

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on February 11, 2005, in Room 514-S of the Capitol.

All members were present except:

Representative Newton- excused  
Representative Weber- excused

Committee staff present:

Alan Conroy, Legislative Research Department  
J. G. Scott, Legislative Research Department  
Amy VanHouse, Legislative Research Department  
Reagan Cussimano, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Matt Spurgin, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Administrative Analyst  
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

- Attachment 1 Budget Committee Report on Judicial Branch and Judicial Council for FY 2005 & FY 2006
- Attachment 2 Budget Committee Report on Board of Indigents' Defense Services for FY 2005 & FY 2006

**HB 2379, HB 2428, HB 2429, HB 2430** are referred to the Retirement Sub-Committee  
**HB 2410** and **HB 2413** are referred to Social Services Budget Committee  
**HB 2412** is referred to Revenue, Judicial, Transportation & Retirement Budget Committee

Representative McCreary, Chair of the Revenue, Judicial, Transportation and Retirement Budget Committee, presented the Budget Committee report on the Judicial Branch for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 1). The motion was seconded by Representative Gatewood. Motion carried.

Representative McCreary, Chair of the Revenue, Judicial, Transportation and Retirement Budget Committee, presented the Budget Committee report on the Judicial Branch for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 1). The motion was seconded by Representative Gatewood. Motion carried.

Responding to a question, the Budget Committee clarified that the \$298,306 for the Court of Appeals in Item No. 4, is being deleted from the Judicial Branch budget, rather than the State General Fund (SGF). With reference to the emergency surcharge fund, Carolyn Rampey, Legislative Research Department, stated that the surcharge is generated from increased docket fees, put in place by the court two years ago, to cover a revenue shortfall and have been extended two times. The Budget Committee noted that additional judges are requested for Johnson County - district judge, magistrate judge and related positions. The Committee indicated that verbiage in the Budget Committee report is inaccurate in stating as being "recommended by the Governor", when actually the budget is recommended by the Judicial Branch.

Representative Gatewood, member of the Revenue, Judicial, Transportation and Retirement Budget Committee, presented the Budget Committee report on the Judicial Council for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 1). The motion was seconded by Representative McCreary. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 11, 2005 in Room 514-S of the Capitol.

Representative Gatewood, member of the Revenue, Judicial, Transportation and Retirement Budget Committee, presented the Budget Committee report on the Judicial Council for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 1). The motion was seconded by Representative McCreary. Motion carried.

Responding to a question concerning the fee increase for attorneys, the Budget Committee indicated that when the Judicial Council goes "on-line" with their publications, the Judicial Council's fee fund revenue will decline. Attorneys have agreed to pay an increased fee, if necessary, to fund the Judicial Council.

Representative Sharp, member of the Public Safety Budget Committee, presented the Budget Committee report on the Board of Indigents' Defense Services for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 2). The motion was seconded by Representative Light. Motion carried.

Representative Sharp, member of the Public Safety Budget Committee, presented the Budget Committee report on the Board of Indigents' Defense Services for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 2). The motion was seconded by Representative Light. Motion carried.

In response to a question from the Committee, the Budget Committee indicated that the Board of Indigents' Defense Services (BIDS) work in conjunction with the county court system on the defense of felonies; however, is funded from the State General Fund (SGF).

**Action on HB 2347 - Fort Hays state university conveyance of certain real estate to city of Hays.**

Representative Feuerborn moved to move HB 2347 to the consent calendar. The motion was seconded by Representative Gatewood. Motion carried.

The meeting was adjourned at 9:35 a.m. The next meeting of the Committee will be held at 9:00 a.m. on Monday, February 14, 2005.

  
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Melvin Neufeld, Chair



**TAX, JUDICIAL, TRANSPORTATION,  
AND RETIREMENT BUDGET COMMITTEE**

**FY 2005 and FY 2006  
Subcommittee Reports**

**Judicial Branch  
Judicial Council**

  
\_\_\_\_\_  
Representative Bill McCreary, Chairman


  
\_\_\_\_\_  
Representative Eric Carter

  
\_\_\_\_\_  
Representative Doug Gatewood

  
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Representative John Grange

  
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Representative Mike O'Neal

  
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Representative Tom Thull

  
\_\_\_\_\_  
Representative Shari Weber

**HOUSE APPROPRIATIONS**

DATE 2-11-2005  
ATTACHMENT 1

## House Budget Committee Report

**Agency:** Judicial Branch      **Bill No.**      **Bill Sec.**  
**Analyst:** Carolyn Rampey      **Analysis Pg. No.**      **Budget Page No.**

Expenditures	Agency Estimate FY 2005	Governor's Recommendation FY 2005	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 90,656,309	\$ 90,656,310	\$ 0
All Other Funds	15,412,086	15,412,086	0
Subtotal—Operating	<u>\$ 106,068,395</u>	<u>\$ 106,068,396</u>	<u>\$ 0</u>
Capital Improvements:			
State General Fund	\$ 134,692	\$ 134,692	\$ 0
All Other Funds	0	0	0
Subtotal—Cap. Imp.	<u>\$ 134,692</u>	<u>\$ 134,692</u>	<u>\$ 0</u>
 TOTAL	 <u><u>\$ 106,203,087</u></u>	 <u><u>\$ 106,203,087</u></u>	 <u><u>\$ 0</u></u>
 FTE Positions	 1,829.3	 1,829.3	 0.0
Non FTE Perm. Uncl. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,829.3</u></u>	<u><u>1,829.3</u></u>	<u><u>0.0</u></u>

### Judicial Branch Estimate/Governor's Recommendation

The Judicial Branch estimates total expenditures of \$106,203,087, of which \$90,791,001 is from the State General Fund, \$3,577,973 is from the Emergency Surcharge Fee Fund, and the remainder is from other special revenue funds. (When the 2004 Legislature reduced the Judicial Branch's budget by the amount of the surcharge, the Supreme Court extended the surcharge for another year, with an expiration date of June 30, 2005.) The estimate for FY 2005 includes \$706,713 from the State General Fund carried forward from FY 2004. Funding is included for the statutory expansion of the Court of Appeals, including \$134,692 from the State General Fund to renovate the Judicial Center to create a suite for the 12<sup>th</sup> judge, added in January 2005, and 2.0 FTE associated positions.

The Governor concurs with the Judicial Branch's estimate of \$106,203,088 in the current year, of which \$90,791,002 is from the State General Fund. (There is a rounding difference of \$1.00 between the Governor's recommendation and the Judicial Branch's estimate.) The State General Fund amount includes \$134,692 for renovation of the Judicial Center for the suite for the new judge on the Court of Appeals.

### House Budget Committee Recommendations

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

1. **Change from FY 2005 Approved Budget.** The Budget Committee notes that the Governor's FY 2005 revised recommendation is a State General Fund increase of \$706,713 or 0.8% above the FY 2005 State General Fund amount approved by the 2004 Legislature. The amount is savings reappropriated from FY 2004. (The 2004 Legislature reduced the Judicial Branch's FY 2005 budget by \$713,269 and gave it the option of spending all available resources in FY 2004 or generating savings to carry forward so that expenditures for FY 2005 would not have to be reduced.)

## House Budget Committee Report

**Agency:** Judicial Branch      **Bill No.**      **Bill Sec.**  
**Analyst:** Carolyn Rampey      **Analysis Pg. No.**      **Budget Page No.**

Expenditures	Agency Request FY 2006	Governor's Recommendation FY 2006	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 106,180,832	\$ 102,232,473	\$ (3,744,833)
All Other Funds	10,686,593	10,762,009	0
Subtotal—Operating	<u>\$ 116,867,425</u>	<u>\$ 112,994,482</u>	<u>\$ (3,744,833)</u>
Capital Improvements:			
State General Fund	\$ 153,473	\$ 153,473	\$ (153,473)
All Other Funds	0	0	0
Subtotal—Cap. Imp.	<u>\$ 153,473</u>	<u>\$ 153,473</u>	<u>\$ (153,473)</u>
 TOTAL	 <u><u>\$ 117,020,898</u></u>	 <u><u>\$ 113,147,955</u></u>	 <u><u>\$ (3,898,306)</u></u>
FTE Positions	1,853.3	1,832.3	0.0
Non FTE Perm. Uncl. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,853.3</u></u>	<u><u>1,832.3</u></u>	<u><u>0.0</u></u>

### Judicial Branch Request/Governor's Recommendation

The Judicial Branch requests total expenditures of \$117,020,898, of which \$106,334,305 is from the State General Fund. Under the Judicial Branch's request, there would be no Emergency Surcharge in FY 2006 and henceforth revenues from the Emergency Surcharge Fee Fund would be replaced with money from the State General Fund. Funding from the State General Fund is included in the amount of \$298,306, including \$153,473 for capital improvements, for the 13<sup>th</sup> judge of the Court of Appeals and 2.0 FTE associated positions. The judge will be added in January of 2006. Requested enhancements include the following:

- \$3,060,744 from the State General Fund for a 10 percent salary increase for justices on the Supreme Court, judges on the Court of Appeals, district court judges, and magistrate judges.
- \$90,875 from the State General Fund for an additional base salary increase for chief judges of the district court.
- \$2,450,586, of which \$2,351,858 is from the State General Fund, for a 3.9 percent salary increase for nonjudicial employees. The increase is tied to the Employment Cost Index reported by the Bureau of Labor Statistics.
- \$297,990 from the State General Fund for one district court judge and two associated positions and one magistrate judge in Johnson County.
- \$578,421 for 17.0 new nonjudicial positions for the district courts.

The Governor includes in the current resources budget \$113,147,955 for the Judicial Branch, of which \$102,385,946 is from the State General Fund. The Governor replaces money from the Emergency Surcharge, estimated to be \$3,600,000 in FY 2006, with money from the State General Fund and includes \$298,306 from the State General Fund for the statutory expansion of the Court of Appeals. The Governor includes none of the requested enhancements in the current resources budget, but adds funding for the salary adjustments recommended for all other state employees. The statutory budget submitted by the Governor did not include a reduction for the Judicial Branch.

## House Budget Committee Recommendations

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

1. **Change from FY 2006 Approved Budget.** The Budget Committee notes that the Governor's FY 2006 State General Fund recommendation for the Judicial Branch totals \$102,385,946, an increase of \$12,301,657 (13.7 percent) above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent amounts recommended for the 2.5 percent base salary adjustment (\$2,222,358), the 27<sup>th</sup> pay period (\$3,302,737), and the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$209,171), the recommendation is an increase of \$6,567,391 (7.3 percent) over the approved amount. Major components of the increase include:
  - \$3,577,973 from the State General Fund recommended by the Governor to replace the Emergency Surcharge;
  - \$298,306 from the State General Fund for the statutory expansion of the Court of Appeals; and
  - \$962,040 for fringe benefit increases for the 1,832.3 positions of the Judicial Branch.

The remaining difference of \$1,729,072 over the approved FY 2005 budget represents a 1.9 percent increase.

2. Delete \$3,600,000 from the State General Fund, which is the estimated amount of money needed to replace funding from the Emergency Surcharge which will terminate June 30, 2005. In addition, recommend the introduction of legislation to make the Emergency Surcharge docket fee increases statutory. The effect of the Budget Committee's recommendation would be to make the Emergency Surcharge increase permanent, unless changed by the Legislature.
3. The Budget Committee calls attention to a proposal by the Kansas District Judges Association (KDJA) which calls for a docket fee increase to fund salary increases for justices of the Supreme Court, judges on the Court of Appeals, district court judges, and district magistrate judges. The proposal is the same as the enhancement requested by the Judicial Branch, except that the Judicial Branch requested \$3,151,619 from the State General Fund for the increase. The Budget Committee notes that the Judicial Branch has not withdrawn its request but has



taken the position that it is not opposed to considering funding the cost of the salary increase, in whole or in part, through "reasonable and appropriate docket fee increases." As a courtesy to the KDJA and for discussion purposes only, the Budget Committee asks that legislation be drafted to increase docket fees based on the proposal made by the KDJA and to change the salaries of judges, which are statutorily set, to reflect the proposed increases.

4. Delete \$298,306 from the State General Fund for costs associated with adding the 13<sup>th</sup> judge to the Court of Appeals January 2006. In a letter dated February 2, 2005, Gary W. Rulon, Chief Judge of the Court of Appeals, informed the Budget Committee of his request that "funding for Court of Appeals Judge number thirteen be delayed until the next legislative session, giving us the opportunity to reassess our needs for additional judges." In his letter, Judge Rulon notes that the court is in the midst of a substantial renovation of its physical facilities and has had a substantial change of judicial personnel. Based on Judge Rulon's letter, the Judicial Branch is withdrawing its request for funding associated with the 13<sup>th</sup> judge in FY 2006. Accordingly, the Budget Committee requests the introduction of legislation to delay the continued expansion of the Court of Appeals by one year so that the 13<sup>th</sup> judge would be added January 2007 and the 14<sup>th</sup> (and final) judge would be added January 2008.
5. The Budget Committee recommends that additional positions (both judges and nonjudicial personnel) be considered in the Omnibus Bill. The Budget Committee notes the considerable reductions it has made in the Governor's current resources budget and recommends that, when the Omnibus Bill is considered, first priority should be given to the requests of the Judicial Branch for additional judges and nonjudicial personnel.

# House Budget Committee Report

**Agency:** Judicial Council

**Bill No.**

**Bill Sec.**

**Analyst:** Spurgin

**Analysis Pg. No.**

**Budget Page No. 225**

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	392,385	392,385	0
<b>TOTAL</b>	<b><u>\$ 392,385</u></b>	<b><u>\$ 392,385</u></b>	<b><u>\$ 0</u></b>
<b>FTE Positions</b>			
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b><u>4.0</u></b>	<b><u>4.0</u></b>	<b><u>0.0</u></b>

## Agency Estimate/Governor's Recommendation

The **agency's** current year estimate of expenditures is \$392,385, a decrease of \$1,082 (0.3 percent) from the amount approved by the 2004 Legislature.

- The agency reports its level of activity has increased due to its new funding arrangement. The agency has received a larger number of assignments from the Legislature than in prior years. Some committees that had not met in previous years due to a lack of funding have met to consider pending assignments. The current year budget includes funding for 55 meetings, up from 39 meetings in FY 2003. In FY 2004, 63 meetings were held.
- The Judicial Council was able to avoid the expense of a move in FY 2005 when its existing office space was considered for office space for a 12th Court of Appeals Judge (the first of the 3 additional positions authorized by 2001 HB 2297). However, if and when the Legislature approves filling a 13th or 14th judgeship on the Court of Appeals, the Judicial Council indicates that it will most likely be required to move either within or outside of the Judicial Center. If they move outside of the Judicial Center they will be required to pay rental costs.

The **Governor** concurs with the agency's current year estimates.

## House Budget Committee Recommendation

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

## House Budget Committee Report

**Agency:** Judicial Council

**Bill No.**

**Bill Sec.**

**Analyst:** Spurgin

**Analysis Pg. No.**

**Budget Page No. 225**

Expenditure Summary	Agency Request FY 06	Governor's Recommendation FY 06	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	416,479	436,517	0
<b>TOTAL</b>	<b>\$ 416,479</b>	<b>\$ 436,517</b>	<b>\$ 0</b>
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 Request/Governor's Recommendation

The **agency** requests expenditures of \$416,479 for FY 2006, an increase of \$24,094 (6.1 percent) above the FY 2005 estimate.

- For **salaries and wages**, the request is an increase of \$1,178 (0.4 percent) above the FY 2005 estimate. This funding includes per diem and subsistence for 55 meetings of the Judicial Council and its advisory committees.
- For **contractual services**, the request is an increase of \$6,249 (8.8 percent) above the FY 2005 estimate. The amount provides for preparation, publication, and mailing of the *2005 Pattern Instructions for Kansas-Criminal 3d supplement*, the *2005 Kansas Municipal Court Manual supplement*, the *2005 Kansas Judicial Council Probate Forms 2d*. This includes advertising for sale of the supplements, envelopes and postage for mailing both advertisements and supplements. Funding is also included for printing Kansas Legal Forms and maintenance of the subscription based web site.
- For **commodities**, the request is an increase of \$16,667 (486.9 percent) from the FY 2005 estimate. In addition to usual supply costs, the purchase of binders and separators for the new *Kansas Legal Forms* publication is included in this expense request.
- For **capital outlay**, there is no request for funding, as is the case for FY 2005.

The **Governor** recommends FY 2006 expenditures of \$436,517. The request is an increase of \$44,132 (11.2 percent) above the FY 2005 recommendation. The Governor's recommendation includes \$338,905 for salaries and wages, an increase of \$21,216 (6.7 percent) from the FY 2005 recommendation. This amount is an increase of \$20,038 from the agency request and includes the

1-8

KPERS death and disability adjustment, the base salary adjustment and 27th payroll period during FY 2006. The Governor concurs with the agency requests for other operating expenses.

### House Budget Committee Recommendation

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

1. The Budget Committee notes that Judicial Council provided testimony that once the Council's legal manuals and form books become available on-line, the sales of these publications could decrease. The Budget Committee notes that Council's publication fee fund is made up of revenues from the sale of these publications. The Judicial Council is responsible for publication of legal manuals and form books including:

*Pattern Instructions for Kansas-Criminal 3d, the Kansas Municipal Court Manual, and the Kansas Judicial Council Probate Forms.*

The Council is also developing a new publication called *Kansas Legal Forms* and will soon begin a publication on appellate procedure to be called the *Kansas Appellate Procedure Handbook*. Although written by the Judicial Council, *Pattern Instructions for Kansas-Civil 3d*, is published by an outside publisher until July 1, 2007, when the Judicial Council will regain complete ownership of the copyright to this publication.

The Council is working on a subscription service that would make these publications available on-line. All attorneys registered on active status with the Kansas Supreme Court will receive access to these on-line publications as part of their annual registration fee. Other groups could purchase subscriptions as well. The Council has reported that arrangements to maintain the level of revenue received for its publications have been made. Any loss in publication revenue will be made up through lawyer registration fees administered through the Supreme Court, which were raised for this purpose. Sales of future publications made available on-line will also be guaranteed at a reasonable level.

2. The Budget Committee recommends a proviso in the appropriations bill similar to the language in last year's bill which would transfer unencumbered balances in excess of \$175,000 in the Publications Fee Fund to the State General Fund. If such language is not in the appropriations bill as introduced, the Budget Committee recommends this matter be addressed at Omnibus.
3. The Budget Committee recommends a proviso be included in the appropriations bill that in the future the agency adopt the policy of utilizing the Judicial Council Fund first when confronted with unanticipated expenses, then turning to the Publication Fee Fund with the intention of keeping the ending balance of the Publication Fee Fund as close to \$175,000 as possible.

**HOUSE BUDGET COMMITTEE REPORT**

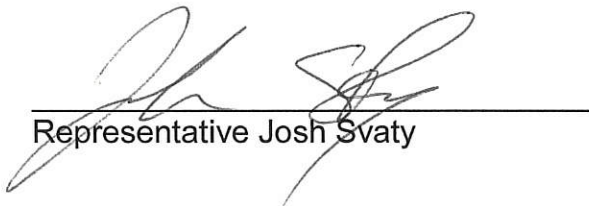
**FY 2005 and FY 2006**


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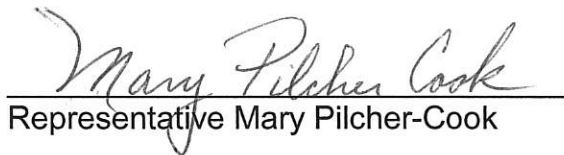
**Board of Indigents' Defense Services**

  
Representative Bill Light, Chairperson

  
Representative Mitch Holmes

  
Representative Josh Svaty

  
Representative Joann Flower

  
Representative Mary Pilcher-Cook

  
Representative Bonnie Sharp

  
Representative Melvin Neufeld

**HOUSE APPROPRIATIONS**

DATE 2-11-2005  
ATTACHMENT 2

## House Budget Committee Report

**Agency:** Board of Indigents' Defense Services      **Bill No.** \_\_\_\_\_      **Bill Sec.** \_\_\_\_\_  
**Analyst:** Spurgin      **Analysis Pg. No.** \_\_\_\_\_      **Budget Page No.** 208

<u>Expenditure Summary</u>	<u>Agency Estimate FY 05</u>	<u>Governor's Recommendation FY 05</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 22,345,335	\$ 17,952,213	\$ 0
Other Funds	562,976	562,976	0
<b>TOTAL</b>	<u><u>\$ 22,908,311</u></u>	<u><u>\$ 18,515,189</u></u>	<u><u>\$ 0</u></u>
FTE Positions	171.0	170.0	0.0
Non FTE Uncl. Perm. Pos.	8.0	8.0	0.0
<b>TOTAL</b>	<u><u>179.0</u></u>	<u><u>178.0</u></u>	<u><u>0.0</u></u>

### Agency Estimate/Governor's Recommendation

The **agency** estimates expenditures of \$22,908,311, an increase of \$4,552,969 (24.8 percent) above the approved budget. The agency estimate includes \$22,345,335 in State General Fund expenditures, an increase of \$4,499,993 (25.2 percent) above the approved amount. The amount includes a supplemental request of \$4,000,000 to fund an increase in the assigned counsel fees from \$50 per hour to \$80 per hour. The remaining increase of \$499,993 SGF results from increases in operating expenditures. The agency had a reappropriation of funding carry forward from FY 2004 in the amount of \$627,898, which the agency reported is associated with death penalty defense cases that were not complete in FY 2004.

The **Governor** recommends expenditures of \$18,515,189, an increase of \$159,847 (0.39 percent) above the approved amount. The Governor recommends \$17,952,213 in State General Fund expenditures, an increase of \$106,871 (0.6 percent) above the approved amount. This funding, above the FY 2005 approved, is funded through reappropriated money that carried forward from FY 2004. The Governor does not recommend the supplemental request. The governor recommends elimination of 1.0 FTE, an assistant director position, which has been vacant for three years. The Governor recommends increasing the shrinkage rate from 7.0 to 10.0 percent and also recommends reductions to the agency's other operating expenses.

### House Budget Committee Recommendation

The House Budget Committee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Change from FY 2005 Approved.** The Budget Committee notes that the Governor's FY 2005 revised recommendation is a State General Fund increase of \$106,871 or 0.6 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature.
2. The Budget Committee notes that the increase in State General Fund Expenditures above the amount approved for FY 2005 by the 2004 Legislature is not new funding, but is from funds reappropriated from FY 2004.
3. The House Budget Committee recommends a review at Omnibus of the consensus caseload estimates for assigned counsel expenditures.
4. The House Budget Committee recognizes that the Governor has recommended reductions in the agency's operating expenditures and recommends a review at Omnibus of the agency's operating expenditures.
5. The House Budget Committee concurs with the Governor's recommendation to eliminate the 1.0 FTE assistant director position, reducing salaries and wages by \$84,713.
6. The House Budget Committee recommends a review at Omnibus of the shrinkage rate in the agency, which the Governor's recommendation increases from 7.0 to 10.0 percent, reducing salaries and wages by \$283,297.

## House Budget Committee Report

**Agency:** Board of Indigents' Defense Services      **Bill No.**  
**Analyst:** Spurgin    **Analysis Pg. No.**    **Bill Sec.**  
**Budget Page No. 208**

<u>Expenditure Summary</u>	<u>Agency Request FY 06</u>	<u>Governor's Recommendation FY 06</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 17,964,517	\$ 18,077,347	\$ 0
Other Funds	580,000	580,001	0
<b>TOTAL</b>	<b><u>\$ 18,544,517</u></b>	<b><u>\$ 18,657,348</u></b>	<b><u>\$ 0</u></b>
FTE Positions	172.0	171.0	0.0
Non FTE Uncl. Perm. Pos.	8.0	8.0	0.0
<b>TOTAL</b>	<b><u>180.0</u></b>	<b><u>179.0</u></b>	<b><u>0.0</u></b>

### Agency Request/Governor's Recommendation

The **agency's** estimate for FY 2006 operating expenditures of \$18,544,517 is an decrease of \$4,363,794 (19.0 percent) below the FY 2005 estimate. The request includes \$17,964,517 from the State General Fund, which is a decrease of \$4,380,818 (19.6 percent) below the FY 2005 estimate. The agency estimated decreased expenditures in the Death Penalty Defense Unit due to decreased expenses for assigned counsel on death penalty cases. The agency expects costs to decrease since conflict cases can now be handled by the satellite office in Sedgwick county and the agency now has public defenders who have become qualified to handle death penalty cases.

The request includes an enhancement request of \$91,000 to purchase replacement and additional vehicles. The agency requested 7 vehicles, which would provide two vehicles for the Independence office, that was opened while the new vehicle moratorium was in place; two additional vehicles to expand coverage of public defender operations; and three replacement vehicles to replace existing vehicles that are approaching 100,000 miles. The agency did not request an enhancement to fund an increase in assigned counsel fees as requested in supplemental funds for FY 2005. The agency's request continues shrinkage at 7.0 percent and requests an additional 1.0 FTE to expand coverage by public defenders. Excluding the FY 2005 supplemental request, the agency's FY 2006 request is a decrease of \$363,794 from the FY 2005 revised estimate.

The **Governor** recommends FY 2006 expenditures of \$18,657,348, an increase of \$142,159 (0.8 percent) from the FY 2005 recommendation. The Governor recommends an additional \$78,663 in State General Fund expenditures to the agency's request for assigned counsel, based upon the consensus caseload estimates for FY 2006 at the rate of \$50 per hour. The Governor's recommendations for FY 2006 recommend increasing shrinkage from 7.0 to 10.0 percent in addition to the 1.0 FTE position eliminated by the FY 2005 recommendation. The Governor's budget includes funding of \$540,360 from the State General Fund in salary and wage adjustments.



## Statutory Budget Submission

K.S.A. 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provides for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$1,614,184.**

## House Budget Committee Recommendation

The **House Budget Committee** concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Change from FY 2005 Approved.** The Budget Committee notes that the Governor's FY 2006 State General Fund recommendation for the agency totals \$18,077,347, an increase of \$232,005 above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent amounts recommended for the 2.5 percent base salary adjustment (\$204,833), the 27<sup>th</sup> payroll period (\$305,313), and the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$30,214), the recommendation is a decrease of \$308,355 or 1.7 percent below the approved amount.
2. The House Budget Committee concurs with the Governor's recommendation that a separate fund be created for the assigned counsel program to keep assigned counsel expenditures separate from other agency expenditures.
3. The House Budget Committee recommends a review at Omnibus of the consensus caseload estimates for assigned counsel expenditures.
4. The House Budget Committee recommends a review at Omnibus of the shrinkage rate in the agency, which the Governor's recommendation increases from 7.0 to 10.0 percent, reducing salaries and wages by \$286,403.