

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Stephen Morris at 10:35 a.m. on February 20, 2004, in Room 123-S of the Capitol.

All members were present except:

Senator David Adkins- excused  
Senator Jim Barone- excused

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department  
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department  
Michele Alishahi, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Debra Hollon, Kansas Legislative Research Department  
Susan Kannarr, Kansas Legislative Research Department  
Carolyn Rampey, Kansas Legislative Research Department  
Jill Wolters, Senior Assistant, Revisor of Statutes  
Judy Bromich, Administrative Analyst  
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

None

Others attending:

See Attached List.

### Bill Introductions

Senator Helgerson moved, with a second by Senator Schodorf, to introduce the following bills: An act concerning postsecondary educational institutions; relating to student or employee's social security numbers (3rs1979); An act concerning insurance; relating to insured's social security numbers (3rs1980); and An act concerning court records (3rs2005). Motion carried on a voice vote.

Senator Downey moved, with a second by Senator Helgerson, to introduce a bill regarding issuance of bonds by certain state agencies to fund capital improvements for water-related infrastructure (3rs2010). Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2004 and FY 2005 were available to the committee.

### Subcommittee reports on:

#### Judicial Council (Attachment 1)

Subcommittee Chairman Jordan reported that the subcommittee on the Judicial Council concurs with the Governor's recommendation in FY 2004 with a notation and concurs with the Governor's FY 2005 recommendations with adjustments and notations.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Judicial Council in FY 2004 and FY 2005. Motion carried on a voice vote.

#### Board of Indigents' Defense Services (Attachment 2)

Subcommittee Chairman Jordan reported that the subcommittee on the Board of Indigents' Defense Services concurs with the Governor's recommendation in FY 2004 and concurs with the Governor's FY 2005 recommendations with adjustments and notations.

CONTINUATION SHEET

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE at 10:35 a.m. on February 20, 2004, in Room 123-S of the Capitol.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Board of Indigents' Defense Services in FY 2004 and FY 2005. Motion carried on a voice vote.

**Judicial Branch** (Attachment 3)

Subcommittee Chairman Jordan reported that the subcommittee on the Judicial Branch concurs with the Governor's recommendation in FY 2004 and concurs with the Governor's FY 2005 recommendations with exceptions.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Judicial Branch in FY 2004 and FY 2005. Motion carried on a voice vote.

The meeting adjourned at 11:05 am. The next meeting is scheduled for February 23, 2004.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST


DATE February 20, 2004

NAME	REPRESENTING
Jeff Angin	Budget
Julia Thomas	DOJ
Andy Deaton	DOJ
Ed Mas	HEAV Low Fun
PAT SCALIA	for Scalia
DAVID OWEN	Homeless Come Home
Kim Fowler	Judicial Branch
Jerry Sloan	" "
Donna Schneewis CSJ	Amnesty International
John W. Hoar	RQC
Mike Huttles	Pk. Gov't. Consulting
<del>DAVID OWEN</del>	

**Senate Ways and Means Subcommittee**

**Judicial Council**

**FY 2004 and FY 2005**



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Senator Nick Jordan, Chairman



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Senator Jim Barone



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Senator Jean Schodorf

## Senate Subcommittee Report

**Agency:** Judicial Council

**Bill No.**

**Bill Sec.**

**Analyst:** Alishahi

**Analysis Pg. No.** Vol. 1-505

**Budget Page No.** 75

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
Operating Expenditures:			
Special Revenue Funds	\$ 359,307	\$ 359,307	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>4.0</b>	<b>4.0</b>	<b>0.0</b>

### Agency Estimate/Governor's Recommendation

The **agency's** estimate for FY 2004 operating expenditures of \$359,307 is an increase of \$47,075 (15.1 percent) from the approved budget. The estimate includes \$285,936 for salaries and wages, \$63,409 for contractual services, \$2,646 for commodities, and \$7,316 for capital outlay.

The **Governor's** recommendation for FY 2004 operating expenditures of \$359,307 is an increase of \$47,075 (15.1 percent) from the approved budget; and is consistent with the agency's FY 2004 estimate.

### Senate Subcommittee Recommendation

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

1. The Subcommittee recognizes that the Judicial Council is experiencing a transitional period as it adjusts to its new funding arrangement; and understands that the increase in its revised estimate reflects the impact the new funding arrangement has had on the agency's level of activity during FY 2004. The Subcommittee notes the number of assignments the agency has received from the Legislature has increased from four in FY 2003 to ten in FY 2004, including two death penalty related studies; the agency's number of meetings has increased from 39 in FY 2003 to 55 in FY 2004; and the agency has published a second edition of the 2004 *Kansas Judicial Council Probate Forms* supplement and a new publication called *Kansas Legal Forms*. The Subcommittee recognizes the 2003 Legislature approved a "no limit" authority for the Judicial Council's two fee funds; and does not have a problem with the increase in its FY 2004 estimate.

## Senate Subcommittee Report

**Agency:** Judicial Council

**Bill No.**

**Bill Sec.**

**Analyst:** Alishahi

**Analysis Pg. No.** Vol. 1-505

**Budget Page No.** 75

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
Operating Expenditures:			
Special Revenue Funds	\$ 385,307	\$ 392,111	\$ (6,804)
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>4.0</b>	<b>4.0</b>	<b>0.0</b>

\* Includes a reduction of \$8,160 for deletion of the Governor's recommended pay plan adjustments.

### Agency Request/Governor's Recommendation

The **agency's** request for FY 2005 operating expenditures of \$385,307 is an increase of \$26,000 (7.2 percent) from the FY 2004 estimate. The request includes \$296,005 for salaries and wages, \$70,544 for contractual services, \$18,758 for commodities, and \$0 for capital outlay.

The **Governor's** recommendation for FY 2005 operating expenditures of \$392,111 is an increase of \$32,804 (9.1 percent) from the FY 2004 recommendation, and \$6,804 (1.8 percent) more than the agency's FY 2005 request. The recommendation includes a 3.0 percent base salary increase totaling \$8,160, and a BEST reduction of \$1,356 in contractual services and commodities.

### Senate Subcommittee Recommendation

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

1. **Pay Plan Adjustment** – Delete \$8,160 to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **BEST Reduction** – The Subcommittee does not recommend the \$1,356 BEST reduction in contractual services and commodities for this agency. The Subcommittee feels that the Judicial Council is a fee funded agency that generates fees for specific purposes, and that the fees should not be transferred to the State General Fund.

3. The Subcommittee understands the expansion of the Kansas Court of Appeals, by one judge, in FY 2005 will affect the agency. The Judicial Council was notified that once appointed, the new judge may possibly be given its office space; and that the agency will be required to relocate; and will be responsible for financing the move. The Subcommittee realizes that the date of the possible move and the costs involved are unknown at this time.
4. The Subcommittee notes the significant ending balance in the Judicial Council Fund and the Publications Fee Fund for FY 2005, but also realizes the agency will have expenses during the budget year, including the possible office move. Therefore, the Subcommittee does not recommend dipping into the ending balance of the agency's two fee funds.
5. The Subcommittee recommends that the "no limit" authority placed on the agency's two fee funds be continued in the future.


**Senate Subcommittee Report**

**FY 2004 and FY 2005**

**Board of Indigents' Defense Services**

  
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Senator Nick Jordan, Chair

  
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Senator Jim Barone

  
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Senator Jean Schodorf



## Senate Subcommittee Report

**Agency:** Board of Indigents'  
Defense Services

**Bill No.**

**Bill Sec.**

**Analyst:** Hollon

**Analysis Pg. No.** Vol. I, 515 **Budget Page No.** 231

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 17,453,011	\$ 16,420,033	\$ 0
Other Funds	548,854	548,854	0
<b>TOTAL</b>	<b>\$ 18,001,865</b>	<b>\$ 16,968,887</b>	<b>\$ 0</b>
<b>FTE Positions</b>			
FTE Positions	167.0	167.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
<b>TOTAL</b>	<b>168.0</b>	<b>168.0</b>	<b>0.0</b>

### Agency Estimate/Governor's Recommendation

The agency's estimate for FY 2004 operating expenditures of \$18,001,865 is an increase of \$2,824,232 (18.6 percent) from the approved budget. The estimate includes State General Fund expenditures of \$17,453,011 which is \$2,688,378 (18.2 percent) from the approved amount. Differences between the approved amount and the agency's revised estimate are:

#### State General Fund:

- Unlimited reappropriation of FY 2003 State General Fund savings which exceeded the anticipated reappropriation by \$112,720 and is available for expenditure without any further legislative action;
- Supplemental funding totaling \$2,588,588 requested for the following:
  - Assigned Counsel Program—\$1,221,588 to cover shortfalls in the program;
  - Legal Services for Prisoners—\$437,000 to cover shortfalls in the program; Note: This amount is requested in the Assigned Counsel Program to cover cases shifted between the two programs.
  - Public Defender Offices—\$320,000 to open a public defender office in the 14th Judicial District (Independence) and 2.0 FTE positions to increase staff at existing offices;
  - Death Penalty Defense Unit—\$610,000 to cover shortfalls in the program.

### **All Other Funds:**

- Increase of \$135,854 in other funds due to increased revenues stemming from the passage of 2003 HB 2121 which established a \$50 application fee for indigent defendants. The new fee replaced a \$35 administrative fee.

The **Governor** recommends a current year operating budget of \$16,968,887 which is an increase of \$1,791,254 (11.8 percent) from the approved budget. The Governor recommends FY 2004 State General Fund expenditures of \$16,420,033 which is an increase of \$1,655,400 (11.2 percent) from the approved budget. The difference between the recommended budget and the approved amount is:

### **State General Fund:**

- Unlimited reappropriation of FY 2003 State General Fund savings which exceeded the anticipated reappropriation by \$112,720 and is available for expenditure without any further legislative action;
- Supplemental funding totaling \$1,542,680 for the following:
  - Assigned Counsel Program—\$932,680 to fully fund the caseload estimate; and
  - Death Penalty Defense Unit—\$610,000 to cover shortfalls in the program.

### **All Other Funds:**

- Increase of \$135,854 in other funds due to increased revenues stemming from the passage of 2003 HB 2121 which established a \$50 application fee for indigent defendants. The new fee replaced a \$35 administrative fee.

## **Senate Subcommittee Recommendation**

The Senate Subcommittee concurs with the Governor's recommendation.

## Senate Subcommittee Report

**Agency:** Board of Indigents'  
Defense Services

**Bill No.**

**Bill Sec.**

**Analyst:** Hollon

**Analysis Pg. No.** Vol. I, 515 **Budget Page No.** 231

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 22,808,193	\$ 17,695,342	\$ 369,531
Other Funds	510,000	510,000	0
<b>TOTAL</b>	<b>\$ 23,318,193</b>	<b>\$ 18,205,342</b>	<b>\$ 369,531</b>
FTE Positions	171.0	173.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
<b>TOTAL</b>	<b>172.0</b>	<b>174.0</b>	<b>0.0</b>

\* Includes a reduction of \$230,469 from the State General Fund for deletion of the Governor's recommended pay plan adjustments.

### Agency Request/Governor's Recommendation

The **agency** requests an FY 2005 operating budget of \$23,318,193 which is an increase of \$5,316,328 (29.5 percent) from the FY 2004 estimate. The request includes \$22,808,193 from the State General Fund which is an increase of \$5,355,182 (30.7 percent) from FY 2004. The request includes:

- \$490,000 SGF to avoid delay in expert and attorney payments (estimated to occur March, 2005);
- \$400,000 SGF to increase the salaries for unclassified Public Defenders to more closely compare to that of attorneys in the classified service;
- \$4,000,000 SGF to increase the hourly rate for Assigned Counsel attorneys from \$50 to \$80. This hourly rate was last increased in 1987;
- \$535,000 SGF to establish an office in Wichita for handling death penalty cases in which the in-house Death Penalty Defense Unit has a conflict. Private attorneys have been used previously in these cases;
- \$479,782 SGF for Legal Services for Prisoners to maintain present staffing and to avoid the shifting of responsibility for these cases to the Assigned Counsel Program;
- \$1,902,377 SGF to avoid delay in expert and attorney payments; and

- 4.0 FTE positions at various public defender offices to meet increases in caseload.

The **Governor** recommends an FY 2005 operating budget of \$18,205,342 which is an increase of \$1,236,455 (7.3 percent) from the current year recommendation. The Governor recommends FY 2005 State General Fund expenditures of \$17,695,342 which is an increase of \$1,275,309 (7.8 percent) from the current year recommendation. The recommendation includes:

- full funding of the caseload estimates for the Assigned Counsel Program at \$6,767,000;
- \$400,000 SGF to increase the salaries for unclassified Public Defenders to more closely compare to that of attorneys in the classified service;
- \$490,000 SGF to cover anticipated shortfalls in the Death Penalty Defense Unit;
- the requested FTE positions for the Public Defender offices with no additional funding and recommends \$96,938 SGF and an additional 2.0 FTE positions to be added in offices that would most greatly reduce expenditures for Assigned Counsel; and
- a reduction of \$30,000 in capital outlay to reduce expenditures for computer equipment.

Under the Governor's **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$36,034 State General Fund.

### **Senate Subcommittee Recommendation**

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

1. **Pay Plan Adjustment**—Delete \$230,469 State General Fund to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. Add \$300,000 from the State General Fund to establish a Public Defender office in the 14<sup>th</sup> Judicial District (Montgomery and Chautauqua counties). Indigent cases in this district are currently being handled by assigned counsel, but the Chief Judge is finding it increasingly difficult to find attorneys willing to take the cases. There are an estimated 450 cases involving indigents this year and only one or two attorneys willing to handle those cases. Attorneys from Wichita are sometimes used to cover cases at a much greater expense. Cases are being continually delayed due to a lack of representation. The Board of Indigents' Defense Services has found experienced defenders in other areas of the state who are willing to relocate to Independence to staff the new office. In addition, the district court has offered space for the new office free of charge. The intent of the Subcommittee's recommendation is that the new office should be run as a satellite office of the Chanute Public Defender office to save administrative costs.

3. Add \$300,000 from the State General Fund to cover the costs of potential cases from a recent Kansas Supreme Court decision. Currently, Kansas has two statutes dealing with the crime of compounding drugs which contain different lengths of sentences. In its January 30 decision in *State v. McAdam*, the Supreme Court ruled that a person convicted of compounding drugs can face only the lesser of the two sentences. Individuals currently serving the lengthier of the two sentences would be eligible to appeal their sentencing. The Department of Corrections estimates that there are currently 375 inmates serving sentences under the drug manufacturing statute. House Bill 2777 has been introduced to eliminate the conflict, but such a change would not affect individuals currently serving sentences or awaiting prosecution. The bill is scheduled for a hearing before a subcommittee of the House Committee on Corrections and Juvenile Justice on February 20.

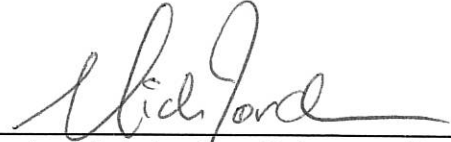
It is unclear at this point whether the cases would fall to Legal Services for Prisoners (which provides legal assistance for indigent inmates of correctional facilities), Assigned Counsel, or Public Defenders. The Subcommittee's intent with this recommendation is that the Executive Director be given the flexibility to shift the funding as needed to fund the costs of these cases.

4. The Subcommittee notes two pieces of legislation which would impact the budget of the Board of Indigents' Defense Services.
  - a. House Bill 2616 would increase the hourly rate for Assigned Counsel from \$50 to \$80. The hourly rate has not changed since 1987 when a decision by the Kansas Supreme Court required a \$15 increase. That decision suggested that the Board of Indigents' Defense Services calculate the appropriate hourly rate based upon the overhead costs of the attorneys. The agency conducted a survey of assigned counsel attorneys and determined that the level of overhead averages \$40 per hour. The current payment rate of \$50 per hour allows only \$10 per hour as compensation for professional services. The fiscal note associated with the proposed increase totals \$4,000,000. HB 2616 has passed out of the House of Representatives and has been referred to the Senate Committee on Ways and Means.
  - b. House Bill 2766 would retroactively apply the provisions of 2003 SB 123 to individuals convicted of certain drug offenses. Under SB 123 as enacted, individuals convicted of these offenses are sentenced to a non-prison drug treatment program rather than prison. HB 2766 provides that an individual convicted between July 1, 1994, and the effective date of SB 123 would be eligible to request a hearing with the sentencing court to have his or her sentence reviewed for possible modification. The bill also provides that, if such a hearing is scheduled, the inmate is entitled to appointed counsel. The Board of Indigents' Defense Services estimates its portion of the fiscal note for this bill to be \$171,000. A hearing on HB 2766 was scheduled for February 19 before the House Committee on Corrections and Juvenile Justice.

**Senate Subcommittee Report**

**FY 2004 and FY 2005**

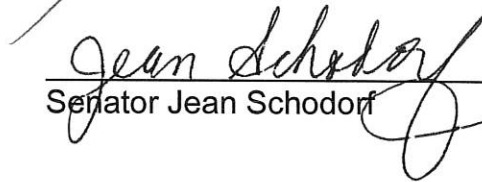
**Judicial Branch**



\_\_\_\_\_  
Senator Nick Jordan, Subcommittee Chair



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Senator Jim Barone



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Senator Jean Schodorf

## Senate Subcommittee Report

**Agency:** Judicial Branch

**Bill No.**

**Bill Sec.**

**Analyst:** Rampey

**Analysis Pg. No.** Vol I.-489

**Budget Page No.** 251

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 82,551,163	\$ 83,364,432	\$ 0
Emergency Surcharge Fund	4,391,993	4,391,993	0
Nonjudicial Salary Init. Fund	3,816,056	3,816,056	0
All Other Funds	7,171,598	7,177,083	0
<b>TOTAL</b>	<u><u>\$ 97,930,810</u></u>	<u><u>\$ 98,749,564</u></u>	<u><u>\$ 0</u></u>
FTE Positions	1,814.8	1,814.8	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,814.8</u></u>	<u><u>1,814.8</u></u>	<u><u>0.0</u></u>

### Agency Estimate/Governor's Recommendation

The Judicial Branch estimates expenditures of \$97,930,810, of which \$82,551,163 (84.3 percent) is from the State General Fund. The total also includes \$4,391,993 from the Emergency Surcharge Fund, which will terminate June 30, 2004, and \$3,816,056 from the Nonjudicial Salary Initiatives Fund. No new positions were added in the current year. The scheduled addition of a new judge to the Kansas Court of Appeals, which was to have occurred in FY 2004, was delayed one year because of the state's financial condition. (The 2003 Legislature changed the law to delay the addition until FY 2005.)

The Judicial Branch's request inadvertently omits \$713,269 from the State General Fund, which was appropriated by the 2003 Legislature.

The Governor recommends \$98,749,564, of which \$83,364,432 is from the State General Fund. The primary change made by the Governor is to include the \$713,269 from the State General Fund that was inadvertently omitted when the budget was submitted.

### Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor.

# Senate Subcommittee Report

**Agency:** Judicial Branch **Bill No.** **Bill Sec.**

**Analyst:** Rampey **Analysis Pg. No.** Vol. I-489 **Budget Page No.** 251

Expenditure Summary	Agency Request FY 05	Governor's Amended Recommendation FY 05*	Senate Subcommittee Adjustments**
Operating Expenditures:			
State General Fund	\$ 94,293,254	\$ 93,392,348	\$ (5,932,846)
Emergency Surcharge Fund	0	0	0
Nonjudicial Salary Init. Fund	4,967,277	4,967,277	0
All Other Funds	6,070,086	6,053,594	(71,078)
<b>TOTAL</b>	<b>\$ 105,330,617</b>	<b>\$ 104,413,219</b>	<b>\$ (6,003,924)</b>
FTE Positions	1,844.8	1,817.8	14.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>1,844.8</b>	<b>1,817.8</b>	<b>14.0</b>

- \* The Governor complies with the provisions of 2003 SB 21 and includes the Judicial Branch budget, as requested, in the *Governor's Budget Report*. However, the Governor also includes the Judicial Branch's current service budget (excluding enhancements) in her existing resources budget. Also includes Governor's Budget Amendment No. 1, Item 4, which adds \$1,731,930 (\$1,660,852 SGF) for salary plan adjustments inadvertently omitted in the Governor's original recommendation.
- \*\* Includes a reduction of \$2,583,963, including \$2,512,885 from the State General Fund, for deletion of the Governor's recommended pay plan adjustments.

### Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$105,330,617, of which \$94,293,254 is from the State General Fund. The Judicial Branch does not budget continuation of the Emergency Surcharge in FY 2005 and requests that the revenue source be replaced with State General Fund revenues. The request includes funding for a 3.7 percent cost-of-living adjustment for nonjudicial personnel, four new judge positions and 2.0 FTE associated staff, a new staff position for the Supreme Court, and 20.0 new FTE nonjudicial positions.

The Governor includes the Judicial Branch's current service budget in the *Governor's Budget Report*, which replaces revenues from the Emergency Surcharge with funding from the State General Fund. However, in Volume I of the *Governor's Budget Report*, the Governor recommends that the surcharge be continued in order to save State General Fund dollars.

Included in the Governor's current service budget is \$2,583,963 for a 3.0 percent base salary adjustment for nonjudicial personnel (\$1,731,930) and judges (\$852,033). Of the total, \$2,512,885 is from the State General Fund. The Governor's current service budget includes \$247,918 from the State General Fund for the addition of the 12<sup>th</sup> judge to the Court of Appeals in January 2005.



The current service budget includes none of the requested enhancements. There are no reductions identified for the Judicial Branch in the Governor's "statutory budget."

## Senate Subcommittee Recommendations

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

1. Adopt GBA No 1, Item 4, which adds \$1,731,930 (\$1,660,852 from the State General Fund) for the 3.0 percent salary plan adjustment for nonjudicial personnel, which was inadvertently omitted from the Governor's current resource budget.
2. Delete \$2,583,963, including \$2,512,885 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
3. Delete \$3,475,512 from the State General Fund, which is the estimated amount needed in FY 2005 to replace revenues from the Emergency Surcharge. The Surcharge can be continued only by action of the Supreme Court, but the Subcommittee's recommendation will force the Judicial Branch either to sustain a reduction in funding from its current service budget or consider continuing the Surcharge.
4. Delete \$713,269 from the State General Fund, which was inadvertently omitted from the budget as submitted by the Judicial Branch. Although the money was appropriated for FY 2004, reducing the FY 2005 appropriation from the State General Fund by that amount will allow the Judicial Branch to have use of the money for cash flow purposes in FY 2004, if necessary, and absorb the reduction in FY 2005 when it can better plan for it.
5. Add \$196,062 from the State General Fund for a district magistrate judge position (\$65,354 each) in the following judicial districts: 8<sup>th</sup> (Dickinson County), 9<sup>th</sup> (McPherson County), and 27<sup>th</sup> (Reno County).
6. Add \$69,392 from the State General Fund for 1.0 FTE Research Staff Attorney II for the Supreme Court to work primarily in the area of death penalty cases.
7. Add \$389,590 from the State General Fund for 10.0 FTE Court Services Officer I positions (\$38,959 each). (Thirteen Court Services Officer I positions were requested as the top priority for nonjudicial personnel.)
8. Add \$113,776 from the State General Fund to renovate parts of the Judicial Center that house staff for the Supreme Court and the Court of Appeals.
9. The Subcommittee observes that the Judicial Branch pay plan, implemented in July 2000 in part with funding from increased docket fees, has stabilized the Judicial Branch by helping it avoid hiring freezes and by enabling it to recruit and retain qualified staff.