

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 9:00 A.M. on February 9, 2007, in Room 514-S of the Capitol.

All members were present except:
Representative Ty Masterson- excused

Committee staff present:
Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Becky Krahl, Legislative Research Department
Julian Efird, Legislative Research Department
Aaron Klaassen, Legislative Research Department
Jim Wilson, Revisor of Statutes
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:
Kathy Porter, Office of Judicial Administration
Stephen R. Tatum, Chief Judge, 10th Judicial District
Michael F. Powers, Chief Judge, 8th Judicial District
Mary Kadel, Court Administrator, 14th Judicial District

Others attending:
See attached list.

- Attachment 1 Budget Committee Report on Kansas Public Employees Retirement System (KPERs)
- Attachment 2 Information on **SB 30** questions with regard to KPERs
- Attachment 3 Testimony on Judicial Operations and Case Management by Kathy Porter
- Attachment 4 Case Projections for Johnson County by Stephen R. Tatum
- Attachment 5 Testimony by Michael F. Powers
- Attachment 6 Testimony by Mary Kadel

Representative Sawyer moved to introduce legislation creating a lottery game to fund the Kansas Sports Hall of Fame. The motion was seconded by Representative Pottorff. Motion carried.

Representative Sawyer moved to introduce legislation to abolish the death penalty. The motion was seconded by Representative Gatewood. Motion carried.

Representative Bethell moved to introduce legislation regarding child support enforcement. The motion was seconded by Representative Ballard. Motion carried.

Representative Powell moved to introduce legislation accessing a fee on hunting licenses to feed the hungry. The motion was seconded by Representative Tafanelli. Motion carried.

Representative Tafanelli moved to introduce legislation to allow the Kansas Legislative Research Department (KLRD) to do economic impact studies when required. The motion was seconded by Representative Feuerborn. Motion carried.

Representative Yoder, Chair of the General Government Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Kansas Public Employees Retirement System (KPERs) for FY 2007 and moved for the adoption of the Budget Committee recommendation for FY 2007 (Attachment 1). The motion was seconded by Representative Lane. Motion carried.

Representative Yoder, Chair of the General Government Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Kansas Public Employees

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 9, 2007, in Room 514-S of the Capitol.

Retirement System (KPERs) for FY 2008 and moved for the adoption of the Budget Committee recommendation for FY 2008 (Attachment 1). The motion was seconded by Representative Lane.

Responding to a question from the Committee with regard to Item No. 3, the Budget Committee stated that it was the intent of the Budget Committee to use the \$80 million appropriated to KPERs, as amended into **SB 30** on the House floor, to reduce a portion of the unfunded actuarial liability of the KPERs school group as opposed to depositing in the State Debt Reduction Fund to reduce the State debt. The Budget Committee felt this action would create a greater savings to the State as well as a better financial decision. It was noted that, at this time, **SB 30**, as amended by the House, has not been addressed in Conference Committee or passed by the Senate.

Information produced by the Legislative Research Department with regard to an analysis of the ramifications as addressed by Item No. 3 was distributed to the Committee (Attachment 2).

Representative Tafanelli moved for a substitute motion to delete Item No. 3 from the Budget Committee report. The motion was seconded by Representative McLeland. Motion withdrawn.

Representative Tafanelli moved for a substitute motion to amend Item No. 3 by stating that it is the intent of the Budget Committee, should **SB 30** as amended becomes law in its current form and \$80 million set aside in a State Debt Reduction Fund, to recommend that the Legislature consider allocating the \$80 million to the KPERs unfunded actuarial liability as opposed to debt reduction. The motion was seconded by Representative McLeland. Motion carried.

Jim Wilson, Office of Revisor of Statutes, stated that the legislation is subject to future acts, including appropriation acts of the Legislature.

Alan Conroy, Legislative Research Department, noted that **SB 30** removes \$80 million from the State General Fund (SGF) and deposits it in a State Debt Reduction Fund; however, the legislation does not expend the funds. More action by the Legislature would be required, at which time, consideration could be given to the Budget Committee recommendation.

Representative Yoder renewed the motion for the adoption of the Budget Committee report on the Kansas Public Employees Retirement Group for FY 2008 as amended (Attachment 1). The motion was seconded by Representative Lane. Motion carried.

Discussion and Action on HB 2246 - Amendments to unclaimed property act allowing interest to be paid to certain claimants.

Aaron Klaassen, Legislative Research Department, explained that **HB 2246** amends existing law pertaining to unclaimed property and allow the State Treasurer to pay interest to claimants interest-bearing accounts. The fiscal note on **HB 2246** would reduce State General Fund (SGF) revenues by approximately \$100,000.

Representative Tafanelli moved to recommend **HB 2246** favorable for passage. The motion was seconded by Representative Bethell. Motion carried on a 11-8 vote.

Chair Schwartz recognized Kathy Porter, Office of the Judicial Administration, who presented testimony on Judicial Operations and Case Management (Attachment 3). Ms. Porter stated that case management in the judicial branch involves the period of time the case is filed until some type of resolution on the case. For the period 1987 to 2005, Ms. Porter reported that caseload filings have increased by 54.7 percent. During the same period of time, there has been 11.6 percent increase in judges and 10.6 percent increase in non-judicial personnel.

The Chair recognized Stephen R. Tatum, Chief Judge, 10th Judicial District, who presented testimony on judicial caseloads in Johnson County (Attachment 4). Mr. Tatum stated there are several areas that contribute to change in caseloads:

- Population growth;
- State and Federal legislative enactments;

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 9, 2007, in Room 514-S of the Capitol.

- Location within the State which could cause more travel time;
- Sentencing guidelines.

Mr. Tatum noted that it is important to have good tools available, such as mediation and efficiency in handling paperwork. The judicial system is working to initiate electronic filing to give easier access to the cases and efficiency.

Chairman Schwartz recognized Michael F. Powers, Chief Judge, 8th Judicial District, who presented testimony on caseloads in Dickinson, Marion, Morris and Geary Counties (Attachment 5). Mr. Powers noted that the expansion of military personnel at Fort Riley is anticipated to increase the caseload in Geary County.

Responding to a question from the Committee, Mr. Powers stated that it is difficult to get citizens to serve on a jury during a holiday period on Friday's.

Chairman Schwartz recognized Mary Kadel, Chief Court Services Officer, 14th Judicial District, who presented testimony on the work of Kansas court service officers (Attachment 6).

The meeting was adjourned at 10:40 a.m. The next meeting of the Committee will be held at 9:00 a.m. on February 12, 2007.


Sharon Schwartz, Chair

FY 2007 and FY 2008

HOUSE GENERAL GOVERNMENT BUDGET COMMITTEE

Kansas Public Employees Retirement System (KPERs)


Representative Kevin Yoder, Chair


Representative Rocky Fund


Representative Kasha Kelley, Vice-Chair

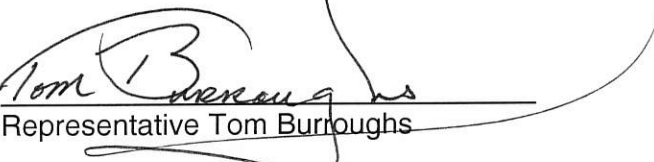

Representative Annie Kuether


Representative Harold Lane,
Ranking Minority Member


Representative JoAnn Pottorff


Representative Virginia Beamer


Representative Charles Roth


Representative Tom Burroughs

HOUSE APPROPRIATIONS

DATE 2-09-2007
ATTACHMENT 1

House Budget Committee Report

Agency: Kansas Public Employees Retirement System **Bill No.** HB **Bill Sec.**
Analyst: Efird **Analysis Pg. No.** Vol. **Budget Page No.** 255

Expenditure Summary	Agency Estimate FY 07	Governor's Recommendation FY 07	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 3,511,748	\$ 3,511,748	\$ 0
Other Funds	907,917,028	907,917,028	0
Subtotal - Operating	<u>\$ 911,428,776</u>	<u>\$ 911,428,776</u>	<u>\$ 0</u>
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u><u>\$ 911,428,776</u></u>	<u><u>\$ 911,428,776</u></u>	<u><u>\$ 0</u></u>
FTE Positions			
	85.3	85.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>85.3</u></u>	<u><u>85.3</u></u>	<u><u>0.0</u></u>

Agency Estimate

The **agency's** revised estimate includes a net increase of \$44.7 million in expenditures, primarily for increased benefits payments of \$42.0 million to KPERS retirees and their beneficiaries. The **agency** indicates that a third phase of a technology project originally anticipated to be completed by the end this fiscal year will carry over \$1.0 million to FY 2008 when completion is projected, and this adjustment represents a reduction in FY 2007 expenditures. Finally, an additional \$3.3 million in fees for investment managers increase expenditures. The **agency's** revised estimate includes \$3.5 million for approved bond payments financed from the State General Fund.

Governor's Recommendation

The **Governor** concurs with the revised estimate that increases expenditures by \$44.7 million, primarily for retirement benefit payments. The **Governor** also concurs with bond payments of \$3.5 million from the State General Fund for pension obligation bonds.

House Budget Committee Recommendation

The Budget Committee concurs with the Governor's revised FY 2007 recommendation.

House Budget Committee Report

Agency: Kansas Public Employees Retirement System **Bill No.** HB

Bill Sec.

Analyst: Efird

Analysis Pg. No. Vol.

Budget Page No. 255

Expenditure Summary	Agency Request FY 08	Governor's Recommendation FY 08	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 3,214,217	\$ 3,217,217	\$ 0
Other Funds	965,807,948	965,998,380	(1,881,182)
Subtotal - Operating	<u>\$ 969,022,165</u>	<u>\$ 969,215,597</u>	<u>\$ (1,881,182)</u>
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u><u>\$ 969,022,165</u></u>	<u><u>\$ 969,215,597</u></u>	<u><u>\$ (1,881,182)</u></u>
FTE Positions	85.3	85.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>85.3</u></u>	<u><u>85.3</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency's** request includes an increase of \$57.6 million, primarily for benefits payments to KPERS retirees and their beneficiaries. Enhancements comprise a total of \$1.9 million of the **agency's** FY 2008 budget request, with a total increase of \$3.2 million above FY 2007 for **agency** operations as the result of another \$1.0 million of approved technology funds carrying over to FY 2008. Three technology enhancements are included in FY 2008 expenditures, with two of the enhancements requiring additional funding in FY 2009. The **agency's** request also includes \$3.2 million from the State General Fund for bond payments.

Governor's Recommendation

The **Governor** recommends an increase in expenditures of \$57.8 million, concurring with the requested \$2.9 million increase for technology projects, including \$1.9 million for technology projects enhancements. The **Governor** adds funding for a 2.5 step movement and a 1.5 percent base salary adjustment for classified employees, a 4.0 percent unclassified salary pool, and longevity bonus payments for classified employees. The **Governor** concurs with the \$3.2 million from the State General Fund for bond payments.

House Budget Committee Recommendation

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

1. Delete \$190,432 from special revenue funds for the 1.5 percent base salary adjustment and 2.5 percent step movement for classified employees, a 4.0 percent merit pool for unclassified employees, and the longevity enhancement. Funding for pay plan adjustments and longevity payments will be considered later.
2. Delete funding for two of the three technology enhancement projects, including platform consolidation (\$1,117,750) and security enhancements (\$573,000) which also would have had FY 2009 expenditures associated with them. The Budget Committee will review these requested projects at Omnibus. The Budget Committee concurs with the Governor's recommended funding of \$247,425 in FY 2008 for disaster recovery. The Budget Committee wishes to commend KPERS staff for keeping the Joint Committee on Information Technology informed about its different projects and enhancements. Other agencies should follow this example. However, with a carry over of \$1.0 million into FY 2008 for an on-going technology project, the Budget Committee is reluctant at this time to add the additional enhancement funding for two more projects that have multiyear costs. The Budget Committee notes that platform consolidation has estimated two-year costs of \$1,662,500 and security enhancements have estimated two-year costs of \$979,000. Both projects should be considered in the FY 2009 budget after the agency completes its multiyear, multimillion dollar project in FY 2008.
3. Appropriate \$80.0 million from the State General Fund that is to be deposited into the State Debt Reduction Fund under provisions in 2007 SB 30, as amended by the House Committee of the Whole, for the purpose of reducing a portion of the \$3.5 billion unfunded actuarial liability of the KPERS school group. The impact of this recommendation will reduce State General Fund contributions for KPERS school payments by an estimated \$343.1 over the period through FY 2033. The cost-savings of this action would be greater than prepaying or decreasing future pension obligation bond payments that is authorized by the House Committee of the Whole amendments to SB 30. Information provided by KPERS staff is included.

**Kansas Public Employees Retirement System
Additional Employer Contributions - KPERS School Group**

Impact of Accelerated Employer Contributions – KPERS School Group
\$80 Million Additional Employer Contributions in FY 2008^(a)

	<i>Current Projections</i>	<i>Projections with Add'l \$80M in FY 2008</i>
Projected Actuarially - Required Employer Contribution Rate (ARC Rate)	12.82%	12.27%
Projected ARC Date	2019	2018
Estimated Employer Contributions		
FY 2008	\$179.35 million	\$259.35 million
FY 2009	\$201.14 million	\$201.14 million
FY 2010	\$225.21 million	\$225.21 million
FY 2011	\$259.06 million	\$259.96 million
FY 2012	\$293.09 million	\$293.09 million
FY 2013	\$327.26 million	\$327.26 million
FY 2014	\$362.51 million	\$362.51 million
FY 2015	\$399.65 million	\$399.65 million
FY 2016	\$439.63 million	\$439.63 million
FY 2017	\$481.74 million	\$481.74 million
FY 2018	\$529.32 million	\$524.47 million
FY 2019	\$561.37 million	\$547.86 million
FY 2020	\$585.34 million	\$570.37 million
FY 2021	\$608.50 million	\$591.45 million
FY 2022	\$629.14 million	\$610.42 million
FY 2023	\$650.09 million	\$630.73 million
FY 2024	\$670.52 million	\$649.90 million
FY 2025	\$691.03 million	\$669.48 million
FY 2026	\$711.07 million	\$688.32 million
FY 2027	\$730.51 million	\$706.94 million
FY 2028	\$748.19 million	\$723.08 million
FY 2029	\$764.34 million	\$738.30 million
FY 2030	\$777.80 million	\$750.78 million
Total thru FY 2033	\$14,465.11 million	\$14,122.06 million
Savings versus Current Plan	n/a	\$343.05 million

(a) Based on results of 12-31-05 actuarial valuation and assume additional FY 2008 employer contributions of \$80 million.

1-5

Senate Bill 30 Questions to K DFA from Legislative Research:

"Per SB 30 as amended by the House Committee of the Whole, how much would be saved in terms of State General Fund dollars if \$80 million were used to buy down the KPERS pension obligation bonds, and what method would maximize the benefit in terms of calling bonds early, defeasing that portion of the debt and earning interest on the \$80 million, then using that source for future payments, etc. This one needs to be ready for 9:00 am on Friday, Feb. 9 in House Appropriations Committee because the KPERS budget is being considered and there is a recommendation to appropriate the \$80 million directly to KPERS to reduce the unfunded actuarial liability. That action would yield estimated savings to the State General Fund of \$343million, according to KPERS staff."

Series 2004C Bonds

Optional Redemption

Not callable until 2015, therefore this option not analyzed. In 2015, optional redemption will be possible but a make whole provision exists for investors making the redemption unattractive to the State for economic reasons.

Defeasance

The State could defease portions (or all) of the 2004C bonds by purchasing State and Local Government Securities (SLGS) issued by the US Treasury. Essentially the State would buy the SLGS such that the Principal and Interest received from the SLGS purchase matches the Principal and Interest payments due to 2004C bondholders. Given the current shape of the yield curve and the coupon structure of the 2004C Bonds it would only be economical to defease 2004C Bonds maturities in the near term with the highest savings available in the front end. The result of this defeasance is summarized as follows:

Escrow Deposit	\$80,000,000
Amount of Principal and Interest Defeased	\$87,372,484
Gross Savings	\$7,372,484
Present Value of Savings (Discounted at 5%)	\$6,625,329

*Note: 2004C Debt Service defeased after Capitalized Interest depleted until 11/1/09.
44.34% of 5/1/10 Debt Service Defeased.*

KPERS Contribution

Alternatively the State could make a contribution to KPERS to help reduce the future Employer Contribution Rate. The potential savings to the State is summarized as follows:

Contribution to KPERS	\$80,000,000
Gross Savings (versus current plan) ¹	\$343,950,000
Present Value of Savings (Discounted at 5%) ²	\$85,090,000

Notes: 1) KPERS provided with correction in FY2011; 2) K DFA calculated

Conclusion: A direct contribution to KPERS generates significantly more savings.

HOUSE APPROPRIATIONS

DATE 2-09-2007
ATTACHMENT 2

**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 % 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>FY 03</u>	<u>FY 04</u>	<u>FY 0</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	24,265	25,684	25,0	
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	37,785	37,222	38,1	
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	155,080	152,878	135,7	
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	217,130	215,784	198,8	
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	18,527	19,308	19,290	67.7
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	18,914	19,386	18,039	34.9
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	37,441	38,694	37,329	50.1
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	254,571	254,478	236,201	82.7
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	48,601	47,588	47,590	(12.1)
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	303,172	302,066	283,791	54.7
DISTRICT COURT																					
JUDGES (FTE)	216	216	217	218	218	218	218	218	221	225	4.2	225	225	228	233	234	234	234	234	241	11.6
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	1,433	1,433	1,438.8	10.6

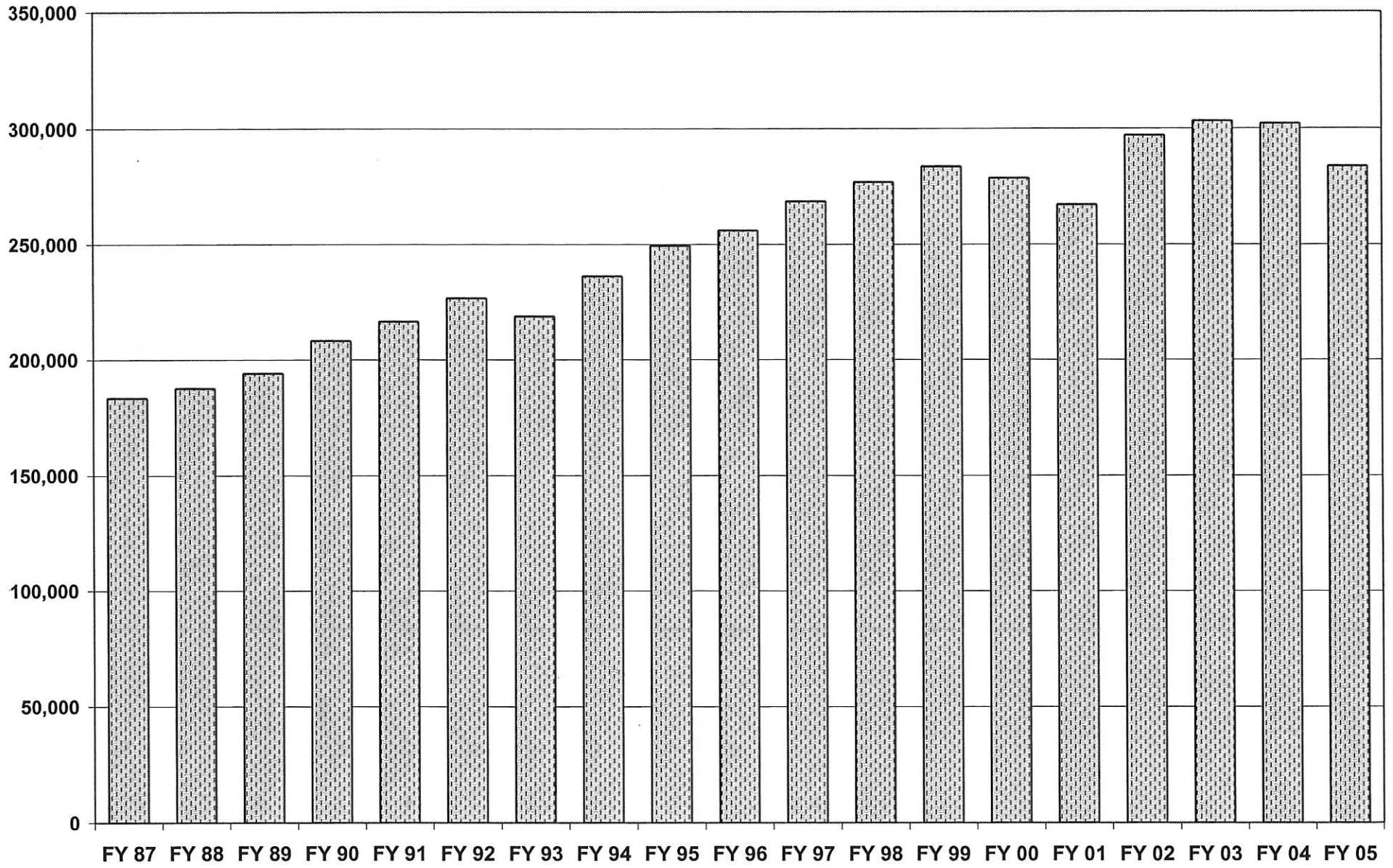
HOUSE APPROPRIATIONS

DATE 2-09-2007
ATTACHMENT 3

"87 to 96 % Change" 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."

**Kansas Judicial Branch
Statewide Case Filings
Fiscal Years 1987 through 2005**

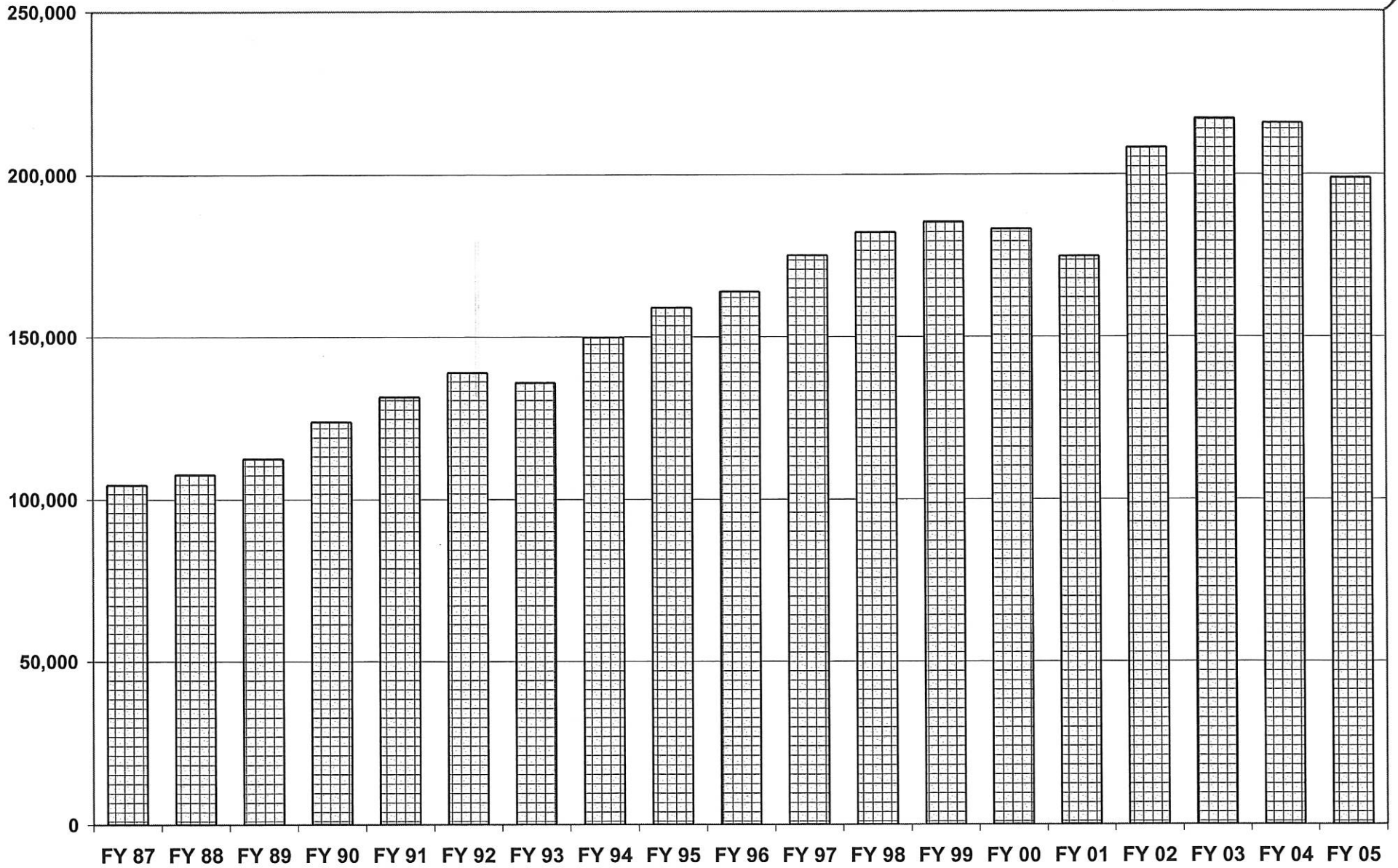
3-2



**■ Grand Total Without Traffic
54.7% Increase**

**Kansas Judicial Branch
Statewide Civil Case Filings
Fiscal Years 1987 through 2005**

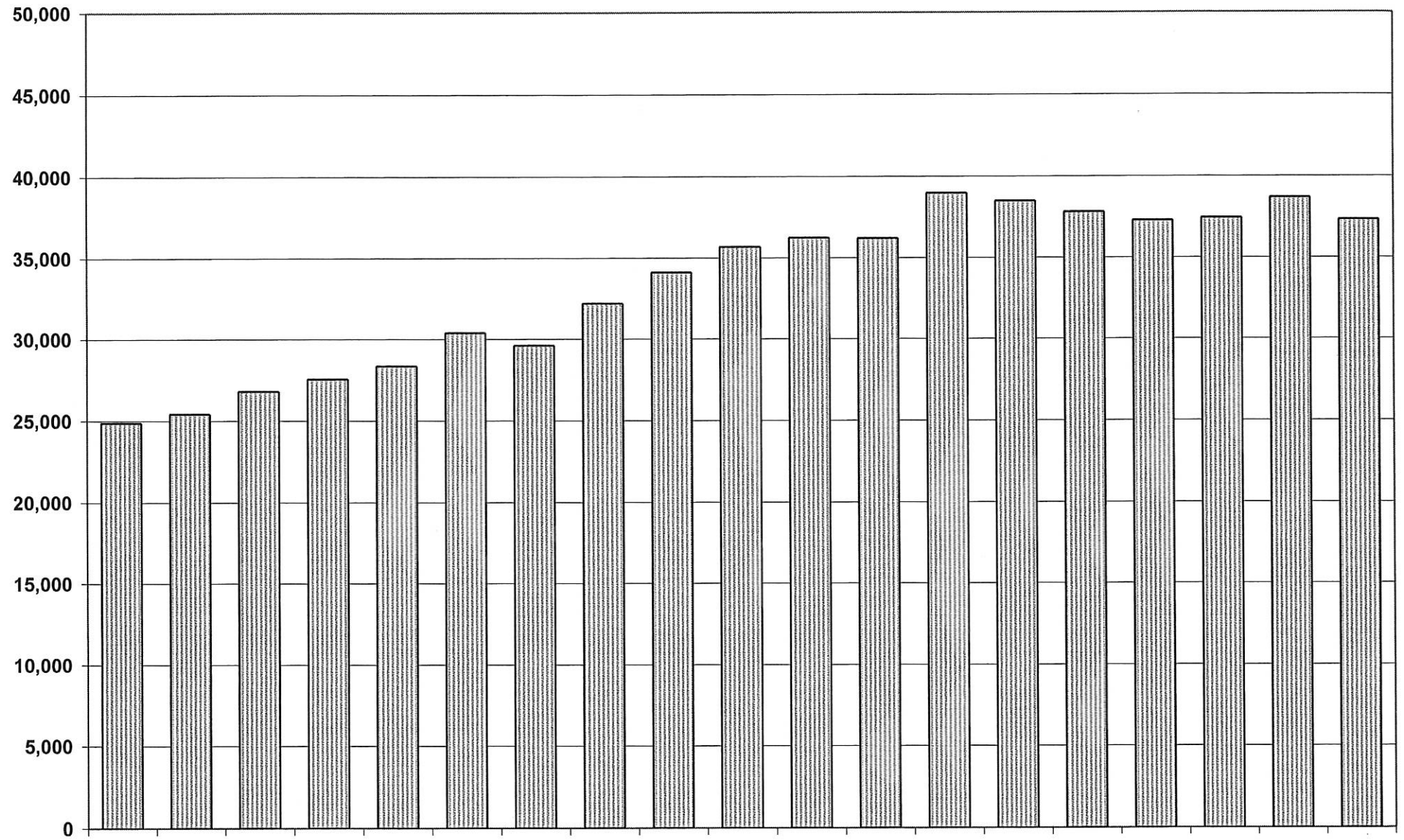
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**Total Civil
90.5% Increase**

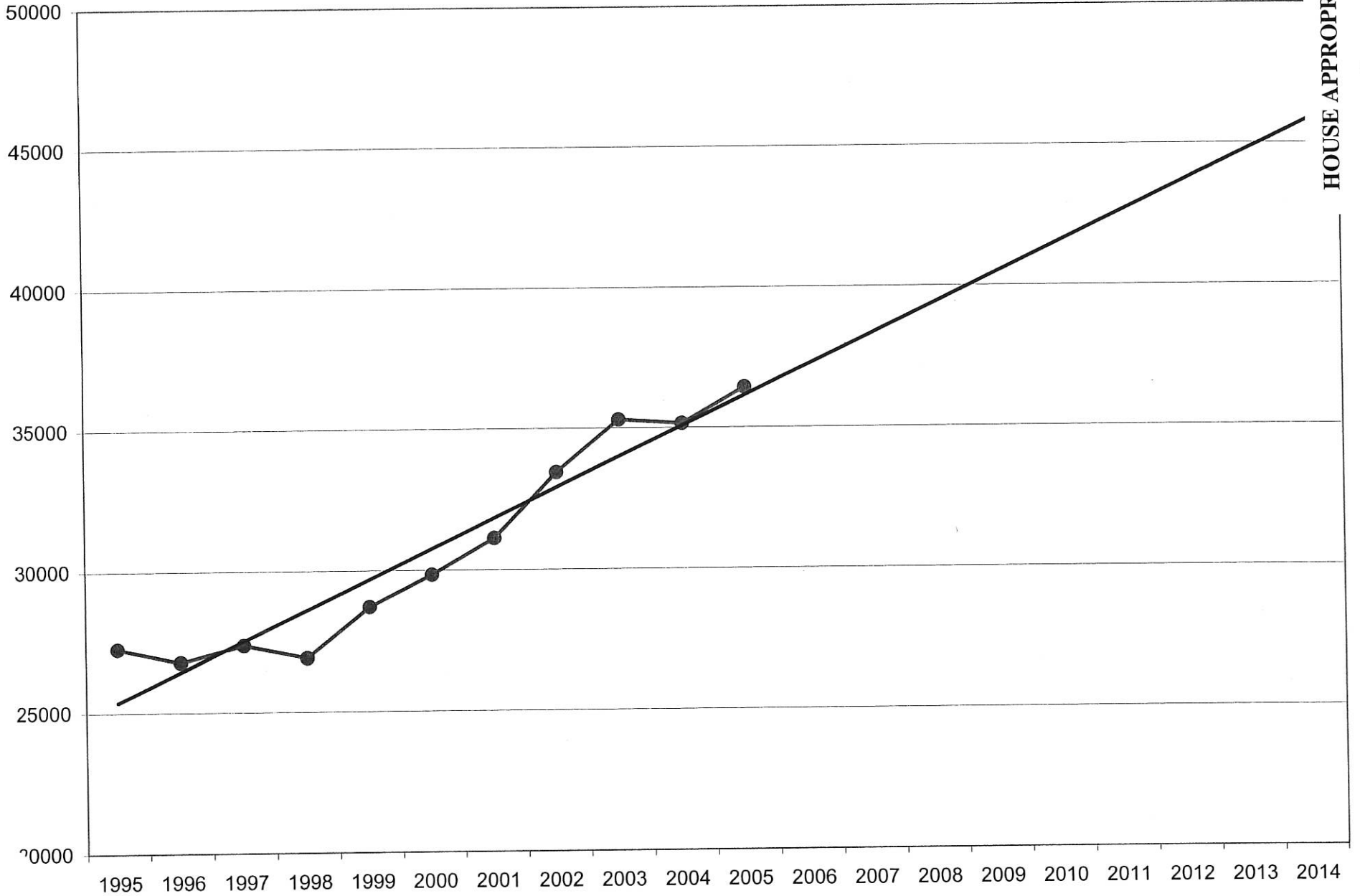
**Kansas Judicial Branch
Statewide Criminal Case Filings
Fiscal Years 1987 through 2005**

3-4



**Total Criminal
50.1% Increase**

JOHNSON COUNTY CASE PROJECTIONS
CIVIL + CRIMINAL + JUVENILE



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ATTACHMENT 4

House Appropriations Committee
Friday, February 9, 2007

Chief Judge Michael Powers
8th Judicial District
(Dickinson, Marion, Morris, and Geary Counties)

Judicial Branch Caseload

Judicial caseload is a difficult topic to get a firm grasp of. Certainly it is impacted by the obvious, such as population growth or decline, but other factors can also have a dramatic impact. Some of these factors apply statewide, while others may relate to a particular jurisdiction. When looking at case numbers, it is important to keep in mind that what appears to be just one case can require multiple hearings and involvement by court staff and judges. Some matters that may have only been touched and dealt with once or twice a few years ago now may require multiple hearings.

The federal requirements associated with the Adoption and Safe Families Act (ASFA) have dramatically increased the number of hearings required for Child in Need of Care cases. Keeping in mind that cases are processed and dealt with not only by judges but by the clerks of the district court, it is important to note that changes in laws requiring clerks to give additional notices or notices to additional parties increases their workload. Legislative assessment of new fees, such as the filing fee which must accompany post-judgment motions, are appropriate and enacted for good cause, but do increase the workload on court staff in a fashion that is not reflected in raw statistics. The mere fact that our society has become increasingly litigious and people are less prone to "have their day in court" and be done, increases the number of post-trial motions and hearings that are necessary to process a case.

Caseload can move up or down in opposition to obvious trends such as population fluctuations. As stated, things such as the ASFA requirements in Child in Need of Care cases, affect the work required to be done within cases on a statewide basis but aren't reflected in case filings. Other matters, such as the enactment of legislation creating Protection from Abuse and Protection from Stalking actions, also have an impact statewide and can result in an increase in case numbers.

Factors that can impact caseload in a given district or county on a local basis include things such as a change in personnel or philosophy in law enforcement offices. A new sheriff or chief of police can result in stricter enforcement of traffic laws, domestic battery arrests, or any number of things which can result in increased numbers of cases being filed. Something as simple as veteran officers retiring and being replaced by young, aggressive ones can make a difference in the number of cases filed. Criminal case numbers have increased in many rural counties with declining population, as a result of meth labs moving to rural areas where they are less easily detected. These operations can often result in multiple search warrants and arrests. It is not uncommon after meth drug busts to have four to eight people making a first appearance after the warrants are executed. Each of these cases potentially requires multiple hearings with testimony as to the chemical composition of substances found, suppression hearings to determine

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ATTACHMENT 5

whether or not the evidence was legally seized and, of course, the ultimate issue of guilt or innocence.

Another factor to consider and one that will be addressed by others as well, is the fact that cases affect clerks and court staff differently than they do judges. Small claims cases often require staff of the clerk's offices to deal with plaintiffs and defendants who are proceeding without counsel. They want the assistance of the clerks to do everything from tell them who to sue, where to file and how to fill out the forms. The clerks are somewhat limited in the assistance they can provide, but it is still necessary to deal with these people on a regular basis. While only a small percentage of traffic cases go to trial and thus come to the attention of a judge, each and every case must be processed by the clerk's staff.

So while it is possible to look at total cases filed and divide that number by the total staff or total judges in a district and thus get an average caseload per clerk or per judge, that doesn't always paint a clear picture. Certainly one is able to say that total cases are up or down as compared to a few years ago. But, as I have mentioned, when more is required for each case, the picture can be misleading. Another factor that can dramatically slow the process of a case but not show in statistics is the need for interpreters. Even the simplest court proceeding grinds to a halt when it has to be translated into different languages.

It is difficult to compare caseloads because a case doesn't always equal a case. As a chief judge, I can't assign one judge a speeding trial and another a murder case and call it an equal assignment. Some cases are "one and done" for the judge, while others will require multiple hearings every time. For judges in rural areas, you also have to factor in "windshield time." A judge sitting in an urban district may be able to walk into the courtroom, conduct a hearing in an hour and be done with the matter, at least for that day. In rural areas, a judge might very easily have to drive an hour or two to conduct the hearing and, of course, the same time going home. So what was a one hour matter in the city becomes a five hour commitment in rural areas.

In my district, Fort Riley is in the midst of a dramatic expansion which will result in troop numbers going from roughly 9,600 in July of 2005 to approximately 18,300 by 2011. This increase in troops, along with their spouses and children, is creating a business boom that will result in thousands of new jobs in Geary and Riley counties. All projections from the military and federal sources indicate that the area should look at a population increase of at least 30,000-35,000 people. The current population of the two counties is roughly 90,000. Thus, an increase of anywhere from thirty-three to forty percent will be occurring in a very short time. We will have more young adults and children in the counties, dramatic increases in business transactions and undoubtedly an increase in the business of the court.

When our ability to move cases through the system in a timely fashion is diminished, it has an impact beyond just showing bad numbers on a stat sheet. The public wants cases processed, they want their day in court. When the time from filing to trial becomes

Judicial Branch Caseload
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inappropriately long, it does not allow people to get on with their lives, it results in dissatisfaction with the court, and, I believe, with government in general. We have an obligation as public servants to do everything we can to achieve permanency for children in need of care within a timely fashion, to provide a forum for parties to settle their business disputes, and to process criminal cases in the interest of public safety. All of these suffer when caseloads for judges or clerks gets too high.

My purpose has not been to complain but rather to point out some of the factors that must be considered when looking at case numbers. It is a complicated topic with the potential for dramatic impact on the public. I very much thank you for the opportunity to be heard.

Respectfully submitted,

Michael F. Powers
Chief Judge
Eighth Judicial District

House Appropriations
February 9, 2007

Court Services Workload

Mary Kadel, Chief Court Services Officer
14th Judicial District

Thank you for the opportunity to testify regarding the work of Kansas court services officers. My name is Mary Kadel and I am the court administrator in the 14th Judicial District, which consists of Montgomery and Chautauqua counties. Prior to my appointment as court administrator, I served as the chief court services officer and have been with the 14th Judicial District since 1981.

Court services officers (CSOs) are employees of the Kansas Judicial Branch and are appointed by the chief judge of each judicial district. As with all Judicial Branch employees, salaries and benefits are paid by the state and all operating expenses are paid by the counties.

CSOs are required to prepare presentence investigations when adults prosecuted through the district courts are convicted of felony offenses. They also may be ordered to prepare a presentence investigation report for persons convicted of misdemeanor or traffic offenses. Presentence investigations are prepared in all juvenile offender cases prosecuted through the district courts. Reports are also prepared in Child in Need of Care (CINC) cases for cases on informal supervision. Some districts, generally the larger judicial districts, have court services serving as a liaison between the court, SRS, and

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the SRS contractors in order to facilitate heavy case processing demands on the court.

In addition to preparing reports, court services officers supervise adult and juvenile offenders and, although the numbers are much smaller, children in need of care. Most periods of supervision last between one and two years. Each juvenile and adult offender undergoes an assessment at the time he or she is placed on supervision. Adult offenders are reassessed every six months thereafter. This assessment process will change for adult felony offenders in July 2008 pursuant to the Kansas Sentencing Commission's designation of the Level of Service Inventory, Revised (LSI-R) as the assessment tool. A decision has not been made whether to expand the LSI-R to adult misdemeanor offenders, nor has a decision been made to adopt the Youth LSI for juvenile offenders. We are very concerned about the additional time this will require and intend to implement this in a manner that, to the extent possible, allows court services officers time to accommodate this additional responsibility.

Reports have been provided to members of the committee showing the number of adult and juveniles supervised and the number of new cases assigned to court services officers over the period of five years. Over the past 20 years, the number of cases supervised has increased 10%, although there has been a total decrease in caseload of 5.7% over the past 5 years. Over the past three years, there has been a 23% increase in reports written by court services officers. Since 1998, only 10.5 new court services officers have been added to the Judicial Branch budget. This represents an increase of 2.9% in court services officer staffing.

New laws over the past ten years have significantly changed the required workload for court services officers. Most of these changes have impacted work at the earlier stages of supervision and apply to both adult and juvenile caseloads. The implementation of sentencing guidelines created more emphasis on reporting a complete, accurate, and verifiable criminal history for each adult offender. How sentences are calculated change each year and it is essential that court services officers compute criminal histories accurately.

Sentencing guidelines and increased penalties have contributed to the development of creative solutions, such as Pre-Plea Presentence Investigations in order to provide prosecutors and defense attorneys with information about the defendant's criminal history. Local jail overcrowding has also increased demands for bond assessments and bond supervision. While these programs exist in some districts, they do not exist in all judicial districts.

Laws pertaining to violent offender and sex offender registration and the collection of DNA for certain offenses also contribute to the complexity of the work and the increased workload for court services officers.

At least three factors have contributed to the increase in demands on court services officers: The Interstate Compact on Adult Offender Supervision, new laws pertaining to Protection from Abuse and Protection from Stalking, and the increase in non-English speaking clients.

In 2005, Kansas passed the Interstate Compact on Adult Offender Supervision, increasing the amount of paperwork for adult offenders who wish to reside outside of Kansas. Misdemeanor cases have also increased in some of the border counties.

Many judicial districts have assigned the assessment of Protection from Abuse and Protection from Stalking applications to court services officers. Along with home studies and mediations in child custody cases, these assessments are indispensable in managing the court calendar. They have, however, significantly increased the workload for court services officers in these judicial districts.

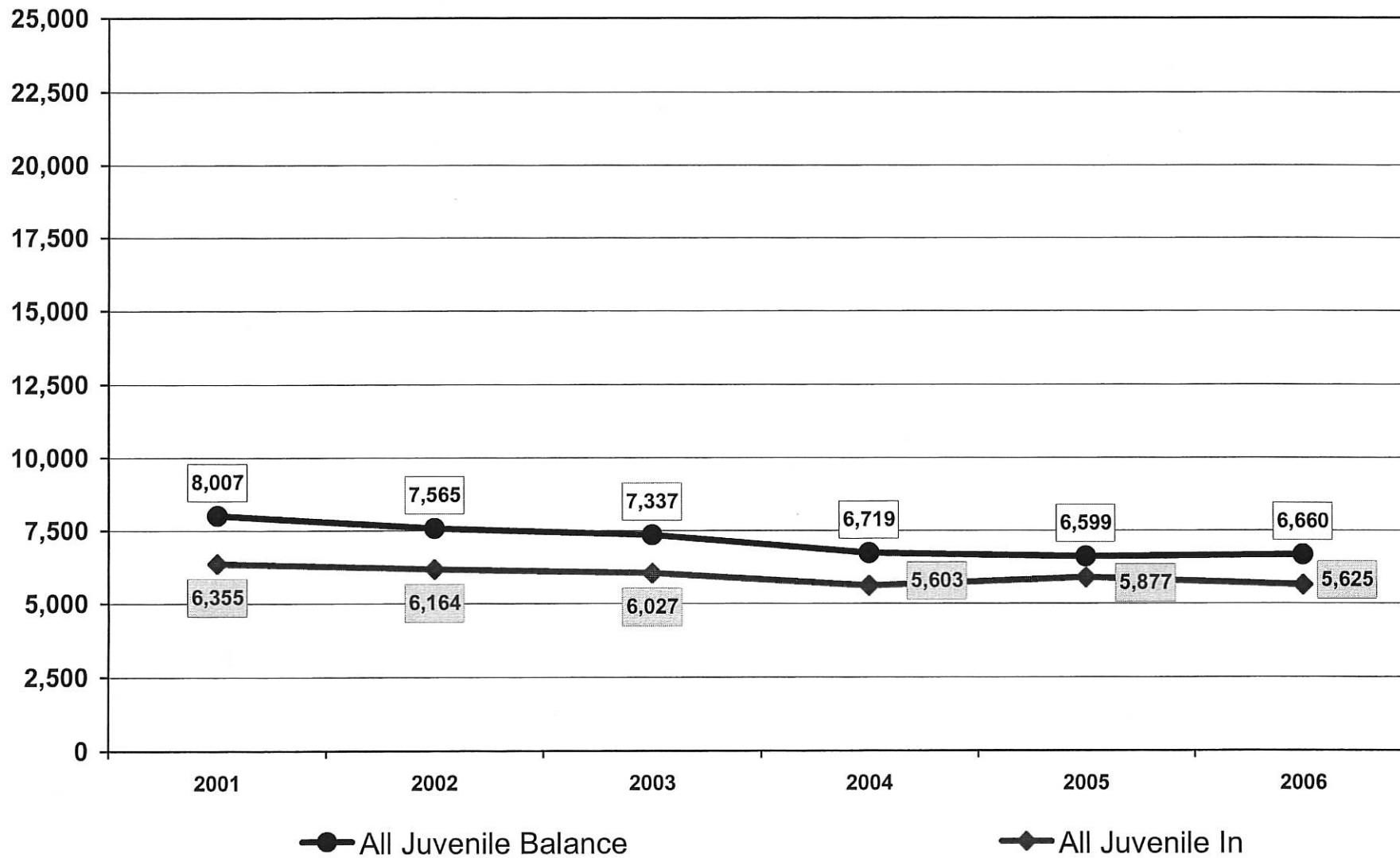
Offenders, children, and their families who do not speak English introduce an additional obligation at all phases of the court process. Court services officers spend considerably more time with non-English speaking clients in order to prepare the presentence investigation and to provide effective supervision.

Understanding CSO workload also requires an understanding of the relationship between Court Services and entities such as the county or district attorney, Community Corrections, the Department of Corrections, and local offices of the Juvenile Justice Agency and the Department of Social and Rehabilitation Services in each judicial district. Court Services and these local entities generally enjoy effective working relationships throughout the state. This collaborative approach results in a sharing of resources at the local level to accommodate the time available to work and the supervision demands of individual clients. CSO workload is also better

understood by examining non-statutory duties performed by Court Services Officers and how those duties are restricted when statutory duties require the time and attention of Court Services.

Another variable that impacts Court Services is turnover. The 2000 Legislature funded the Nonjudicial Salary Initiative, which helped to increase the salaries of Court Services Officers to a level that has helped us compete in the marketplace. Since that time, there has been less turnover, resulting in more experienced staff. Although this variable is virtually impossible to quantify, anecdotal evidence suggests this support has helped expand the capacity of what court services officers can accomplish by reducing the time managers must spend recruiting, hiring, and training new staff and by reducing the amount of time new personnel spend learning a highly complex job.

Juvenile Offender/Child in Need of Care Totals Statewide



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Adult Felony and Misdemeanor Totals Statewide

