

BOARD OF INDIGENTS' DEFENSE SERVICES

	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Operating Expenditures:							
State General Fund	\$ 24,399,737	\$ 25,916,649	\$ 26,107,206	\$ 27,956,585	\$ 25,886,324	\$ 28,494,775	\$ 26,942,072
Other Funds	608,008	597,252	596,978	586,000	585,699	586,000	585,692
TOTAL	\$ 25,007,745	\$ 26,513,901	\$ 26,704,184	\$ 28,542,585	\$ 26,472,023	\$ 29,080,775	\$ 27,527,764
Capital Improvements:							
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
GRAND TOTAL	\$ 25,007,745	\$ 26,513,901	\$ 26,704,184	\$ 28,542,585	\$ 26,472,023	\$ 29,080,775	\$ 27,527,764
Percentage Change:							
Operating Expenditures							
State General Fund	3.9 %	6.2 %	7.0 %	7.9 %	(0.8) %	1.9 %	4.1 %
All Funds	3.0	6.0	6.8	7.7	(0.9)	1.9	4.0
FTE Positions	187.5	187.0	187.0	186.5	186.5	186.5	186.5
Non-FTE							
Perm.Uncl.Pos.	0.0	0.0	0.0	0.5	0.5	0.5	0.5
TOTAL	187.5	187.0	187.0	187.0	187.0	187.0	187.0

AGENCY OVERVIEW

The Board of Indigents' Defense Services is the state agency tasked with providing and supervising constitutionally and statutorily-required legal services for indigents accused of felonies. The Board fulfills this mission by overseeing a statewide system of public defender offices and by

compensating assigned counsel when public defenders are unavailable. The agency also 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. A total of 9.0 additional FTE positions were also approved. The Legislature also 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 expenditures in FY 2012.

The **2012 Legislature** added \$925,502 to fund expert and court reporter services and to fund vacant positions and provide partial funding of the agency enhancement for Public Defender pay parity with similar positions in the Executive Branch.

The **2013 Legislature** added \$553,000 in FY 2013 and \$103,000 in FY 2014 and FY 2015 to enhance funding for expert witnesses and court reporter services. The Legislature also deleted \$277,686 in FY 2014 and \$279,006 in FY 2015 to hold the agency at the FY 2013 level for salaries and wage expenditures.

The **2014 Legislature** added \$1,300,000 in FY 2014 to supplement funding for assigned counsel services. The Legislature also added \$50,000 to fund an expected increase in litigation associated with HB 2442, which changed state sentencing guidelines for individuals convicted of fleeing and eluding police.

BUDGET SUMMARY AND KEY POINTS

FY 2015 Agency Estimate

The **agency** requests a revised estimate of \$26.5 million, including \$25.9 million from the State General Fund. This is an increase of \$104,883, or 0.4 percent, all funds and \$125,398, or 0.5 percent, State General Fund above the amount approved by the 2014 Legislature. This increase is due to the agency submitting its request prior to the Governor's December

allotment (\$125,398) and is partially offset by lower than anticipated revenue and expenditures from the Indigent's Defense Services Fund (\$20,515).

The agency also requests a revised estimate of 187.0 FTE positions, which is 0.5 FTE positions below the approved number.

FY 2015 Governor Recommendation

The **Governor** recommends a budget of \$26.7 million, including \$26.1 million from the State General Fund. This is an increase of \$295,166, or 1.1 percent, all funds and \$315,955, or 1.2 percent, State General Fund above the approved amount. The State General Fund increase is attributable to a higher estimate for assigned counsel expenditures from the fall 2014 consensus caseload estimate (\$315,955). 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.

The special revenue funds decrease of \$20,789, is attributable to a decrease in anticipated revenue and expenditures from the Indigent's Defense Service Fee Fund (\$20,515) and the effect of the Governor's recommended reduction to KPERS employer contribution rate (\$274).

FY 2016 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.

FY 2016 Governor 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.

FY 2017 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.

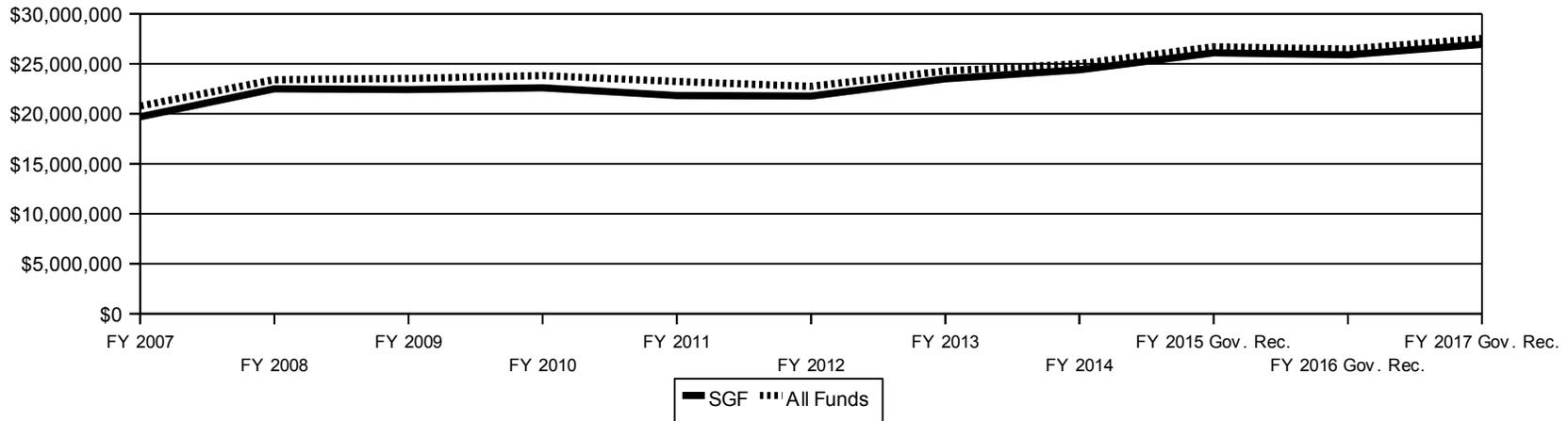
FY 2017 Governor Recommendation

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.

BUDGET TRENDS

OPERATING EXPENDITURES FY 2007 – FY 2017



Fiscal Year	SGF	% Change	All Funds	% Change	FTE
2007	\$ 19,685,109	10.2 %	\$ 20,776,536	11.2 %	191
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	21,769,465	(0.3)	22,743,694	(2.1)	187.0
2013	23,492,839	7.9	24,289,946	6.8	187.0
2014	24,399,737	3.9	25,007,745	3.0	187.5
2015 Gov. Rec.	26,107,206	7.0	26,704,184	6.8	187.0
2016 Gov. Rec.	25,886,324	(0.8)	26,472,023	(0.9)	186.5
2017 Gov. Rec.	26,942,072	4.1	27,527,764	4.0	186.5
Eleven-Year Change	\$ 7,256,963	36.9 %	\$ 6,751,228	32.5 %	(4.5)

Summary of Operating Budget FY 2014 - FY 2016

	Actual 2014	Agency Estimate				Governor's Recommendation			
		Estimate FY 2015	Request FY 2016	Dollar Change from FY 15	Percent Change from FY 15	Rec. FY 2015	Rec. FY 2016	Dollar Change from FY 15	Percent Change from FY 15
By Program:									
Administration	\$ 852,764	\$ 1,039,818	\$ 955,573	\$ (84,245)	(8.1) %	\$ 1,033,224	\$ 889,368	\$ (143,856)	(13.9)%
Assigned Counsel	10,287,047	10,983,045	12,694,000	1,710,955	15.6	11,299,000	11,444,000	145,000	1.3
Legal Serv. for Prisoners	289,592	289,592	289,592	0	0.0	289,592	289,592	0	0.0
Appellate Defender	2,352,651	2,293,047	2,284,445	(8,602)	(0.4)	2,277,144	2,268,117	(9,027)	(0.4)
Trial Public Defenders	10,040,291	10,457,327	10,514,989	57,662	0.6	10,364,501	10,228,829	(135,672)	(1.3)
Capital Defense	1,185,400	1,451,072	1,803,986	352,914	24.3	1,440,723	1,352,117	(88,606)	(6.2)
TOTAL	\$ 25,007,745	\$ 26,513,901	\$ 28,542,585	\$ 2,028,684	7.7 %	\$ 26,704,184	\$ 26,472,023	\$ (232,161)	(0.9)%
By Major Object of Expenditure:									
Salaries and Wages	\$ 11,594,507	\$ 11,960,176	\$ 12,368,541	\$ 408,365	3.4 %	\$ 11,834,504	\$ 12,049,519	\$ 215,015	1.8 %
Contractual Services	13,249,965	14,294,687	15,943,881	1,649,194	11.5	14,610,642	14,252,341	(358,301)	(2.5)
Commodities	73,118	74,892	79,580	4,688	6.3	74,892	79,580	4,688	6.3
Capital Outlay	90,155	184,146	150,583	(33,563)	(18.2)	184,146	90,583	(93,563)	(50.8)
Debt Service	0	0	0	0	--	0	0	0	--
Subtotal - Operations	\$ 25,007,745	\$ 26,513,901	\$ 28,542,585	\$ 2,028,684	7.7 %	\$ 26,704,184	\$ 26,472,023	\$ (232,161)	(0.9)%
Aid to Local Units	0	0	0	0	--	0	0	0	--
Other Assistance	0	0	0	0	--	0	0	0	--
TOTAL	\$ 25,007,745	\$ 26,513,901	\$ 28,542,585	\$ 2,028,684	7.7 %	\$ 26,704,184	\$ 26,472,023	\$ (232,161)	(0.9)%
Financing:									
State General Fund	\$ 24,399,737	\$ 25,916,649	\$ 27,956,585	\$ 2,039,936	7.9 %	\$ 26,107,206	\$ 25,886,324	\$ (220,882)	(0.8)%
All Other Funds	608,008	597,252	586,000	(11,252)	(1.9)	596,978	585,699	(11,279)	(1.9)
TOTAL	\$ 25,007,745	\$ 26,513,901	\$ 28,542,585	\$ 2,028,684	7.7 %	\$ 26,704,184	\$ 26,472,023	\$ (232,161)	(0.9)%

Summary of Operating Budget FY 2016 - FY 2017

	Agency Estimate				Governor's Recommendation			
	Request FY 2016	Request FY 2017	Dollar Change from FY 16	Percent Change from FY 16	Rec. FY 2016	Rec. FY 2017	Dollar Change from FY 16	Percent Change from FY 16
By Program:								
Administration	\$ 955,573	\$ 967,234	\$ 11,661	1.2 %	\$ 889,368	\$ 920,904	\$ 31,536	3.5 %
Assigned Counsel	12,694,000	12,694,000	0	0.0	11,444,000	11,944,000	500,000	4.4
Legal Serv. for Prisoners	289,592	289,592	0	0.0	289,592	289,592	0	0.0
Appellate Defender	2,284,445	2,355,621	71,176	3.1	2,268,117	2,338,966	70,849	3.1
Trial Public Defenders	10,514,989	10,898,320	383,331	3.6	10,228,829	10,610,435	381,606	3.7
Capital Defense	1,803,986	1,876,008	72,022	4.0	1,352,117	1,423,867	71,750	5.3
TOTAL	\$ 28,542,585	\$ 29,080,775	\$ 538,190	1.9 %	\$ 26,472,023	\$ 27,527,764	\$ 1,055,741	4.0 %
By Major Object of Expenditure:								
Salaries and Wages	\$ 12,368,541	\$ 12,926,731	\$ 558,190	4.5 %	\$ 12,049,519	\$ 12,605,260	\$ 555,741	4.6 %
Contractual Services	15,943,881	15,943,636	(245)	(0.0)	14,252,341	14,752,096	499,755	3.5
Commodities	79,580	79,825	245	0.3	79,580	79,825	245	0.3
Capital Outlay	150,583	130,583	(20,000)	(13.3)	90,583	90,583	0	0.0
Debt Service	0	0	0	--	0	0	0	--
Subtotal - Operations	\$ 28,542,585	\$ 29,080,775	\$ 538,190	1.9 %	\$ 26,472,023	\$ 27,527,764	\$ 1,055,741	4.0 %
Aid to Local Units	0	0	0	--	0	0	0	--
Other Assistance	0	0	0	--	0	0	0	--
TOTAL	\$ 28,542,585	\$ 29,080,775	\$ 538,190	1.9 %	\$ 26,472,023	\$ 27,527,764	\$ 1,055,741	4.0 %
Financing:								
State General Fund	\$ 27,956,585	\$ 28,494,775	\$ 538,190	1.9 %	\$ 25,886,324	\$ 26,942,072	\$ 1,055,748	4.1 %
All Other Funds	586,000	586,000	0	0.0	585,699	585,692	(7)	(0.0)
TOTAL	\$ 28,542,585	\$ 29,080,775	\$ 538,190	1.9 %	\$ 26,472,023	\$ 27,527,764	\$ 1,055,741	4.0 %

BUDGET OVERVIEW

A. FY 2015 – Current Year

Adjustments to Approved State General Fund Budget

The Legislature approved a State General Fund budget of \$25,101,795 for the Board of Indigents' Defense Services in FY 2015. Two adjustments have subsequently been made to that amount. These adjustments change the current year approved amount without any legislative action required. For this agency, the following adjustments have been made.

- An increase of \$814,854, based on the reappropriation of FY 2014 funding which was not spent in FY 2014 and has shifted to FY 2015.

- A reduction of \$125,398, as the result of the Governor's December 9th State General Fund allotment.

These adjustments change the FY 2015 approved State General Fund to \$25,791,251. That amount is reflected in the table below as the currently approved FY 2015 State General Fund amount. The agency's budget was submitted prior to the December allotment, so the agency's revised budget estimates do not incorporate the allotment.

	CHANGE FROM APPROVED BUDGET				
	Legislative Approved FY 2015	Agency Estimate FY 2015	Agency Change from Approved	Governor Rec. FY 2015	Governor Change from Approved
State General Fund	\$ 25,791,251	\$ 25,916,649	\$ 125,398	\$ 26,107,206	\$ 315,955
All Other Funds	617,767	597,252	(20,515)	596,978	(20,789)
TOTAL	<u>\$ 26,409,018</u>	<u>\$ 26,513,901</u>	<u>\$ 104,883</u>	<u>\$ 26,704,184</u>	<u>\$ 295,166</u>
FTE Positions	187.0	187.0	0.0	187.0	0.0

The **agency** requests a revised FY 2015 operating budget totaling \$26.5 million, including \$25.9 million from the State General Fund. This is an increase of \$104,883, or 0.4 percent,

all funds and \$125,398, or 0.5 percent, State General Fund above the amount approved by the 2014 Legislature. This increase is due to the agency submitting its request prior to the

Governor's December allotment (\$125,398) and is partially offset by lower than anticipated revenue and expenditures from the Indigent's Defense Services Fund (\$20,515). The request also includes 187.0 FTE positions, the same as the approved number.

The **Governor** recommends a budget of \$26.7 million, including \$26.1 million from the State General Fund. This is an increase of \$295,166, or 1.1 percent, all funds and \$315,955, or 1.2 percent, State General Fund above the approved amount. The State General Fund increase is attributable to a higher

Governor's Allotments

The consensus revenue estimating process was completed on November 10, 2014 subsequent to agencies submitting budgets with revised expenditures for the current fiscal year. The results of the new consensus revenue estimates identified a \$278.7 million State General Fund shortfall for FY 2015. This prompted the Governor to address the shortfall with an allotment plan totaling \$280.0 million which reduced

estimate for assigned counsel expenditures from the fall 2014 consensus caseload estimate (\$315,955). 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.

The special revenue funds decrease of \$20,789, is attributable to a decrease in anticipated revenue and expenditures from the Indigent's Defense Service Fee Fund (\$20,515) and the effect of the Governor's recommended reduction to KPERS employer contribution rate (\$274).

expenditures by \$60.1 million. The allotment plan also included recommendations to transfer funds and adjust Non-State General Fund expenditures an additional \$219.9 million. The adjustments included in the \$219.9 million will require legislative approval to implement. The allotments shown in the table below reflect only those allotments which have already taken place.

GOVERNOR'S ALLOTMENTS				
<u>Allotment</u>		<u>SGF</u>	<u>All Funds</u>	<u>FTE</u>
December Allotment				
Reduce KPERS Employer Contribution Rate	\$	(125,398)	\$ (125,398)	0.0

Kansas Public Employees Retirement System (KPERS) Reduction:

A reduction \$125,398 from the State General Fund as a result of the Governor's State General Fund allotment reducing the Kansas Public Employer Regular and School Member

employer contribution rate (excluding KPERS Death and Disability) from 11.27 percent to 8.65 percent in FY 2015. This allotment will have no impact on the agency operations, but is reflective of a reduction of expenditures. An additional \$274 from special revenue funds is reduced in the Governor's budget recommendation resulting in a total reduction of \$125,672.

B. FY 2016 – Budget Year

FY 2016 OPERATING BUDGET SUMMARY			
	Agency Request	Governor's Recommendation	Difference
Total Request/Recommendation	\$ 28,542,585	\$ 26,472,023	\$ (2,070,562)
FTE Positions	186.5	186.5	0.0
Change from FY 2015:			
<i>Dollar Change:</i>			
State General Fund	\$ 2,039,936	\$ (220,882)	
All Other Funds	(11,252)	(11,279)	
TOTAL	<u>\$ 2,028,684</u>	<u>\$ (232,161)</u>	
<i>Percent Change:</i>			
State General Fund	7.9 %	(0.8) %	
All Other Funds	(1.9)	(1.9)	
TOTAL	<u>7.7 %</u>	<u>(0.9) %</u>	
Change in FTE Positions	(0.5)	(0.5)	

The **agency** requests an FY 2016 budget totaling \$28.5 million, including \$28.0 million from the State General Fund. The State General Fund request is \$2.0 million, or 7.9 percent, above the agency’s FY 2015 revised estimate. This increase is attributable to enhancement requests totaling \$2.9 million, which are partially offset by a decrease in assigned counsel expenditures.

The request also includes 186.5 FTE positions, 0.5 FTE positions below the revised FY 2015 estimate. **Absent the enhancements**, the request is \$25.6 million, a decrease of \$872,856, or 3.3 percent, below the agency’s FY 2015 approved budget.

- **Salaries and Wages.** The agency requests \$12.4 million for salaries and wages for FY 2016,

an increase of \$408,365, or 3.4 percent, above the FY 2015 revised estimate. The increase is attributable to enhancement requests for increased public defender salaries and anticipated appeals of Hard 50 sentences.

- **Contractual Services.** The agency requests \$15.9 million for contractual services for FY 2016, an increase of \$1.6 million, or 11.5 percent, above the FY 2015 revised estimate. This increase is attributable to \$2.2 million enhancement request to raise assigned counsel compensation from \$62 to \$80 per hour, which is partially offset by lower anticipated demand for assigned counsel.
- **Commodities.** The agency requests \$79,580 for commodities for FY 2016, an increase of \$4,688, or 6.3 percent, above the FY 2015 revised estimate. This increase is attributable to increased expenditures for stationary and office supplies.
- **Capital Outlay.** The agency requests \$150,583 for capital outlay for FY 2016. This is a decrease

of \$33,563, or 18.2 percent, below the amount approved in FY 2015. This decrease is largely attributable to a decrease in outlay for vehicles and partially offset by a \$60,000 enhancement request for an electronic case management system.

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, 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 (\$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.

Enhancements Detail

Enhancements	FY 2016 ENHANCEMENTS					
	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Hard 50 Litigation Impact	\$ 441,540	\$ 441,540	0.0	\$ 0	\$ 0	0.0
Assigned Counsel Hourly Rate	2,200,000	2,200,000	0.0	0	0	0.0
Public Defender Salary Increase	200,000	200,000	0.0	0	0	0.0
Electronic Case Management	60,000	60,000	0.0	0	0	0.0
TOTAL	\$ 2,901,540	\$ 2,901,540	0.0	\$ 0	\$ 0	0.0

The **agency** requests \$2.9 million, all from the State General Fund, for FY 2016 to implement the following four enhancement requests.

- **Hard 50 Litigation Impact.** The agency requests \$441,540 to process anticipated appeals by prisoners stemming from 2014 Special Session HB 2002 (The "Hard 50" law);
- **Assigned Counsel Hourly Rate.** The agency requests \$2.2 million to increase the rate paid to assigned counsel from \$62/hour to \$80/hour. Payments to assigned counsel were reduced in FY 2010 by the Board of Indigents' Defense Services. The \$80/hour rate sought in this

enhancement was enacted by the Legislature in 2006.

- **Public Defender Salary Increase.** The agency requests \$200,000 to increase public defender salaries to parity with classified attorneys across the Executive Branch.
- **Electronic Case Management System.** The agency requests \$60,000 for the start-up costs for the purchase of an electronic case management system.

The **Governor** does not recommend the agency's enhancement requests.

C. FY 2017 – Budget Year

FY 2017 OPERATING BUDGET SUMMARY			
	Agency Request	Governor's Recommendation	Difference
Total Request/Recommendation	\$ 29,080,775	\$ 27,527,764	\$ (1,553,011)
FTE Positions	186.5	186.5	0.0
Change from FY 2016:			
<i>Dollar Change:</i>			
State General Fund	\$ 538,190	\$ 1,055,748	
All Other Funds	0	(7)	
TOTAL	<u>\$ 538,190</u>	<u>\$ 1,055,741</u>	
<i>Percent Change:</i>			
State General Fund	1.9 %	4.1 %	
All Other Funds	0.0	(0.0)	
TOTAL	<u>1.9 %</u>	<u>4.0 %</u>	
Change in FTE Positions	0.0	0.0	

The **agency** requests an FY 2017 budget totaling \$29.1 million, including \$28.5 million from the State General Fund. The State General Fund request is \$538,190, or 1.9 percent, above the agency's FY 2016 request. This total includes \$2.9 million, all from the State General Fund, to implement the same enhancements requested in FY 2016. The increase above FY 2016 is largely attributable to increased salary and wage expenditures associated with the 27th pay period in FY 2017.

The request also includes 186.5 FTE positions, the same as the agency's request for FY 2016. **Absent the enhancements**, the total request is \$26.2 million, an increase of \$538,190, or 2.2 percent, above the agency's FY 2016 request.

- **Salaries and Wages.** The agency requests \$12.9 million for salaries and wages for FY 2017, an increase of \$558,190, or 4.5 percent, above

the agency's request for FY 2016. The increase is attributable to expenditures associated with the 27th pay period in FY 2017 and the increased KPERS employer contribution rate.

- **Contractual Services.** The agency requests \$15.9 million for contractual services for FY 2017, a decrease of \$245, or less than 0.1 percent, below the agency's request for FY 2016.
- **Commodities.** The agency requests \$79,825 for commodities for FY 2017, an increase of \$245, or 0.3 percent, above the agency's request for FY 2016.
- **Capital Outlay.** The agency requests \$130,583 for capital outlay for FY 2017. This is a decrease of \$20,000, or 13.3 percent, below the agency's request for FY 2016. This decrease is attributable

to a decrease in the enhancement request for an electronic case management system.

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.

Enhancements Detail

Enhancements	FY 2017 ENHANCEMENTS					
	Agency Request			Governor's Recommendation		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Hard 50 Litigation Impact	\$ 441,540	\$ 441,540	0.0	\$ 0	\$ 0	0.0
Assigned Counsel Hourly Rate	2,200,000	2,200,000	0.0	0	0	0.0
Public Defender Salary Increase	200,000	200,000	0.0	0	0	0.0
Electronic Case Management	40,000	40,000	0.0	0	0	0.0
TOTAL	\$ 2,881,540	\$ 2,881,540	0.0	\$ 0	\$ 0	0.0

The **agency** requests \$2.9 million, all from the State General Fund, for FY 2017 to implement the following four enhancement requests.

- **Hard 50 Litigation Impact.** The agency requests \$441,540 to process anticipated appeals by prisoners stemming from 2014 Special Session HB 2002 (The “Hard 50” law).
- **Assigned Counsel Hourly Rate.** The agency requests \$2.2 million to increase the rate paid to assigned counsel from \$62/hour to \$80/hour. Payments to assigned counsel were reduced in FY 2010 by the Board of Indigents’ Defense Services. The \$80/hour rate sought in this enhancement was enacted by the Legislature in 2006.

- **Public Defender Salary Increase.** The agency requests \$200,000 to increase public defender salaries to parity with classified attorneys across the Executive Branch.
- **Electronic Case Management System.** The agency requests \$40,000 for operating expenditures for the electronic case management system requested as an enhancement for FY 2016.

The **Governor** does not recommend the agency’s enhancement requests.

Governor's Recommended Salary and Wage Adjustments

State Employee Pay Increases. The 2014 Legislature approved funding of \$11.3 million, including \$4.5 million from the State General Fund, in FY 2015 for a \$250 bonus for all full-time employees except elected officials who were employed on December 6, 2013, and which was paid December 6, 2014. **For this agency, the FY 2015 bonus totals \$46,750, all from the State General Fund, and affects 151 employees.**

Longevity Bonus Payments. For FY 2016 and FY 2017, the Governor recommends funding longevity bonus payments for eligible state employees at the statutory rate of \$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 2016 payments is \$7.2 million, including \$2.8 million from the State General Fund. For FY 2017, the estimated cost for the payments is \$7.7 million, including \$3.0 million from the State General Fund. **For this agency, FY 2016 longevity payments total \$31,400, including \$31,314 from the State General Fund, and FY 2017 longevity payments total \$33,760, including \$33,661 from the State General Fund.**

Group Health Insurance. The Governor recommends Group Health and Hospitalization employer contributions of \$282.8 million, including \$108.2 million from the State General Fund, for FY 2016 and \$289.2 million, including \$110.7 million from the State General Fund, for FY 2017. For FY 2016 and FY 2017, the Governor recommends reducing the employer contributions for group health insurance by 8.5 percent. **For this agency this is a reduction of \$118,721, including \$119,022 from the State General Fund for FY 2016. This is a reduction of \$121,163, including \$121,471 from the State General Fund, for FY 2017.**

Kansas Public Employees Retirement System (KPERs) Rate Adjustments. The FY 2015 employer retirement contribution for KPERs regular and school members was scheduled to be 11.27 percent, an increase of 1.0 percent from 10.27 in FY 2014. The Governor reduced the employer contribution rate from 11.27 percent to 8.65 percent for the second half of FY 2015, for an effective contribution rate of 9.96 percent as part of the Governor's allotment plan. For FY 2016, the Governor recommends the retirement rate increase by 2.41 percent from 9.96 percent to 12.37 percent. For FY 2017, the Governor recommends the retirement rate increase by 1.2 percent from 12.37 percent to 13.57 percent. This increase is attributable to the annual statutory increase for financing the unfunded liability of the KPERs fund.

In addition, the employer contribution for the KPERs death and disability insurance rate will be increased to 1.0 percent, from 0.85 percent, for FY 2016 and for FY 2017.

The Governor further proposes offering \$1.5 billion in Pension Obligation Bonds, backed by the State General Fund, to be paid back over 30 years and extending the amortization on the current bonds by ten years to 2043. The proceeds of the bonds would be used to help reduce the future employer contribution rates of the State/School Group. The Kansas Public Employee Retirement System estimates this plan could reduce employer contributions by \$68.43 million in FY 2016 and \$132.85 in FY 2017. The Kansas Development Finance Authority estimates that the bond service would be \$90.3 million in FY 2016 through FY 2017, assuming the Kansas credit ratings are not downgraded.

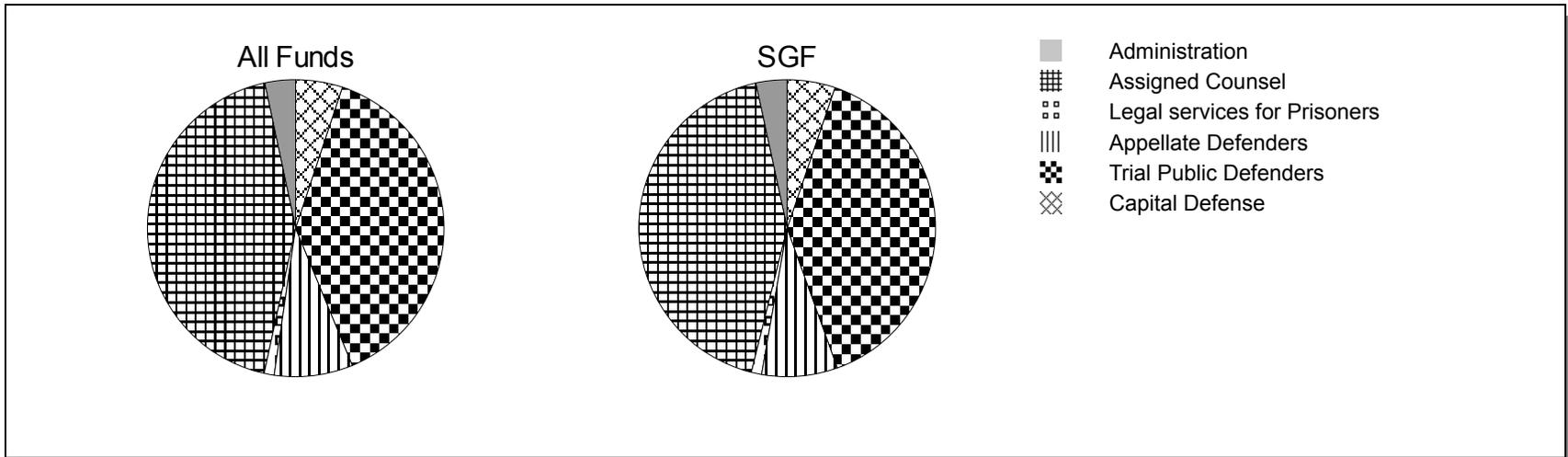
Funding Sources

Funding Source	Agency Req. Percent of Total FY 2016	Gov. Rec. Percent of Total FY 2016	Agency Req. Percent of Total FY 2017	Gov. Rec. Percent of Total FY 2017
State General Fund	97.9 %	97.8 %	98.0 %	97.9 %
Special Revenue Funds	2.1	2.2	2.0	2.1
TOTAL	<u>100.0 %</u>	<u>100.0 %</u>	<u>100.0 %</u>	<u>100.0 %</u>

Note: Percentages may not add due to rounding.

PROGRAM DETAIL

EXPENDITURES BY PROGRAM-- GOVERNOR'S FY 2016 RECOMMENDATION



Program	Gov. Rec. All Funds FY 2016	Percent of Total	Gov. Rec. SGF FY 2016	Percent of Total
Administration	\$ 889,368	3.4 %	\$ 882,323	3.4 %
Assigned Counsel	11,444,000	43.2	11,057,000	42.7
Legal Services for Prisoners	289,592	1.1	289,592	1.1
Appellate Defense	2,268,117	8.6	2,139,969	8.3
Trial Public Defenders	10,228,829	38.6	10,168,815	39.3
Capital Defense	1,352,117	5.1	1,348,625	5.2
TOTAL	\$ 26,472,023	100.0 %	\$ 25,886,324	100.0 %

FTE POSITIONS BY PROGRAM FY 2014 – FY 2017

Program	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Administration	10.5	10.5	10.5	10.0	10.0	10.0	10.0
Assigned Counsel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Legal Serv. for Prisoners	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Appellate Defender	22.0	23.0	23.0	22.0	22.0	22.0	22.0
Trial Public Defenders	142.0	137.0	137.0	138.0	138.0	138.0	138.0
Capital Defense	13.0	16.5	16.5	16.5	16.5	16.5	16.5
TOTAL	187.5	187.0	187.0	186.5	186.5	186.5	186.5

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
SUMMARY OF EXPENDITURES FY 2014 – 2017

Item	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Expenditures:							
Salaries and Wages	\$ 627,061	\$ 695,014	\$ 688,420	\$ 653,126	\$ 646,921	\$ 682,967	\$ 676,637
Contractual Services	133,962	160,023	160,023	149,033	149,033	150,640	150,640
Commodities	11,696	12,081	12,081	13,369	13,369	13,582	13,582
Capital Outlay	80,045	172,700	172,700	140,045	80,045	120,045	80,045
Debt Service	0	0	0	0	0	0	0
Subtotal - Operations	\$ 852,764	\$ 1,039,818	\$ 1,033,224	\$ 955,573	\$ 889,368	\$ 967,234	\$ 920,904
Aid to Local Units	0	0	0	0	0	0	0
Other Assistance	0	0	0	0	0	0	0
TOTAL	<u>\$ 852,764</u>	<u>\$ 1,039,818</u>	<u>\$ 1,033,224</u>	<u>\$ 955,573</u>	<u>\$ 889,368</u>	<u>\$ 967,234</u>	<u>\$ 920,904</u>
Financing:							
State General Fund	\$ 842,924	\$ 1,035,898	\$ 1,029,338	\$ 948,493	\$ 882,323	\$ 959,994	\$ 913,700
All Other Funds	9,840	3,920	3,886	7,080	7,045	7,240	7,204
TOTAL	<u>\$ 852,764</u>	<u>\$ 1,039,818</u>	<u>\$ 1,033,224</u>	<u>\$ 955,573</u>	<u>\$ 889,368</u>	<u>\$ 967,234</u>	<u>\$ 920,904</u>
FTE Positions	10.5	10.5	10.5	10.0	10.0	10.0	10.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.5	0.5	0.5	0.5
TOTAL	<u>10.5</u>	<u>10.5</u>	<u>10.5</u>	<u>10.5</u>	<u>10.5</u>	<u>10.5</u>	<u>10.5</u>

The **agency** requests \$955,573, including \$948,493 from the State General Fund, for FY 2016. This is a decrease of \$85,425 or 8.1 percent, below the FY 2015 approved budget. The decrease is attributable to lower expenditures for salaries and wages, contractual services, and capital outlay. The decrease is partially offset by the agency's enhancement request of \$60,000 for an electronic case management system. The request includes 10.0 FTE positions, 0.5 FTE position

below the approved number in FY 2015. The 0.5 position was changed to an unclassified position.

The **Governor** recommends a budget of \$889,368, including \$882,323 from the State General Fund for FY 2016. This is a decrease of \$66,205, or 6.9 percent, all funds and \$66,170, or 7.0 percent, State General Fund, below the agency's request. This decrease is attributable to the Governor not recommending an enhancement request for an electronic case management

system (\$60,000) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$6,170).

The **agency** requests \$967,234, including \$959,994 from the State General Fund, for FY 2017. This is an increase of \$11,661, or 1.2 percent, above the agency's request for FY 2016. This increase is attributable to increased expenditures for salaries and wages associated with the 27th pay period in FY 2017 and is partially offset by a decrease in \$20,000 of the agency's enhancement request for an electronic case

B. Assigned Counsel

When public defender offices cannot handle the volume of cases or when conflicts prevent public defenders from being involved, private assigned counsel is used. Assigned counsel are also used in those parts of the state where the Board has determined that the cost of a public defender office would be prohibitive. 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

management system. The request includes 10.0 FTE positions, the same as the approved number in the request for FY 2016.

The **Governor** recommends a budget of \$920,904, including \$913,700 from the State General Fund for FY 2017. This is a decrease of \$46,330, or 4.8 percent, all funds and \$46,294, or 4.8 percent, State General Fund, below the agency's request. This decrease is attributable to the Governor not recommending an enhancement request for an electronic case management system (\$40,000) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$6,330).

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 expenditures for attorneys separate from the other professional services.

**ASSIGNED COUNSEL
SUMMARY OF EXPENDITURES FY 2014 – 2017**

Item	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Expenditures:							
Salaries and Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Contractual Services	10,287,047	10,983,045	11,299,000	12,694,000	11,444,000	12,694,000	11,944,000
Commodities	0	0	0	0	0	0	0
Capital Outlay	0	0	0	0	0	0	0
Debt Service	0	0	0	0	0	0	0
Subtotal - Operations	<u>\$ 10,287,047</u>	<u>\$ 10,983,045</u>	<u>\$ 11,299,000</u>	<u>\$ 12,694,000</u>	<u>\$ 11,444,000</u>	<u>\$ 12,694,000</u>	<u>\$ 11,944,000</u>
Aid to Local Units	0	0	0	0	0	0	0
Other Assistance	0	0	0	0	0	0	0
TOTAL	<u><u>\$ 10,287,047</u></u>	<u><u>\$ 10,983,045</u></u>	<u><u>\$ 11,299,000</u></u>	<u><u>\$ 12,694,000</u></u>	<u><u>\$ 11,444,000</u></u>	<u><u>\$ 12,694,000</u></u>	<u><u>\$ 11,944,000</u></u>
Financing:							
State General Fund	\$ 10,057,580	\$ 10,596,045	\$ 10,912,000	\$ 12,307,000	\$ 11,057,000	\$ 12,307,000	\$ 11,557,000
All Other Funds	229,467	387,000	387,000	387,000	387,000	387,000	387,000
TOTAL	<u><u>\$ 10,287,047</u></u>	<u><u>\$ 10,983,045</u></u>	<u><u>\$ 11,299,000</u></u>	<u><u>\$ 12,694,000</u></u>	<u><u>\$ 11,444,000</u></u>	<u><u>\$ 12,694,000</u></u>	<u><u>\$ 11,944,000</u></u>
FTE Positions	0.0	0.0	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	0.0	0.0
TOTAL	<u><u>0.0</u></u>						

The **agency** requests \$12.7 million, including \$12.3 million from the State General Fund for FY 2016. This is an increase of \$1.7 million, or 15.6 percent, above the agency's approved budget in FY 2015. This increase is attributable to an enhancement request of \$2.2 million to increase the hourly rate paid to assigned counsel. This increase is partially offset by lower estimated demand for assigned counsel and expert witness services. **Absent the enhancement**, the request is a

decrease of \$489,045, or 4.5 percent, below the agency's approved budget in FY 2015.

The **Governor** recommends a budget \$11.4 million, including \$11.1 million from the State General Fund for FY 2016. This is a decrease of \$1.3 million, or 9.8 percent, all from the State General Fund, below the agency request. This decrease is attributable to the Governor not recommending the

agency's enhancement request to increase the hourly rate paid to assigned counsel (\$2.2 million).

The decrease is partially offset by a recommended increase of \$950,000, all from the State General Fund, as a result of the fall 2014 consensus caseload estimate for assigned counsel expenditures. 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.

The **agency** requests \$12.7 million, including \$12.3 million from the State General Fund for FY 2017. This amount is the same as the agency's request for FY 2016 and includes the same \$2.2 million enhancement request to increase the hourly rate paid to assigned counsel made by the agency for FY 2016.

Consensus Caseload Estimates

During the fall of 2014, the agency, the Division of Budget, and the Kansas 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 2015 is \$10.5 million from the State General Fund, \$160,955 above than the amount approved by the 2014 Legislature, after a reappropriation of \$289,045.

The caseload estimates continue the reduction in 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 2014.

The **Governor** recommends a budget of \$12.0 million, including \$11.6 million from the State General Fund for FY 2017. This is a decrease of \$750,000, or 5.9 percent, all from the State General Fund, below the agency request. This decrease is attributable to the Governor not recommending the agency's enhancement request to increase the hourly rate paid to assigned counsel (\$2.2 million).

The decrease is partially offset by a recommended increase of \$1.5 million, all from the State General Fund, as a result of the fall 2014 consensus caseload estimate for assigned counsel expenditures. 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.

The **Governor** recommends, beginning in FY 2015, that additional appropriations for assigned counsel that arise from the consensus caseload estimating process be placed in a new State General Fund Litigation Support account that will provide the agency additional budget flexibility.

The **Governor** recommends an additional \$315,955 for assigned counsel expenditures, bringing the total to \$10.7 million in FY 2015. This includes a reappropriation of \$155,000 that was used to pay out claims in FY 2015 that were made in FY 2014, bringing the total funding for assigned counsel expenditures arising in FY 2015 to 10.5 million.

The consensus revenue estimating group estimates \$11.0 million for assigned counsel expenditures in FY 2016, an increase of \$660,955 above the FY 2015 approved budget.

The **Governor** recommends an additional \$950,000 for assigned counsel expenditures for FY 2016, for a total of \$11.0 million.

The consensus revenue estimating group estimates \$11.5 million for assigned counsel expenditures for FY 2017, an increase of \$500,000 above the FY 2016 consensus estimate.

C. Legal Services for Prisoners

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

The **Governor** recommends an additional \$1.5 million for assigned counsel expenditures for FY 2017, for a total of \$11.5 million.

The caseloads for the Assigned Counsel program were estimated without factoring in overflow cases from Legal Services for Prisoners. The Board of Indigents' Defense Services 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).

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 and El Dorado. These offices also provide assistance to inmates at correctional facilities located in Winfield, Larned, Wichita, Ellsworth, Norton, and Osawatomie.

**LEGAL SERVICES FOR PRISONERS
SUMMARY OF EXPENDITURES FY 2014 – 2017**

Item	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Expenditures:							
Salaries and Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Contractual Services	289,592	289,592	289,592	289,592	289,592	289,592	289,592
Commodities	0	0	0	0	0	0	0
Capital Outlay	0	0	0	0	0	0	0
Debt Service	0	0	0	0	0	0	0
Subtotal - Operations	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
Aid to Local Units	0	0	0	0	0	0	0
Other Assistance	0	0	0	0	0	0	0
TOTAL	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
Financing:							
State General Fund	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
All Other Funds	0	0	0	0	0	0	0
TOTAL	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592	\$ 289,592
FTE Positions	0.0	0.0	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	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

The **agency** requests \$289,592, all from the State General Fund, for FY 2016. The request is the same as the amount approved for FY 2015, and the actual amount for each year since FY 2012.

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

The **agency** requests \$289,592, all from the State General Fund, for FY 2017. The request is the same as the amount requested for FY 2016 and approved for FY 2015, and the actual amount for each year since FY 2012.

The **Governor** concurs with the agency's 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 DEFENDERS SUMMARY OF EXPENDITURES FY 2014 – 2017							
Item	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Expenditures:							
Salaries and Wages	\$ 1,612,305	\$ 1,520,214	\$ 1,504,311	\$ 1,535,088	\$ 1,518,760	\$ 1,604,938	\$ 1,588,283
Contractual Services	730,130	760,855	760,855	738,864	738,864	740,187	740,187
Commodities	10,216	10,450	10,450	10,493	10,493	10,496	10,496
Capital Outlay	0	1,528	1,528	0	0	0	0
Debt Service	0	0	0	0	0	0	0
Subtotal - Operations	\$ 2,352,651	\$ 2,293,047	\$ 2,277,144	\$ 2,284,445	\$ 2,268,117	\$ 2,355,621	\$ 2,338,966
Aid to Local Units	0	0	0	0	0	0	0
Other Assistance	0	0	0	0	0	0	0
TOTAL	<u>\$ 2,352,651</u>	<u>\$ 2,293,047</u>	<u>\$ 2,277,144</u>	<u>\$ 2,284,445</u>	<u>\$ 2,268,117</u>	<u>\$ 2,355,621</u>	<u>\$ 2,338,966</u>
Financing:							
State General Fund	\$ 2,174,262	\$ 2,160,229	\$ 2,144,355	\$ 2,156,266	\$ 2,139,969	\$ 2,225,836	\$ 2,209,213
All Other Funds	178,389	132,818	132,789	128,179	128,148	129,785	129,753
TOTAL	<u>\$ 2,352,651</u>	<u>\$ 2,293,047</u>	<u>\$ 2,277,144</u>	<u>\$ 2,284,445</u>	<u>\$ 2,268,117</u>	<u>\$ 2,355,621</u>	<u>\$ 2,338,966</u>
FTE Positions	22.0	23.0	23.0	22.0	22.0	22.0	22.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>22.0</u>	<u>23.0</u>	<u>23.0</u>	<u>22.0</u>	<u>22.0</u>	<u>22.0</u>	<u>22.0</u>

The **agency** requests \$2.3 million, including \$2.2 million from the State General Fund for FY 2016. This request is a

decrease of \$8,602, or 0.4 percent, from the agency’s FY 2015 revised estimated. The decrease is attributable to a reduction in

court reporter expenditures to FY 2014 levels. This request includes 22.0 FTE positions, 1.0 FTE position below the agency's revised estimate in FY 2015.

The **Governor** recommends a budget of \$2.3 million, including \$2.1 million from the State General Fund for FY 2016. This is a decrease of \$16,328, or 0.7 percent, all funds, and \$16,297, or 0.8 percent, State General Fund below the agency's request. This decrease is attributable to the Governor's recommended reduction to employer contributions for state employee health insurance.

The **agency** requests \$2.4 million, including \$2.2 million from the State General Fund for FY 2017. This request is an

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 Topeka, Junction City, Salina, Wichita, Johnson County, Garden City, Hutchinson, and Chanute. There are two conflicts offices; including, the Northeast Kansas Conflict Office in Topeka and

increase of \$71,176, or 3.1 percent, above the request for FY 2016. This increase is largely attributable to increased expenditures for salaries and wages due to the 27th pay period in FY 2017. This request includes 22.0 FTE positions, the same as the agency's FY 2016 request.

The **Governor** recommends a budget of \$2.3 million, including \$2.2 million from the State General Fund for FY 2017. This is a decrease of \$16,655, or 0.7 percent, all funds, and \$16,623, or 0.7 percent, State General Fund below the agency's request. This decrease is attributable to the Governor's recommended reduction to employer contributions for state employee health insurance.

the Sedgwick County Conflicts Office in Wichita. The Conflict Offices 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. Former Public Defender offices which have been closed are the Johnson County satellite office in Miami County and the Southwest Public Defender Office in Liberal.

**TRIAL PUBLIC DEFENDERS
SUMMARY OF EXPENDITURES FY 2014 – 2017**

Item	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Expenditures:							
Salaries and Wages	\$ 8,628,914	\$ 8,869,376	\$ 8,776,550	\$ 8,962,112	\$ 8,675,952	\$ 9,363,716	\$ 9,075,381
Contractual Services	1,355,930	1,530,890	1,530,890	1,492,814	1,492,814	1,474,519	1,474,519
Commodities	45,956	47,143	47,143	50,144	50,144	50,166	50,166
Capital Outlay	9,491	9,918	9,918	9,819	9,919	9,919	9,919
Debt Service	0	0	0	0	0	0	0
Subtotal - Operations	\$ 10,040,291	\$ 10,457,327	\$ 10,364,501	\$ 10,514,889	\$ 10,228,829	\$ 10,898,320	\$ 10,609,985
Aid to Local Units	0	0	0	0	0	0	0
Other Assistance	0	0	0	0	0	0	0
TOTAL	<u>\$ 10,040,291</u>	<u>\$ 10,457,327</u>	<u>\$ 10,364,501</u>	<u>\$ 10,514,889</u>	<u>\$ 10,228,829</u>	<u>\$ 10,898,320</u>	<u>\$ 10,609,985</u>
Financing:							
State General Fund	\$ 9,864,160	\$ 10,386,333	\$ 10,293,693	\$ 10,454,768	\$ 10,168,815	\$ 10,856,574	\$ 10,568,900
All Other Funds	176,131	70,994	70,808	60,221	60,014	41,746	41,535
TOTAL	<u>\$ 10,040,291</u>	<u>\$ 10,457,327</u>	<u>\$ 10,364,501</u>	<u>\$ 10,514,989</u>	<u>\$ 10,228,829</u>	<u>\$ 10,898,320</u>	<u>\$ 10,610,435</u>
FTE Positions	142.0	137.0	137.0	138.0	138.0	138.0	138.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	<u>142.0</u>	<u>137.0</u>	<u>137.0</u>	<u>138.0</u>	<u>138.0</u>	<u>138.0</u>	<u>138.0</u>

The **agency** requests \$10.5 million, including \$10.5 million from the State General Fund, for FY 2016. This request is an increase of \$57,662, or 0.6 percent, above the agency's approved budget in FY 2015. This increase is attributable to the agency's enhancement request for public defender salary increases, which is partially offset by decreased expenditures for expert witness services and the relocation of salary and wage expenditures for 3.5 FTE positions to the Capital Defense program beginning for FY 2016. This request includes 138.0

FTE positions, 1.0 FTE positions above the FY 2015 revised estimate.

The **Governor** recommends a budget of \$10.2 million, including \$10.2 million from the State General Fund for FY 2016. This is a decrease of \$286,160, or 2.7 percent, all funds and \$285,953, or 2.7 percent, State General Fund below the agency request. This decrease is attributable to the Governor not recommending the agency's enhancement request for a

salary increase for public defenders (\$200,000) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$86,160).

The **agency** requests \$10.9 million, including \$10.9 million from the State General Fund for FY 2017. This request is an increase of \$383,331, or 3.6 percent, above the agency's request for FY 2016. This increase is attributable to higher expenditures for salaries and wages associated with the 27th pay period in FY 2017 and the agency's enhancement request for public defender salary increases. This request includes 138.0 FTE positions, the same as the FY 2016 request.

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.

The **Governor** recommends a budget of \$10.6 million, including \$10.6 million from the State General Fund for FY 2017. This is a decrease of \$287,885, or 2.6 percent, all funds and \$287,674, or 2.6 percent, State General Fund below the agency request. This decrease is attributable to the Governor not recommending the agency's enhancement request for a salary increase for public defenders (\$200,000) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$87,885).

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
SUMMARY OF EXPENDITURES FY 2014 – 2017**

Item	Actual FY 2014	Agency Est. FY 2015	Gov. Rec. FY 2015	Agency Req. FY 2016	Gov. Rec. FY 2016	Agency Req. FY 2017	Gov. Rec. FY 2017
Expenditures:							
Salaries and Wages	\$ 726,227	\$ 875,572	\$ 865,223	\$ 1,218,215	\$ 1,207,886	\$ 1,275,110	\$ 1,264,509
Contractual Services	453,304	570,282	570,282	579,578	138,038	594,698	153,158
Commodities	5,250	5,218	5,218	5,574	5,574	5,581	5,581
Capital Outlay	619	0	0	619	619	619	619
Debt Service	0	0	0	0	0	0	0
Subtotal - Operations	\$ 1,185,400	\$ 1,451,072	\$ 1,440,723	\$ 1,803,986	\$ 1,352,117	\$ 1,876,008	\$ 1,423,867
Aid to Local Units	0	0	0	0	0	0	0
Other Assistance	0	0	0	0	0	0	0
TOTAL	\$ 1,185,400	\$ 1,451,072	\$ 1,440,723	\$ 1,803,986	\$ 1,352,117	\$ 1,876,008	\$ 1,423,867
Financing:							
State General Fund	\$ 1,171,219	\$ 1,448,552	\$ 1,438,228	\$ 1,800,466	\$ 1,348,625	\$ 1,855,779	\$ 1,403,667
All Other Funds	14,181	2,520	2,495	3,520	3,492	20,229	20,200
TOTAL	\$ 1,185,400	\$ 1,451,072	\$ 1,440,723	\$ 1,803,986	\$ 1,352,117	\$ 1,876,008	\$ 1,423,867
FTE Positions	13.0	16.5	16.5	16.5	16.5	16.5	16.5
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	13.0	16.5	16.5	16.5	16.5	16.5	16.5

The **agency** requests \$1.8 million, including, \$1.8 million, from the State General Fund, for FY 2016. This is an increase of \$352,914, or 24.3 percent, above the agency's revised estimate for FY 2015. This increase is largely attributable to increased salary and wage expenditures associated with the reassignment of 3.5 FTE positions to the Capital Defense program from the Trial Public Defender program.

This request also includes 16.5 FTE positions, the same number as the revised estimate in FY 2015.

The **Governor** recommends a budget of \$1.4 million, including \$1.3 million from the State General Fund for FY 2016. This is a decrease of \$451,869, or 25.0 percent, all funds and \$451,841, or 25.1 percent, State General Fund below the agency request. This decrease is attributable to the Governor not recommending the agency's enhancement request for Hard

50 Litigation (\$441,540) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$10,329).

The **agency** requests \$1.9 million, including, \$1.9 million from the State General Fund. This is an all funds increase of \$72,022, or 4.0 percent, and \$55,313, or 3.1 percent, State General Fund, above the agency's request for FY 2016. This increase is largely attributable to increased salaries and wages expenditures associated with the 27th pay period in FY 2017. This requests includes 16.5 FTE positions, the same number as the FY 2016 request.

The **Governor** recommends a budget of a budget of \$1.4 million, including \$1.4 million from the State General Fund for FY 2017. This is a decrease of \$452,141, or 24.1 percent, all funds and \$452,112, or 24.4 percent, State General Fund below the agency request. This decrease is attributable to the Governor not recommending the agency's enhancement request for Hard 50 Litigation (\$441,540) and the Governor's recommended reduction to employer contributions for state employee health insurance (\$10,601).

PERFORMANCE MEASURES					
Measure	Gov. Rec. for FY 2014	Actual FY 2014	Gov. Rec. FY 2015	Gov. Rec. FY 2016	Gov. Rec. FY 2017
Number of Continuing Legal Education programs offered to panel attorneys	2	2	2	2	2
Total assigned counsel cases	11,177	13,574	13,000	13,000	13,000
Total public defender cases	12,843	14,138	13,500	13,500	13,500