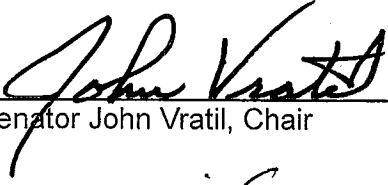


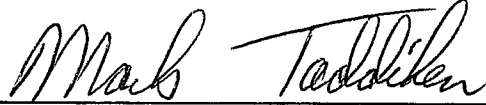
FY 2013

Senate Ways and Means Subcommittee

Board of Indigents' Defense Services
Judicial Branch
Judicial Council



Senator John Vratil, Chair



Senator Mark Taddiken



Senator Marci Francisco

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services

Bill No. --

Bill Sec. --

Analyst: Dear

Analysis Pg. No. --

Budget Page No. 60

Expenditure Summary	Agency Request FY 2013	Governor Recommendation FY 2013	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 23,928,654	\$ 22,934,782	\$ 0
Other Funds	873,200	873,200	706,190
Subtotal	<u>\$ 24,801,854</u>	<u>\$ 23,807,982</u>	<u>\$ 706,190</u>
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u><u>\$ 24,801,854</u></u>	<u><u>\$ 23,807,982</u></u>	<u><u>\$ 706,190</u></u>
FTE positions	187.0	187.0	0.0
Non FTE Uncl. Perm. Pos.	2.5	2.5	0.0
TOTAL	<u><u>189.5</u></u>	<u><u>189.5</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests a FY 2013 operating budget totaling \$24.8 million, including \$23.9 million from the State General Fund. The State General Fund request is \$1.2 million, or 5.2 percent, above the agency's FY 2012 revised request. The increase is due to enhancement requests of \$2.7 million, all from the State General Fund. Without the enhancement requests, the request is an all funds decrease of \$1.6 million, or 6.9 percent, and a State General Fund decrease of \$1.5 million, or 6.5 percent, below the FY 2012 revised request. The special revenue fund reduction is due to the depletion of reserve funds in the Indigent's Defense Services Fund and the In-Service Education Fund. The request includes 195.0 FTE positions, the same as the current year.

Governor's Recommendation

The **Governor** recommends a FY 2013 budget of \$23.8 million, including \$22.9 million from the State General Fund. The recommendation is an increase of \$959,125, or 4.2 percent, and a State General Fund increase of \$23,814, or 3.0 percent above the FY 2012 Governor's recommendations.

The recommendation is also a reduction of \$993,872, or 4.2 percent, below the FY 2013 agency request. The reduction is attributable to a recommendation not to fund the

enhancements for assigned counsel expenditures, capital defense, public defender pay parity and an indigency screener for a reduction from the agency request of \$2,088,881. The reduction is partially offset by adoption of the consensus caseload estimate for assigned counsel of \$9.0 million which adds \$1,095,010 to the non-enhanced agency request for assigned counsel.

Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's Recommendation with the following adjustment and notation:

1. Transfer \$706,190, all from Special Revenue Funds in the Judicial Council to the Indigents' Defense Services Fund and increase the expenditure limitation by the same amount, to fund vacant positions and provide some funds to the agency enhancement for Public Defender pay parity with similar positions in the Executive Branch. The Committee recommends the Board of Indigents' Defense receive the transfers from the special revenue fund subsequent to the Judicial Branch and the Judicial Council.
2. The subcommittee notes that in FY 2009 40.0 percent of the chief defenders resigned, and if current resignation rates continue another 20.0 percent would resign in FY 2012 because of low pay.
3. The subcommittee further notes that reducing turnover among public defenders enhances efficiency and caseload capacity per defender reducing higher expenditures on Assigned Counsel. The agency indicates that for every dollar spent on public defenders the State can save approximately two dollars on Assigned Counsel costs in the following fiscal year.

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Dear

Analysis Pg. No. --

Budget Page No. 174

Expenditure Summary	Agency Request FY 2013	Governor Recommendation FY 2013	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 109,876,438	\$ 107,481,638	\$ 0
Other Funds	25,156,349	25,716,349	107,002
Subtotal	<u>\$ 135,032,787</u>	<u>\$ 133,197,987</u>	<u>\$ 107,002</u>
Capital Improvements:			
State General Fund	\$ 430,000	\$ 199,499	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 430,000</u>	<u>\$ 199,499</u>	<u>\$ 0</u>
 TOTAL	 <u><u>\$ 135,462,787</u></u>	 <u><u>\$ 133,397,486</u></u>	 <u><u>\$ 107,002</u></u>
 FTE positions	 1,858.3	 1,858.3	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,858.3</u></u>	<u><u>1,858.3</u></u>	<u><u>0.0</u></u>

Agency Request

The Judicial Branch requests a FY 2013 operating budget of \$135.0 million, an all funds increase of \$5.9 million, or 4.6 percent, above the revised FY 2012 agency estimate. The request includes State General Fund expenditures of \$109.9 million, an increase of \$7.6 million, or 7.4 percent, above the revised FY 2012 estimate. The request would finance 1,858.3 FTE positions, an increase of 2.8 FTE positions above the revised FY 2012 estimate. The special revenue fund request is \$25.2 million, a reduction of \$1.7 million, or 6.3 percent, below the revised FY 2012 agency estimate. The reductions are attributable to the lack of ARRA funding for JAG Violence Against Women Grants in FY 2013. There is also a reduction of \$750,000 in the Surcharge Fund as there is no transfer from the Judicial Performance Fund which was directed by the legislature.

The Judicial Branch is recommending expenditures from the Judiciary Technology Fund to be reduced by \$175,000 due to exhaustion of the fund's resources. In addition, the Judicial Branch is recommending a further reduction of \$105,613 for undermarket salary adjustments for non-judicial officers and employees of the district courts. The current Judicial Branch estimate assumes the surcharge on docket fees created by SB 97 will be extended into FY 2013, legislation would need to be enacted to effect that change.

Governor's Recommendation

The **Governor** recommends a FY 2013 operating budget of \$133.2 million, including \$107.5 million from the State General Fund. The recommendation is a State General Fund total reduction of \$2,394,800, or 2.2 percent, from the FY 2013 agency request. The State General Fund reduction is attributable to recommendations against the Judiciary enhancement requests for the e-filing program of \$1,834,800 and the construction of two judicial suites to relocate the appellate court justices (\$230,501). The construction of the judicial suites appears as a capital improvement request.

The Governor also recommends reducing the State General Fund appropriation to the Judiciary by \$560,000 and replacing the funds with docket fees designated for the Center for Police Officer Standards and Training (CPOST) after the recommended dissolution of that entity. CPOST is currently supported by a surcharge on docket fees and Legislative action would need to be taken to halt that funds transfer.

Senate Subcommittee Recommendation

The **Senate Subcommittee** concurs with the Governor's recommendations with the following adjustments and recommendations:

1. Transfer \$107,002 to the Judicial Branch Surcharge Fund, all from special revenue funds in the Judicial Council, for partial funding of the e-filing project recommended by the Blue Ribbon Commission for FY 2013.
2. The Subcommittee recommends that the Legislature consider appropriating \$994,004 in FY 2014, \$263,004 in FY 2015 and \$42,752 in FY 2016 for a total of \$1.4 million to complete the e-filing project.
3. The subcommittee notes that Senate Bill 322, currently in the Senate Judiciary Committee, extends the authority for the court to impose a surcharge on docket fees into FY 2013. The Judicial Branch budget is based on the assumption that the authority is extended into FY 2013 and if it is not passed the agency will need to reduce approximately \$11.9 million from the budget.

Senate Subcommittee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Dear

Analysis Pg. No. --

Budget Page No. 182

Expenditure Summary	Agency Request FY 2013	Governor Recommendation FY 2013	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,246,360	522,448	84,777
Subtotal	\$ 1,246,360	\$ 522,448	\$ 84,777
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
TOTAL	\$ 1,246,360	\$ 522,448	\$ 84,777
FTE positions	7.0	4.0	1.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	7.0	4.0	1.0

Agency Request

The **agency** requests FY 2013 operating expenditures of \$1,246,360, all from special revenue funds. The request is an increase of \$657,531, or 111.7 percent, above the revised FY 2012 estimate. The increase is attributable to the enhancement request of \$639,135, all from the Judicial Performance Fee fund, restarting the Judicial Performance Reviews and an enhancement request of \$84,777 for a staff attorney. The requested enhancement adds 3.0 FTE positions for the Judicial Council. Absent legislative action, 3.54 percent of total docket fees will continue to be directed to the Judicial Performance Fund. The request includes funding for 7.0 FTE positions.

Governor's Recommendation

The **Governor** recommends FY 2013 operating expenditures of \$522,448, a reduction of \$66,381, or 11.3 percent, below the FY 2012 Governor's recommendation. The recommendation is a decrease of \$723,912, or 58.1 percent, below the FY 2013 agency request. The reduction of \$66,381 from the FY 2012 Governor's recommendation is attributable to the end of the weighted caseload study. The agency has been funding the weighted caseload study as part of the Pegasus Project in the Judicial Branch which will end in FY 2011. The Governor further recommends not funding the agency enhancement requests of \$639,135 to restart Judicial Performance Reviews. The Legislature terminated Judicial Performance reviews in the 2011 Legislature by transferring funds for the reviews to the Judicial Branch. Absent

Legislative modification of existing statutory law, docket fees will continue to be deposited in the Judicial Performance Fund. The Governor also recommends not funding the agency enhancement request (\$84,777) to retain an additional Staff Attorney.

Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's Recommendation with the following adjustment:

1. Transfer \$84,777 to the Judicial Council Fee Fund, all from other Special Revenue Funds in the Judicial Council, and add 1.0 FTE position to retain an additional staff attorney for the Judicial Council. The agency indicates that the demand for its services has increased, including: new advisory committees, publication of the Pattern Instructions for Kansas-Civil and the Kansas Appellate Practice Handbook and maintaining internet access to both its free and subscription based services. The enhancement would also allow the agency to hold eight additional subcommittee meetings to address new and emerging areas of law.

JUDICIAL BRANCH

Expenditure	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Operating Expenditures:					
State General Fund	\$ 100,914,426	\$ 102,290,132	\$ 102,290,132	\$ 109,876,438	\$ 107,481,638
Other Funds	22,174,033	26,839,188	26,839,188	25,156,349	25,716,349
TOTAL	\$ 123,088,459	\$ 129,129,320	\$ 129,129,320	\$ 135,032,787	\$ 133,197,987
Capital Improvements:					
State General Fund	\$ 0	\$ 0	\$ 0	\$ 430,000	\$ 199,499
Other Funds	0	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 430,000	\$ 199,499
GRAND TOTAL	\$ 123,088,459	\$ 129,129,320	\$ 129,129,320	\$ 135,462,787	\$ 133,397,486

Percentage Change:

Operating Expenditures					
State General Fund	(0.2) %	1.4 %	1.4 %	7.4 %	5.1 %
All Funds	2.1	4.9	4.9	4.6	3.2
FTE Positions	1,855.3	1,855.3	1,855.3	1,858.3	1,858.3
Non-FTE Perm.Uncl.Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	1,855.3	1,855.3	1,855.3	1,858.3	1,858.3

AGENCY OVERVIEW

The Kansas Constitution vests the judicial power of the state in one court of justice which is divided into the Supreme Court, district courts, and other courts as provided by law. The Supreme Court has general administrative authority over all the courts in the state. The Judicial Branch's budget includes funding for the Supreme Court, the Court of Appeals, personnel costs of the district courts and some funding for technology, and a number of judicial and professional review boards and commissions. Most non-salary costs of the district courts are funded by the counties.

MAJOR ISSUES FROM PRIOR YEARS

Legislation enacted in 2001 expanded the Court of Appeals from 10 to 14 members by adding one judge each year from 2003 to 2006. However, the original legislation has been amended twice since then, once in 2003 to delay the expansion by one year due to the revenue shortfalls and, most recently, in 2005 at the request of the Court in order to give it more time to assess its needs for additional judges. Legislation enacted in 2006 delayed the creation of the 13th judge position to January 2008, and the 14th judge position was scheduled to be filled in January 2009. Legislation enacted in 2008 delayed the 14th judge position until January 2010. During the 2009 Session, SB 66 was passed which again delayed the position until January 2011.

The Judicial Branch is authorized to carry forward any State General Fund savings from one fiscal year to the next. The Judicial Branch also has no position limitation, allowing positions to be added within available resources.

Legislation enacted in 2003 provides that the budget of the Judicial Branch will be submitted to the Legislature and may not be revised by the Director of the Division of the Budget. The budget, as submitted, must be included in the Governor's Budget Report. The practice of the Governor is to include the Judicial Branch budget, as requested, and also to include the Judicial Branch's current service budget (excluding enhancements) in the existing resources budget.

The **2006 Legislature** passed SB 337 which increased the salary of judges on the Court of Appeals by \$2,000 per year. The bill also increased the salary for district court judges and magistrate judges by \$9,000 per year.

The **2007 Legislature** approved salary increases of \$7,000 for judges of the Court of Appeals and \$9,000 for Supreme Court Justices, but these salaries were exempt from the 2.0 percent cost of living adjustment approved that year.

The **2008 Legislature** approved the addition of 9.0 FTE positions and funding to support the positions. The positions were for one judge in the 2nd Judicial District (Jackson, Jefferson, Pottawatomie and Wabaunsee counties) and two judges in the 18th Judicial District (Sedgwick county). The additional 6.0 FTE were for a court reporter and administrative assistant for each judge. In addition, the Legislature approved \$3.8 million from the Nonjudicial Salary Adjustment Fund which was established in 2008 HB 2968. This fund receives revenue from a \$9 increase in docket fees to fund the first year of the market pay plan for nonjudicial employees.

The **2009 Legislature** passed SB 66 which allowed the Kansas Supreme Court to establish a surcharge of up to \$10 per fee, for a series of fees, for costs for non-judicial personnel. Funds are deposited in the state treasury and credited to the Judicial Branch Surcharge Fund. In addition, the bill delayed implementation of the 14th Court of Appeals judge and staff until January 2011.

The **2010 Legislature** deleted \$16.8 million from the Judicial Branch FY 2011 operating budget through operating reductions of \$12.3 million, recommendations against enhancement requests of \$4.4 million, and a moratorium on KPERS Death and Disability payment. The Legislature added \$5.0 million in additional State General Fund monies to carry forward the emergency surcharge from FY 2010 to FY 2011. The \$5.0 million did not prevent the Judicial Branch from implementing a 4-day furlough in FY 2010. However, under the Shared Work

Program offered by the Kansas Department of Labor, nonjudicial employees were compensated 20.0 percent of the unemployment benefits they would have received if they had lost their jobs.

The **2011 Legislature** reduced the Judicial Branch State General Fund budget by \$5.8 million for FY 2012 in an attempt to hold the operations budget flat between FY 2011 and FY 2012. Senate Bill 97 extended the surcharge on docket fees into FY 2012 and increased it by 25.0 percent for a special revenue fund increase of \$1.9 million. The bill also delayed the 14th Court of Appeals Judge until FY 2013 and lapsed the funds requested for its implementation. The Legislature also suspended the Judicial Performance Program of the Judicial Council and transferred \$778,518 of the funding for that program to the Judicial Surcharge Fund to support Judicial Branch operations.

BUDGET SUMMARY AND KEY POINTS

FY 2012 – Current Year. The **Judicial Branch** requests FY 2012 operating expenditures of \$129.1 million, an increase of \$1.3 million, or 1.0 percent, above the amount approved by the 2011 Legislature. The revised estimate for the State General Fund is equivalent to the amount approved after reappropriation. The reappropriated funds are offsetting the \$3.0 million across the board reduction applied to the Judicial Branch by the 2011 Legislature which was taken in contractual services costs and are being used for salary and wage costs. The Judicial Branch is currently operating with 80 vacant, funded FTE positions for 1,775.3 total FTE.

The revised estimate includes special revenue fund expenditures of \$26.8 million, an increase of \$1.3 million, or 4.9 percent, above the approved amount. The increases include \$997,485 from the Judicial Branch Surcharge Fund. The increase was partially funded by the transfer of \$778,518 from the Judicial Performance fund of the Judicial Council. The funds are being used for appellate and district court salaries as is required by statute.

The estimate includes \$421,000 in Edward Byrne Memorial Justice Assistance Grants (JAG) that were not previously available. The JAG grants are being used to fund e-filing costs that were previously being funded from the Surcharge Fund monies that have been allocated for salaries and wages. There are also \$180,170 in increased estimated expenditures from the Judiciary Technology Fund used to support the courts IT infrastructure and \$106,860 from the District Magistrate Judge Supplemental Compensation Fund. The District Magistrate Judge Supplemental Compensation Fund is a flow through fund supported by the counties to supplement Magistrate Judge compensation. The increases reflects a decision that a prior procedure to classify compensation as temporary pay was not allowable and the funds were reclassified as wages.

The increases are partially offset by reduction in expenditures from the Access to Justice Fund which provides grants to Kansas Legal Services and other programs providing alternative dispute resolution and legal support services for low-income Kansans. A reduction in the Correctional Supervision Fund used to train court services officers to administer the risk-assessment tool called the Level of Services Inventory, Revised (LSI-R) and to implement evidence-based practices. A reduction in American Recovery and Reinvestment Act (ARRA) Violence Against Women grants which provide educational services and enhance dialogue over domestic and sexual violence issues. Finally, the estimate includes a reduction in expenditures from the Non-Judicial Salary Adjustment Fund of \$236,306 which is used to fund undermarket salary adjustments for non-judicial officers and employees of the district courts. The reduction is attributable to fund depletion caused by dropping docket fee revenue.

The **Governor** concurs with the agency estimate.

FY 2013 – Budget Year. The **Judicial Branch** requests a FY 2013 operating budget of \$135.0 million, an all funds increase of \$5.9 million, or 4.6 percent, above the revised FY 2012 agency estimate. The request includes State General Fund expenditures of \$109.9 million, an increase of \$7.6 million, or 7.4 percent, above the revised FY 2012 estimate. The request would finance 1,858.3 FTE positions, an increase of 2.8 FTE positions above the revised FY 2012 estimate.

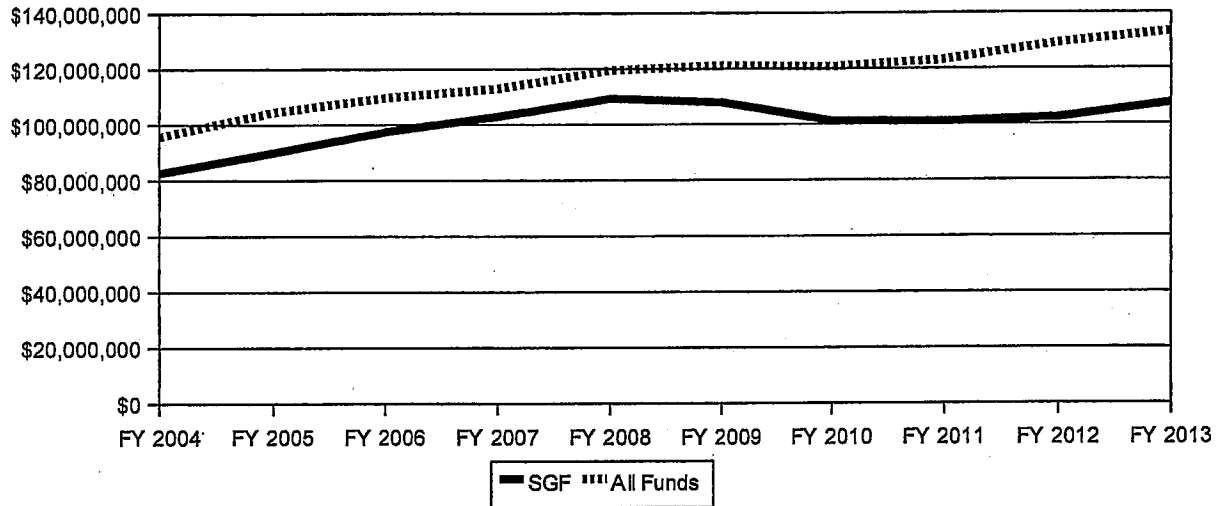
The special revenue fund request is \$25.2 million, a reduction of \$1.7 million, or 6.3 percent, below the revised FY 2012 agency estimate. The reductions are attributable to the lack of ARRA funding for JAG Violence Against Women Grants in FY 2013. There is also a reduction of \$750,000 in the Surcharge Fund as there is no transfer from the Judicial Performance Fund which was directed by the legislature. The Judicial Branch is recommending expenditures from the Judiciary Technology Fund to be reduced by \$175,000 due to exhaustion of the fund's resources. In addition, the Judicial Branch is recommending a further reduction of \$105,613 for undermarket salary adjustments for non-judicial officers and employees of the district courts. The current Judicial Branch estimate assumes the surcharge on docket fees created by SB 97 will be extended into FY 2013, legislation would need to be enacted to effect that change.

The **Governor** recommends a FY 2013 operating budget of \$133.2 million, including \$107.5 million from the State General Fund. The recommendation is a State General Fund total reduction of \$2,394,800, or 2.2 percent, from the FY 2013 agency request. The State General Fund reduction is attributable to recommendations against the Judiciary enhancement requests for the e-filing program of \$1,834,800 and the construction of two judicial suites to relocate the appellate court justices (\$230,501). The construction of the judicial suites appears as a capital improvement request.

The Governor also recommends reducing the State General Fund appropriation to the Judiciary by \$560,000 and replacing the funds with docket fees designated for the Center for Police Officer Standards and Training (CPOST) after the recommended dissolution of that entity. CPOST is currently supported by a surcharge on docket fees and Legislative action would need to be taken to halt that funds transfer.

BUDGET TRENDS

OPERATING EXPENDITURES FY 2004 – FY 2013



OPERATING EXPENDITURES FY 2004 – FY 2013

Fiscal Year	SGF	% Change	All Funds	% Change	FTE
2004	\$ 82,657,720	2.3 %	\$ 95,770,352	1.5 %	1,809.3
2005	90,015,002	8.9	104,473,618	9.1	1,829.3
2006	97,473,806	8.3	109,670,885	5.0	1,830.3
2007	102,927,084	5.6	112,989,354	3.0	1,843.3
2008	109,321,166	6.2	119,467,329	5.7	1,858.3
2009	107,841,890	(1.4)	121,038,270	1.3	1,855.3
2010	101,166,366	(6.2)	120,588,757	(0.4)	1,855.3
2011	100,914,426	(0.2)	123,088,459	2.1	1,855.3
2012 Gov. Rec.	102,290,132	1.4	129,129,320	4.9	1,855.3
2013 Gov. Rec.	107,481,638	5.1	133,197,987	3.2	1,858.3
Ten-Year Change Dollars/Percent	\$ 24,823,918	30.0 %	\$ 37,427,635	39.1 %	49.0

Summary of Operating Budget FY 2011 - FY 2013

	Agency Request				Governor's Recommendation				
	Actual 2011	Estimate FY 2012	Request FY 2013	Dollar Change from FY 12	Percent Change from FY 12	Rec. FY 2012	Rec. FY 2013	Dollar Change from FY 12	Percent Change from FY 12
By Program:									
Appellate Courts	\$ 17,621,513	\$ 19,710,585	\$ 20,497,517	\$ 786,932	4.0 %	\$ 19,710,585	\$ 18,662,717	\$ (1,047,868)	(5.3)%
District Courts	105,182,045	109,080,560	114,193,480	5,112,920	4.7	109,080,560	114,193,480	5,112,920	4.7
Judicial & Professional	284,901	338,175	341,790	3,615	1.1	338,175	341,790	3,615	1.1
TOTAL	\$ 123,088,459	\$ 129,129,320	\$ 135,032,787	\$ 5,903,467	4.6 %	\$ 129,129,320	\$ 133,197,987	\$ 4,068,667	3.2 %
By Major Object of Expenditure:									
Salaries and Wages	\$ 117,747,622	\$ 122,331,379	\$ 127,539,486	\$ 5,208,107	4.3 %	\$ 122,331,379	\$ 127,539,486	\$ 5,208,107	4.3 %
Contractual Services	3,447,421	4,288,400	4,913,751	625,351	14.6	4,288,400	3,628,951	(659,449)	(15.4)
Commodities	377,609	358,099	370,193	12,094	3.4	358,099	370,193	12,094	3.4
Capital Outlay	57,908	855,129	864,424	9,295	1.1	855,129	314,424	(540,705)	(63.2)
Subtotal - Operations	\$ 121,630,560	\$ 127,833,007	\$ 133,687,854	\$ 5,854,847	4.6 %	\$ 127,833,007	\$ 131,853,054	\$ 4,020,047	3.1 %
Aid to Local Units	223,075	173,000	198,120	25,120	14.5	173,000	198,120	25,120	14.5
Other Assistance	1,234,824	1,123,313	1,146,813	23,500	2.1	1,123,313	1,146,813	23,500	2.1
TOTAL	\$ 123,088,459	\$ 129,129,320	\$ 135,032,787	\$ 5,903,467	4.6 %	\$ 129,129,320	\$ 133,197,987	\$ 4,068,667	3.2 %
Financing:									
State General Fund	\$ 100,914,426	\$ 102,290,132	\$ 109,876,438	\$ 7,586,306	7.4 %	\$ 102,290,132	\$ 107,481,638	\$ 5,191,506	5.1 %
Non-Judicial Salary Intervention Fund	3,370,127	3,511,643	3,488,664	(22,979)	(0.7)	3,511,643	3,488,664	(22,979)	(0.7)
Non-Judicial Salary Adjustment Fund	4,420,304	4,102,885	3,997,272	(105,613)	(2.6)	4,102,885	3,997,272	(105,613)	(2.6)
Surcharge Fund	8,585,675	11,897,252	11,149,406	(747,846)	(6.3)	11,897,252	11,149,406	(747,846)	(6.3)
Child Support Enforcement Fund	1,753,908	2,243,714	2,311,503	67,789	3.0	2,243,714	2,311,503	67,789	3.0
Bar Admission Fee Fund	231,322	272,988	276,350	3,362	1.2	272,988	276,350	3,362	1.2
All Other Funds	3,812,697	4,810,706	3,933,154	(877,552)	(18.2)	4,810,706	4,493,154	(317,552)	(6.6)
TOTAL	\$ 123,088,459	\$ 129,129,320	\$ 135,032,787	\$ 5,903,467	4.6 %	\$ 129,129,320	\$ 133,197,987	\$ 4,068,667	3.2 %

Judicial Branch

BUDGET OVERVIEW

A. FY 2012 – Current Year

Adjustments to Approved State General Fund Budget

The 2011 Legislature approved a State General Fund budget of \$102.0 million for the Judicial Branch in FY 2012. An adjustment has subsequently been made to that amount for reappropriated funds.

- An increase of \$336,894, based on the reappropriation of FY 2011 funding which was not spent in FY 2011 and has shifted to FY 2012

This adjustment changes the FY 2012 approved State General Fund to \$102.3 million. That amount is reflected in the table below as the currently approved FY 2012 State General Fund amount.

	CHANGE FROM APPROVED BUDGET				
	Approved 2011 Legislature	Agency Estimate FY 2012	Agency Change from Approved	Governor Rec. FY 2012	Governor Change from Approved
State General Fund	\$ 102,290,132	\$ 102,290,132	\$ 0	\$ 102,290,132	\$ 0
All Other Funds	25,587,560	26,839,188	1,251,628	26,839,188	1,251,628
TOTAL	\$ 127,877,692	\$ 129,129,320	\$ 1,251,628	\$ 129,129,320	\$ 1,251,628
FTE Positions	1,855.3	1,855.3	0.0	1,855.3	0.0

The **Judicial Branch** requests FY 2012 operating expenditures of \$129.1 million, an increase of \$1.3 million, or 1.0 percent, above the amount approved by the 2011 Legislature. The revised estimate for the State General Fund is equivalent to the amount approved after reappropriation. The reappropriated funds are partially offsetting the \$3.0 million across the board reduction applied to the Judicial Branch by the 2011 Legislature which was taken in contractual services costs and are being used for salary and wage costs. The Judicial Branch is currently operating with 80 vacant, funded FTE positions for 1,775.3 total FTE.

The revised estimate includes special revenue fund expenditures of \$26.8 million, an increase of \$1.3 million, or 4.9 percent, above the approved amount. The increases include \$997,485 from the Judicial Branch Surcharge Fund. The increase was partially funded by the transfer of \$778,518 from the Judicial Performance fund of the Judicial Council. The funds are being used for appellate and district court salaries as is required by statute.

The estimate includes \$421,000 in Edward Byrne Memorial Justice Assistance Grants (JAG) that were not previously available. The JAG grants are being used to fund e-filing costs that were previously being funded from the Surcharge Fund monies that have been allocated for salaries and wages. There are also \$180,170 in increased estimated expenditures from the Judiciary Technology Fund used to support the courts IT infrastructure and \$106,860 from the District Magistrate Judge Supplemental Compensation Fund. The District Magistrate Judge Supplemental Compensation Fund is a flow through fund supported by the counties to

supplement Magistrate Judge compensation. The increases reflects a decision that a prior procedure to classify compensation as temporary pay was not allowable and the funds were reclassified as wages.

The increases are partially offset by reduction in expenditures from the Access to Justice Fund which provides grants to Kansas Legal Services and other programs providing alternative dispute resolution and legal support services for low-income Kansans. A reduction in the Correctional Supervision Fund used to used to train court services officers to administer the risk-assessment tool called the Level of Services Inventory, Revised (LSI-R) and to implement evidence-based practices. A reduction in American Recovery and Reinvestment Act (ARRA) Violence Against Women grants which provide educational services and enhance dialogue over domestic and sexual violence issues. Finally, the estimate includes a reduction in expenditures from the Non-Judicial Salary Adjustment Fund of \$236,306 which is used to fund undermarket salary adjustments for non-judicial officers and employees of the district courts. The reduction is attributable to fund depletion caused by dropping docket fee revenue.

- **Salaries and Wages:** The Judicial Branch requests \$122.3 million for salaries and wages, an increase of \$65,137, or 0.1 percent, above the FY 2012 approved amount.
- **Contractual Services:** The Judicial Branch requests \$4.3 million for contractual services, an increase of \$1.7 million, or 66.2 percent, above the FY 2012 approved amount. The Judicial Branch took the majority of the State General Fund reduction directed by the Legislature in contractual services and used additional surcharge revenue to backfill that reduction. The agency revised estimate of \$4.3 million is a \$500,000 reduction from the 2012 approved amount.
- **Commodities:** The Judicial Branch requests \$358,099 for commodities, a decrease of \$85,111, or 19.2 percent, below the FY 2012 approved amount.
- **Capital Outlay:** The Judicial Branch requests \$855,129 for capital outlay, an increase of \$140,536, or 19.7 percent, above the FY 2012 approved amount. The increase is attributable to the e-filing program. The program is part of the streamlining of the court system proposed by the Chief Justice. The agency does not currently have a time line on when the State can expect to see savings from the implementation of e-filing.
- **Aid to Locals:** The Judicial Branch requests \$173,000 for the aid to locals budget, a decrease of \$52,000 or 23.1 percent, below the FY 2012 approved amount. This expenditure category supports the Citizen Review Boards which are comprised of community volunteers to examine cases of suspected abuse or neglect of children and make a recommendation to the presiding judge.
- **Other Assistance:** The Judicial Branch requests \$1.1 million for other assistance, a decrease of \$188,588, or 14.4 percent, below the FY 2012 approved amount. This category supports the Court Appointed Special Advocate Program which utilizes volunteers to help children in the welfare system secure a permanent home.

The **Governor** concurs with the FY 2012 Judiciary estimate. The Governor is statutorily required to submit the Judicial Branch Budget to the Legislature as received.

B. FY 2013– Budget Year

FY 2013 OPERATING BUDGET SUMMARY			
	<u>Agency Request</u>	<u>Governor's Recommendation</u>	<u>Difference</u>
Total Request/Recommendation	\$ 135,032,787	\$ 133,197,987	\$ (1,834,800)
FTE Positions	1,858.3	1,858.3	0.0
Change from FY 2012:			
<i>Dollar Change:</i>			
State General Fund	\$ 7,586,306	\$ 5,191,506	
All Other Funds	(1,682,839)	(1,122,839)	
TOTAL	\$ 5,903,467	\$ 4,068,667	
<i>Percent Change:</i>			
State General Fund	7.4 %	5.1 %	
All Other Funds	(6.3)	(4.2)	
TOTAL	4.6 %	3.2 %	
Change in FTE Positions	3.0	3.0	

The **Judicial Branch** requests a FY 2013 operating budget of \$135.0 million, an all funds increase of \$5.9 million, or 4.6 percent, above the revised FY 2012 agency estimate. The request includes State General Fund expenditures of \$109.9 million, an increase of \$7.6 million, or 7.4 percent, above the revised FY 2012 estimate. The request would finance 1,858.3 FTE positions, an increase of 2.8 FTE positions above the revised FY 2012 estimate.

The special revenue fund request is \$25.2 million, a reduction of \$1.7 million, or 6.3 percent, below the revised FY 2012 agency estimate. The reductions are attributable to the lack of ARRA funding for JAG Violence Against Women Grants in FY 2013. There is also a reduction of \$750,000 in the Surcharge Fund as there is no transfer from the Judicial Performance Fund which was directed by the legislature. The Judicial Branch is recommending expenditures from the Judiciary Technology Fund to be reduced by \$175,000 due to exhaustion of the fund's resources. In addition, the Judicial Branch is recommending a further reduction of \$105,613 for undermarket salary adjustments for non-judicial officers and employees of the district courts. The current Judicial Branch estimate assumes the surcharge on docket fees created by SB 97 will be extended into FY 2013, legislation would need to be enacted to effect that change.

- **Salaries and Wages:** The Judicial Branch requests \$127.5 million for salaries and wages, an increase of \$5.2 million, or 4.3 percent, above the FY 2012 revised estimate. The increase attributable to the following: An increase in temporary employee expenditures (\$488,000), half a year of salary and benefit costs for the 14th Court of Appeals Judge and staff (\$149,880), Judicial Retirement (\$730,870), KPERS employer contributions (\$648,968), employer health insurance contributions

(\$1,076,426), and step movement (\$699,828). The Judicial Branch indicates that the increase in temporary pay is to allow District Court personnel to use sick and vacation time. The Judicial Branch also reduced its budgeted shrinkage from \$3.8 million to \$2.6 million, a reduction of \$1.2 million. The Judicial Branch maintained 80 vacant and funded FTE positions between FY 2012 and FY 2013. The Judicial Branch has indicated a desire to fill 31.5 of the 80 vacant FTE positions in FY 2013.

- **Contractual Services:** The Judicial Branch requests \$4.9 million for contractual services, an increase of \$625,351 million, or 14.6 percent, above the FY 2012 revised estimate. The increase is predominantly attributable to fees for professional services (\$452,223) and repairing and servicing of equipment (\$225,000). Both of these expenditure are related to the e-filing initiative.
- **Commodities:** The Judicial Branch requests \$370,193 for commodities, an increase of \$12,094, or 3.4 percent, above the FY 2012 revised estimate. The increase is due to professional scientific supplies.
- **Capital Outlay:** The Judicial Branch requests \$864,424 for capital outlay, an increase of \$9,295, or 1.1 percent, above the FY 2012 revised estimate.
- **Aid to Local Units:** The Judicial Branch requests \$198,120 for Aid to Local Units of Government, an increase of \$25,120, or 14.5 percent, above the FY 2012 revised estimate. This expenditure category supports the Citizen Review Boards which are comprised of community volunteers to examine cases of suspected abuse or neglect of children and make a recommendation to the presiding judge.
- **Other Assistance:** The Judicial Branch requests \$1.1 million for other assistance, an increase of \$23,500, or 2.1 percent, above the FY 2012 revised estimate. This category supports the Court Appointed Special Advocate Program which utilizes volunteers to help children in the welfare system secure a permanent home.

The **Governor** recommends a FY 2013 operating budget of \$133.2 million, including \$107.5 million from the State General Fund. The recommendation is a State General Fund total reduction of \$2,394,800, or 2.2 percent, from the FY 2013 agency request. The State General Fund reduction is attributable to recommendations to not fund the Judiciary enhancement requests for the e-filing program of \$1,834,800 and the construction of two judicial suites to relocate the appellate court justices (\$230,501). The construction of the judicial suites appears as a capital improvement request.

The Governor also recommends reducing the State General Fund appropriation to the Judiciary by \$560,000 and replacing the funds with docket fees designated for the Center for Police Officer Standards and Training (CPOST) after the recommended dissolution of that entity. CPOST is currently supported by a surcharge on docket fees and Legislative action would need to be taken to halt that fund transfer.

FY 2013 ENHANCEMENTS						
Enhancements	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
E-Filing Initiative	\$ 1,834,800	\$ 1,834,800	0.0	\$ 0	\$ 0	0.0
Appeals Court Remodel	230,501	230,501	0.0	0	0	0.0
TOTAL	\$ 2,065,301	\$ 2,065,301	0.0	\$ 0	\$ 0	0.0

Enhancements Detail

The Judicial Branch is requesting \$2.1 million, all from the State General Fund, to support two enhancements in FY 2013, including:

- E-Filing Initiative - The Judicial Branch requests \$1.8 million, all from the State General Fund for E-filing in FY 2013. The \$1.8 million is comprised of computer servers (\$225,000), e-filing software (\$325,000), repairing of servicing of e-filing equipment (\$225,000), travel (\$34,800), other professional services (\$1.02 million).
- Appeals Court Remodel - The Judicial Branch is requesting \$230,501 to relocate two Appellate Court Justice Offices to the same floor as the other eleven justices. This remodel request is separate from the \$199,499 included in the capital outlay budget to build the office for the 14th Court of Appeals Justice.

The **Governor** does not recommend the Judiciary enhancement requests.

FY 2013 REDUCED RESOURCES
The Judicial Branch is not required to submit a reduced resources budget.

Governor's Recommended Salary and Wage Adjustments

State Employee Pay Increases. The Governor's FY 2013 recommendation does not include a base salary adjustment for state employees.

Classified Employee Pay Plan. During the 2007 interim, the State Employee Compensation Oversight Commission was charged with the development of a new pay plan for classified employees for the Governor, Chief Justice of the Supreme Court and 2008 Legislature to consider. The Commission endorsed the recommendation of the Hay Group that five separate pay plans be created for state employees in the classified service, with different opportunities for pay increases to acknowledge the different types of work performed. The time frame to fully implement the recommended plan was five years. Under the plan, the classified employees were divided into three groups to first address those with the greatest salary disparity to the market rate. The 2008 Legislature appropriated \$8.5 million from the State General Fund for FY 2009, the first year of the program. The 2008 Legislature also appropriated \$8.5 million from the State General Fund for each year from FY 2010 through FY 2013 to the State Finance Council. The 2011 Legislature, however, lapsed the \$8.5 million which had been previously appropriated for both FY 2012 and FY 2013. To date, not action has been taken to implement the new pay plans or the evaluation provisions of the pay plans.

Longevity Bonus Payments. For FY 2013, the Governor recommends the continuation of the current "temporary" longevity bonus payment program. The recommendation provides for a bonus of \$50 per year of service, with a 10-year minimum (\$500) and a 25-year maximum (\$1,250). The current statutory provisions of the longevity bonus payment are \$40 per year of service, with a 10-year minimum (\$400), and a 25-year maximum (\$1,000). Classified employees hired after June 15, 2008 are not eligible for longevity bonus payments. The estimated cost for the recommended FY 2013 payments is \$12.0 million, including \$4.9 million from the State General Fund. For this agency, longevity payments total \$921,704, including \$767,191 from the State General Fund.

Kansas Public Employees Retirement System (KPERs) Rate Adjustments. A total of \$26.1 million, including \$22.2 million from the State General Fund, is included in the Governor's FY 2013 recommendations for KPERs adjustments. The FY 2013 rate for KPERs regular and school members will increase by 0.6 percent, from 8.77 percent to 9.37 percent, when compared to FY 2012. This increase is attributable to the annual statutory increase for financing the unfunded liability of the KPERs fund.

Voluntary Retirement Incentive Program. On August 2, 2011, a Voluntary Retirement Incentive Program was announced that provided incentives to eligible State of Kansas employees in the Executive Branch who elected to retire between August 2, 2011 and October 31, 2011. The intent was to provide incentives for employees to retire in order to generate salary and benefit savings in agency budgets. A total of 1,027 employees participated in the program. Employees were given two incentive options under the program. One was a one-time \$6,500 cash payment at the time of retirement that was not factored into final average salary for KPERs benefit calculations. This option was chosen by 214 employees. The second option, accepted by the other 813 employees, was a health insurance subsidy for up to 60 months of employee only coverage or up to 42 months for employee and dependent coverage. All coverage ceases once the former employee reaches 65 years of age. Agencies were advised they could refill only a portion of the positions vacated by the program. The refilled positions, however, were not to exceed 25.0 percent of the salaries of the vacant positions. Some exceptions were made to this limitation in order to ensure agencies continued to provide acceptable levels of service. After 651 selected positions (63.4 percent) were restored, 376.0 FTE positions (36.6 percent), and estimated savings of \$22.0 million, including \$6.6 million from the State General Fund, were deleted from agency budgets. For this agency, no positions or funds were deleted since the VRIP was an Executive Branch program only.

Funding Sources

Funding Source	Agency Req. Percent of Total FY 2013	Gov. Rec. Percent of Total FY 2013
State General Fund	81.4 %	80.7 %
Non-Judicial Salary Intervention Fund	2.6	2.6
Non-Judicial Salary Adjustment Fund	3.0	3.0
Surcharge Fund	8.2	8.2
Child Support Enforcement Fund	1.7	1.7
Bar Admission Fee Fund	0.2	0.2
All Other Funds	2.9	3.6
TOTAL	100.0 %	100.0 %

Note: Percentages may not add due to rounding.

Fee Fund Analysis - Judicial Branch Surcharge Fund

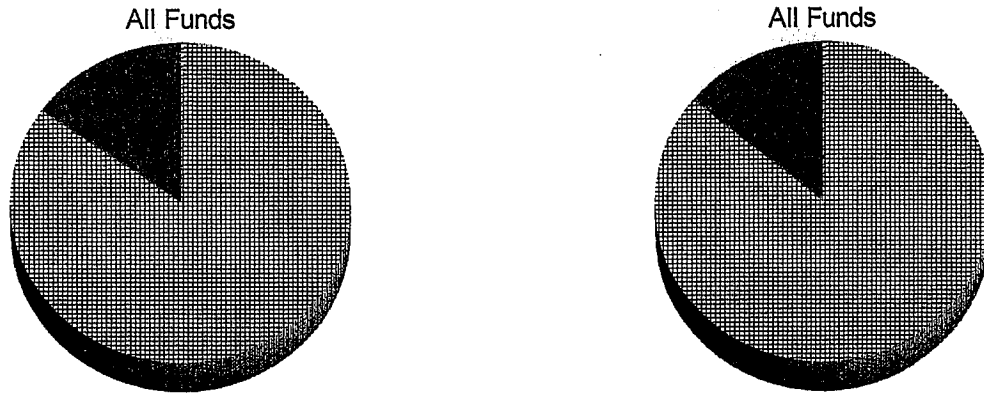
The 2009 Legislature authorized the Supreme Court to enact a new surcharge in FY 2009. The surcharge is approved on a year to year basis by the Legislature. In FY 2011, the Legislature extended the Surcharge through FY 2012 and increased the surcharge by 25.0 percent. Surcharge revenue is not considered to be a docket fee and is tracked separately from the fees and deposited in the Judicial Branch Surcharge Fund. In addition to surcharges, the Legislature transferred \$778,518 from the Judicial Performance Fund to the Judicial Branch Surcharge Fund in FY 2011.

Resource Estimate	Actual FY 2011	Agency Estimate FY 2012	Governor Rec. FY 2012	Agency Request FY 2013	Gov. Rec. FY 2013
Beginning Balance	\$ 542,588	\$ 828,226	\$ 559,492	\$ 559,492	\$ 290,758
Revenue	8,878,409	10,850,000	10,850,000	11,000,000	11,000,000
Transfers in	0	778,518	778,518	0	0
Total Funds Available	\$ 9,420,997	\$ 12,456,744	\$ 12,188,010	\$ 11,559,492	\$ 11,290,758
Less: Expenditures	8,585,675	11,897,252	11,897,252	11,149,406	11,149,406
Transfers Out	7,096	0	0	0	0
Off Budget Expenditures	0	0	0	0	0
Ending Balance	\$ 828,226	\$ 559,492	\$ 290,758	\$ 410,086	\$ 141,352
Ending Balance as Percent of Expenditures	9.6%	4.7%	2.4%	3.7%	1.3%

PROGRAM DETAIL

Expenditures by Program

Governor's FY 2012- 2013 Recommendation



Appellate Courts
 District Courts
 Judicial & Professional Review

Program	Gov. Rec. All Funds FY 2012	Percent of Total	Gov. Rec. All Funds FY 2013	Percent of Total
Appellate Courts	\$ 19,710,585	15.3 %	\$ 18,662,717	14.0 %
District Courts	109,080,560	84.5	114,193,480	85.7
Judicial and Professional Review	338,175	0.3	341,790	0.3
TOTAL	\$ 129,129,320	100.0 %	\$ 133,197,987	100.0 %

FTE POSITIONS BY PROGRAM – FY 2011- FY 2013

Program	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Appellate Courts	157.5	157.5	157.5	160.5	160.5
District Courts	1,695.8	1,695.8	1,695.8	1,695.8	1,695.8
Judicial and Professional Review	2.0	2.0	2.0	2.0	2.0
TOTAL	1,855.3	1,855.3	1,855.3	1,858.3	1,858.3

A. Administration - Appellate Courts

The Appellate Courts Program consist of the Supreme Court, which has 7 members, and the Court of Appeals, which currently has 13 members and will have an additional judge in January 2013, unless the Legislature elects to delay the implementation. This program division also includes the administrative units of the Office of Judicial Administration, Data Processing, the Clerk of the Appellate Court, the Appellate Reporter, and the Supreme Court Library.

APPELLATE COURTS PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 13,163,883	\$ 13,943,529	\$ 13,943,529	\$ 14,056,941	\$ 14,056,941
Contractual Services	2,575,224	3,271,614	3,271,614	3,875,380	2,590,580
Commodities	366,599	344,000	344,000	355,839	355,839
Capital Outlay	57,908	855,129	855,129	864,424	314,424
Subtotal - Operating	<u>\$ 16,163,614</u>	<u>\$ 18,414,272</u>	<u>\$ 18,414,272</u>	<u>\$ 19,152,584</u>	<u>\$ 17,317,784</u>
Aid to Local Units	223,075	173,000	173,000	198,120	198,120
Other Assistance	1,234,824	1,123,313	1,123,313	1,146,813	1,146,813
TOTAL	<u><u>\$ 17,621,513</u></u>	<u><u>\$ 19,710,585</u></u>	<u><u>\$ 19,710,585</u></u>	<u><u>\$ 20,497,517</u></u>	<u><u>\$ 18,662,717</u></u>
Financing:					
State General Fund	\$ 12,284,996	\$ 13,043,321	\$ 13,043,321	\$ 14,867,485	\$ 13,032,685
All Other Funds	5,336,517	6,667,264	6,667,264	5,630,032	5,630,032
TOTAL	<u><u>\$ 17,621,513</u></u>	<u><u>\$ 19,710,585</u></u>	<u><u>\$ 19,710,585</u></u>	<u><u>\$ 20,497,517</u></u>	<u><u>\$ 18,662,717</u></u>
FTE Positions	157.5	157.5	157.5	160.5	160.5
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u><u>157.5</u></u>	<u><u>157.5</u></u>	<u><u>157.5</u></u>	<u><u>160.5</u></u>	<u><u>160.5</u></u>

The Appellate Courts Program requests operating expenditures of \$20.5 million, including \$14.9 million from the State General Fund, for FY 2013. This is a State General Fund increase of \$1.9 million, or 14.0 percent, above the revised FY 2012 estimate. The request is an special revenue fund reduction of \$1.0 million, or 15.6 percent, below the FY 2012 estimate.

- **Salaries and Wages:** The Appellate Courts request \$14.1 million for salaries and wages, an increase of \$113,412, or 0.8 percent, above the FY 2012 revised estimate. The increase is attributable to state contributions for group health and hospitalization, salaries for the 14th Court of Appeals Judge, and retirement contributions for judges and staff; slightly offset a reduction in unemployment compensation.
- **Contractual Services:** The Appellate Courts request \$3.9 million for contractual services, an increase of \$603,766, or 18.5 percent, above the FY 2012 revised estimate. The increase is attributable to e-filing expenditures.
- **Capital Outlay:** The Appellate Courts request \$864,424 for capital outlay, an increase of \$9,295, or 1.1 percent, above the FY 2012 revised estimate. The increase is attributable to e-filing developmental costs.

The **Governor** recommends an Appellate Court Programs budget of \$18,662,717, a State General Fund reduction of \$1,834,800, or 12.3 percent, below the FY 2013 agency request. The reduction is attributable to recommendations to not fund the agency enhancement requests.

B. District Courts

Kansas has 31 judicial districts consisting of one or more counties. Each county has a district court and a resident judge. The salaries of district court judges and non-judicial personnel are paid by the state. The counties pay most all other operating expenditures with the exceptions of funding for the statewide court accounting system and the case management system. The Judicial Branch estimates that counties pay for approximately 20.0 percent of the total operating budget for the district courts. District court judges are constitutional officers with full judicial power over all cases filed with the district court. For FY 2012, there are 167.0 FTE judge positions and 79.0 FTE district magistrate judges. Magistrate judges have limited authority to hear traffic infractions, criminal misdemeanors, preliminary examination of felony charges, and certain civil matters.

DISTRICT COURTS PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 104,425,735	\$ 108,222,087	\$ 108,222,087	\$ 113,313,416	\$ 113,313,416
Contractual Services	749,743	852,049	852,049	873,435	873,435
Commodities	6,567	6,424	6,424	6,629	6,629
Capital Outlay	0	0	0	0	0
Subtotal - Operating	<u>\$ 105,182,045</u>	<u>\$ 109,080,560</u>	<u>\$ 109,080,560</u>	<u>\$ 114,193,480</u>	<u>\$ 114,193,480</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u><u>\$ 105,182,045</u></u>	<u><u>\$ 109,080,560</u></u>	<u><u>\$ 109,080,560</u></u>	<u><u>\$ 114,193,480</u></u>	<u><u>\$ 114,193,480</u></u>
Financing:					
State General Fund	\$ 88,589,238	\$ 89,195,649	\$ 89,195,649	\$ 94,957,563	\$ 94,397,563
All Other Funds	16,592,807	19,884,911	19,884,911	19,235,917	19,795,917
TOTAL	<u><u>\$ 105,182,045</u></u>	<u><u>\$ 109,080,560</u></u>	<u><u>\$ 109,080,560</u></u>	<u><u>\$ 114,193,480</u></u>	<u><u>\$ 114,193,480</u></u>
FTE Positions	1,695.8	1,695.8	1,695.8	1,695.8	1,695.8
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u><u>1,695.8</u></u>	<u><u>1,695.8</u></u>	<u><u>1,695.8</u></u>	<u><u>1,695.8</u></u>	<u><u>1,695.8</u></u>

The **District Courts Program** requests operating expenditures of \$114.2 million, including \$95.0 million from the State General Fund, for FY 2013. This is an increase of \$5.1 million, or 4.7 percent, above the revised FY 2012 estimate. The request is a State General Fund increase of \$5.8 million, or 6.5 percent, above the agency estimate and a special revenue fund decrease of \$648,994, or 3.3 percent, below the agency estimate.

- **Salaries and Wages:** The District Courts request \$113.3 million for salaries and wages, an increase of \$5.1 million, or 4.7 percent, above the FY 2012 revised estimate. The increase is attributable to the hiring of 38.5 employees, employee step

movement and state contributions for group health and hospitalization, KPERS and judicial retirement.

- **Contractual Services:** The District Courts request \$873,435 for contractual services, an increase of \$21,386, or 2.5 percent, above the FY 2012 revised estimate. The increase is attributable to increased expenditures for in-state travel and honorariums for speaking engagements.

The **Governor** concurs with the budgetary request of \$114.2 million but recommends a reduction of \$560,000, all from the State General Fund, to be offset by an increase of \$560,000 transferred from the CPOST (Commission on Peace Officers Standards and Training) Operating Fund after the recommended dissolution of that agency.

C. Judicial and Professional Review

The Judicial and Professional Review division consists of the Commission on Judicial Qualifications, the Judicial Nominating Commission, the Board of Law Examiners and the Board of Examiners of Court Reporters. The first two boards are funded from the State General Fund with the latter two funded from the Bar Administration Fee Fund and the Court Reporter Fund, respectively. The Board of Law Examiners has 2.0 FTE positions associated with it.

JUDICIAL AND PROFESSIONAL REVIEW SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 158,004	\$ 165,763	\$ 165,763	\$ 169,129	\$ 169,129
Contractual Services	122,454	164,737	164,737	164,936	164,936
Commodities	4,443	7,675	7,675	7,725	7,725
Capital Outlay	0	0	0	0	0
Subtotal - Operating	<u>\$ 284,901</u>	<u>\$ 338,175</u>	<u>\$ 338,175</u>	<u>\$ 341,790</u>	<u>\$ 341,790</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u><u>\$ 284,901</u></u>	<u><u>\$ 338,175</u></u>	<u><u>\$ 338,175</u></u>	<u><u>\$ 341,790</u></u>	<u><u>\$ 341,790</u></u>
Financing:					
State General Fund	\$ 40,192	\$ 51,162	\$ 51,162	\$ 51,390	\$ 51,390
All Other Funds	244,709	287,013	287,013	290,400	290,400
TOTAL	<u><u>\$ 284,901</u></u>	<u><u>\$ 338,175</u></u>	<u><u>\$ 338,175</u></u>	<u><u>\$ 341,790</u></u>	<u><u>\$ 341,790</u></u>
FTE Positions	2.0	2.0	2.0	2.0	2.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u><u>2.0</u></u>	<u><u>2.0</u></u>	<u><u>2.0</u></u>	<u><u>2.0</u></u>	<u><u>2.0</u></u>

The **Judicial and Professional Review Division** requests operating expenditures of \$341,790, including \$51,390 from the State General Fund, for FY 2013. This is an increase of \$3,615, or 1.1 percent, above the revised FY 2012 estimate and is attributable to fringe benefits for employees.

The **Governor** concurs with the agency request.

CAPITAL IMPROVEMENTS

CAPITAL IMPROVEMENTS				
Project	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
14th Court of Appeals Suite	\$ 0	\$ 0	\$ 199,499	\$ 199,499
Court of Appeals Remodel	0	0	230,501	0
TOTAL	\$ 0	\$ 0	\$ 430,000	\$ 199,499
Financing:				
State General Fund	\$ 0	\$ 0	\$ 430,000	\$ 199,499
All Other Funds	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 430,000	\$ 199,499

FY 2013– Budget Year. The Judiciary requests \$430,000, all from the State General Fund, for Capital Improvements in FY 2013. Included in the request is the construction of the Court of Appeals Suite for the 14th Judge and the relocation of two Appellate Court Justice Offices to the same floor as the other eleven justices. The relocation was submitted as an enhancement request. The construction of the additional suite was submitted as part of the regular Judicial Branch budget as it is required by statute and will require an act of the Legislature to delay the implementation of the new Appellate Court position.

The **Governor** concurs with the Judicial Branch request for the Court of Appeals Suite for the 14th Judge but does not recommend the Judiciary enhancement request to relocate two Appellate Court Justices at a cost of \$230,501.

JUDICIAL COUNCIL

Expenditure	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Operating Expenditures:					
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other Funds	1,019,376	588,829	588,829	1,246,360	522,448
TOTAL	\$ 1,019,376	\$ 588,829	\$ 588,829	\$ 1,246,360	\$ 522,448
Capital Improvements:					
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
GRAND TOTAL	\$ 1,019,376	\$ 588,829	\$ 588,829	\$ 1,246,360	\$ 522,448

Percentage Change:

Operating Expenditures					
State General Fund	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
All Funds	(24.5)	(42.2)	(42.2)	111.7	(11.3)
FTE Positions	6.0	4.0	4.0	7.0	4.0
Non-FTE Perm.Uncl.Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	6.0	4.0	4.0	7.0	4.0

AGENCY OVERVIEW

The Judicial Council was created by the Legislature in 1927 to survey and study the Judicial Branch of the state government and to recommend improvements in the administration of justice for consideration by the Legislature and the Supreme Court. The ten-member Council is comprised of one justice of the Kansas Supreme Court, one judge of the Court of Appeals, two district court judges, two legislators, and four attorneys. The Council has seventeen advisory committees that are made up of legislators, judges, attorneys, and persons from various backgrounds who bring their expertise to the committees.

Beginning in FY 2007, the Judicial Council initiated the performance review of judges with a thirteen-member commission. The goals of the Kansas Judicial Performance Commission are to improve judicial performance, help voters make informed decisions about judges, and to promote the public accountability of the Judiciary. The Commission was created by 2006 SB 337 as an independent committee of the Judicial Council. The Commission is staffed by the

Judicial Council and the Commission's budget is included in the budget of the Judicial Council. The Judicial Performance Fund was established with increased docket fees authorized by 2006 SB 337, to allow for funding of the Commission's activities.

The Judicial Council receives and considers suggestions related to the administration of justice in Kansas from the Legislature, the Supreme Court, other courts, the bar, and the public. The Council identifies areas of needed improvement, assigns projects to advisory committees, receives and reviews the work product of the advisory committees, and takes appropriate action.

The Judicial Council also publishes several publications, including Pattern Instructions for Kansas (PIK) - Civil 3d, PIK-Criminal 3d, the Kansas Municipal Court Manual, the Kansas Judicial Council Probate Forms, and the Kansas Appellate Practice Handbook. In FY 2008, the Judicial Council published a fourth edition of Pattern Instructions for Kansas - Civil. The Council also offers subscriptions to online versions of its publications.

MAJOR ISSUES FROM PRIOR YEARS

2003 Session. The Legislature, upon the Governor's recommendation, eliminated State General Fund appropriations to the Judicial Council and made the agency entirely fee funded. The Legislature passed 2003 SB 36 which raised docket fees by \$1 for a two-year period, from July 1, 2003 through June 30, 2005, to assist in funding Judicial Council operations. The Legislature directed that 1.33 percent of docket fees be deposited in a newly created Judicial Council Fund. The revenues from this fund and the existing Publications Fee Fund were intended to fund the Judicial Council in FY 2004 and FY 2005.

2003 SB 36 affected the Council's budget in other ways. The bill clarified that the Judicial Council is an independent agency within the Judicial Branch of state government; authorized the Council to adopt its own pay plan and personnel rules; and allowed monies from the Publications Fee Fund to be utilized for operating expenses that are not related directly to publication activities. According to the agency, the new funding arrangement allowed the Judicial Council to be more productive by increasing its level of activity in both the number of committee meetings held annually and in the publications area.

2006 Session. The Legislature passed 2006 House Substitute for SB 337, which established the Kansas Commission on Judicial Performance as an independent committee of the Judicial Council. The Commission was directed to conduct judicial performance evaluations of all magistrate, district court and court of appeals judges, and all justices on the Kansas Supreme Court. The Commission's budget is part of the Judicial Council budget, and the Judicial Council provides staffing of the Commission. Docket fees were increased by 2006 SB 337 to provide funding for the commission. The FTE count for the Judicial Council was increased from 4.0 to 7.0 to provide for additional personnel necessary to staff the Commission.

2007 Session. The Legislature approved expenditures of \$70,000 from the State General Fund to be used by the Judicial Council for the remodeling of office space within the law library of the Judicial Center. The agency's previous location in the Judicial Center was needed for the office space for the 13th Appeals Court judge. The Legislature also appropriated \$150,000 from the State General Fund for operations of the Criminal Code Recodification

Commission. While the Commission is not a part of the Judicial Council, the agency acts as the fiscal agent for the Commission.

In 2007, the Legislature requested the Judicial Council to conduct studies in the areas of wills, Medicaid reimbursement, criminal stalking, grandparents' right in custody and visitation litigation, the Kansas Juvenile Justice Code, the state Code for Criminal Procedure, and guardians and conservators.

2008 Session. The 2008 Legislature added funding of \$150,000 from the Judicial Performance Fund in FY 2008 and FY 2009 for judicial performance evaluation surveys. Surveys would include lawyers, litigants, witnesses and jurors who recently had contact with the court system.

2009 Session. The 2009 Legislature implemented a 1.25 percent across the board reduction for all agencies for FY 2009. The reduction for this agency totaled \$2,750, all from special revenue funds. In FY 2009, the agency received \$155,368 from the State General Fund for the Recodification Commission. During the 2009 Session the Legislature approved a budget in which the agency is fee funded.

2011 Session. The 2011 Legislature transferred \$778,518 from the Judicial Performance Fund to the Judicial Branch Surcharge Fund effectively suspending the Judicial Performance Evaluation program for FY 2012. A bill formally dissolving the program was not adopted. The Legislature also deleted 3.0 FTE positions associated with the performance reviews.

BUDGET SUMMARY AND KEY POINTS

FY 2012 – Current Year. The agency estimates FY 2012 operating expenditures of \$588,829, all from special revenue funds. The estimate is a decrease of \$154, or less than 0.1 percent, below the amount approved by the 2011 Legislature. The estimate includes \$78,800 all from the Publications Fee Fund, to assist the Judicial Branch in completion of the weighted caseload study to evaluate District Court workloads. The estimate includes funding for 4.0 FTE positions.

The **Governor** concurs with the FY 2012 agency estimate.

FY 2013 – Budget Year. The agency requests FY 2013 operating expenditures of \$1,246,360, all from special revenue funds. The request is an increase of \$657,531, or 111.7 percent, above the revised FY 2012 estimate. The increase is attributable to the enhancement request of \$639,135, all from the Judicial Performance Fee fund, restarting the Judicial Performance Reviews and an enhancement request of \$84,777 for a staff attorney. The requested enhancement adds 3.0 FTE positions for the Judicial Council. Absent legislative action, 3.54 percent of total docket fees will continue to be directed to the Judicial Performance Fund. The request includes funding for 7.0 FTE positions.

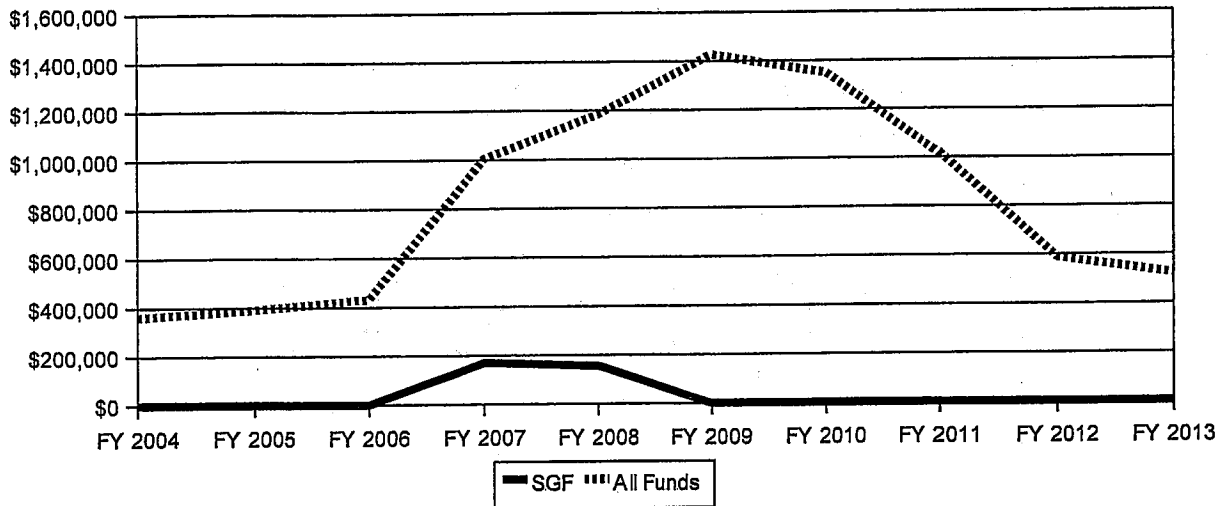
The **Governor** recommends FY 2013 operating expenditures of \$522,448, a reduction of \$66,381, or 11.3 percent, below the FY 2012 Governor's recommendation. The

recommendation is a decrease of \$723,912, or 58.1 percent, below the FY 2013 agency request. The reduction of \$66,381 from the FY 2012 Governor's recommendation is attributable to the end of the weighted caseload study. The agency has been funding the weighted caseload study as part of the Pegasus Project in the Judicial Branch which will end in FY 2011.

The Governor further recommends not funding the agency enhancement requests of \$639,135 to restart Judicial Performance Reviews. The Legislature terminated Judicial Performance reviews in the 2011 Legislature by transferring funds for the reviews to the Judicial Branch. Absent Legislative modification of existing statutory law, docket fees will continue to be deposited in the Judicial Performance Fund. The Governor also recommends not funding the agency enhancement request (\$84,777) to retain an additional Staff Attorney.

BUDGET TRENDS

OPERATING EXPENDITURES FY 2004 – FY 2013



OPERATING EXPENDITURES FY 2004 – FY 2013

Fiscal Year	SGF	% Change	All Funds	% Change	FTE
2004	\$ 0	(100.0)%	\$ 360,989	11.0 %	4.0
2005	0	0.0	390,786	8.3	4.0
2006	0	0.0	431,758	10.5	7.0
2007	170,689	0.0	1,004,260	132.6	7.0
2008	155,368	(9.0)	1,184,419	17.9	7.0
2009	0	(100.0)	1,426,065	20.4	7.0
2010	0	0.0	1,349,519	(5.4)	7.0
2011	0	0.0	1,019,376	(24.5)	7.0
2012 Gov. Rec.	0	0.0	588,829	(42.2)	4.0
2013 Gov. Rec.	0	0.0	522,448	(11.3)	4.0
Ten-Year Change Dollars/Percent	\$ 0	0.0 %	\$ 161,459	44.7 %	0.0

Summary of Operating Budget FY 2011 - FY 2013

	Agency Request				Governor's Recommendation				
	Actual 2011	Estimate FY 2012	Request FY 2013	Dollar Change from FY 12	Percent Change from FY 12	Rec. FY 2012	Rec. FY 2013	Dollar Change from FY 12	Percent Change from FY 12
By Program:									
Administration	\$ 1,019,376	\$ 588,829	\$ 1,246,360	\$ 657,531	111.7 %	\$ 588,829	\$ 522,448	\$ (66,381)	(11.3)%
TOTAL	\$ 1,019,376	\$ 588,829	\$ 1,246,360	\$ 657,531	111.7 %	\$ 588,829	\$ 522,448	\$ (66,381)	(11.3)%
By Major Object of Expenditure:									
Salaries and Wages	\$ 581,555	\$ 402,378	\$ 630,455	\$ 228,077	56.7 %	\$ 402,378	\$ 412,620	\$ 10,242	2.5 %
Contractual Services	402,667	102,887	608,052	505,165	491.0	102,887	104,920	2,033	2.0
Commodities	5,089	4,764	7,853	3,089	64.8	4,764	4,908	144	3.0
Capital Outlay	199	0	0	0	0.0	0	0	0	0.0
Subtotal - Operations	\$ 989,510	\$ 510,029	\$ 1,246,360	\$ 736,331	144.4 %	\$ 510,029	\$ 522,448	\$ 12,419	2.4 %
Aid to Local Units	0	0	0	0	0.0	0	0	0	0.0
Other Assistance	29,866	78,800	0	(78,800)	(100.0)	78,800	0	(78,800)	0.0
TOTAL	\$ 1,019,376	\$ 588,829	\$ 1,246,360	\$ 657,531	111.7 %	\$ 588,829	\$ 522,448	\$ (66,381)	(11.3)%
Financing:									
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	0.0 %	\$ 0	\$ 0	\$ 0	0.0 %
Judicial Council Fund	206,622	235,611	260,020	24,409	10.4	235,611	243,526	7,915	3.4
Publications Fee Fund	284,527	353,218	347,205	(6,013)	(1.7)	353,218	278,922	(74,296)	(21.0)
Judicial Performance Fund	528,227	0	639,135	639,135	100.0	0	0	0	0.0
TOTAL	\$ 1,019,376	\$ 588,829	\$ 1,246,360	\$ 657,531	111.7 %	\$ 588,829	\$ 522,448	\$ (66,381)	(11.3)%

Judicial Council

BUDGET OVERVIEW

A. FY 2012 – Current Year

Adjustments to Approved State General Fund Budget

	CHANGE FROM APPROVED BUDGET				
	Approved 2011 Legislature	Agency Estimate FY 2012	Agency Change from Approved	Governor Rec. FY 2012	Governor Change from Approved
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
All Other Funds	588,983	588,829	(154)	588,829	(154)
TOTAL	\$ 588,983	\$ 588,829	\$ (154)	\$ 588,829	\$ (154)
FTE Positions	7.0	4.0	(3.0)	4.0	(3.0)

The agency estimates FY 2012 operating expenditures of \$588,829, all from special revenue funds. The estimate is a decrease of \$154, or less than 0.1 percent, below the amount approved by the 2011 Legislature. The estimate includes \$78,800 all from the Publications Fee Fund, to assist the Judicial Branch in completion of the weighted caseload study. The estimate includes funding for 4.0 FTE positions.

- Salaries and Wages:** The agency estimates \$402,378 for salaries and wages in FY 2012, a decrease of \$46,537, or 10.4 percent, below the amount approved by the 2011 Legislature. The reduction reflects the elimination of the 3.0 FTE positions associated with the Judicial Performance Program. The agency increased funding for salaries by \$23,153 from the Judicial Council Fund and reduced funding for salaries from the Publications Fee Fund in order to support the weighted caseload study.
- Contractual Services:** The agency estimates \$102,887 for contractual services in FY 2012, a decrease of \$31,897, or 23.7 percent, below the amount approved by the 2011 Legislature. The reduction is attributable to private vehicle mileage. The agency originally accounted for the weighted caseload travel in this category but it was shifted to other assistance.
- Commodities:** The agency estimates \$4,764 for commodities in FY 2012, a decrease of \$520, or 9.8 percent, below the amount approved by the 2011 Legislature. The reduction is attributable to stationery and office supplies.
- Other Assistance:** The agency estimates \$78,800, all from the Publications Fee Fund, for Other Assistance in FY 2012. There was no funding budgeted for this category previously, as the agency formerly distributed the funding for the weighted caseload study throughout Salaries and Contractual Services.

The Governor concurs with the FY 2012 agency estimate.

B. FY 2013– Budget Year

FY 2013 OPERATING BUDGET SUMMARY			
	Agency Request	Governor's Recommendation	Difference
Total Request/Recommendation	\$ 1,246,360	\$ 522,448	\$ (723,912)
FTE Positions	7.0	4.0	(3.0)
Change from FY 2012:			
<i>Dollar Change:</i>			
State General Fund	\$ 0	\$ 0	
All Other Funds	657,531	(66,381)	
TOTAL	\$ 657,531	\$ (66,381)	
<i>Percent Change:</i>			
State General Fund	0.0 %	0.0 %	
All Other Funds	111.7	(11.3)	
TOTAL	111.7 %	(11.3) %	
Change in FTE Positions	3.0	0.0	

The agency requests FY 2013 operating expenditures of \$1,246,360, all from special revenue funds. The request is an increase of \$657,531, or 111.7 percent, above the revised FY 2012 estimate. The increase is attributable to the enhancement request of \$639,135, all from the Judicial Performance Fee fund, restarting the Judicial Performance Reviews and an enhancement request of \$84,777 for a staff attorney. The requested enhancement adds 3.0 FTE positions for the Judicial Council. Absent legislative action, 3.54 percent of total docket fees will continue to be directed to the Judicial Performance Fund. The request includes funding for 7.0 FTE positions.

- Salaries and Wages:** The agency estimates \$630,455 for salaries and wages in FY 2013, an increase of \$228,077, or 56.7 percent, above the FY 2012 agency estimate. The estimated increase is due to 2.0 FTE positions for the Judicial Performance Evaluation Program (\$121,681) and 1.0 FTE position for the Judicial Council to retain an additional staff attorney (\$78,577). Both of these increases are submitted as enhancement requests. The request also includes an additional \$27,819 for temporary pay and state contributions for group health and hospitalization.
- Contractual Services:** The agency estimates \$608,052 for contractual services in FY 2013, an increase of \$505,165, or 491.0 percent, above the FY 2012 agency estimate. The increase is due to the implementation of the Judicial Performance Program (\$496,932) with the majority of the increase \$400,000 for the contract with the company which provides survey services. There also are some incremental increases in postage and communication costs.

- **Commodities:** The agency estimates \$7,853 for commodities in FY 2013, an increase of \$3,089, or 64.8 percent, above the FY 2012 agency estimate. The increase is predominantly associated with the Judicial Performance Program (\$2,945).
- **Other Assistance:** The agency does not estimate any expenditures for other assistance in FY 2013 due to the completion of the weighted caseload study, a savings of \$78,000 from FY 2012.

The **Governor** recommends FY 2013 operating expenditures of \$522,448, a reduction of \$66,381, or 11.3 percent, below the FY 2012 Governor's recommendation. The recommendation is a decrease of \$723,912, or 58.1 percent, below the FY 2013 agency request. The reduction of \$66,381 from the FY 2012 Governor's recommendation is attributable to the end of the weighted caseload study. The agency has been funding the weighted caseload study as part of the Pegasus Project in the Judicial Branch which will end in FY 2011.

The Governor further recommends not funding the agency enhancement requests of \$639,135 to restart Judicial Performance Reviews. The Legislature terminated Judicial Performance reviews in the 2011 Legislature by transferring funds for the reviews to the Judicial Branch. Absent Legislative modification of existing statutory law, docket fees will continue to be deposited in the Judicial Performance Fund. The Governor also recommends not funding the agency enhancement request (\$84,777) to retain an additional Staff Attorney.

Enhancements	FY 2013 ENHANCEMENTS					
	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Judicial Performance FTE	\$ 0	\$ 121,681	2.0	\$ 0	\$ 0	0.0
Judicial Performance Operating Exp.	0	517,454	0.0	0	0	0.0
Judicial Council Staff Attorney	0	84,777	1.0	0	0	0.0
TOTAL	\$ 0	\$ 723,912	3.0	\$ 0	\$ 0	0.0

Enhancements Detail

The agency requests \$723,912 and 3.0 FTE, all from special revenue funds, for enhancement requests in FY 2013. The enhancements include restarting the Judicial Performance Reviews and the hiring of an additional staff attorney for Judicial Council duties.

- **Judicial Performance** - The agency requests \$639,135, from the Judicial Performance Fund and 2.0 FTE to restart the review process. In FY 2011, the Legislature transferred \$778,518 from the Judicial Performance Fund to the Judicial Branch Surcharge Fund effectively suspending the program for FY 2012. The Legislature did not make any substantive changes in the law governing Judicial Performance Reviews; therefore, 3.54 percent of docket fees collected by the

Judicial Branch will continue to be deposited in the Judicial Performance Fund. The balance in the fund after the transfer is estimated to be \$213,792 for FY 2012.

- **Staff Attorney** - The agency requests \$84,777, from the Judicial Council Fund and the Publications Fee Fund, and 1.0 FTE to retain an additional staff attorney for the Judicial Council. The agency indicates that the demand for its services has increased; including, new advisory committees, publication of the Pattern Instructions for Kansas-Civil and the Kansas Appellate Practice Handbook and maintaining internet access to both its free and subscription based services.

The **Governor** does not recommend adoption of the agency enhancement requests.

FY 2013 REDUCED RESOURCES

The Judicial Council is not required to submit a reduced resources budget.

Governor's Recommended Salary and Wage Adjustments

State Employee Pay Increases. The Governor's FY 2013 recommendation does not include a base salary adjustment for state employees.

Classified Employee Pay Plan. During the 2007 interim, the State Employee Compensation Oversight Commission was charged with the development of a new pay plan for classified employees for the Governor, Chief Justice of the Supreme Court and 2008 Legislature to consider. The Commission endorsed the recommendation of the Hay Group that five separate pay plans be created for state employees in the classified service, with different opportunities for pay increases to acknowledge the different types of work performed. The time frame to fully implement the recommended plan was five years. Under the plan, the classified employees were divided into three groups to first address those with the greatest salary disparity to the market rate. The 2008 Legislature appropriated \$8.5 million from the State General Fund for FY 2009, the first year of the program. The 2008 Legislature also appropriated \$8.5 million from the State General Fund for each year from FY 2010 through FY 2013 to the State Finance Council. The 2011 Legislature, however, lapsed the \$8.5 million which had been previously appropriated for both FY 2012 and FY 2013. To date, no action has been taken to implement the new pay plans or the evaluation provisions of the pay plans.

Longevity Bonus Payments. For FY 2013, the Governor recommends the continuation of the current "temporary" longevity bonus payment program. The recommendation provides for a bonus of \$50 per year of service, with a 10-year minimum (\$500) and a 25-year maximum (\$1,250). The current statutory provisions of the longevity bonus payment are \$40 per year of service, with a 10-year minimum (\$400), and a 25-year maximum (\$1,000). Classified employees hired after June 15, 2008 are not eligible for longevity bonus payments. The estimated cost for the recommended FY 2013 payments is \$12.0 million, including \$4.9 million from the State General Fund. For this agency, longevity payments total \$2,150, all from special revenue funds.

Kansas Public Employees Retirement System (KPERs) Rate Adjustments. A total of \$26.1 million, including \$22.2 million from the State General Fund, is included in the Governor's FY 2013 recommendations for KPERs adjustments. The FY 2013 rate for KPERs regular and school members will increase by 0.6 percent, from 8.77 percent to 9.37 percent, when compared to FY 2012. This increase is attributable to the annual statutory increase for financing the unfunded liability of the KPERs fund.

Voluntary Retirement Incentive Program. On August 2, 2011, a Voluntary Retirement Incentive Program was announced that provided incentives to eligible State of Kansas employees in the Executive Branch who elected to retire between August 2, 2011 and October 31, 2011. The intent was to provide incentives for employees to retire in order to generate salary and benefit savings in agency budgets. A total of 1,027 employees participated in the program. Employees were given two incentive options under the program. One was a one-time \$6,500 cash payment at the time of retirement that was not factored into final average salary for KPERs benefit calculations. This option was chosen by 214 employees. The second option, accepted by the other 813 employees, was a health insurance subsidy for up to 60 months of employee only coverage or up to 42 months for employee and dependent coverage. All coverage ceases once the former employee reaches 65 years of age. Agencies were advised they could refill only a portion of the positions vacated by the program. The refilled positions, however, were not to exceed 25.0 percent of the salaries of the vacant positions. Some exceptions were made to this limitation in order to ensure agencies continued to provide acceptable levels of service. After 651 selected positions (63.4 percent) were restored, 376.0 FTE positions (36.6 percent), and estimated savings of \$22.0 million, including \$6.6 million from the State General Fund, were deleted from agency budgets. For this agency, no funding was deleted and no FTE positions were eliminated as the Judicial Branch did not participate in the program.

Funding Sources

Funding Source	Agency Req. Percent of Total FY 2013	Gov. Rec. Percent of Total FY 2013
Judicial Council Fund	20.9 %	46.6 %
Publications Fee Fund	27.9	53.4
Judicial Performance Fund	51.3	0.0
TOTAL	100.0 %	100.0 %

Note: Percentages may not add due to rounding.

Judicial Council Fee Fund Analysis

The 2003 Legislature eliminated State General Fund appropriations for general operating expenditures for the agency beginning in FY 2004. To offset this reduction, the Legislature raised docket fees by \$1 and directed that 1.33 percent of docket fees be deposited in a newly created Judicial Council Fund in FY 2004 and FY 2005. The 2004 Legislature made permanent the deposit of docket fees into the Judicial Council Fund as a means of financing a portion of the agency's operations.

Resource Estimate	Actual FY 2011	Agency Estimate FY 2012	Governor Rec. FY 2012	Agency Request FY 2013	Gov. Rec. FY 2013
Beginning Balance	\$ 44,514	\$ 55,597	\$ 55,597	\$ 61,935	\$ 61,935
Revenue	218,002	218,002	218,002	218,002	218,002
Transfers in	0	23,947	23,947	23,947	23,947
Total Funds Available	\$ 262,516	\$ 297,546	\$ 297,546	\$ 303,884	\$ 303,884
Less: Expenditures	206,622	235,611	235,611	260,020	243,526
Transfers Out	297	0	0	0	0
Off Budget Expenditures	0	0	0	0	0
Ending Balance	<u>\$ 55,597</u>	<u>\$ 61,935</u>	<u>\$ 61,935</u>	<u>\$ 43,864</u>	<u>\$ 60,358</u>
Ending Balance as Percent of Expenditures	26.9%	26.3%	26.3%	16.9%	24.8%

Publications Fee Fund Analysis

The Publications Fee Fund generates revenue from the sale of legal publications. The 2003 Legislature authorized the agency to use monies from the Fee Fund for operating expenditures that are not directly related to publication activities.

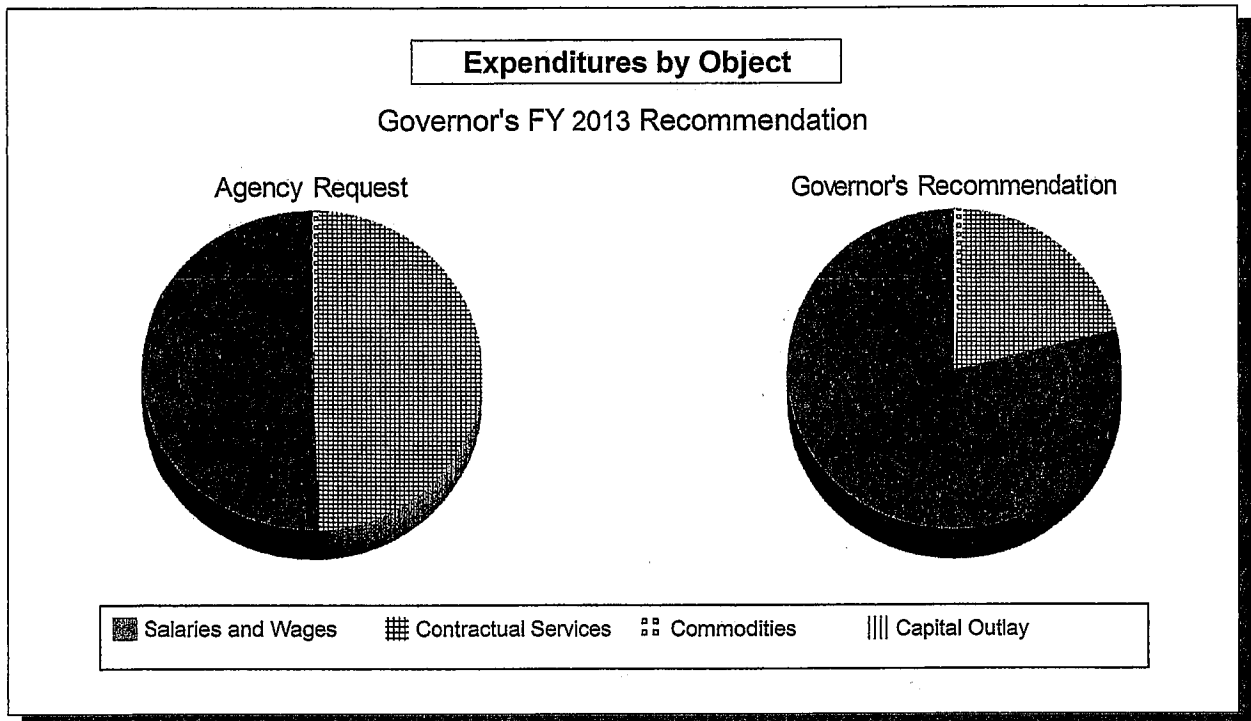
Resource Estimate	Actual FY 2011	Agency Estimate FY 2012	Governor Rec. FY 2012	Agency Request FY 2013	Gov. Rec. FY 2013
Beginning Balance	\$ 137,986	\$ 122,136	\$ 122,136	\$ 135,744	\$ 135,744
Revenue	181,553	237,324	237,324	244,299	244,299
Transfers in	92,932	135,698	135,698	135,698	135,698
Total Funds Available	\$ 412,471	\$ 495,158	\$ 495,158	\$ 515,741	\$ 515,741
Less: Expenditures	284,527	353,218	353,218	347,205	278,922
Transfers Out	334	0	0	0	0
Off Budget Expenditures	5,474	6,196	6,196	6,498	6,498
Ending Balance	\$ 122,136	\$ 135,744	\$ 135,744	\$ 162,038	\$ 230,321
Ending Balance as Percent of Expenditures	42.9%	38.4%	38.4%	46.7%	82.6%

Judicial Performance Fee Fund Analysis

The Judicial Performance Fee Fund was authorized by the 2006 Legislature to fund the Commission on Judicial Performance. KSA 20-367 was amended to allow the State Treasurer to deposit and credit a sum equal to 3.54 percent of the remittance of docket fees into the Judicial Performance Fund.

Resource Estimate	Actual FY 2011	Agency Estimate FY 2012	Governor Rec. FY 2012	Agency Request FY 2013	Gov. Rec. FY 2013
Beginning Balance	\$ 135,692	\$ 299,700	\$ 299,700	\$ 213,792	\$ 240,649
Revenue	692,610	692,610	719,467	692,610	692,610
Transfers in	0	0	0	0	0
Total Funds Available	\$ 828,302	\$ 992,310	\$ 1,019,167	\$ 906,402	\$ 933,259
Less: Expenditures	528,227	0	0	639,135	0
Transfers Out	375	778,518	778,518	0	0
Off Budget Expenditures	0	0	0	0	0
Ending Balance	\$ 299,700	\$ 213,792	\$ 240,649	\$ 267,267	\$ 933,259
Ending Balance as Percent of Expenditures	56.7%	--	--	41.8%	--

PROGRAM DETAIL



Program	Agency Request All Funds FY 2013	Percent of Total	Gov. Rec. All Funds FY 2013	Percent of Total
Salaries and Wages	\$ 630,455	50.6 %	\$ 412,620	79.0 %
Contractual Services	608,052	48.8	104,920	20.1
Commodities	7,853	0.6	4,908	0.9
Capital Outlay	0	0.0	0	0.0
TOTAL	\$ 1,246,360	100.0 %	\$ 522,448	100.0 %

FTE POSITIONS BY PROGRAM – FY 2011- FY 2013					
Program	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Administration	6.0	4.0	4.0	7.0	4.0

PERFORMANCE MEASURES

Measure	Gov. Rec. for FY 2011	Actual FY 2011	Gov. Rec. FY 2012	Gov. Rec. FY 2013
Number of Council Bill Introduced	12	12	10	10
Number of Council Bills Signed by the Governor	12	7	10	10
Number of Publications Sold	3356	2,553	2,082	3,141
Number of Internet Subscriptions	3266	3,377	3,877	4,377



BOARD OF INDIGENTS' DEFENSE SERVICES

Expenditure	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Operating Expenditures:					
State General Fund	\$ 21,826,736	\$ 22,754,966	\$ 21,821,816	\$ 23,928,654	\$ 22,934,782
Other Funds	1,398,999	1,027,041	1,027,041	873,200	873,200
TOTAL	\$ 23,225,735	\$ 23,782,007	\$ 22,848,857	\$ 24,801,854	\$ 23,807,982
Capital Improvements:					
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
GRAND TOTAL	\$ 23,225,735	\$ 23,782,007	\$ 22,848,857	\$ 24,801,854	\$ 23,807,982

Percentage Change:

Operating Expenditures					
State General Fund	(3.4) %	4.3 %	(0.0) %	5.2 %	5.1 %
All Funds	(2.5)	2.4	(1.6)	4.3	4.2
FTE Positions	187.0	187.0	187.0	187.0	187.0
Non-FTE Perm. Uncl. Pos.	2.5	2.5	2.5	2.5	2.5
TOTAL	189.5	189.5	189.5	189.5	189.5

AGENCY OVERVIEW

The statutory mission of the State Board of Indigents' Defense Services (BIDS) is to provide, supervise, and coordinate constitutionally and statutorily-required counsel and related services for indigents accused of felonies. The Board fulfills its mission in part by overseeing a statewide system of public defender offices and assigned counsel. The agency serves as the pass-through agency for funding for Legal Services for Prisoners, Inc., a nonprofit corporation that provides legal assistance to indigent inmates of Kansas correctional institutions.

MAJOR ISSUES FROM PRIOR YEARS

The **2004 Legislature** approved funding to open a public defender office in the 14th Judicial District (Chautauqua and Montgomery Counties). The new office in Independence is

serving as a satellite office to the office in the 31st Judicial District (Neosho, Wilson, Woodson and Allen Counties) located in Chanute.

The **2006 Legislature** approved an additional \$3.8 million, all from the State General Fund, for the agency to cover the increase in assigned counsel expenditures to correspond with the approved reimbursement increase from \$50 to \$80 per hour. Also approved were an additional 9.0 FTE positions. The Legislature approved an additional 4.0 FTE positions to fill the need for increased services anticipated with the passage of 2006 HB 2576, which requires mandatory sentences for sex offenders. The agency anticipated an increased need for services and that more cases proceed to trial rather than reaching a plea agreement. A total of 5.0 FTE positions were approved for additional staff needed in the Junction City, Wichita, and Hutchinson public defender offices.

The **2008 Legislature** added \$240,000, all from the State General Fund, to enhance salaries for entry level defenders and to increase salaries on a graduated scale of other defenders.

The **2009 Legislature** added \$1,271,865, all from the State General Fund, to adopt the agency's FY 2009 request in FY 2010. The agency requested enhanced funding for expert witness fees and transcript costs to avoid a shortfall. The increase was partially offset by across-the-board decreases applied to all agencies.

The **2010 Legislature** reduced the hourly rate for assigned counsel from \$80 to \$62 per hour and deleted \$947,703 from FY 2011 to accommodate the rate reduction. The rate reduction is intended to expire in FY 2013. The Legislature further deleted \$539,761 from the agency operating budget for a 2.5 percent reduction in FY 2011.

The **2011 Legislature** added \$750,000, all from the State General Fund, to offset the reduction in federal American Reinvestment and Recovery Act (ARRA) and federal Justice Assistance Grant (JAG) funds with State General Fund dollars and pay for expert witness expenses for FY 2012.

BUDGET SUMMARY AND KEY POINTS

FY 2012 – Current Year. The agency requests a revised FY 2012 operating budget totaling \$23.8 million, including \$22.8 million from the State General Fund. The State General Fund request is an increase of \$1.6 million, or 7.7 percent above, the FY 2012 approved budget. The increase is attributable to the supplemental requests of \$1.6 million for assigned counsel, expert witness fees and capital defense operational costs.

The request also includes an increase in special revenue funds of \$20,979, or 2.1 percent, above the approved amount. The request includes 187.0 FTE positions and 2.5 non-FTE unclassified permanents. The FTE request is a 2.0 FTE increase and a 2.0 non-FTE increase for an additional 4.0 positions.

The **Governor** recommends a FY 2012 budget of \$22.9 million, including \$21.8 million from the State General fund. The recommendation is an increase of \$715,989 above the FY 2012 approved. The recommendation is also a decrease of \$933,150, or 3.9 percent, below the FY 2012 agency estimate. The decrease is attributable to recommendations not to fund the agency supplemental requests for additional funding for expert and court reporter services and

capital defense, partially offset an additional \$695,160 in funding for assigned counsel expenditures as recommended by the consensus revenue estimating group.

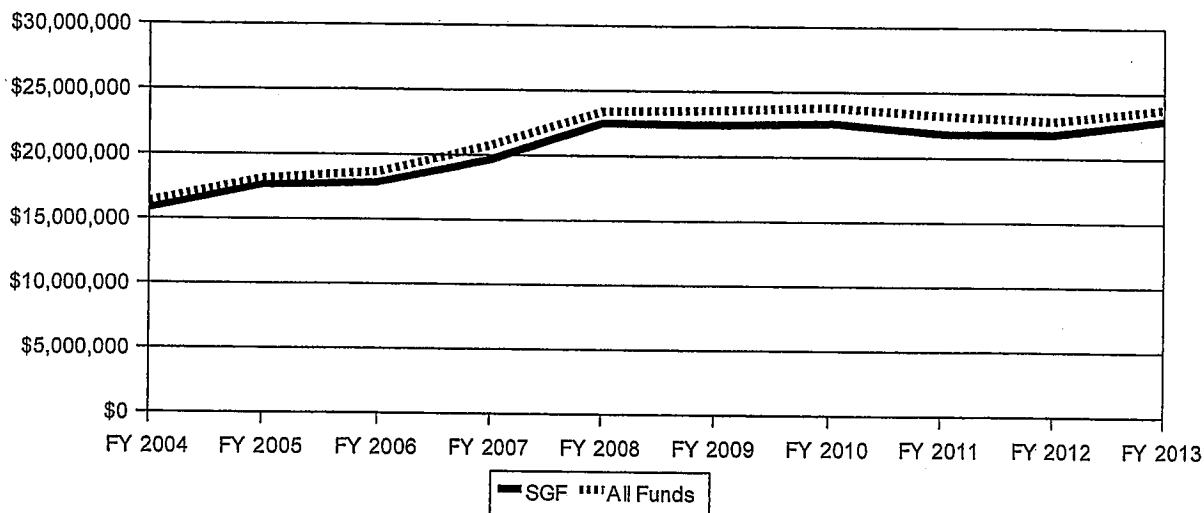
FY 2013 – Budget Year. The **agency** requests a FY 2013 operating budget totaling \$24.8 million, including \$23.9 million from the State General Fund. The State General Fund request is \$1.2 million, or 5.2 percent, above the agency's FY 2012 revised request. The increase is due to enhancement requests of \$2.7 million, all from the State General Fund. *Without the enhancement requests*, the request is an all funds decrease of \$1.6 million, or 6.9 percent, and a State General Fund decrease of \$1.5 million, or 6.5 percent, below the FY 2012 revised request. The special revenue fund reduction is due to the depletion of reserve funds in the Indigent's Defense Services Fund and the In-Service Education Fund. The request includes 195.0 FTE positions, the same as the current year.

The **Governor** recommends a FY 2013 budget of \$23.8 million, including \$22.9 million from the State General Fund. The recommendation is an increase of \$959,125, or 4.2 percent, and a State General Fund increase of \$23,814, or 3.0 percent above the FY 2012 Governor's recommendations.

The recommendation is also a reduction of \$993,872, or 4.2 percent, below the FY 2013 agency request. The reduction is attributable to a recommendation not to fund the enhancements for assigned counsel expenditures, capital defense, public defender pay parity and an indigency screener for a reduction from the agency request of \$2,088,881. The reduction is partially offset by adoption of the consensus caseload estimate for assigned counsel of \$9.0 million which adds \$1,095,010 to the non-enhanced agency request for assigned counsel.

BUDGET TRENDS

OPERATING EXPENDITURES FY 2004 – FY 2013



OPERATING EXPENDITURES FY 2004 – FY 2013

Fiscal Year	SGF	% Change	All Funds	% Change	FTE
2004	\$ 15,799,202	(4.0)%	\$ 16,366,673	(3.0)%	167.0
2005	17,643,244	11.7	18,114,853	10.7	173.0
2006	17,867,021	1.3	18,684,114	3.1	178.0
2007	19,685,109	10.2	20,776,536	11.2	191.0
2008	22,496,010	14.3	23,412,091	12.7	193.0
2009	22,416,614	(0.4)	23,534,862	0.5	195.0
2010	22,591,109	0.8	23,820,747	1.2	195.0
2011	21,826,736	(3.4)	23,225,735	(2.5)	195.0
2012 Gov. Rec.	21,821,816	(0.0)	22,848,857	(1.6)	187.0
2013 Gov. Rec.	22,934,782	5.1	23,807,982	4.2	187.0
Ten-Year Change Dollars/Percent	\$ 7,135,580	45.2 %	\$ 7,441,309	45.5 %	20.0

Summary of Operating Budget FY 2011 - FY 2013

	Agency Request				Governor's Recommendation				
	Actual 2011	Estimate FY 2012	Request FY 2013	Dollar Change from FY 12	Percent Change from FY 12	Rec. FY 2012	Rec. FY 2013	Dollar Change from FY 12	Percent Change from FY 12
By Program:									
Administration	\$ 822,055	\$ 787,104	\$ 865,450	\$ 78,346	10.0 %	\$ 787,104	\$ 810,918	\$ 23,814	3.0 %
Assigned Counsel	9,256,349	9,379,708	9,387,336	7,628	0.1	8,911,558	9,619,186	707,628	7.9
Legal Services for Prisoners	293,073	289,592	289,592	0	0.0	289,592	289,592	0	0.0
Appellate Defenders	2,158,120	2,115,187	2,191,619	76,432	3.6	2,115,187	2,191,619	76,432	3.6
Trial Public Defenders	9,077,257	9,308,635	10,186,076	857,441	9.2	9,308,635	9,459,886	151,251	1.6
Capital Defense	1,618,881	1,901,781	1,901,781	0	0.0	1,436,781	1,436,781	0	0.0
TOTAL	\$ 23,225,735	\$ 23,782,007	\$ 24,801,854	\$ 1,019,847	4.3 %	\$ 22,848,857	\$ 23,807,982	\$ 959,125	4.2 %
By Major Object of Expenditure:									
Salaries and Wages	\$ 10,944,864	\$ 11,153,518	\$ 12,089,821	\$ 936,303	8.4 %	\$ 11,153,518	\$ 11,329,099	\$ 175,581	1.6 %
Contractual Services	12,082,933	12,534,088	12,616,662	82,564	0.7	11,600,938	12,383,502	782,564	6.7
Commodities	95,281	93,290	94,270	980	1.1	93,290	94,270	980	1.1
Capital Outlay	102,657	1,111	1,111	0	0.0	1,111	1,111	0	0.0
Subtotal - Operations	\$ 23,225,735	\$ 23,782,007	\$ 24,801,854	\$ 1,019,847	4.3 %	\$ 22,848,857	\$ 23,807,982	\$ 959,125	4.2 %
Aid to Local Units	0	0	0	0	0.0	0	0	0	0.0
Other Assistance	0	0	0	0	0.0	0	0	0	0.0
TOTAL	\$ 23,225,735	\$ 23,782,007	\$ 24,801,854	\$ 1,019,847	4.3 %	\$ 22,848,857	\$ 23,807,982	\$ 959,125	4.2 %
Financing:									
State General Fund	\$ 21,826,736	\$ 22,754,966	\$ 23,928,654	\$ 1,173,688	5.2 %	\$ 21,821,816	\$ 22,934,782	\$ 1,112,966	5.1 %
Indigents Defense Services Fund	896,442	914,294	868,700	(45,594)	(5.0)	914,294	868,700	(45,594)	(5.0)
In-service Education FF	(3,895)	14,065	4,500	(9,565)	(68.0)	14,065	4,500	(9,565)	(68.0)
ARRA Funds	169,261	0	0	0	0.0	0	0	0	0.0
JAG Grant Fund	337,191	98,682	0	(98,682)	(100.0)	98,682	0	(98,682)	(100.0)
TOTAL	\$ 23,225,735	\$ 23,782,007	\$ 24,801,854	\$ 1,019,847	4.3 %	\$ 22,848,857	\$ 23,807,982	\$ 959,125	4.2 %

BUDGET OVERVIEW

A. FY 2012 – Current Year

Adjustments to Approved State General Fund Budget

The 2011 Legislature approved a State General Fund budget of \$21,087,607 for the Board of Indigent Defense Services in FY 2011. An adjustment has subsequently been made to that amount for reappropriated funds.

- An increase of \$39,199, based on the reappropriation of FY 2011 funding which was not spent in FY 2011 and has shifted to FY 2012

This adjustment changes the FY 2012 approved State General Fund to \$21,126,806. That amount is reflected in the table below as the currently approved FY 2012 State General Fund amount.

	CHANGE FROM APPROVED BUDGET				
	Approved 2011 Legislature	Agency Estimate FY 2012	Agency Change from Approved	Governor Rec. FY 2012	Governor Change from Approved
State General Fund	\$ 21,126,806	\$ 22,754,966	\$ 1,628,160	\$ 21,821,816	\$ 695,010
All Other Funds	1,006,062	1,027,041	20,979	1,027,041	20,979
TOTAL	\$ 22,132,868	\$ 23,782,007	\$ 1,649,139	\$ 22,848,857	\$ 715,989
FTE Positions	185.0	187.0	2.0	187.0	2.0

The **agency** requests a revised FY 2012 operating budget totaling \$23.8 million, including \$22.8 million from the State General Fund. The State General Fund request is an increase of \$1.6 million, or 7.7 percent above, the FY 2012 approved budget. The increase is attributable to the supplemental requests of \$1.6 million for assigned counsel, expert witness fees and capital defense operational costs.

The request also includes an increase in special revenue funds of \$20,979, or 2.1 percent, above the approved amount. The request includes 187.0 FTE positions and 2.5 non-FTE unclassified permanents. The FTE request is a 2.0 FTE increase and a 2.0 non-FTE increase for an additional 4.0 positions.

- **Salaries and Wages:** The agency estimates \$11.2 million for salaries and wages in FY 2012, a decrease of \$494,172, or 4.2 percent, below the amount originally approved by the 2011 Legislature. The Appellate Defender program cut 3.0 FTE from the approved number which reduced salary and wage expenditures by \$83,808, or 5.8 percent. The Capital Defense Program deleted one FTE position for a reduction of \$34,676. The Trial Public Defender Program added 6.0 FTE and 2.0 non-FTE positions but reduced salary and wage expenditures by \$383,128. The apparent discrepancy is caused by \$750,000 enhancement provided by the 2011 Legislature which was included as part of this program area but only about \$367,000 of the

funds were spent on Trial Public Defenders and the rest are estimated to be spent on other programs.

- **Contractual Services:** The agency estimates \$12.5 million for contractual services in FY 2012, an increase of \$2.2 million, or 21.1 percent, above the amount originally approved by the 2011 Legislature. The increase is attributable to supplemental requests of \$1.6 million which are all counted as contractual service expenditures and the reallocation of a portion of the \$750,000 enhancement from last session to assigned counsel expenditures.

The **Governor** recommends a FY 2012 budget of \$22.9 million, including \$21.8 million from the State General fund. The recommendation is an increase of \$715,989 above the FY 2012 approved. The recommendation is also a decrease of \$933,150, or 3.9 percent, below the FY 2012 agency estimate. The decrease is attributable to recommendations not to fund the agency supplemental requests for additional funding for expert and court reporter services and capital defense, partially offset an additional \$695,160 in funding for assigned counsel expenditures as recommended by the consensus revenue estimating group.

FY 2012 SUPPLEMENTALS						
Supplementals	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Assigned Counsel Expenditures	\$ 863,160	\$ 863,160	0.0	\$ 695,160	\$ 695,160	0.0
Expert and Court Reporter Services	300,000	300,000	0.0	0	0	0.0
Capital Defense	465,000	465,000	0.0	0	0	0.0
TOTAL	\$ 1,628,160	\$ 1,628,160	0.0	\$ 695,160	\$ 695,160	0.0

Supplementals Detail

Assigned Counsel Expenditures: The agency requests an additional \$863,160, all from the State General Fund, for assigned counsel expenditures in FY 2012. The agency states that they were able to shift capital defense operations funding from the program in FY 2011 due to delays in some capital defense cases but do not anticipate being able to shift the funding in FY 2012. The 2011 Legislature approved \$8.0 million in assigned counsel expenditures for FY 2012 but a portion of the \$750,000 enhancement was targeted to assigned counsel. The consensus caseload estimating group projects that the agency will require approximately \$8.5 million for assigned counsel caseload in FY 2012, approximately \$500,000 more than the amount originally approved minus some portion of the enhancement funds.

Expert and Court Reporter Services: The agency requests an additional \$300,000, all from the State General Fund, for expert and court reporter fees in FY 2012. The agency states that the increase is attributable to new DUI laws, legislation requiring psychological evaluations, increased billing rates for expert witnesses, guarantees of effective assistance of counsel, and other new areas of law.

Capital Defense Operations: The agency requests an additional \$465,000, all from the State General Fund, for Capital Defense Operations in FY 2012. The agency states that the increase is attributable to \$400,000 in attorney's fees for two private defense teams for cases

proceeding to trial in FY 2012. The agency also projects an additional \$21,000 for four trial transcripts along with several other expenditures mostly related to expert witness costs.

B. FY 2013 – Budget Year

FY 2013 OPERATING BUDGET SUMMARY			
	Agency Request	Governor's Recommendation	Difference
Total Request/Recommendation	\$ 24,801,854	\$ 23,807,982	\$ (993,872)
FTE Positions	187.0	187.0	0.0
<i>Change from FY 2012:</i>			
<i>Dollar Change:</i>			
State General Fund	\$ 1,173,688	\$ 1,112,966	
All Other Funds	(153,841)	(153,841)	
TOTAL	\$ 1,019,847	\$ 959,125	
<i>Percent Change:</i>			
State General Fund	5.2 %	5.1 %	
All Other Funds	(15.0)	(15.0)	
TOTAL	4.3 %	4.2 %	
Change in FTE Positions	0.0	0.0	

The **agency** requests a FY 2013 operating budget totaling \$24.8 million, including \$23.9 million from the State General Fund. The State General Fund request is \$1.2 million, or 5.2 percent, above the agency's FY 2012 revised request. The increase is due to enhancement requests of \$2.7 million, all from the State General Fund. ***Without the enhancement requests***, the request is an all funds decrease of \$1.6 million, or 6.9 percent, and a State General Fund decrease of \$1.5 million, or 6.5 percent, below the FY 2012 revised request. The special revenue fund reduction of \$153,841 is due to the depletion of reserve funds in the Indigent's Defense Services Fund and the In-Service Education Fund. The request includes 195.0 FTE positions, the same as the current year.

- **Salaries and Wages:** The **agency** estimates \$12.1 million for salaries and wages in FY 2013, an increase of \$936,303, or 8.4 percent, above the FY 2012 revised estimate. The increase is attributable to an enhancement request of \$706,190 for public attorney pay parity, the exhaustion of Edward J. Byrne Justice Assistance Grant (JAG) in the amount of \$95,773, and increased employer contributions for group health and hospitalization and state employee retirement.

- **Contractual Services:** The agency estimates \$12.6 million for contractual services in FY 2013, an increase of \$82,564, or 0.7 percent, above the FY 2012 revised estimate. The increase is attributable to court reporting fees in the Appellate Defender Program, rent on regional offices, and moving expenses.

The **Governor** recommends a FY 2013 budget of \$23.8 million, including \$22.9 million from the State General Fund. The recommendation is an increase of \$959,125, or 4.2 percent, and a State General Fund increase of \$23,814, or 3.0 percent above the FY 2012 Governor's recommendations.

The recommendation is also a reduction of \$993,872, or 4.2 percent, below the FY 2013 agency request. The reduction is attributable to a recommendation not to fund the enhancements for assigned counsel expenditures, capital defense, public defender pay parity and an indigency screener for a reduction from the agency request of \$2,088,881. The reduction is partially offset by adoption of the consensus caseload estimate for assigned counsel of \$9.0 million which adds \$1,095,010 to the non-enhanced agency request for assigned counsel.

FY 2013 ENHANCEMENTS						
Enhancements	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Assigned Counsel	\$ 863,160	\$ 863,160	0.0	\$ 0	\$ 0	0.0
Expert and Court Reporter Services	574,502	574,502	0.0	574,502	574,502	0.0
Capital Defense	465,000	465,000	0.0	0	0	0.0
Public Defender Pay Parity	706,190	706,190	0.0	0	0	0.0
Indigency Screener	54,532	54,532	0.0	0	0	0.0
TOTAL	\$ 2,663,384	\$ 2,663,384	0.0	\$ 574,502	\$ 574,502	0.0

Enhancements Detail

Assigned Counsel Expenditures: The agency requests an additional \$863,160, all from the State General Fund, for assigned counsel expenditures in FY 2013. The consensus caseload estimating group projects that the agency will require approximately \$9.0 million for assigned counsel caseload in FY 2013. The agency estimate did not include the consensus caseload estimate and it \$231,850, or 2.6 percent, below the Governor's recommendation.

The **Governor** does not recommend the enhancement request for assigned counsel but does recommending adding \$1.1 million to adopt the consensus caseload amount in FY 2013.

Expert and Court Reporter Services: The agency requests an additional \$574,502, all from the State General Fund, for expert and court reporter fees in FY 2013. The agency states that the increase is attributable to new DUI laws, legislation requiring psychological evaluations, increased billing rates for expert witnesses, guarantees of effective assistance of counsel, and other new areas of law.

The **Governor** recommends the enhancement request for expert and court reporter services.

Capital Defense Operations: The agency requests an additional \$465,000, all from the State General Fund, for Capital Defense Operations in FY 2013. The agency states that the increase is attributable to \$400,000 in attorney's fees for two private defense teams for cases proceeding to trial in FY 2012. The agency also projects an additional \$21,000 for four trial transcripts along with several other expenditures mostly related to expert witness costs.

The **Governor** does not recommend the enhancement request for capital defense operations.

Salary Upgrades: The agency requests \$706,190, all from the State General Fund, to increase salaries of defenders to a level equal to similar positions in the executive branch. The agency states 26.0 percent of public defenders will resign in FY 2012 because of low pay. The average pay for a public defender is \$46,000 per year. All defenders are unclassified employees and are not subject to the undermarket pay plan adjustments based on the Hay Group study. If approved, this enhancement would increase the salaries of 107 public defenders.

The **Governor** does not recommend the enhancement request for public defender pay parity.

Indigency Screener: The agency requests \$54,532, all from the State General Fund, to hire an employee to audit the indigency screen process. The auditor would review the financial affidavits of persons who receive appointed counsel, review the level of charge and other special circumstances related to each case and report quarterly.

The **Governor** does not recommend the enhancement request for an indigency screener position.

Item	FY 2013 REDUCED RESOURCES					
	Agency Recommendation			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Hold Assigned Counsel Claims	\$ (1,013,264)	\$ (1,013,264)	0.0	\$ 0	\$ 0	0.0
Continue Legal Support Vacancies	(50,000)	(50,000)	0.0	0	0	0.0
TOTAL	\$ (1,063,264)	\$ (1,063,264)	0.0	\$ 0	\$ 0	0.0

FY 2013 Reduced Resources

Hold Assigned Counsel Claims: Should the Legislature adopt the reduced resources plan the agency would delay payments on assigned counsel claims for six weeks from FY 2013 to FY 2014 for a FY 2013 State General Fund reduction of \$1,013,264.

Continue Legal Support Vacancies: Should the Legislature adopt the reduced resources plan the agency would continue the vacancies of five legal support positions which are currently funded in the FY 2012 agency requested budget for a savings of \$50,000.

The **Governor** does not recommend the reduced resources budget.

Governor's Recommended Salary and Wage Adjustments

State Employee Pay Increases. The Governor's FY 2013 recommendation does not include a base salary adjustment for state employees.

Classified Employee Pay Plan. During the 2007 interim, the State Employee Compensation Oversight Commission was charged with the development of a new pay plan for classified employees for the Governor, Chief Justice of the Supreme Court and 2008 Legislature to consider. The Commission endorsed the recommendation of the Hay Group that five separate pay plans be created for state employees in the classified service, with different opportunities for pay increases to acknowledge the different types of work performed. The time frame to fully implement the recommended plan was five years. Under the plan, the classified employees were divided into three groups to first address those with the greatest salary disparity to the market rate. The 2008 Legislature appropriated \$8.5 million from the State General Fund for FY 2009, the first year of the program. The 2008 Legislature also appropriated \$8.5 million from the State General Fund for each year from FY 2010 through FY 2013 to the State Finance Council. The 2011 Legislature, however, lapsed the \$8.5 million which had been previously appropriated for both FY 2012 and FY 2013. To date, not action has been taken to implement the new pay plans or the evaluation provisions of the pay plans.

Longevity Bonus Payments. For FY 2013, the Governor recommends the continuation of the current "temporary" longevity bonus payment program. The recommendation provides for a bonus of \$50 per year of service, with a 10-year minimum (\$500) and a 25-year maximum (\$1,250). The current statutory provisions of the longevity bonus payment are \$40 per year of service, with a 10-year minimum (\$400), and a 25-year maximum (\$1,000). Classified employees hired after June 15, 2008 are not eligible for longevity bonus payments. The estimated cost for the recommended FY 2013 payments is \$12.0 million, including \$4.9 million from the State General Fund. For this agency, longevity payments total \$33,150, all from the State General Fund for longevity bonus payments.

Kansas Public Employees Retirement System (KPERs) Rate Adjustments. A total of \$26.1 million, including \$22.2 million from the State General Fund, is included in the Governor's FY 2013 recommendations for KPERs adjustments. The FY 2013 rate for KPERs regular and school members will increase by 0.6 percent, from 8.77 percent to 9.37 percent, when compared to FY 2012. This increase is attributable to the annual statutory increase for financing the unfunded liability of the KPERs fund.

Voluntary Retirement Incentive Program. On August 2, 2011, a Voluntary Retirement Incentive Program was announced that provided incentives to eligible State of Kansas employees in the Executive Branch who elected to retire between August 2, 2011 and October 31, 2011. The intent was to provide incentives for employees to retire in order to generate salary and benefit savings in agency budgets. A total of 1,027 employees participated in the program. Employees were given two incentive options under the program. One was a one-time \$6,500 cash payment at the time of retirement that was not factored into final average salary for KPERs benefit calculations. This option was chosen by 214 employees. The second option, accepted by the other 813 employees, was a health insurance subsidy for up to 60 months of employee only coverage or up to 42 months for employee and dependent coverage. All coverage ceases once the former employee reaches 65 years of age. Agencies were advised they could refill only a portion of the positions vacated by the program. The refilled positions, however, were not to exceed 25.0 percent of the salaries of the vacant positions. Some exceptions were made to this limitation in order to ensure agencies continued to provide acceptable levels of service. After 651 selected positions (63.4 percent) were restored, 376.0 FTE positions (36.6 percent), and estimated savings of \$22.0 million, including \$6.6 million from the State General Fund, were deleted from agency budgets. For this agency, no funding was deleted and no positions were deleted.

Funding Sources

Funding Source	Agency Req. Percent of Total FY 2013	Gov. Rec. Percent of Total FY 2013
State General Fund	96.5 %	96.4 %
Indigents Defense Services Fund	3.5	3.6
In-Service Education Fee Fund	0.0	0.0
TOTAL	<u>100.0 %</u>	<u>100.0 %</u>

Note: Percentages may not add due to rounding.

Indigents' Defense Services Fee Fund Analysis

The Indigents Defense Service Fund receives revenue from three sources; a part of docket fees, an application fee of \$100 per case to be paid up front, and a bond forfeiture program. The agency typically uses revenue from the fund to pay for transcript costs and expert service fees.

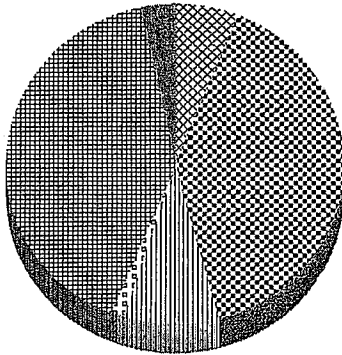
Resource Estimate	Actual FY 2011	Agency Estimate FY 2012	Governor Rec. FY 2012	Agency Request FY 2013	Gov. Rec. FY 2013
Beginning Balance	\$ 78,287	\$ 45,594	\$ 45,594	\$ 0	\$ 0
Revenue	863,749	868,700	868,700	868,700	868,700
Transfers in	0	0	0	0	0
Total Funds Available	\$ 942,036	\$ 914,294	\$ 914,294	\$ 868,700	\$ 868,700
Less: Expenditures	896,442	914,294	914,294	868,700	868,700
Transfers Out	0	0	0	0	0
Off Budget Expenditures	0	0	0	0	0
Ending Balance	\$ 45,594	\$ 0	\$ 0	\$ 0	\$ 0

PROGRAM DETAIL

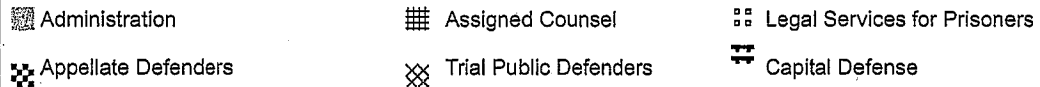
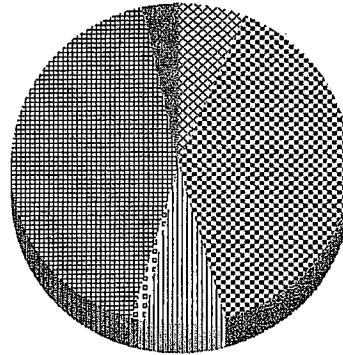
Expenditures by Program

Governor's FY 2013 Recommendation

All Funds



State General Fund



Program	Gov. Rec. All Funds FY 2013	Percent of Total	Gov. Rec. SGF FY 2013	Percent of Total
Administration	\$ 810,918	3.4 %	\$ 810,840	3.5 %
Assigned Counsel	9,619,186	40.4	9,619,186	41.9
Legal Services for Prisoners	289,592	1.2	289,592	1.3
Appellate Defenders	2,191,619	9.2	1,755,078	7.7
Trial Public Defenders	9,459,886	39.7	9,023,305	39.3
Capital Defense	1,436,781	6.0	1,436,781	6.3
TOTAL	\$ 23,807,982	100.0 %	\$ 22,934,782	100.0 %

FTE POSITIONS BY PROGRAM – FY 2011- FY 2013					
Program	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Administration	10.0	10.0	10.0	10.0	10.0
Assigned Counsel	0.0	0.0	0.0	0.0	0.0
Legal Services for Prisoners	0.0	0.0	0.0	0.0	0.0
Appellate Defenders	22.0	22.0	22.0	22.0	22.0
Trial Public Defenders	139.0	139.0	139.0	139.0	139.0
Capital Defense	16.0	16.0	16.0	16.0	16.0
TOTAL	187.0	187.0	187.0	187.0	187.0

A. Administration

The Administration Program is responsible for overall agency operations and provides support for the statewide delivery of indigents' defense services. Funding is from the State General Fund, except for a small amount that is from the In-service Education Workshop Fee Fund.

ADMINISTRATION PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 605,124	\$ 635,057	\$ 635,057	\$ 699,114	\$ 644,582
Contractual Services	132,367	143,455	143,455	157,708	157,708
Commodities	14,811	8,592	8,592	8,628	8,628
Capital Outlay	69,753	0	0	0	0
Subtotal - Operations	\$ 822,055	\$ 787,104	\$ 787,104	\$ 865,450	\$ 810,918
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	\$ 822,055	\$ 787,104	\$ 787,104	\$ 865,450	\$ 810,918
Financing:					
State General Fund	\$ 807,518	\$ 787,026	\$ 787,026	\$ 865,372	\$ 810,840
All Other Funds	14,537	78	78	78	78
TOTAL	\$ 822,055	\$ 787,104	\$ 787,104	\$ 865,450	\$ 810,918
FTE Positions	10.0	10.0	10.0	10.0	10.0
Non-FTE Uncl. Perm. Pos.	0.5	0.5	0.5	0.5	0.5
TOTAL	10.5	10.5	10.5	10.5	10.5

The **agency** requests \$865,450, including \$865,372 from the State General Fund, for FY 2013. The request is an increase of \$78,346, or 10.0 percent, above the FY 2012 revised estimate. The increase is predominantly attributable to temporary staff (\$39,853), state contributions to employee retirement (\$8,445), group health and hospitalization contributions (\$12,682), and DISC fees (\$11,840).

The **Governor** recommends a FY 2013 budget of \$810,918 for the Administration program, a State General Fund reduction of \$54,532, or 6.3 percent, below the FY 2013 agency request. The reduction is attributable to the recommendation not to fund the enhancement request for an indigency screener.

B. Assigned Counsel

When public defender offices cannot handle the volume of cases or when conflicts exist that prevent public defenders from being involved, private assigned counsel is used. Payment is made to private counsel in those parts of the state not served by public defender offices or by negotiated contract. Attorneys are either selected and assigned to cases by judges or are assigned by judges from a pool of attorneys with whom the Board has negotiated contracts. When contracts are involved, the Board is able to realize a cost savings and has made a concerted effort to expand the number of assigned counsel who serve under contract. The Board believes the assigned counsel system is the most economical for rural counties and in most conflict cases. The agency supports a mixed system of assigned counsel and public defenders, with a heavier emphasis on the public defender system in serious cases or in heavy caseload areas. Beginning in FY 2006, a separate line item appropriation was made for Assigned Counsel expenditures to keep costs for attorneys separate from the other professional services.

ASSIGNED COUNSEL PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Contractual Services	9,256,349	9,379,708	8,911,558	9,387,336	9,619,186
Commodities	0	0	0	0	0
Capital Outlay	0	0	0	0	0
Subtotal - Operating	<u>\$ 9,256,349</u>	<u>\$ 9,379,708</u>	<u>\$ 8,911,558</u>	<u>\$ 9,387,336</u>	<u>\$ 9,619,186</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u><u>\$ 9,256,349</u></u>	<u><u>\$ 9,379,708</u></u>	<u><u>\$ 8,911,558</u></u>	<u><u>\$ 9,387,336</u></u>	<u><u>\$ 9,619,186</u></u>
Financing:					
State General Fund	\$ 8,946,132	\$ 9,379,708	\$ 8,911,558	\$ 9,387,336	\$ 9,619,186
All Other Funds	310,217	0	0	0	0
TOTAL	<u><u>\$ 9,256,349</u></u>	<u><u>\$ 9,379,708</u></u>	<u><u>\$ 8,911,558</u></u>	<u><u>\$ 9,387,336</u></u>	<u><u>\$ 9,619,186</u></u>
FTE Positions	0.0	0.0	0.0	0.0	0.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u><u>0.0</u></u>	<u><u>0.0</u></u>	<u><u>0.0</u></u>	<u><u>0.0</u></u>	<u><u>0.0</u></u>

The **agency** requests, for FY 2012, \$9.4 million, all from the State General Fund, an increase of \$7,628, or 0.1 percent, above the FY 2012 approved amount for the Assigned Counsel program. The increase is attributable to expert witness and court reporting fees. The agency is requesting an additional \$863,160 in both FY 2012 and FY 2013 for assigned counsel.

The **Governor** recommends a FY 2013 budget of \$9.6 million for assigned counsel expenditures, an increase of \$231,850, or 2.5 percent, above the FY 2013 agency request. The increase is attributable to adoption of the consensus caseload estimate for assigned counsel but the Governor recommends rejection of the enhancement request for assigned counsel expenditures.

Consensus Caseload Estimates

During the fall of 2011, the agency, the Division of Budget, and the Legislative Research Department developed a caseload estimate for the Assigned Counsel Program. This estimate was not included as a part of the agency's request due to the timing of the budget submission deadline. The estimate for FY 2012 is \$8.6 million, \$600,000 more than the amount approved by the 2011 Legislature. The agency is requesting \$8.8 million for assigned counsel in FY 2012, \$863,160 greater than the amount approved and \$168,150 more than the amount estimated by the consensus group.

The **Governor** recommends adding \$695,010, all from the State General Fund, for a FY 2012 approved budget of \$8.6 million, to adopt the consensus caseload estimated amount.

The amount estimated for FY 2013 by the consensus caseload group is \$9.0 million, an increase of \$400,000 over the amount estimated for FY 2012. The agency estimate is \$231,850 less than the amount estimated by the consensus group.

The **Governor** recommends a FY 2013 budget for the assigned counsel program of \$9.0 million, all from the State General Fund, to adopt the consensus caseload estimated amount.

The caseload estimates continue the reduction in the pay rates established for Assigned Counsel from \$80 per hour to \$62 per hour. The rate reductions do not impact fees charged by assigned counsel for costs incurred, transcripts, expert witnesses or travel. The rate reduction was extended by the agency into FY 2012, but is currently projected to expire at the end of FY 2012 and rates will return to \$80 per hour. However, this budget is built on an estimate of \$62 per hour.

The caseloads for the Assigned Counsel Program were estimated without factoring in overflow cases from Legal Services for Prisoners. BIDS is statutorily required to compensate attorneys for work on these cases regardless of the funding level for Legal Services for Prisoners (KSA 44-4503, Attorney General Opinion 97-71).

C. Legal Services for Prisoners, Inc.

Legal Services for Prisoners, Inc., is a non-profit corporation organized to provide legal assistance to indigent inmates of Kansas correctional institutions. The Board of Indigents' Defense Services is a pass-through agency for funding purposes and has no administrative or policy control over the corporation. The corporation is governed by a board comprised of a representative of each of the Kansas law schools, four representatives of the Kansas Bar Association, one representative of the Kansas Trial Judges Association, and the Judicial Administrator of the Court. Expenditures for the corporation are from the State General Fund. Legal Services for Prisoners has an office in Topeka and offices in the correctional facilities located in Lansing, Hutchinson, and El Dorado. These offices also provide assistance to inmates at correctional facilities located in Toronto, Winfield, Larned, Wichita, Ellsworth, Norton, and Osawatomie.

LEGAL SERVICES FOR PRISONERS PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 293,073	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
Contractual Services	0	0	0	0	0
Commodities	0	0	0	0	0
Capital Outlay	0	0	0	0	0
Subtotal - Operating	<u>\$ 293,073</u>	<u>\$ 289,592</u>	<u>\$ 289,592</u>	<u>\$ 289,592</u>	<u>\$ 289,592</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u><u>\$ 293,073</u></u>	<u><u>\$ 289,592</u></u>	<u><u>\$ 289,592</u></u>	<u><u>\$ 289,592</u></u>	<u><u>\$ 289,592</u></u>
Financing:					
State General Fund	\$ 293,073	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
All Other Funds	0	0	0	0	0
TOTAL	<u><u>\$ 293,073</u></u>	<u><u>\$ 289,592</u></u>	<u><u>\$ 289,592</u></u>	<u><u>\$ 289,592</u></u>	<u><u>\$ 289,592</u></u>
FTE Positions	0.0	0.0	0.0	0.0	0.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u><u>0.0</u></u>	<u><u>0.0</u></u>	<u><u>0.0</u></u>	<u><u>0.0</u></u>	<u><u>0.0</u></u>

The agency requests \$289,592, all from the State General Fund, for Legal Services for Prisoners for FY 2012 and FY 2013. The request is a \$3,481 reduction from the FY 2011 actual amount due to across the board reductions made by the 2011 Legislature.

The Governor concurs with the agency request.

D. Appellate Defenders

The Appellate Defender Office is a statewide office located in Topeka that represents indigent felony defendants on appeal. Funding for death penalty appeals handled by the Appellate Defender's Office is included in the budget for the Death Penalty Defense Unit. The office makes use of paralegals and law school interns.

APPELLATE DEFENDER PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 1,420,688	\$ 1,355,679	\$ 1,355,679	\$ 1,377,565	\$ 1,377,565
Contractual Services	724,170	749,275	749,275	803,792	803,792
Commodities	10,217	10,233	10,233	10,262	10,262
Capital Outlay	3,045	0	0	0	0
Subtotal - Operating	\$ 2,158,120	\$ 2,115,187	\$ 2,115,187	\$ 2,191,619	\$ 2,191,619
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	\$ 2,158,120	\$ 2,115,187	\$ 2,115,187	\$ 2,191,619	\$ 2,191,619
Financing:					
State General Fund	\$ 1,766,312	\$ 1,631,562	\$ 1,631,562	\$ 1,755,078	\$ 1,755,078
All Other Funds	391,808	483,625	483,625	436,541	436,541
TOTAL	\$ 2,158,120	\$ 2,115,187	\$ 2,115,187	\$ 2,191,619	\$ 2,191,619
FTE Positions	22.0	22.0	22.0	22.0	22.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	22.0	22.0	22.0	22.0	22.0

The **agency** requests \$2.2 million, including \$1.8 million from the State General Fund for FY 2013. The request is an increase of \$76,432, or 3.6 percent, above the revised FY 2012 request. The State General Fund request is an increase of \$123,516, or 7.6 percent, and the special revenue fund request is a reduction of \$47,084, or 9.7 percent, from the FY 2012 revised estimate. The decrease in special revenue funds is attributable to the exhaustion of reserves in the Indigent Defense Services Fund. The request includes 22.0 FTE positions, the same as the revised FY 2012 request.

- **Salaries and Wages:** The agency estimates \$1,337,565 for salaries and wages in FY 2013, an increase of \$21,886, or 1.6 percent, above the 2012 agency estimate. The change is attributable to increases in group health and hospitalization (\$13,682) and KPERS employer contributions (\$9,506).
- **Contractual Services:** The agency estimates \$803,792 for contractual services in FY 2013, an increase of \$54,517, or 7.3 percent, above the FY 2012 agency estimate. The change is due to increased expenditures for court reporter services.

The **Governor** concurs with the agency request for the Appellate Defender Program.

E. Trial Public Defenders

Public defender offices are located around the state and provide services in counties to indigents on a regional basis. A particular effort has been made to expand the geographic area served by each public defender office. Offices are located in Salina, Junction City, Wichita (with a satellite in Hutchinson), Olathe, Garden City (with a satellite in Liberal), Chanute, and Topeka. The Northeast Kansas Conflict Office is also located in Topeka. The Conflict Office becomes involved in conflicts cases when there are multiple indigent defendants and one of the defendants is already being represented by a public defender or assigned counsel.

TRIAL PUBLIC DEFENDERS PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 7,812,090	\$ 8,049,919	\$ 8,049,919	\$ 8,884,204	\$ 8,178,014
Contractual Services	1,175,984	1,195,922	1,195,922	1,218,276	1,218,276
Commodities	61,525	61,683	61,683	62,485	62,485
Capital Outlay	27,658	1,111	1,111	1,111	1,111
Subtotal - Operating	\$ 9,077,257	\$ 9,308,635	\$ 9,308,635	\$ 10,166,076	\$ 9,459,886
Aid to Local Units	0	0	0	0	0
All Other Funds	0	0	0	0	0
TOTAL	\$ 9,077,257	\$ 9,308,635	\$ 9,308,635	\$ 10,166,076	\$ 9,459,886
Financing:					
State General Fund	\$ 8,398,620	\$ 8,765,297	\$ 8,765,297	\$ 9,729,495	\$ 9,023,305
All Other Funds	678,637	543,338	543,338	436,581	436,581
TOTAL	\$ 9,077,257	\$ 9,308,635	\$ 9,308,635	\$ 10,166,076	\$ 9,459,886
FTE Positions	139.0	139.0	139.0	139.0	139.0
Non-FTE Uncl. Perm. Pos.	2.0	2.0	2.0	2.0	2.0
TOTAL	141.0	141.0	141.0	141.0	141.0

The **agency** requests \$10.2 million, including \$9.7 million from the State General Fund for Trial Public Defender Operations for FY 2013. The request is an all funds increase of \$857,757, or 9.2 percent, above the FY 2012 revised request. The agency is requesting a State General Fund increase of \$964,198, or 11.0 percent, and a special revenue fund reduction of \$106,757, or 19.6 percent, from the FY 2012 request. The alteration in the balance between State General Fund and special revenue funds is due to the expiration of the federal JAG Public Defender Grant.

- **Salaries and Wages:** The agency is requesting \$8.9 million for salaries and wages, an increase of \$834,285, or 10.4 percent, above the FY 2012 revised estimate. The increase is attributable to the enhancement request to increase unclassified attorney salaries to achieve parity with classified salaries (\$706,192), increased expenditures for group health and hospitalization (\$76,222), and increased employer contributions for state employee retirement (\$56,760).
- **Contractual Services:** The agency is requesting \$1.2 million for contractual services, an increase of \$22,354, or 1.9 percent, above the FY 2012 revised request. The increase is predominantly attributable to rent, postage and moving expenses.

The **Governor** recommends a FY 2013 budget totaling \$9.5 million, including \$9.0 million from the State General Fund. This is an increase of \$151,251 above the FY 2012 recommendation. The recommendation is a State General Fund reduction of \$706,190, or 7.3 percent, below the FY 2013 agency request. The reduction is attributable to deletion of the enhancement requests for salary and wage increases for public defenders.

F. Capital Defense

Capital Defense represents individuals charged with capital cases, administers a system by which courts may appoint qualified attorneys to represent indigents charged with capital offenses, serves as a resource for attorneys assigned to capital cases, develops training programs and materials for persons involved in capital cases, maintains statistical records about the use of capital punishment, and provides expert and investigative services to trial counsel in capital cases. Expenditures for the unit include costs of in-house defense, contracts with private attorneys in conflict cases or because of staff overload, and costs associated with capital cases on appeal.

According to the agency, attorneys can only defend capital cases when they meet the standards set by the American Bar Association. Previously, that standard included the requirement that an attorney have previously handled a death penalty case as a second chair. That standard was changed. Currently attorneys are qualified to defend a capital case when they have: (1) experience defending homicide cases to a jury, and (2) taken specific continuing legal education course work on capital defense.

CAPITAL DEFENSE PROGRAM SUMMARY OF EXPENDITURES FY 2011 - FY 2013					
Item	Actual FY 2011	Agency Est. FY 2012	Gov. Rec. FY 2012	Agency Req. FY 2013	Gov. Rec. FY 2013
Expenditures:					
Salaries and Wages	\$ 1,106,962	\$ 1,112,863	\$ 1,112,863	\$ 1,128,938	\$ 1,128,938
Contractual Services	500,990	776,136	311,136	759,948	294,948
Commodities	8,728	12,782	12,782	12,895	12,895
Capital Outlay	2,201	0	0	0	0
Subtotal - Operating	<u>\$ 1,618,881</u>	<u>\$ 1,901,781</u>	<u>\$ 1,436,781</u>	<u>\$ 1,901,781</u>	<u>\$ 1,436,781</u>
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
TOTAL	<u><u>\$ 1,618,881</u></u>	<u><u>\$ 1,901,781</u></u>	<u><u>\$ 1,436,781</u></u>	<u><u>\$ 1,901,781</u></u>	<u><u>\$ 1,436,781</u></u>
Financing:					
State General Fund	\$ 1,615,081	\$ 1,901,781	\$ 1,436,781	\$ 1,901,781	\$ 1,436,781
All Other Funds	3,800	0	0	0	0
TOTAL	<u><u>\$ 1,618,881</u></u>	<u><u>\$ 1,901,781</u></u>	<u><u>\$ 1,436,781</u></u>	<u><u>\$ 1,901,781</u></u>	<u><u>\$ 1,436,781</u></u>
FTE Positions	16.0	16.0	16.0	16.0	16.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	<u><u>16.0</u></u>	<u><u>16.0</u></u>	<u><u>16.0</u></u>	<u><u>16.0</u></u>	<u><u>16.0</u></u>

The agency requests \$1.9 million, all from the State General Fund, for Capital Defenders for FY 2013. The request is unchanged between FY 2012 and FY 2013. Both fiscal years include an enhancement request of \$465,000, all from the State General Fund, for a total two year increase of \$930,000. The agency states that the increase is attributable to \$400,000 in attorney's fees for two private defense teams for cases proceeding to trial in FY 2012. The agency also projects an additional \$21,000 for four trial transcripts along with several other expenditures mostly related to expert witness costs. The agency further states that they were

able to shift funds from capital defense to other programs in FY 2011 due to the slow start of some of these capital trials. The request includes 16.0 FTE positions.

The **Governor** recommends a FY 2013 budget totaling \$1.4 million, all from the State General Fund. The recommendation is the same as the FY 2012 recommendation, and a reduction of \$465,000, or 24.5 percent, below the FY 2013 agency request. The reduction is attributable to a recommendation against adoption of the agency enhancement request.

PERFORMANCE MEASURES				
Measure	Gov. Rec. for FY 2011	Actual FY 2011	Gov. Rec. FY 2012	Gov. Rec. FY 2013
Number of Continuing Legal Education programs offered to panel attorneys	2	2	2	2
Total assigned counsel cases	11,000	11,559	11,559	11,559
Total public defender cases	132,800	14,043	14,043	14,043