therefore, the Subcommittee makes the following recommendations:

- a. Add \$2,182,435 from the State General Fund for increases in fringe benefits that are the result of rate increases from FY 2003 to FY 2004. The benefits and amounts of increase are as follows:
 - i. \$1,001,744—KPERs rate increase for judges' retirement
 - ii. 263,927—KPERs rate increase for nonjudicial employees
 - iii. 833,815—Group health insurance rate increase
 - iv. 24,784—Unemployment Compensation Insurance rate increase
 - v. 58,165—Worker's Compensation Insurance rate increase
 - b. Delete \$378,000 in death and disability benefits to be consistent with the Governor's recommendation for Executive Branch agencies.
 - c. Add \$1,194,662 to the pool recommended by the Governor for a 1.5 percent cost-of-living increase for Executive Branch employees to provide funding for a comparable increase for judicial and nonjudicial personnel of the Judicial Branch. (The money would be added to the Governor's recommended pool, not to the Judicial Branch's budget.)
3. Recommend the introduction of legislation to amend KSA 2002 Supp. 20-3002 to postpone the continued expansion of the Court of Appeals by one year, the effect being that the twelfth judge would be added January 1, 2005, the thirteenth on January 1, 2006, and the fourteenth on January 1, 2007. The recommendation is concurred with by the Judicial Branch, in recognition of the state's severe revenue shortfall.
 4. The Subcommittee calls attention to SB 123 and HB 2309 (identical bills) that would revise the Kansas Sentencing Guidelines to impose non-prison sanctions against offenders convicted of possession-only drug crimes. Under the bills, offenders who are presently in Department of Corrections custody for the identified crimes would be released to the custody of community corrections and future offenders would be assigned either to court services officers or to community corrections programs for supervision, depending on the level of risk. In addition, the bills would impose a common statewide assessment tool for all felony presentence investigations. According to the Office of Judicial Administration, passage of the bills would require 28.0 FTE additional Court Services Officers, plus funding for training and other associated costs. The total fiscal impact on the Judicial Branch is estimated to be \$1,235,324. The Subcommittee calls attention to these bills to make the point that legislation presently under consideration during the 2003 Session could have a significant fiscal impact on operations of the Judicial Branch.
 5. Attached to this report is information about the workloads of the Court of Appeals and the district courts. The information for the district courts shows an increase in total civil and criminal cases of almost 90 percent since FY 1987, with a corresponding increase in district court judges of only 8.3 percent during that period and an increase in nonjudicial personnel of 10.1 percent. In the case of the Court of Appeals, the data show an overall increase in the number of cases since FY 1993, although the number in the last three fiscal years has declined

from peak workloads in the mid-1990s, which were due to the imposition of new sentencing guidelines in 1993.

Kansas Court of Appeals

<u>Fiscal Year</u>	<u>Cases Filed</u>
1993	1,462
1994	1,776
1995	2,098
1996	2,295
1997	2,055
1998	1,862
1999	1,878
2000	1,820
2001	1,735
2002	1,618

Source: Office of Judicial Administration

**STATEWIDE
SUMMARY OF CASELOAD FILINGS AND FTE POSITIONS**

	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>	<u>FY 93</u>	<u>FY 94</u>	<u>FY 95</u>	<u>FY 96</u>	<u>87 TO 96</u> <u>% CHANGE</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>87 to 02</u> <u>% OF CHANGE</u>	
CIVIL CASES																			
Regular Actions	26,385	25,237	24,041	25,733	23,751	23,735	22,347	23,287	21,831	20,539	(22.2)	21,192	21,427	22,554	22,199	21,167	23,522	(10.9)	
Domestic Relations	23,497	25,351	26,404	29,486	30,210	30,717	33,124	36,469	38,099	38,588	64.2	38,105	39,321	38,002	34,989	33,188	35,114	49.4	
Limited Actions	54,526	57,070	62,051	68,525	77,480	84,514	80,404	90,044	99,030	104,752	92.1	115,764	121,463	124,820	125,995	120,391	149,553	174.3	
TOTAL, CIVIL	104,408	107,658	112,496	123,744	131,441	138,966	135,875	149,800	158,960	163,879	57.0	175,061	182,211	185,376	183,183	174,746	208,189	99.4	
CRIMINAL CASES																			
Felonies	11,500	12,188	12,631	12,197	11,436	13,412	13,229	14,423	15,267	17,150	49.1	17,832	17,653	19,007	17,234	16,876	17,437	51.6	
Misdemeanors	13,369	13,234	14,171	15,362	16,919	16,986	16,386	17,762	18,850	18,523	38.6	18,395	18,553	19,977	21,259	20,947	19,854	48.5	
TOTAL, CRIMINAL	24,869	25,422	26,802	27,559	28,355	30,398	29,615	32,185	34,117	35,673	43.4	36,227	36,206	38,984	38,493	37,820	37,291	49.9	
TOTAL CIVIL AND CRIMINAL CASES	129,277	133,080	139,298	151,303	159,796	169,364	165,490	181,985	193,077	199,552	54.4	211,288	218,417	224,360	221,676	212,566	245,480	89.9	
ASSER JURISDICTION WITHOUT TRAFFIC	54,143	54,632	54,807	56,808	56,647	57,224	53,186	54,285	56,317	56,539	4.4	57,361	58,470	59,252	56,945	54,707	51,580	(4.7)	
GRAND TOTAL WITHOUT TRAFFIC	183,420	187,712	194,105	208,111	216,443	226,588	218,676	236,270	249,394	256,091	39.6	268,649	276,887	283,612	278,621	267,273	297,060	62.0	
STRICT COURT JUDGES (FTE)																			
	216	216	217	218	218	218	218	218	221	225	4.2	225	225	228	233	234	234	8.3	
STRICT JUDICIAL FTE																			
	1,301	1,341	1,395	1,402	1,404	1,349.50	1,348.50	1,367	1,380	1,387	6.6	1,389	1,404	1,419	1,434	1,433	1,433	10.1	

"87 to 96" column reflects the statistics used in the 1997 Legislative Post Audit report, "Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts."

**STATEWIDE
SUMMARY OF CASELOAD FILINGS AND FTE POSITIONS**

	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>	<u>FY 93</u>	<u>FY 94</u>	<u>FY 95</u>	<u>FY 96</u>	<u>87 TO 96</u> <u>% CHANGE</u>	<u>FY 97</u>	<u>FY 98</u>	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>	<u>87 to 02</u> <u>% OF CHANGE</u>
CIVIL CASES																		
Regular Actions	26,385	25,237	24,041	25,733	23,751	23,735	22,347	23,287	21,831	20,539	(22.2)	21,192	21,427	22,554	22,199	21,167	23,522	(10.9)
Domestic Relations	23,497	25,351	26,404	29,486	30,210	30,717	33,124	36,469	38,099	38,588	64.2	38,105	39,321	38,002	34,989	33,188	35,114	49.4
Limited Actions	54,526	57,070	62,051	68,525	77,480	84,514	80,404	90,044	99,030	104,752	92.1	115,764	121,463	124,820	125,995	120,391	149,553	174.3
TOTAL, CIVIL	104,408	107,658	112,496	123,744	131,441	138,966	135,875	149,800	158,960	163,879	57.0	175,061	182,211	185,376	183,183	174,746	208,189	99.4
CRIMINAL CASES																		
Felonies	11,500	12,188	12,631	12,197	11,436	13,412	13,229	14,423	15,267	17,150	49.1	17,832	17,653	19,007	17,234	16,876	17,437	51.6
Misdemeanors	13,369	13,234	14,171	15,362	16,919	16,986	16,386	17,762	18,850	18,523	38.6	18,395	18,553	19,977	21,259	20,947	19,854	48.5
TOTAL, CRIMINAL	24,869	25,422	26,802	27,559	28,355	30,398	29,615	32,185	34,117	35,673	43.4	36,227	36,206	38,984	38,493	37,820	37,291	49.9
TOTAL CIVIL AND CRIMINAL CASES	129,277	133,080	139,298	151,303	159,796	169,364	165,490	181,985	193,077	199,552	54.4	211,288	218,417	224,360	221,676	212,566	245,480	89.9
LESSER JURISDICTION WITHOUT TRAFFIC	54,143	54,632	54,807	56,808	56,647	57,224	53,186	54,285	56,317	56,539	4.4	57,361	58,470	59,252	56,945	54,707	51,580	(4.7)
GRAND TOTAL WITHOUT TRAFFIC	183,420	187,712	194,105	208,111	216,443	226,588	218,676	236,270	249,394	256,091	39.6	268,649	276,887	283,612	278,621	267,273	297,060	62.0
DISTRICT COURT JUDGES (FTE)	216	216	217	218	218	218	218	218	221	225	4.2	225	225	228	233	234	234	8.3
DISTRICT NONJUDICIAL FTE	1,301	1,341	1,395	1,402	1,404	1,349.50	1,348.50	1,367	1,380	1,387	6.6	1,389	1,404	1,419	1,434	1,433	1,433	10.1

"87 to 96" column reflects the statistics used in the 1997 Legislative Post Audit report, "Reviewing the Kansas Court System's Allocation of Staff Resources to the District Courts."