

SENATE SUBCOMMITTEE REPORTS

H.B. 2181 -- Judicial Agencies


- Sec. 2 - Judicial Council
- Sec. 3 - State Board of Indigents' Defense Services
- Sec. 4 - Judicial Branch
- Sec. 5 - Crime Victims Reparations Board



Senator Merrill Werts
Subcommittee Chairperson



Senator Joseph C. Harder



Senator Frank D. Gaines

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 2181

Bill Sec. 2

Analyst: Mills

Analysis Pg. No. 111

Budget Pg. No. 1-45

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 228,355	\$ 182,381	\$ (4,000)
Special Revenue Fund	--	--	30,000
TOTAL	<u>\$ 228,355</u>	<u>\$ 182,381</u>	<u>\$ 26,000</u>
 FTE Positions	 3.0	 3.0	 --

Agency Request/Governor's Recommendation

FY 1987. The agency estimate of \$196,276 is \$13,255 lower than the expenditure level of \$209,531 which was approved by the 1986 Legislature. The bulk of the reductions are found in printing (\$12,183) and salaries (\$5,421) which the agency estimates will be under the approved budget, with an offsetting increase in travel (\$3,644).

The Governor's recommendation for FY 1987 totals \$182,452, which is \$13,824 less than the agency estimate. The reductions occur in salaries and wages (\$2,523), contractual services (\$11,237), and commodities (\$64). The largest single reduction is in printing (\$6,317). The amount of \$13,824 was lapsed from the General Fund appropriation for this agency by 1987 H.B. 2049.

FY 1988. The agency request for FY 1988 of \$228,355 represents a 16.3 percent increase over the current year estimate and would continue the current 3.0 FTE positions and maintain approximately the same number of Council and Advisory Committee meetings as have been held in recent years (55-60). No major program changes are contemplated in the budget request. The agency's FY 1988 request contains funding for publication of a special edition of the Kansas Judicial Council Bulletin containing revised probate forms. Publication of this special Bulletin is deemed necessary because of major changes brought about in the probate area by the enactment of 1985 S.B. 40. The requested funding for this publication totals \$31,575 (\$29,925 for printing, \$850 for postage, and \$800 for handling and envelopes).

The Governor's recommendation for FY 1988 includes a total expenditure of \$182,381, which is a reduction of \$45,974 from the agency request of \$228,355. The largest single area of reduction is in printing (\$36,672). The Governor's recommendation for FY 1988 includes a total of \$4,500 for printing; presumably, no funding is recommended for printing of the special probate forms Bulletin.

House Subcommittee Recommendations

FY 1987. The House Subcommittee concurs with the Governor's recommendation for FY 1987.

FY 1988. The House Subcommittee concurs with the Governor's recommendations, with the following exceptions:

1. The House Subcommittee recommends that a revolving fee fund be established for the Judicial Council for the sale of Judicial Council publications. The House Subcommittee believes that, in light of current budgetary constraints, Judicial Council publications should no longer be distributed free of charge to all registered attorneys. The House Subcommittee recommends that the new revolving fee fund be established as a self-supporting fund to be used to finance printing and distribution of Judicial Council publications. In order to establish the fee fund, the House Subcommittee recommends a loan from the State General Fund of \$30,000, to be repaid when the new fund is self-supporting. The House Subcommittee believes that this recommendation will allow the Judicial Council to more efficiently meet its printing and publications goals.
2. In conjunction with item 1 above, the House Subcommittee recommends enactment of 1987 H.B. 2084, which would amend current law to delete the requirement that Judicial Council publications be distributed to all registered attorneys. The House Subcommittee recommends that the Judicial Council develop a system whereby attorneys must request copies of Council publications and pay the established cost for the publications. The House Subcommittee also recommends that H.B. 2084 be amended to authorize the Judicial Council to set and collect fees for its publications.
3. The House Subcommittee recommends a reduction of \$4,000 in travel and subsistence, which would result in 45-50 Council and Committee meetings instead of the 50-55 meetings contained in the Governor's recommendation. The House Subcommittee recommends that the proposed study of the Juvenile Code not be conducted.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1987 and FY 1988.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1987 and FY 1988.

Senate Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Rec. FY 88</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ (4,000)	\$ 178,381	\$ 35,575
Special Revenue Fund	30,000	30,000	(30,000)
TOTAL	<u>\$ 26,000</u>	<u>\$ 208,381</u>	<u>\$ 5,575</u>
FTE Positions	--	3.0	--

FY 1987. The Senate Subcommittee concurs with the House recommendation for FY 1987.

FY 1988. The Senate Subcommittee concurs with the House recommendations, with the following adjustments:

1. The Senate Subcommittee recommends restoration of the \$4,000 deleted by the House in travel and subsistence in order to allow the Judicial Council to hold the 50-55 Council and Committee meetings recommended by the Governor.
2. The Senate Subcommittee does not support the concept of establishing a revolving fee fund for the sale of Judicial Council publications, as recommended by the House. The Senate Subcommittee recommends amendment of H.B. 2181 to delete reference to the new fee fund and elimination of the language authorizing a \$30,000 transfer from the State General Fund to the new fee fund.
3. The Senate Subcommittee recommends additional funding of \$31,575 (\$29,925 for printing, \$850 for postage, and \$800 for handling and envelopes) as requested by the agency for publication of a special edition of the Judicial Council Bulletin containing revised pro-bate forms.

SUBCOMMITTEE REPORT

Agency: Board of Indigents'
Defense Services

Bill No. 2395

Bill Sec. NEW

Analyst: Mills

Analysis Pg. No. 113

Budget Pg. No. 1-125

<u>Expenditure Summary</u>	<u>Agency Req. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Subcommittee Adjustments</u>
State General Fund:			
State Operations	\$ 3,231,459	\$ 3,147,791	\$ --
Other Assistance	237,413	231,726	--
TOTAL	<u>\$ 3,468,872</u>	<u>\$ 3,379,517</u>	<u>\$ --</u>
FTE Positions	47.0	46.0	--

Agency Request/Governor's Recommendation

FY 1987. The Legislature approved expenditure of \$3,325,266 from the State General Fund during FY 1987 to provide legal services to indigent criminal defendants by public defenders, assigned counsel, and Legal Services for Prisoners, Inc. The Board's FY 1987 revised estimate is \$3,468,872, an amount which is \$143,606 above the approved expenditure level. This revised amount includes \$185,145 which is requested as a supplemental appropriation to provide additional funding for the assigned counsel subprogram (\$179,458) and for Legal Services for Prisoners, Inc. (\$5,687). The amount of \$55,210 of the General Fund appropriation for this agency was lapsed by 1987 H.B. 2049.

The Governor recommends \$3,379,517 for FY 1987, which is \$89,355 less than the agency estimate. The reductions are found in salaries and wages (\$43,358), contractual services (\$36,564), commodities (\$800), capital outlay (\$2,946), and other assistance (\$5,687).

1. Assigned Counsel. The approved expenditure for the Assigned Counsel subprogram for FY 1987 was \$1,620,000. The Board estimates 6,250 claims during FY 1987 at an average cost per claim of \$278, which will require expenditure of \$1,737,500. The Board is requesting a supplemental appropriation of \$179,458 for assigned counsel in FY 1987.

The Governor is recommending an FY 1987 supplemental appropriation of \$151,000 to provide additional funding for this activity in FY 1987.

2. Legal Services for Prisoners, Inc. The Board is also requesting a supplemental appropriation of \$5,687 for an additional 1.5 positions during the current fiscal year to handle the increasing number of referrals from inmates in Kansas correctional institutions to Legal Services for Prisoners, Inc. (LSP). This amount would provide two months' salary for the new positions in the current year.

The agency has withdrawn this request.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation, with the following exception:

1. The FY 1987 supplemental appropriation of \$151,000 was incorrectly placed in S.B. 244. The supplemental should properly be placed in the House supplemental bill, H.B. 2395. The House Subcommittee recommends that the provision be deleted from S.B. 244 and placed as a new section in H.B. 2395.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1987.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1987.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Rec. FY 87</u>	<u>Senate Subcommittee Adjustments</u>
State General Fund:			
State Operations	\$ --	\$ 3,147,791	\$ --
Other Assistance	--	231,726	--
TOTAL	<u>\$ --</u>	<u>\$ 3,379,517</u>	<u>\$ --</u>
FTE Positions	--	46.0	--

The Senate Subcommittee concurs with the House recommendation for FY 1987.

328.87

SUBCOMMITTEE REPORT

Agency: Board of Indigents'
Defense Services

Bill No. 2181

Bill Sec. 3

Analyst: Mills

Analysis Pg. No. 113

Budget Pg. No. 1-125

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State General Fund:			
State Operations	\$ 3,683,798	\$ 3,253,639	\$ --
Other Assistance	280,459	240,000	--
TOTAL	<u>\$ 3,964,257</u>	<u>\$ 3,493,639</u>	<u>\$ --</u>
FTE Positions	56.0	46.0	--

Agency Request/Governor's Recommendation

FY 1988. The Board's request for FY 1988 totals \$3,964,257, all of which is from the State General Fund. The FY 1988 request represents a 14.3 percent increase above the agency's current year estimate. Most of the increase is attributed to requested new positions, capital outlay requests, and incremental increases in various object codes.

The Governor recommends a total expenditure of \$3,493,639 for FY 1988, a reduction of \$470,618 from the agency request. Reductions are found in salaries and wages (\$301,979), contractual services (\$112,375), commodities (\$4,065), capital outlay (\$11,740), and the grant to LSP (\$40,459).

1. New Positions. The Board requests 10.0 FTE new positions, in addition to the 46.0 currently existing. The new positions include: (1) conversion of the existing half-time Accounting Technician in the Administration Office into a full-time position (\$7,706 including fringes); (2) addition of one Public Defender I and an Investigator I in the Topeka Public Defender Office (\$48,487); (3) upgrading the half-time Secretary I in the Junction City Public Defender Office into a full-time position (\$7,544); (4) addition of 2.0 new Public Defender I positions in the Wichita Public Defender Office (\$50,763); (5) addition of 2.0 Public Defender I positions and one Secretary I position in the Appellate Defender Office (\$65,313); and (6) addition of one Public Defender I and one Secretary I to staff a new Satellite Office to be established in Reno County (\$25,877). Funding requested for the new positions totals \$205,690. The Governor does not recommend funding for any of the requested new positions.

2. Assigned Counsel. The FY 1988 request for the Assigned Counsel sub-program totals \$1,807,000, an increase of 4.0 percent over the revised estimate for the current year. The Governor recommends FY 1988 expenditures of \$1,727,100 for the Assigned Counsel activity.

3. Legal Services for Prisoners, Inc. The FY 1988 request for Legal Services for Prisoners, Inc. (LSP) totals \$280,459, which is an 18.1 percent increase over the revised current year estimate. LSP is a nonprofit corporation organized to provide legal assistance to indigent inmates of Kansas correctional institutions. The Governor recommends \$240,000 for LSP in FY 1988.

4. Step Movement for Unclassified Employees. Throughout the budget request, the Board had built in step movement salary increases for most of its unclassified employees. The step increases, similar to those for classified employees, are 2.5 percent increases. A total of \$33,399 is included in the request. The Governor's recommendation includes funding (\$19,742) for an average 1.6 percent salary increase for unclassified positions.

5. Reno County Public Defender Office. On September 15, 1986, the Board approved the creation of a regional public defender office for Reno/Sedgwick counties to be implemented in May, 1987, subject to funding by the 1987 Legislature. The budget request includes funding of \$37,230 for the new office in FY 1988. The Governor's recommendation includes no funding for this proposed new office.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendations for FY 1988, with the following additional observations:

1. The House Subcommittee was advised of the Board's desire to reclassify two Investigator positions in the Wichita Public Defender Office to the same level as the Investigator positions in the Topeka Public Defender Office. At present, the positions in the Wichita office are three and six ranges, respectively, below the salary ranges of the Investigator positions in the Topeka office. The requested funding for these reclassifications (\$4,704) was not recommended by the Governor. The Subcommittee supports the reclassification of these two positions in order that "in-house" parity may be achieved and urges the Board to seek implementation of the upgrades through savings in other areas.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1988.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1988.

Senate Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Rec. FY 88</u>	<u>Senate Subcommittee Adjustments</u>
State General Fund:			
State Operations	\$ --	\$ 3,253,639	\$ --
Other Assistance	--	240,000	--
TOTAL	<u>\$ --</u>	<u>\$ 3,493,639</u>	<u>\$ --</u>
FTE Positions	--	46.0	--

The Senate Subcommittee concurs with the House recommendations, with the following adjustments:

1. The Senate Subcommittee recommends that no position reclassifications be built into the agency's budget, in light of the Governor's recommendation which reserved a pool of funds for meritorious reclassifications.
2. The Senate Subcommittee discussed the concept of establishing regional public defender offices, similar to the Reno/Sedgwick county satellite office proposed by the Board. The Senate Subcommittee believes that this concept has merit, and recommends that an interim study be requested on the issue of establishing regional public defender offices to provide legal services to indigent criminal defendants.
3. The Senate Subcommittee notes that the Attorney General has filed a legal action in the Kansas Supreme Court challenging the recent decision of a district court judge on the constitutionality of the state's method of appointing private attorneys for indigent defendants. The Senate Subcommittee recommends that the appropriate committees monitor the outcome of this legal action because of its potential ramifications on the Board of Indigents' Defense Services.
4. The Senate Subcommittee was advised that the hiring freeze on vacant staff attorney positions, ordered by the Governor on February 20, 1987, has been applied to the Board of Indigents' Defense Services. In addition, the agency was instructed by the Secretary of Administration to utilize private court-appointed attorneys to handle needed legal work until the hiring freeze is lifted. The Senate Subcommittee notes that the agency pays its entry level attorneys about \$10 per hour, while appointed private attorneys are compensated at \$30 per hour. The Senate Subcommittee recommends that the Board of Indigents' Defense Services be granted an exemption from the hiring freeze by the appropriate administration officials, and that the Board be allowed to fill its vacant attorney positions.

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 124

Budget Pg. No. 1-47

<u>Expenditure Summary</u>	<u>Agency Req. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$42,460,065	\$41,130,374	\$ --
Special Revenue Funds	2,191,117	2,185,304	--
TOTAL	<u>\$44,651,182</u>	<u>\$43,315,678</u>	<u>\$ --</u>
FTE Positions:			
Appellate Court			
Justices/Judges	14.0	14.0	--
District Court Judges	211.0	211.0	--
Nonjudicial Personnel	<u>1,396.5</u>	<u>1,396.5</u>	--
TOTAL	<u>1,621.5</u>	<u>1,621.5</u>	<u>--</u>

Agency Request/Governor's Recommendation

FY 1987. The FY 1987 approved budget was \$43,157,824, which was composed of \$42,045,787 from the State General Fund and \$1,112,037 of special revenue funds. The revised agency estimate for FY 1987 is \$44,651,182, an amount which is \$1,493,358 above the approved budget. The increase is attributed to: (1) a requested State General Fund supplemental appropriation of \$414,278 for FY 1987 to implement the "clerical study" and to develop a tracking system for personal injury cases; (2) estimated underspending of \$2,000 from the amount budgeted for the Law Library Fund; (3) additional spending of \$1,070,879 from the Child Support Enforcement Contractual Agreement Fund; (4) a \$2,816 grant from the federal Highway Safety Act; and (5) a grant of \$7,385 from the National Council of Juvenile and Family Court Judges.

The Governor recommends expenditure of \$43,315,678 in FY 1987, a reduction of \$1,335,504 from the agency estimate for FY 1987. The reductions are contained in salaries and wages (\$1,060,398); contractual services (\$236,371); commodities (\$18,492); and capital outlay (\$20,243). For FY 1987, the Governor recommends expenditure of \$41,130,374 from the State General Fund and \$2,185,304 from special revenue funds. The amount of \$915,413 of the General Fund appropriation for this agency was lapsed by 1987 H.B. 2049. The Governor's recommendation does not include the \$414,278 of supplemental appropriations requested by the Judicial Branch.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation.

House Committee of the Whole
Recommendation

The House Committee of the Whole concurs with the House Committee recommendation.

Senate Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Rec. FY 87</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$41,130,374	\$ --
Special Revenue Funds	--	2,185,304	--
TOTAL	<u>\$ --</u>	<u>\$43,315,678</u>	<u>\$ --</u>
FTE Positions:			
Appellate Court			
Justices/Judges	--	14.0	--
District Court Judges	--	211.0	--
Nonjudicial Personnel	--	1,396.5	--
TOTAL	<u>--</u>	<u>1,621.5</u>	<u>--</u>

1987. The Senate Subcommittee concurs with the House recommendation for FY

677.87

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 2181

Bill Sec. 4

Analyst: Mills

Analysis Pg. No. 124

Budget Pg. No. 1-47

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$50,916,749	\$43,146,427	\$ 174,864
Special Revenue Funds	2,329,383	2,302,182	9,198
TOTAL	<u>\$53,246,132</u>	<u>\$45,448,609</u>	<u>\$ 184,062</u>
FTE Positions:			
Appellate Court			
Justices/Judges	17.0	17.0	--
District Court Judges	216.0	211.0	--
Nonjudicial Personnel	<u>1,448.5</u>	<u>1,402.5</u>	--
TOTAL	<u>1,681.5</u>	<u>1,630.5</u>	--

Agency Request/Governor's Recommendation

The Judicial Branch is requesting a total of \$53,246,132 for FY 1988, which is composed of \$50,916,749 from the State General Fund and \$2,329,383 from special revenue funds. Included in the FY 1988 request is funding for: (1) an expansion of the Court of Appeals from seven to ten Judges (three judgeships, three Research Attorneys, three judicial secretaries, and one Administrative Assistant), for a net increase of 10.0 FTE (\$405,315 for salaries and \$342,073 for other operating expenditures); (2) a salary increase for each appellate justice and judge and all district court judges of \$11,628 (\$2,158,363); (3) conversion of the Judicial Branch pay plan to the civil service pay plan (\$814,859); (4) implementation of salary upgrades for nonjudicial clerical positions similar to those granted to executive branch clerical job classes as a result of the so-called "clerical study" (\$736,248); (5) creation of five new district court judge positions, two judgeships each for Johnson County and Sedgwick County and one for Shawnee County (\$328,191); (6) funding for 45 new nonjudicial personnel positions (\$980,118); (7) funding for reclassification of 49 individual positions in the district courts (\$35,092); (8) salary upgrades for attorney positions in the Judicial Branch (\$107,709); (9) transfer of district magistrate judges from KPERS to the Judges' Retirement System (\$145,558); (10) funding in anticipation of legislative action to require state reimbursement of juror costs of the counties (\$1,400,000); and (11) funding to contract for a statewide mediation program (\$50,000).

The Governor's recommendation for FY 1988 totals \$45,448,609, which is composed of \$43,146,427 from the State General Fund and \$2,302,182 from special revenue funds. The Governor's recommendation for FY 1988 includes funding for: (1) expansion of the Court of Appeals (three Judges, three Research Attorneys, and three judicial secretaries) for a net increase of 9.0 FTE (\$227,975 for salaries and \$56,049 for capital outlay); and (2) funding to provide an average

1.6 percent salary step increase for all nonjudicial personnel in the Judicial Branch, not including judges (\$453,633). The Governor does not recommend funding for the judges' salary increase, conversion to the civil service pay plan, implementation of the "clerical study," new district court judgeships or nonjudicial personnel positions, reclassifications, attorney position salary upgrades, transfer of district magistrate judges from KPERS, jury cost reimbursement, or a statewide mediation program.

House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendations, with the following additional recommendation:

1. The House Subcommittee reviewed the budget request of the Judicial Branch with regard to the issue of compensation of nonjudicial personnel. The FY 1988 budget request included funding of \$814,859 to provide for converting the salary ranges in the Judicial Branch pay plan to the civil service pay plan, and additional funding of \$736,248 to provide for implementation of salary upgrades for nonjudicial clerical positions similar to those granted to executive branch clerical job classes as a result of the so-called "clerical study." The Governor's recommendations did not include funding for either the pay plan conversion or implementation of the clerical study. The 1986 interim Special Committee on the Court System recommended that "the compensation plan for nonjudicial personnel in the Judicial Branch be modified to reflect parity with the classified civil service pay plan." This House Subcommittee strongly endorses the recommendation of the interim committee that the pay disparity between nonjudicial personnel and executive branch employees be eliminated. The House Subcommittee recommends that funding be provided to allow implementation of the clerical study for Judicial Branch clerical employees beginning with the last quarter of FY 1988. Therefore, the House Subcommittee recommends additional funding of \$184,062 (\$174,864 from the State General Fund and \$9,198 from the Child Support Enforcement Contractual Agreement Fund) to implement the clerical study in the last quarter of FY 1988.
2. The House Subcommittee notes that S.B. 9, which would create five new district court judgeships, is under consideration by the 1987 Legislature. The estimated salary cost for a new district court judgeship and support staff is \$110,739 (district judge, \$66,228; administrative assistant, \$18,665; court reporter, \$25,846). The House Subcommittee believes that implementation of the clerical study, even on a limited basis, has a higher priority than the creation of new district judgeships.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation, with the following exceptions:

1. Reduction of \$189,349 from the total of \$284,024 contained in the Governor's recommendation to expand the Court of Appeals from seven to ten members. Expansion of the Court of Appeals by one Judge in FY 1988 would permit a reduction of \$189,349 in the funding contained in H.B. 2181 for the expanded Court. Such a reduction would leave remaining funding of \$94,675 in the bill: this amount is composed of \$75,992 for the salaries of one Judge, one Research Attorney, and one Judicial Secretary, and \$18,683 for office equipment and furnishings.
2. Addition of a total of \$750,000 from the State General Fund to provide funding for the last half of FY 1988 to convert the judicial branch pay plan to the same ranges as the civil service pay plan (\$400,000) and to provide salary upgrades for nonjudicial clerical-related positions similar to those granted to executive branch clerical job classes as a result of the "clerical study" (\$350,000).
3. Deletion of the \$184,062 recommended by the House Subcommittee to implement "clerical study" salary upgrades in the Judicial Branch in light of Committee recommendation No. 2 noted above.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation.

Senate Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Rec. FY 88</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 560,651	\$43,707,078	\$ (212,588)
Special Revenue Funds	--	2,302,182	--
TOTAL	<u>\$ 560,651</u>	<u>\$46,009,260</u>	<u>\$ (212,588)</u>
FTE Positions:			
Appellate Court			
Justices/Judges	(2.0)	15.0	2.0
District Court Judges	--	211.0	5.0
Nonjudicial Personnel	(4.0)	1,398.5	4.0
TOTAL	<u>(6.0)</u>	<u>1,624.5</u>	<u>11.0</u>

The Senate Subcommittee concurs with the House recommendations, with the following adjustments:

1. Deletion of the \$750,000 added by the House to implement the pay plan conversion and "clerical study" salary upgrades.
2. Restoration of \$189,349 deleted by the House for the Court of Appeals expansion. This will return to the funding level recommended by the Governor and permit the creation of 9.0 FTE new positions for the expanded Court of Appeals (three Judgeships, three Research Attorneys, and three Judicial Secretaries).
3. Addition of \$328,191 to fund the salaries of five new district court judges (two in Johnson County, two in Sedgwick County, and one in Shawnee County) as requested by the court. However, no funding for additional support staff is recommended.
4. Addition of \$19,872 for the Law Library to permit the purchase of additional library materials. The Subcommittee notes that the Law Library has experienced the need to cancel a number of subscriptions to periodicals in recent years because of budget austerity. The additional funding recommended by the Senate Subcommittee will permit the Law Library to renew subscriptions to some of the periodicals and journals which are in greatest demand.

677.88

SUBCOMMITTEE REPORT

Agency: Crime Victims Reparations Bill No. 2395
Board

Bill Sec. New

Analyst: Mills

Analysis Pg. No. 139

Budget Pg. No. 4-41

<u>Expenditure Summary</u>	<u>Agency Req. FY 87</u>	<u>Governor's Rec. FY 87</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 100,504	\$ 100,450	\$ --
Aid to Local Units	4,000	4,000	--
Other Assistance	786,526	785,368	--
TOTAL	<u>\$ 891,030</u>	<u>\$ 889,818</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ --	\$ --
Other Assistance	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>
FTE Positions	3.0	3.0	--

Agency Request/Governor's Recommendation

FY 1987. The FY 1987 approved budget was \$951,255, all of which was from special revenue funds, as follows: Crime Victims Reparations Fund, \$455,040; Protection From Abuse Fund, \$260,399; federal Victims of Crime Assistance Act, \$200,000; and the federal Preventive Health Services Block Grant, \$35,816. The agency revised estimate for FY 1987 totals \$891,030, which is \$60,225 less than the approved budget. The bulk of the underspending is found in the federal Victims of Crime Assistance Act Fund, which has estimated receipts of \$130,800 instead of the \$200,000 budgeted.

The Governor recommends an expenditure of \$889,818 for FY 1987, a reduction of \$1,212 from the agency estimate. These reductions are spread through several object codes. The Governor's recommendations presume an increase in the expenditure limitation on the Crime Victims Reparations Fund from \$453,355 to \$488,104, an increase of \$34,749. This expenditure limitation increase is contained in 1987 S.B. 244.

House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendations for FY 1987, with the following exception:

1. The expenditure limitation increase on the Crime Victims Reparations Fund in FY 1987 was incorrectly placed in S.B. 244. The increase should properly be placed in the House supplemental

bill, H.B. 2395. The House Subcommittee recommends that the provision be deleted from S.B. 244 and placed as a new section in H.B. 2395.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1987.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1987.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Recommend.</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 100,450	\$ --
Aid to Local Units	--	4,000	--
Other Assistance	--	785,368	--
TOTAL	<u>\$ --</u>	<u>\$ 889,818</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ --	\$ --
Other Assistance	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>
FTE Positions	--	3.0	--

The Senate Subcommittee concurs with the House recommendation.

160.87

SUBCOMMITTEE REPORT

Agency: Crime Victims Reparations Board Bill No. 2181

Bill Sec. 5

Analyst: Mills

Analysis Pg. No. 139

Budget Pg. No. 4-41

<u>Expenditure Summary</u>	<u>Agency Req. FY 88</u>	<u>Governor's Rec. FY 88</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 112,194	\$ 102,374	\$ --
Aid to Local Units	4,000	4,000	--
Other Assistance	895,466	762,806	--
TOTAL	<u>\$ 1,011,660</u>	<u>\$ 869,180</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ --	\$ --
Other Assistance	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>
FTE Positions	3.5	3.0	--

Agency Request/Governor's Recommendations

FY 1988. The agency requests a total of \$1,011,660 for FY 1988, all of which is from special revenue funds. The agency proposes expenditures at the following levels from the various funds: Crime Victims Reparations Fund, \$617,698; federal Preventive Health Services Block Grant, \$35,816; and the federal Family Violence Prevention and Services Fund, \$42,254. The budget request proposes the addition of a 0.5 FTE position of Office Assistant III (\$7,101 plus benefits), which would increase the agency's authorized FTE positions from 3.0 to 3.5. The agency request presumes that the \$2.00 assessment on docket fees on criminal proceedings credited to the Crime Victims Reparations Fund (K.S.A. 20-362) will be increased to \$3.00 for FY 1988.

The Governor's recommendation for FY 1988 contains a total expenditure of \$869,180, all of which is from special revenue funds. The Governor recommends expenditure of \$464,780 from the Crime Victims Reparations Fund, \$213,766 from the Protection From Abuse Fund, \$35,816 from the federal Preventive Health Block Grant, \$112,564 from the federal Victims of Crime Assistance Act, and \$42,254 from the federal Family Violence Prevention and Services Fund. The Governor does not recommend the addition of the half-time Office Assistant III position. Also, the Governor does not recommend any increase in the docket fee assessment.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendations, with the following additional recommendations:

1. The House Subcommittee notes that legislation (S.B. 315) has been introduced to raise the maximum allowable funeral expense award from \$750 to \$1,500. Should this legislation be enacted, the agency projects additional expenditures for claims of \$21,000 in FY 1988. The House Subcommittee recommends that the Senate Committee monitor S.B. 315 to determine the need for additional expenditure authority for the agency.

2. The House Subcommittee recommends a new procedure regarding that portion of the federal Preventive Health Services Block Grant which is provided through the Department of Health and Environment to the Board. This funding has, in the past, been a transfer from the Department to the Board each July 1. The House Subcommittee recommends that the Department and the Board enter into a contract for these funds and that the funds be administered as a grant from the Department to the Board. The House Subcommittee believes that a contract/grant procedure would provide for more accountability and oversight on the use of such funding, estimated to be \$35,816 in FY 1988. The House Subcommittee recommends amendment of H.B. 2181 to establish this procedure.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1988.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1988.

Senate Subcommittee Recommendation

<u>Expenditure Summary</u>	<u>House Adjustments</u>	<u>House Recommend.</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 102,374	\$ --
Aid to Local Units	--	4,000	--
Other Assistance	--	762,806	--
TOTAL	<u>\$ --</u>	<u>\$ 869,180</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ --	\$ --
Other Assistance	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ --</u>	<u>\$ --</u>
FTE Positions	--	3.0	--

The Senate Subcommittee concurs with the House recommendations, with the following adjustments:

1. The Senate Subcommittee is not supportive of any change in the present method of transfer of the federal Preventive Health Services Block Grant from the Department of Health and Environment to the Crime Victims Reparations Board. The Senate Subcommittee recommends that H.B. 2181 be amended to reinstate the transfer language which was deleted by the House and to eliminate the proviso which requires a contract between the Department and the Board.
2. The Senate Subcommittee notes that there may exist a large potential number of claims as the existence of the Board becomes more widely known and the victim reparations program is publicized. The Senate Subcommittee reviewed information which indicates that public knowledge of the program is higher in some areas of the state than in others, based on the number of claims filed by victims. It also appears that, in those counties with community corrections programs, the community corrections personnel are publicizing the program and serving as advocates, resulting in greater public awareness of the program. The Senate Subcommittee recommends that the Post Audit Division be requested to conduct a program audit of the crime victims reparations program to evaluate the effectiveness of the program and to assess the future growth and development of the program.

160.88