

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 2017	Governor Recommendation FY 2017	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 28,494,775	\$ 26,942,072	\$ 28,000
Other Funds	586,000	585,692	0
Subtotal	\$ 29,080,775	\$ 27,527,764	\$ 28,000
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
TOTAL	\$ 29,080,775	\$ 27,527,764	\$ 28,000
FTE positions	186.5	186.5	0.0
Non FTE Uncl. Perm. Pos.	0.5	0.5	0.0
TOTAL	187.0	187.0	0.0

Agency Request

The **agency** requests \$29.1 million, including \$28.5 million from the State General Fund. This request is an increase of \$538,190, or 1.9 percent, above the agency's FY 2016 request. This request includes the same \$2.9 million in enhancements sought for FY 2016. The additional increase is attributable to increased salary and wage expenditures across the agency. The agency also requests 186.5 FTE positions, which is the same as the request for FY 2016.

Governor's Recommendation

The **Governor** recommends a budget of \$27.5 million, including \$27.0 million from the State General Fund, for FY 2016. This is a decrease of \$1.6 million, or 5.3 percent, all funds, and \$1.6 million, or 5.4 percent, State General Fund 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 (\$121,471).

This decrease is partially offset by a recommended increase of \$1.5 million, 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 \$28,000, all from the State General Fund, for an electronic case management system.

Senate Committee Recommendation

The **Committee** concurs with the Subcommittees recommendation with the following adjustments:

1. Delete \$28,000, 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 2017 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. 47

Analyst: Wilhelm

Analysis Pg. No. 1201

Budget Page No. 60

Expenditure Summary	Agency Request FY 2017	Governor Recommendation FY 2017	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 28,494,775	\$ 26,942,072	\$ 0
Other Funds	586,000	585,692	0
Subtotal	<u>\$ 29,080,775</u>	<u>\$ 27,527,764</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>\$ 29,080,775</u></u>	<u><u>\$ 27,527,764</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 \$29.1 million, including \$28.5 million from the State General Fund. This request is an increase of \$538,190, or 1.9 percent, above the agency's FY 2016 request. This request includes the same \$2.9 million in enhancements sought for FY 2016. The additional increase is attributable to increased salary and wage expenditures across the agency. The agency also requests 186.5 FTE positions, which is the same as the request for FY 2016.

Governor's Recommendation

The **Governor** recommends a budget of \$27.5 million, including \$27.0 million from the State General Fund, for FY 2016. This is a decrease of \$1.6 million, or 5.3 percent, all funds, and \$1.6 million, or 5.4 percent, State General Fund 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 (\$121,471).

This decrease is partially offset by a recommended increase of \$1.5 million, 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 2017.
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 \$200,000, for the agency's enhancement request to increase public defender base salaries to parity with other executive branch attorneys for FY 2017. This would bring public defender starting salaries to approximately \$56,000 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 \$40,000, all from the State General Fund, for an electronic case management system for FY 2017.

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 \$276,029, including \$275,289 from the State General Fund, to reduce the Kansas Public Employees Retirement System employer contribution rate from 13.57 percent to 10.81 percent for FY 2017. This implements the provisions of SB 228.
2. Delete \$31,989, including \$31,903 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 2017.
3. Delete \$7,520, all from the State General Fund, for a 25.0 percent reduction of travel expenditures for FY 2017.
4. Add language to prohibit expenditures on newspapers and magazines, including electronic subscriptions, for FY 2017.

	Governor's Recommendation FY 2017	Legislative Action	Legislative Approved FY 2017	Governor's Veto FY 2017	Final Legislative Approved FY 2017
All Funds					
State Operations	\$ 27,527,764	\$ (315,538)	\$ 27,212,226	\$ 0	\$ 27,212,226
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
Subtotal- Operations	\$ 27,527,764	\$ (315,538)	\$ 27,212,226	\$ 0	\$ 27,212,226
Capital Improvements	0	0	0	0	0
TOTAL	<u>\$ 27,527,764</u>	<u>\$ (315,538)</u>	<u>\$ 27,212,226</u>	<u>\$ 0</u>	<u>\$ 27,212,226</u>
State General Fund					
State Operations	\$ 26,942,072	\$ (314,712)	\$ 26,627,360	\$ 0	\$ 26,627,360
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
Subtotal-Operating	\$ 26,942,072	\$ (314,712)	\$ 26,627,360	\$ 0	\$ 26,627,360
Capital Improvements	0	0	0	0	0
TOTAL	<u>\$ 26,942,072</u>	<u>\$ (314,712)</u>	<u>\$ 26,627,360</u>	<u>\$ 0</u>	<u>\$ 26,627,360</u>
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	<u>187.0</u>	<u>0.0</u>	<u>187.0</u>	<u>0.0</u>	<u>187.0</u>