

Approved: April 19, 2007
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:35 A.M. on March 1, 2007, in Room 123-S of the Capitol.

All members were present except:

Senator Ruth Teichman- excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
J. G. Scott, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Julian Efrid, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Duane Goossen, Secretary, Kansas Department of Administration

Others attending:

See attached list.

Bill Introductions

Chairman Umbarger welcomed Senator Journey who requested introduction of a conceptual bill regarding DUI habitual offenders and driving mopeds and national standards. Senator Steineger moved, with a second by Senator Wyson, to conceptually introduce the bill requested by Senator Journey. Motion carried on a voice vote.

The Chairman welcomed Duane Goossen, Secretary of Administration, who provided an update on the State Vehicle Policy (Attachment 1). Mr. Goossen addressed three key policy points that the Agency attempts to follow which are detailed in his written testimony. Secretary Goossen explained that the main FY 2008 vehicle budget question before the Legislature is whether to add resources to agency budgets so that the replacement of agency-owned vehicles can be funded. It was noted that the Governor's budget recommends \$7.2 million from all funding sources (\$1.8 million SGF) be added in various state agencies so that 439 vehicles can be replaced.

Copies of the Kansas Legislative Research Department Budget Analysis report for FY 2007 and FY 2008 were available to the committee.

Subcommittee reports on:

Judicial Council

Board of Indigents' Defense Services

Judicial Branch (Attachment 2)

Subcommittee Chair Jay Emler reported that the subcommittee on the Judicial Council concurs with the Governor's recommendation in FY 2007 and concurs with the Governor's FY 2008 recommendation with adjustments and notations.

Senator Barone moved, with a second by Senator Emler, to adopt the subcommittee budget report on the Judicial Council in FY 2007 and FY 2008. Motion carried on a voice vote.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:35 A.M. on March 1, 2007, in Room 123-S of the Capitol.

Subcommittee Chair Jay Emler reported that the subcommittee on the Board of Indigents' Defense Services concurs with the Governor's recommendation in FY 2007 with an adjustment and concurs with the Governor's FY 2008 recommendation with adjustments and notations.

Senator Barone moved, with a second by Senator Taddiken, to adopt the subcommittee budget report on the Board of Indigents' Defense Services in FY 2007 and FY 2008. Motion carried on a voice vote.

Subcommittee Chair Jay Emler reported that the subcommittee on the Judicial Branch concurs with the Governor's recommendation in FY 2008 and concurs with the Governor's FY 2008 recommendation with adjustments and notations.

Senator Betts moved, with a second by Senator Kelly, to adopt the subcommittee budget report on the Board of Indigents' Defense Services in FY 2007 and FY 2008. Motion carried on a voice vote.

The meeting adjourned at 11:35 a.m. The next meeting is scheduled for March 2, 2007.

**SENATE WAYS AND MEANS COMMITTEE
GUEST LIST**

Date March 1, 2007

Name	Representing
C. P. Arpy	Budget
Celia Thomas	FOB
Robert Walker	KBEMS
Duane Goossen	D of A
Marilyn Jacobson	NOA
Ginny	DofA
Janae Marshall Paige	KCC
Ethan Erickson	KDOT
Jerry Sloan	Judicial Branch
Kim Fowler	Judicial Branch
Don Brownlee	KSGA
HOWARD SMITH	PITTSBURG STATE UNIVERSITY

TO: Senate Ways and Means Committee
FROM: Duane Goossen, Secretary of Administration
Marilyn Jacobson, Director of Facilities Management
DATE: March 1, 2007
SUBJECT: Testimony on State Vehicle Policy

Members of the Committee:

We are happy to be here to discuss the state's vehicle policy and to answer any questions you may have. To begin discussion, we would reiterate three key policy points that we attempt to follow.

1. The state's fleet of vehicles should be as small as possible. Agencies should regularly review their vehicle fleets and sell any vehicles that are unnecessary. (Over the last three years, the basic state fleet has been reduced by over 850 vehicles.)
2. Agencies should choose the most economically efficient method of travel for their employees. Three main options are available: 1. Pay private vehicle mileage. (Usually best for short trips.) 2. Rent a vehicle through Enterprise. (Usually best for occasional trips outside Topeka.) 3. Own and maintain a vehicle. (Usually best for on-going daily travel needs.)
3. When agency-owned vehicles are replaced, the vehicle being replaced should have reached 100,000 miles if a car and 140,000 miles if a pick-up. The new vehicle should be similar in type and size to the one being replaced.

The main FY 2008 vehicle budget question before the Legislature is whether to add resources to agency budgets so that the replacement of agency-owned vehicles can be funded. The Governor's budget recommends that \$7.2 million from all funding sources (\$1.8 million SGF) be added in various state agencies so that 439 vehicles can be replaced.

When a state agency wishes to replace a vehicle, they file an approval request form with the Division of Budget, listing the vehicle they wish to purchase, and the tag number and mileage of the vehicle being replaced. If special circumstances exist, agencies may request a new vehicle without replacing another vehicle, or may request replacement of a vehicle that has not yet reached the proper mileage, but the agency must make a case that their requested approach is the most efficient.

FY 2007 and FY 2008

SENATE WAYS AND MEANS SUBCOMMITTEE

Judicial Council
Board of Indigents' Defense Services
Judicial Branch



Senator Jay Emler, Chair



Senator Jim Barone



Senator Mark Taddiken

Senate Ways and Means
3-1-07
Attachment 2

House Budget Committee Report

Agency: Judicial Council

Bill No. HB --

Bill Sec. --

Analyst: Spurgin

Analysis Pg. No. Vol. II - 923

Budget Page No. 221

Expenditure Summary	Agency Estimate FY 07	Governor's Recommendation FY 07	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,019,706	1,019,706	0
Subtotal - Operating	<u>\$ 1,019,706</u>	<u>\$ 1,019,706</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>\$ 1,019,706</u></u>	<u><u>\$ 1,019,706</u></u>	<u><u>\$ 0</u></u>
FTE Positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>7.0</u></u>	<u><u>7.0</u></u>	<u><u>0.0</u></u>

Agency Estimate

The **agency** estimates FY 2007 operating expenditures of \$1,019,706, a decrease of \$202,031, or 16.5 percent, below the approved amount. The approved FY 2007 budget represents an increase of \$790,000 above the FY 2006 actuals. Approved expenditures had been increased due to the creation of the Judicial Performance Commission. Because the legislation authorizing the Commission did not take effect until July 1, 2006, the Judicial Council has been slowly implementing the duties necessitated by the creation of the Commission. The FTE count for the agency was increased from 4.0 to 7.0. Two attorney positions and one administrative assistant position were approved and the Legislature authorized expenditures of \$784,843 from the Judicial Performance Fund, the newly created fund for the additional docket fees authorized by 2006 SB 337. Not all of the positions have been filled and the agency plans to fill the positions during FY 2007 as the work of the Commission generates the need for that additional staff.

Governor's Recommendation

The **Governor** concurs with the agency's estimate for current year expenditures.

House Budget Committee Recommendation

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

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Judicial Council **Bill No.** SB -- **Bill Sec.** --
Analyst: Spurgin **Analysis Pg. No.** Vol. II - 923 **Budget Page No.** 221

<u>Expenditure Summary</u>	<u>Agency Estimate FY 07</u>	<u>Governor's Recommendation FY 07</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,019,706	1,019,706	0
Subtotal - Operating	<u>\$ 1,019,706</u>	<u>\$ 1,019,706</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>\$ 1,019,706</u></u>	 <u><u>\$ 1,019,706</u></u>	 <u><u>\$ 0</u></u>
 FTE Positions	 7.0	 7.0	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>7.0</u></u>	<u><u>7.0</u></u>	<u><u>0.0</u></u>

Agency Estimate

The **agency** estimates FY 2007 operating expenditures of \$1,019,706, a decrease of \$202,031, or 16.5 percent, below the approved amount. The approved FY 2007 budget represents an increase of \$790,000 above the FY 2006 actuals. Approved expenditures had been increased due to the creation of the Judicial Performance Commission. Because the legislation authorizing the Commission did not take effect until July 1, 2006, the Judicial Council has been slowly implementing the duties necessitated by the creation of the Commission. The FTE count for the agency was increased from 4.0 to 7.0. Two attorney positions and one administrative assistant position were approved and the Legislature authorized expenditures of \$784,843 from the Judicial Performance Fund, the newly created fund for the additional docket fees authorized by 2006 SB 337. Not all of the positions have been filled and the agency plans to fill the positions during FY 2007 as the work of the Commission generates the need for that additional staff.

Governor's Recommendation

The **Governor** concurs with the agency's estimate for current year expenditures.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

45166--(2/26/7{2:30PM})

House Budget Committee Report

Agency: Judicial Council

Bill No. HB 2542

Bill Sec. 34

Analyst: Spurgin

Analysis Pg. No. Vol. II - 923

Budget Page No. 221

Expenditure Summary	Agency Request FY 08	Governor's Recommendation FY 08	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,286,851	1,286,851	(18,735)
Subtotal - Operating	<u>\$ 1,286,851</u>	<u>\$ 1,286,851</u>	<u>\$ (18,735)</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>\$ 1,286,851</u></u>	<u><u>\$ 1,286,851</u></u>	<u><u>\$ (18,735)</u></u>
FTE Positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>7.0</u></u>	<u><u>7.0</u></u>	<u><u>0.0</u></u>

Agency Request

The agency requests FY 2008 operating expenditures of \$1,286,851, an increase of \$267,145, or 26.2 percent, above the FY 2007 revised estimate. The increases are largely due to the phased in implementation of the Commission on Judicial Performance. The Commission on Judicial Performance was enacted for FY 2007 by 2006 SB 337. Because the new activities of the Commission do not have historical budget numbers, the agency has based requested expenditures on estimates after speaking with other states who have similar judicial performance commissions. The agency had only held two meetings of the Commission prior to submitting its budget request, and the agency noted that not all of the 3.0 FTE positions, authorized for the staffing of the Commission, were filled, but would be filled as needed during FY 2007.

Governor's Recommendation

The Governor recommends FY 2008 operating expenditures of \$1,305,586, an increase of \$285,880, or 28.0 percent, above the current year recommendation. The difference between the Governor's recommendation and the agency's request can be attributed to the Governor's recommended pay plan. The Governor's FY 2008 recommendation includes the addition of \$18,735 for the 1.5 percent base salary adjustment and a 2.5 percent step movement for classified employees, a 4.0 percent merit pool for unclassified employees, and the longevity enhancement.

House Budget Committee Recommendation

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

1. Delete \$18,735, all from special revenue funds, for the 1.5 percent base salary adjustment and a 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.

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Judicial Council **Bill No.** SB 357 **Bill Sec.** 34

Analyst: Spurgin **Analysis Pg. No.** Vol. II - 923 **Budget Page No.** 221

<u>Expenditure Summary</u>	<u>Agency Request FY 08</u>	<u>Governor's Recommendation FY 08</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 150,000
Other Funds	<u>1,286,851</u>	<u>1,286,851</u>	<u>(18,735)</u>
Subtotal - Operating	<u>\$ 1,286,851</u>	<u>\$ 1,286,851</u>	<u>\$ 131,265</u>
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Capital Improvements	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u><u>\$ 1,286,851</u></u>	<u><u>\$ 1,286,851</u></u>	<u><u>\$ 131,265</u></u>
FTE Positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>7.0</u></u>	<u><u>7.0</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests FY 2008 operating expenditures of \$1,286,851, an increase of \$267,145, or 26.2 percent, above the FY 2007 revised estimate. The increases are largely due to the phased in implementation of the Commission on Judicial Performance. The Commission on Judicial Performance was enacted for FY 2007 by 2006 SB 337. Because the new activities of the Commission do not have historical budget numbers, the agency has based requested expenditures on estimates after speaking with other states who have similar judicial performance commissions. The agency had only held two meetings of the Commission prior to submitting its budget request, and the agency noted that not all of the 3.0 FTE positions, authorized for the staffing of the Commission, were filled, but would be filled as needed during FY 2007.

Governor's Recommendation

The **Governor** recommends FY 2008 operating expenditures of \$1,305,586, an increase of \$285,880, or 28.0 percent, above the current year recommendation. The difference between the Governor's recommendation and the agency's request can be attributed to the Governor's recommended pay plan. The Governor's FY 2008 recommendation includes the addition of \$18,735 for the 1.5 percent base salary adjustment and a 2.5 percent step movement for classified employees, a 4.0 percent merit pool for unclassified employees, and the longevity enhancement.

Senate Subcommittee Recommendation

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

1. Delete \$18,735, all from special revenue funds, for the 1.5 percent base salary adjustment and a 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. Add \$150,000 from the State General Fund to cover costs related to moving elsewhere in the Judicial Center. The Subcommittee recommends further review of this appropriation and an update on the status of the Judicial Council relocating elsewhere in the Judicial Center at Omnibus.

The Subcommittee notes that the Judicial Council will be displaced by the addition of the 13th judge to the Kansas Court of Appeals in FY 2008. The agency is currently located in the Judicial Center, does not pay rent, and is able to take advantage of other services by being located within the Judicial Center. The agency provided testimony that adequate office space outside the Judicial Center would cost approximately \$40,000 per year, plus there would be other costs associated with being located in another building. Expenditures for a move and for office rent are not budgeted for FY 2008.

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No.** HB 2541

Bill Sec. 16

Analyst: Spurgin

Analysis Pg. No. Vol. II - 934

Budget Page No. 207

Expenditure Summary	Agency Estimate FY 07	Governor's Recommendation FY 07	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 22,611,564	\$ 22,053,435	\$ 0
Other Funds	725,000	725,000	0
Subtotal - Operating	\$ 23,336,564	\$ 22,778,435	\$ 0
Capital Improvements:			
State General Fund	\$ 0	\$ 0	
Other Funds	0	0	
Subtotal - Capital Improvements	\$ 0	\$ 0	\$ 0
 TOTAL	 \$ 23,336,564	 \$ 22,778,435	 \$ 0
 FTE Positions	 178.0	 178.0	 0.0
Non FTE Uncl. Perm. Pos.	1.0	0.0	0.0
TOTAL	179.0	178.0	0.0

Agency Estimate

The **agency's** estimate for FY 2007 operating expenditures is \$23,336,564, an increase of \$952,532, or 4.3 percent, above the approved budget. The entire increase is in State General Fund expenditures of \$22,611,564, which is an increase of \$952,532, or 4.4 percent, above the approved amount. The agency has requested supplemental funding of \$244,375 from the State General Fund for funding of expert witnesses and transcripts. The FY 2007 estimate also includes \$708,157 in reappropriated State General Fund money that was carried forward from FY 2006. The 2006 Legislature increased the rate of compensation for assigned counsel from \$50 to \$80 per hour, effective for FY 2007. The agency has entered into agreements with the bench and bar in several judicial districts to contain costs and has been examining, as instructed by the 2006 Legislature, where it would be more cost effective to open additional public defender offices. Although the agency operates without a FTE limitation, 1.0 FTE unclassified permanent position was converted to a FTE position in FY 2007.

Governor's Recommendation

The **Governor** recommends expenditures of \$22,778,435, a net increase of \$394,403, or 1.8 percent, above the approved amount. The entire increase is in State General Fund expenditures. The recommendation includes additional funds for expert witness expenses of \$169,375. The Governor recommends that Capital Defense expenditures be reduced by \$500,000. From this

reduction, \$169,375 would be transferred to the general administration operating expenditures account for contractual services and the remaining \$330,675 will be lapsed. Of the increase in State General Fund expenditures, \$16,871 reflects the amount required to fully fund the pay plan approved by the 2006 Legislature.

House Budget Committee Recommendation

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

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services **Bill No.** SB 358 **Bill Sec.** 16

Analyst: Spurgin **Analysis Pg. No.** Vol. II - 934 **Budget Page No.** 207

<u>Expenditure Summary</u>	<u>Agency Estimate FY 07</u>	<u>Governor's Recommendation FY 07</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 22,611,564	\$ 22,053,435	\$ 864,450
Other Funds	<u>725,000</u>	<u>725,000</u>	<u>0</u>
Subtotal - Operating	\$ 23,336,564	\$ 22,778,435	\$ 864,450
Capital Improvements:			
State General Fund	\$ 0	\$ 0	
Other Funds	<u>0</u>	<u>0</u>	
Subtotal - Capital Improvements	\$ 0	\$ 0	0
TOTAL	<u>\$ 23,336,564</u>	<u>\$ 22,778,435</u>	<u>\$ 864,450</u>
FTE Positions	178.0	178.0	7.0
Non FTE Uncl. Perm. Pos.	<u>1.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u>179.0</u>	<u>178.0</u>	<u>7.0</u>

Agency Estimate

The **agency's** estimate for FY 2007 operating expenditures is \$23,336,564, an increase of \$952,532, or 4.3 percent, above the approved budget. The entire increase is in State General Fund expenditures of \$22,611,564, which is an increase of \$952,532, or 4.4 percent, above the approved amount. The agency has requested supplemental funding of \$244,375 from the State General Fund for funding of expert witnesses and transcripts. The FY 2007 estimate also includes \$708,157 in reappropriated State General Fund money that was carried forward from FY 2006. The 2006 Legislature increased the rate of compensation for assigned counsel from \$50 to \$80 per hour, effective for FY 2007. The agency has entered into agreements with the bench and bar in several judicial districts to contain costs and has been examining, as instructed by the 2006 Legislature, where it would be more cost effective to open additional public defender offices. Although the agency operates without a FTE limitation, 1.0 FTE unclassified permanent position was converted to a FTE position in FY 2007.

Governor's Recommendation

The **Governor** recommends expenditures of \$22,778,435, a net increase of \$394,403, or 1.8 percent, above the approved amount. The entire increase is in State General Fund expenditures. The recommendation includes additional funds for expert witness expenses of \$169,375. The Governor recommends that Capital Defense expenditures be reduced by \$500,000. From this reduction, \$169,375 would be transferred to the general administration operating expenditures account for contractual services and the remaining \$330,675 will be lapsed. Of the increase in State General Fund expenditures, \$16,871 reflects the amount required to fully fund the pay plan approved by the 2006 Legislature.

Senate Subcommittee Recommendation

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

1. Add \$864,450 from the State General Fund and 7.0 FTE positions to address the additional workload and expense to defend cases under Jessica's Law. The Subcommittee recommends further review of the cost of these cases at Omnibus.

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No.** HB 2542

Bill Sec. 35

Analyst: Spurgin

Analysis Pg. No. Vol. II - 934

Budget Page No. 207

Expenditure Summary	Agency Request FY 08	Governor's Recommendation FY 08	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 22,736,914	\$ 22,735,126	\$ (833,119)
Other Funds	200,000	600,000	(400,000)
Subtotal - Operating	\$ 22,936,914	\$ 23,335,126	\$ (1,233,119)
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	\$ 0	\$ 0	\$ 0
 TOTAL	 \$ 22,936,914	 \$ 23,335,126	 \$ (1,233,119)
 FTE Positions	 188.0	 188.0	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	188.0	188.0	0.0

Agency Request

The **agency** requests FY 2008 operating expenditures of \$22,936,914, a decrease of \$399,650, or 1.7 percent, below the revised estimate of expenditures for FY 2007. Of this amount, \$22,736,914 would come from the State General Fund, an increase of \$125,350, or 0.6 percent, above the FY 2007 estimate. Enhancements totaling \$1,034,907 are included in the request. (The FY 2007 revised estimate was higher due to the inclusion of \$708,157 in reappropriated State General Fund money carried forward from FY 2006.) Additional funds are requested for expert witness and transcript costs, rent increases, pay parity for attorneys, and death penalty defense training.

Governor's Recommendation

The **Governor** recommends FY 2008 operating expenditures of \$23,335,126, an increase of \$556,691, or 2.4 percent, above the FY 2007 recommendation. This amount includes \$22,735,126 from the State General Fund, an increase of \$681,691, or 3.1 percent, above the current year recommendation. The Governor's FY 2008 recommendation includes the addition of \$342,669 from the State General Fund, for the 1.5 percent base salary adjustment and a 2.5 percent step movement for classified employees, a 4.0 percent merit pool for unclassified employees, and the longevity enhancement.

House Budget Committee Recommendation

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

1. Delete \$348,119 from the State General Fund for the 1.5 percent base salary adjustment and a 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 \$885,000, including \$485,000 from the State General Fund to remove the enhancement recommendation for expert witness and transcript costs. The Budget Committee recommends this funding be reviewed at Omnibus.
3. The House Budget Committee intends to send a letter to the Legislative Division of Post audit to request a study of the State Board of Indigents' Defense Services. The Budget Committee would like for Post Audit to study the entire system of delivering services to indigent persons in the State, including the methods of effectively and efficiently providing services, attracting and retaining public defenders and private attorneys, and the future needs of the agency. The Budget Committee requests an interim study of this issue pending the results of the Division of Post Audit study.

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services **Bill No.** SB 357

Bill Sec. 35

Analyst: Spurgin

Analysis Pg. No. Vol. II - 934

Budget Page No. 207

Expenditure Summary	Agency Request FY 08	Governor's Recommendation FY 08	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 22,736,914	\$ 22,735,126	\$ 716,331
Other Funds	200,000	600,000	0
Subtotal - Operating	\$ 22,936,914	\$ 23,335,126	\$ 716,331
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	\$ 0	\$ 0	\$ 0
TOTAL	\$ 22,936,914	\$ 23,335,126	\$ 716,331
FTE Positions	188.0	188.0	7.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	188.0	188.0	7.0

Agency Request

The **agency** requests FY 2008 operating expenditures of \$22,936,914, a decrease of \$399,650, or 1.7 percent, below the revised estimate of expenditures for FY 2007. Of this amount, \$22,736,914 would come from the State General Fund, an increase of \$125,350, or 0.6 percent, above the FY 2007 estimate. Enhancements totaling \$1,034,907 are included in the request. (The FY 2007 revised estimate was higher due to the inclusion of \$708,157 in reappropriated State General Fund money carried forward from FY 2006.) Additional funds are requested for expert witness and transcript costs, rent increases, pay parity for attorneys, and death penalty defense training.

Governor's Recommendation

The **Governor** recommends FY 2008 operating expenditures of \$23,335,126, an increase of \$556,691, or 2.4 percent, above the FY 2007 recommendation. This amount includes \$22,735,126 from the State General Fund, an increase of \$681,691, or 3.1 percent, above the current year recommendation. The Governor's FY 2008 recommendation includes the addition of \$342,669 from the State General Fund, for the 1.5 percent base salary adjustment and a 2.5 percent

step movement for classified employees, a 4.0 percent merit pool for unclassified employees, and the longevity enhancement.

Senate Subcommittee Recommendation

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

1. Delete \$348,119 from the State General Fund for the 1.5 percent base salary adjustment and a 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. Add \$1,064,450 from the State General Fund and 7.0 FTE positions to address the additional workload and expense to defend cases under Jessica's Law. The Subcommittee recommends further review of the cost these cases at Omnibus.
3. The Subcommittee notes that the agency testified that while a judge may determine a defendant to be indigent, partially indigent, or not indigent, they usually do not see persons being declared partially indigent. The agency noted several occasions of persons who had been determined indigent who later acquired the means to retain private counsel rather than court appointed counsel. The Subcommittee would like the agency to work with the Office of Judicial Administration to examine the issue determining whether defendants are truly indigent and eligible for services provided by the Board of Indigents' Defense Services. The Subcommittee would like the agency to report back at Omnibus with any additional information on this matter, and whether it would be cost effective to implement a staff position to screen applications for services.

House Budget Committee Report

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

Analyst: Spurgin **Analysis Pg. No.** Vol. II - 907 **Budget Page No.** 223

<u>Expenditure Summary</u>	<u>Agency Estimate FY 07</u>	<u>Governor's Recommendation FY 07</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 103,356,309	\$ 103,356,309	\$ 0
Other Funds	11,216,694	11,216,694	0
Subtotal - Operating	<u>\$ 114,573,003</u>	<u>\$ 114,573,003</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>\$ 114,573,003</u></u>	<u><u>\$ 114,573,003</u></u>	<u><u>\$ 0</u></u>
FTE Positions	1,834.3	1,834.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,834.3</u></u>	<u><u>1,834.3</u></u>	<u><u>0.0</u></u>

Agency Estimate

The Judicial Branch estimates total expenditures of \$114,573,003, of which \$103,356,309 is from the State General Fund. The amount includes \$368,347 reappropriated from FY 2006 and is a total increase from all funds of \$967,789, or 0.9 percent, above the approved amount. The FY 2007 budget includes no capital improvement expenditures.

Governor's Recommendation

The Governor concurs with the Judicial Branch's estimated expenditures for FY 2007.

House Budget Committee Recommendation

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

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. SB --

Bill Sec. --

Analyst: Spurgin

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Budget Page No. 223

<u>Expenditure Summary</u>	<u>Agency Estimate FY 07</u>	<u>Governor's Recommendation FY 07</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 103,356,309	\$ 103,356,309	\$ 0
Other Funds	11,216,694	11,216,694	0
Subtotal - Operating	<u>\$ 114,573,003</u>	<u>\$ 114,573,003</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>\$ 114,573,003</u>	 <u>\$ 114,573,003</u>	 <u>\$ 0</u>
 FTE Positions	 1,834.3	 1,834.3	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>1,834.3</u>	<u>1,834.3</u>	<u>0.0</u>

Agency Estimate

The Judicial Branch estimates total expenditures of \$114,573,003, of which \$103,356,309 is from the State General Fund. The amount includes \$368,347 reappropriated from FY 2006 and is a total increase from all funds of \$967,789, or 0.9 percent, above the approved amount. The FY 2007 budget includes no capital improvement expenditures.

Governor's Recommendation

The Governor concurs with the Judicial Branch's estimated expenditures for FY 2007.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

House Budget Committee Report

Agency: Judicial Branch

Bill No. HB 2542

Bill Sec. 36

Analyst: Spurgin

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Budget Page No. 223

Expenditure Summary	Agency Request FY 08	Governor's Recommendation FY 08	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 108,077,944	\$ 108,333,209	\$ (3,819,867)
Other Funds	10,899,586	11,075,849	(258,934)
Subtotal - Operating	<u>\$ 118,977,530</u>	<u>\$ 119,409,058</u>	<u>\$ (4,078,801)</u>
Capital Improvements:			
State General Fund	\$ 167,919	\$ 167,919	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	<u>\$ 167,919</u>	<u>\$ 167,919</u>	<u>\$ 0</u>
 TOTAL	 <u>\$ 119,145,449</u>	 <u>\$ 119,576,977</u>	 <u>\$ (4,078,801)</u>
 FTE Positions	 1,872.8	 1,837.3	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>1,872.8</u>	<u>1,837.3</u>	<u>0.0</u>

Agency Request

The Judicial Branch requests total expenditures of \$119,145,452, including \$167,919 for capital improvements. The request for operating expenditures is \$118,977,530, an increase of \$4,404,530, or 3.8 percent, above the current year estimate. The request includes 3.0 FTE for an additional judge on the Court of Appeals, and associated staff. This position is scheduled to be added in January 2008. Also included is enhancement requests totaling \$3.6 million for new judicial (5.0 FTE) and non judicial personnel (30.5 FTE) in the district courts, salary adjustments for non-judicial personnel, and the reclassification of five district court employees.

The Judicial Branch budget request includes \$167,919 from the State General Fund in FY 2008 to create a judicial suite for the 13th judge on the Court of Appeals and 2.0 FTE associated staff who are scheduled to be added in January 2008. The Judicial Branch reported that due to how expenditures were coded, of this amount, \$140,044 would go towards actual capital improvements and \$27,935 would actually be spent on furnishings and items that would be classified as capital outlay expenditures. The entire amount of \$167,919 is included above to reflect what is represented in the Judicial Branch's budget submission.

Governor's Recommendation

The Governor includes a total budget of \$119,576,977, including \$167,919 for capital improvements. The budget for operating expenditures of \$119,409,058 represents an increase of \$4,836,055, or 4.2 percent, above the FY 2007 budget. The budget year request for State General

Fund expenditures of \$108,333,209 is an increase of \$4,976,900, or 4.8 percent, above the FY 2007 recommendation for State General Fund expenditures. The Governor's recommendation includes funding for the Governor's recommended pay plan adjustments.

The Governor includes in her budget \$167,919 for capital improvements.

House Budget Committee Recommendation

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

1. Delete \$4,078,801, including \$3,819,867 from the State General Fund, for the 1.5 percent base salary adjustment and a 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. The House Budget Committee notes that the budget includes \$167,919 from the State General Fund in capital improvement expenditures to prepare office space for the 13th judge on the Court of Appeals that is scheduled for January 2008. The Budget Committee recommends a review of the expenditure of these expenditures at Omnibus.
3. The Budget Committee recommends a review at Omnibus of the addition of 30.5 FTE non-judicial employees, estimated at \$1,025,955 from the State General Fund.
4. The Budget Committee recommends a review at Omnibus to add \$414,478 from the State General Fund and three new judicial personnel, (5.0 FTE overall) and two new magistrate judges, one in 8th Judicial District (Dickinson, Geary, Marion and Morris Counties), and one in the 21st Judicial District (Riley and Clay Counties). The positions were requested in anticipation of the growth at Fort Riley. One district court judge is requested in the 10th Judicial District (Johnson County) due to the growth in Johnson County. The district court judge position would also include 2.0 FTE support staff personnel for the new judge.
5. The Budget Committee recommends a review at Omnibus of Appellate Court Judicial salary increases. The Judicial Branch requested, as an enhancement, \$192,525 from the State General Fund to increase salaries for Appellate Court judges by \$7,000, and Supreme Court Justice salaries by \$9,000.
6. The Budget Committee notes that SB 17 could potentially affect the distribution of court docket fees. The Budget Committee recommends a review, prior to Omnibus, of the current statutory distribution of docket fees as related to the percentage of fees allocated to each specific fund receiving receipts from docket fees. Pending this review, the Budget Committee would potentially request legislation to adjust the statutory distribution of docket fee receipts.

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. SB 357

Bill Sec. 36

Analyst: Spurgin

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Budget Page No. 223

Expenditure Summary	Agency Request FY 08	Governor's Recommendation FY 08	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 108,077,944	\$ 108,333,209	\$ (3,154,014)
Other Funds	10,899,586	11,075,849	(258,934)
Subtotal - Operating	<u>\$ 118,977,530</u>	<u>\$ 119,409,058</u>	<u>\$ (3,412,948)</u>
Capital Improvements:			
State General Fund	\$ 167,919	\$ 167,919	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	<u>\$ 167,919</u>	<u>\$ 167,919</u>	<u>\$ 0</u>
 TOTAL	 <u>\$ 119,145,449</u>	 <u>\$ 119,576,977</u>	 <u>\$ (3,412,948)</u>
 FTE Positions	 1,872.8	 1,837.3	 14.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>1,872.8</u>	<u>1,837.3</u>	<u>14.0</u>

Agency Request

The Judicial Branch requests total expenditures of \$119,145,452, including \$167,919 for capital improvements. The request for operating expenditures is \$118,977,530, an increase of \$4,404,530, or 3.8 percent, above the current year estimate. The request includes 3.0 FTE for an additional judge on the Court of Appeals, and associated staff. This position is scheduled to be added in January 2008. Also included is enhancement requests totaling \$3.6 million for new judicial (5.0 FTE) and non judicial personnel (30.5 FTE) in the district courts, salary adjustments for non-judicial personnel, and the reclassification of five district court employees.

The Judicial Branch budget request includes \$167,919 from the State General Fund in FY 2008 to create a judicial suite for the 13th judge on the Court of Appeals and 2.0 FTE associated staff who are scheduled to be added in January 2008. The Judicial Branch reported that due to how expenditures were coded, of this amount, \$140,044 would go towards actual capital improvements and \$27,935 would actually be spent on furnishings and items that would be classified as capital outlay expenditures. The entire amount of \$167,919 is included above to reflect what is represented in the Judicial Branch's budget submission.

Governor's Recommendation

The Governor includes a total budget of \$119,576,977, including \$167,919 for capital improvements. The budget for operating expenditures of \$119,409,058 represents an increase of \$4,836,055, or 4.2 percent, above the FY 2007 budget. The budget year request for State General Fund expenditures of \$108,333,209 is an increase of \$4,976,900, or 4.8 percent, above the FY 2007 recommendation for State General Fund expenditures. The Governor's recommendation includes funding for the Governor's recommended pay plan adjustments.

The Governor includes in her budget \$167,919 for capital improvements.

Senate Subcommittee Recommendation

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

1. Delete \$4,078,801, including \$3,819,867 from the State General Fund, for the 1.5 percent base salary adjustment and a 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. Add \$329,474 from the State General Fund and 4.0 FTE positions to add one magistrate judge position and one district court judge (with 2.0 FTE support staff).
3. Add \$336,379 from the State General Fund and 10.0 FTE positions for new non-judicial personnel.
4. The Subcommittee notes that 2006 SB 337 raised the salaries for district court judges by \$9,000, judges of the court of appeals by \$2,000 and no increase for Supreme Court Justices. The current salary for the chief judge of a district court is \$115,977 and the salary for a judge of the court of appeals is \$121,310, an increase of 4.6 percent. Additionally, the current salary of the Chief Judge of the Court of Appeals is more than the salary of a Supreme Court Justice. Testimony was offered to the Subcommittee that while roughly half of appellate court judges have first served as district court judges, when the last opening on the Court of Appeals was filled, only one of twenty applicants was a district court judge.