

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:40 a.m. on March 10, 2003, in Room 123-S of the Capitol.

All members were present except: All present

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Carolyn Rampey, Kansas Legislative Research Department
Debra Hollon, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Nicoletta Buonasera, Kansas Legislative Research Department
Michael Corrigan, Assistant Revisor of Statutes
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2003 and FY 2004 were distributed to the committee.

Subcommittee reports on:

Judicial Council (Attachment 1)

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notations for FY 2003.

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notations for FY 2004.

Senator Feleciano moved, with a second by Senator Jordan, to amend the subcommittee report in FY 2004 to note that the Committee recognizes that the Agency is \$60,000 short and that this issue will need to be addressed either during the budget conference committee or at Omnibus. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Judicial Council for the FY 2003 and FY 2004 budget as amended. Motion carried on a voice vote.

Board of Indigents' Defense Services (Attachment 2)

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notation for FY 2003. Chairman Morris mentioned that possibly representatives of the Board of Indigents' Defense Services and the Committee could meet before the session is over regarding the high cost death penalty defense cases.

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with notations for FY 2004. Chairman Morris acknowledged Pat Scalia, Executive Director, Board of Indigents' Defense Services, in response to a question that BIDS will probably be running out of funds by the second week in April in FY 2003. She noted that their assigned counsel have already waited two months to be paid. Ms. Scalia noted that they have lost a few assigned counsel panel members and as a result they

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will have to open a public defender office in Montgomery and Chautauqua counties in which will require a startup cost and it will not be a cost effective office.

Senator Jordan moved, with a second by Senator Schodorf, to amend the subcommittee report for FY 2004 to fund start up costs for the possibility of the opening a public defender office in Chautauqua and Montgomery counties in either FY 2004 or FY 2005. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Board of Indigents' Defense Services for the FY 2003 and FY2004 budget as amended. Motion carried on a voice vote.

Judicial Branch (Attachment 3)

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor for FY 2003.

Subcommittee Chairman Jordan reported that the Subcommittee concurs with the recommendation of the Governor with exceptions and comments for FY 2004.

Senator Jordan moved, with a second by Senator Schodorf, to amend the subcommittee report regarding Item No. 2., c., in FY 2004 that the Committee recommends that the Judicial Branch share in whatever the Executive Branch agencies pay increase would be, if it is the 1.5 percent increase, or whatever the increase would be. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Kerr, to amend the subcommittee report in FY 2004, regarding Item No. 3, to delete the \$114,400 for capital improvements to the Judicial Center for the purpose of renovating a judicial suite for the 12th Judge for the Court of Appeals, and delay the capital improvement to support the expansion of the Court for one year. Motion carried on a voice vote.

Committee questions and discussion followed regarding the placeholder budget.

Senator Jordan moved, with a second by Senator Kerr, to amend the subcommittee report in FY 2004, Item No. 1, regarding the feasibility of extending the imposition of emergency docket fee surcharge and report back to the Committee by Omnibus regarding how the fee was received and how much money was generated. Motion carried on a voice vote.

Senator Barone requested that Staff research the ability of the court to levy tax/fee if the Judiciary is not fully funded and request that Staff give an opinion.

Senator Adkins moved, with a second by Senator Kerr, to amend the subcommittee report in FY 2004 regarding Item No. 2, a., that the Committee requests a more workable mechanism to address the fact that this budget is submitted directly to the Legislature and to express concern in regard to a Governor's Budget Amendment and that the Chairman submit a letter directly to the Director of the Budget or the Governor requesting a Governor's Budget Amendment to fund the items listed in Item 2, a., before final action is taken on the bill in Committee. Motion carried on a voice vote.

Senator Jordan moved, with a second by Senator Schodorf, to adopt the subcommittee budget report on the Judicial Branch for the FY 2003 and FY2004 budget as amended. Motion carried on a voice vote.

The meeting adjourned at 11:25 a.m. The next meeting is scheduled for March 11, 2003.