

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE

Budget Review Subcommittee on Justice and Judiciary

Minutes of the 3rd Meeting of the 2021 Interim

August 4, 2021

Call to Order and Roll Call

The 3rd meeting of the Budget Review Subcommittee on Justice and Judiciary of the Interim Joint Committee on Appropriations & Revenue was held on Wednesday, August 4, 2021, at 9:00 AM, in Room 129 of the Capitol Annex. Representative Joseph M. Fischer, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Danny Carroll, Co-Chair; Representative Joseph M. Fischer, Co-Chair; Senators John Schickel, Robin L. Webb, and Whitney Westerfield; Representatives McKenzie Cantrell, Jennifer Decker, Daniel Elliott, C. Ed Massey, and Jason Nemes.

Guests: Jenny Lafferty, Director, Office of Finance and Administration, Administrative Office of the Courts (AOC); Carole Henderson, Budget Director, AOC; Damon L. Preston, Public Advocate, Department of Public Advocacy (DPA); B. Scott West, Deputy Public Advocate, DPA; and Senator Johnnie Turner.

LRC Staff: Zachary Ireland and Benjamin Thompson

Approval of Minutes

Senator Carroll moved to approve the minutes from the July 7, 2021 meeting of the subcommittee. Senator Westerfield seconded the motion, and the minutes were approved without objection.

Update on Court Facilities

Ms. Lafferty and Ms. Henderson provided a presentation regarding the progress that had been made on courthouse construction and renovation projects that were previously approved. Ms. Lafferty also addressed projects that would likely be in the upcoming Judicial Branch budget request.

In response to questions from Chair Fischer, Ms. Henderson confirmed that the bonds used to fund construction projects have a twenty year payoff. Ms. Lafferty noted that the \$400 to \$550 per square foot cost of constructing these courthouses is average or possibly a little below average compared to the amount other states spend on similar

projects. Ms. Henderson noted that the Judicial Branch enjoys an interest rate of around two percent on construction bonds. After the bond is paid off, a constructed courthouse is owned by the county in which it is built, rather than any state agency.

In response to questions from Senator Westerfield, Ms. Lafferty stated that there were thirty-seven counties where new courthouse construction or renovation to existing structures had not taken place. Twelve assessments have been done, with the remaining twenty-five to be completed by the end of May 2022.

In response to questions from Senator Carroll, Ms. Henderson said that the Administrative Office of the Courts (AOC) pays a proportional share of maintenance costs in county courthouses. If the court of justice occupies the entirety of a judicial building, then the AOC would be responsible for the full cost of any repairs. Ms. Lafferty noted that there have been very few counties where mixed-use facility building projects were completed.

In response to questions from Representative Nemes, Ms. Henderson confirmed that the twenty year bond debts for many courthouses will be fully paid within the next few fiscal biennia.

In response to a question from Senator Turner, Ms. Lafferty noted that she would ask Danny Rhoades, Executive Officer, Department of Court Facilities, AOC, to contact him to discuss ideas regarding features to make new courthouses more accessible and convenient for the public as well as those who work on the premises.

Update on the Department of Public Advocacy

Mr. Preston and Mr. West presented an overview of the Department of Public Advocacy's (DPA) status and issues regarding staff turnover. Mr. Preston requested a funding increase of \$5,582,878 to provide an increased salary scale to DPA attorneys, noting that DPA had lost many attorneys to other executive branch agencies that were able to provide significantly higher salaries.

In response to a question from Representative Nemes, Mr. Preston agreed that there would need to be protections in place to prevent a conflict of interest and increase independence if DPA attorneys were moved into non-classified positions.

In response to questions from Senator Carroll, Mr. Preston stated that DPA has 320 attorney positions, though he was unsure of the number positions that were vacant. Mr. Preston confirmed that judges can impose fees on defendants that are declared indigent. Those fees total roughly \$1.5 million per year and the entirety goes to the DPA. Judges have a lot of discretion concerning indigent fees and there is no set scale. Mr. Preston noted that with the requested funding increase starting salaries would remain the same, but that

an attorney that had been at DPA for ten years would be making a salary of roughly \$65,000.

There being no further business before the subcommittee, the meeting was adjourned at 10:40 AM.