

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services

Bill No. SB 270

Bill Sec. 46

Analyst: Wilhelm

Analysis Pg. No. 1201

Budget Page No. 60

Expenditure Summary	Agency Request FY 2016	Governor Recommendation FY 2016	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 27,956,585	\$ 25,886,324	\$ 60,000
Other Funds	586,000	585,699	0
Subtotal	<u>\$ 28,542,585</u>	<u>\$ 26,472,023</u>	<u>\$ 60,000</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>\$ 28,542,585</u></u>	 <u><u>\$ 26,472,023</u></u>	 <u><u>\$ 60,000</u></u>
 FTE positions	 186.5	 186.5	 0.0
Non FTE Uncl. Perm. Pos.	0.5	0.5	0.0
TOTAL	<u><u>187.0</u></u>	<u><u>187.0</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests \$28.5 million, including \$28.0 million from the State General Fund. This request is an increase of \$2.0 million, or 7.7 percent, above the agency's FY 2015 revised estimate. This increase is attributable to enhancement requests totaling \$2.9 million for FY 2016.

Absent the enhancements, the request is a decrease of \$872,856, or 3.3 percent, below the FY 2015 revised estimate. The agency also request an estimate of 186.5 FTE positions, a decrease of 0.5 FTE positions below the revised FY 2015 estimate.

Governor's Recommendation

The **Governor** recommends a budget of \$26.5 million, including \$25.9 million from the State General Fund, for FY 2016. This is a decrease of \$2.1 million, or 7.3 percent, all funds, and \$2.1 million, or 7.4 percent, below the agency's request. This decrease is attributable to the Governor not recommending the agency's four enhancement requests (\$2.9 million) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$119,022).

This decrease is partially offset by a recommended increase of \$950,000, all from the State General Fund, for assigned counsel expenditures based on the fall 2014 consensus

caseload estimate. The Governor recommends that this additional funding be placed in a new State General Fund Litigation Support account to be used as needed by the agency for litigation support.

Senate Subcommittee Recommendation

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

1. Add \$60,000, all from the State General Fund, for an electronic case management system.

Senate Committee Recommendation

The Committee concurs with the Subcommittee's recommendation with the following adjustments:

1. Delete \$60,000, all from the State General Fund, for an electronic case management system and review at omnibus.
2. Review at omnibus the agency's enhancement requests of \$2.2 million to increase the assigned counsel payment rate from \$62 per hour to the statutory rate of \$80 per hour, \$200,000 to bring starting public defender salaries to parity with other executive branch attorneys, and \$441,540 for "Hard 50" sentence litigation for FY 2016. The Committee notes that it will evaluate whether to fund some or all of these enhancement requests based on available moneys.

Senate Committee of the Whole Recommendation (Senate Sub. for HB 2135)

The **Committee of the Whole** concurs with the Committee's recommendation.

House Budget Committee Report

Agency: Board of Indigents' Defense Services

Bill No. HB 2370

Bill Sec. 46

Analyst: Wilhelm

Analysis Pg. No. 1201

Budget Page No. 60

Expenditure Summary	Agency Request FY 2016	Governor Recommendation FY 2016	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 27,956,585	\$ 25,886,324	\$ 0
Other Funds	586,000	585,699	0
Subtotal	<u>\$ 28,542,585</u>	<u>\$ 26,472,023</u>	<u>\$ 0</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>\$ 28,542,585</u></u>	<u><u>\$ 26,472,023</u></u>	<u><u>\$ 0</u></u>
FTE positions	186.5	186.5	0.0
Non FTE Uncl. Perm. Pos.	0.5	0.5	0.0
TOTAL	<u><u>187.0</u></u>	<u><u>187.0</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests \$28.5 million, including \$28.0 million from the State General Fund. This request is an increase of \$2.0 million, or 7.7 percent, above the agency's FY 2015 revised estimate. This increase is attributable to enhancement requests totaling \$2.9 million for FY 2016.

Absent the enhancements, the request is a decrease of \$872,856, or 3.3 percent, below the FY 2015 revised estimate. The agency also request an estimate of 186.5 FTE positions, a decrease of 0.5 FTE positions below the revised FY 2015 estimate.

Governor's Recommendation

The **Governor** recommends a budget of \$26.5 million, including \$25.9 million from the State General Fund, for FY 2016. This is a decrease of \$2.1 million, or 7.3 percent, all funds, and \$2.1 million, or 7.4 percent, below the agency's request. This decrease is attributable to the Governor not recommending the agency's four enhancement requests (\$2.9 million) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$119,022).

This decrease is partially offset by a recommended increase of \$950,000, all from the State General Fund, for assigned counsel expenditures based on the fall 2014 consensus caseload estimate. The Governor recommends that this additional funding be placed in a new State General Fund Litigation Support account to be used as needed by the agency for litigation support.

House Budget Committee Recommendation

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

1. The Budget Committee notes with concern the effect of the current assigned counsel compensation rate on the willingness of attorneys to act as assigned counsel and recommends that the Committee consider at omnibus the addition of \$611,000, all from the State General Fund, for an increase in the payment rate to assigned counsel from \$62 per hour to \$67 per hour for FY 2016.
2. The Budget Committee notes that decreasing public defender turnover would allow public defenders to handle more cases and decrease the agency's assigned counsel utilization and recommends that the Committee consider at omnibus the addition of \$100,000, all from the State General Fund, to fund 50 percent of the agency's enhancement request to increase public defender base salaries to parity with other executive branch attorneys for FY 2016. This would bring public defender starting salaries to approximately \$54,500 per annum.
3. The Budget Committee notes with concern that the agency currently lacks capacity to comply with pending e-filing requirements for state courts and recommends that the Committee consider at omnibus the addition of \$60,000, all from the State General Fund, for an electronic case management system for FY 2016.

House Committee Recommendation

The **Committee** concurs with the Budget Committee's recommendation

Conference Committee Recommendation (House Sub. for SB 112)

The **Conference Committee** concurs with the Governor's recommendation with the following adjustments:

1. Delete \$140,591, including \$140,233 from the State General Fund, to reduce the Kansas Public Employees Retirement System employer contribution rate from 12.37 percent to 10.91 percent for FY 2016. This implements the provisions of SB 228.
2. Delete \$29,100, including \$29,026 from the State General Fund, to suspend employer contributions to the Kansas Public Employees Retirement System Group Insurance Fund, or Death and Disability Fund, for the final seven pay periods for FY 2016.
3. Delete \$7,482, all from the State General Fund, for a 25.0 percent reduction of travel expenditures for FY 2016.
4. Add language to prohibit expenditures on newspapers and magazines, including electronic subscriptions, for FY 2016.

	Governor's Recommendation FY 2016	Legislative Action	Legislative Approved FY 2016	Governor's Veto FY 2016	Final Legislative Approved FY 2016
All Funds					
State Operations	\$ 26,472,023	\$ (177,173)	\$ 26,294,850	\$ 0	\$ 26,294,850
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
Subtotal- Operations	\$ 26,472,023	\$ (177,173)	\$ 26,294,850	\$ 0	\$ 26,294,850
Capital Improvements	0	0	0	0	0
TOTAL	\$ 26,472,023	\$ (177,173)	\$ 26,294,850	\$ 0	\$ 26,294,850
State General Fund					
State Operations	\$ 25,886,324	\$ (176,741)	\$ 25,709,583	\$ 0	\$ 25,709,583
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
Subtotal-Operating	\$ 25,886,324	\$ (176,741)	\$ 25,709,583	\$ 0	\$ 25,709,583
Capital Improvements	0	0	0	0	0
TOTAL	\$ 25,886,324	\$ (176,741)	\$ 25,709,583	\$ 0	\$ 25,709,583
FTE Positions	186.5	0.0	186.5	0.0	186.5
Non-FTE Unclass. Perm. Pos.	0.5	0.0	0.5	0.0	0.5
TOTAL	187.0	0.0	187.0	0.0	187.0