FY 2015, FY 2016, and FY 2017

Transportation and Public Safety Budget Committee

Board of Indigents' Defense Services
Department of Corrections
El Dorado Correctional Facility
Ellsworth Correctional Facility
Hutchinson Correctional Facility
Lansing Correctional Facility
Larned Correctional Mental Health Facility
Norton Correctional Facility
Topeka Correctional Facility
Winfield Correctional Facility
Kansas Juvenile Correctional Complex
Larned Juvenile Correctional Facility

Representative J. R. Claeys, Chair

Representative Russell Jennings, Vice-Chair

Representative Gail Finney, Ranking Minority Member

Representative Ramon Gonzalez

Representative Michael Houser

Representative Richard Proehl

Representative Melissa Rooker

Representative Charles Smith

Rep Annie Tietze

Representative Annie Tietze

Appropriations Committee
Date 3-11-15
Attachment 6

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services **Bill No.** House Sub. for SB 4 **Bill Sec.** --

Analyst: Wilhelm **Analysis Pg. No.** 1201 **Budget Page No.** 60

Expenditure Summary	Agency Estimate FY 2015	Governor Recommendation FY 2015	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	$ 25,916,649	$ 26,107,206	$ 315,955
Other Funds	597,252	596,978	0
Subtotal	$ 26,513,901	$ 26,704,184	$ 315,955
Capital Improvements:			
State General Fund	$ 0	$ 0	$ 0
Other Funds	0	0	0
Subtotal	$ 0	$ 0	$ 0
TOTAL	$ 26,513,901	$ 26,704,184	$ 315,955
FTE positions	187.0	187.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	187.0	187.0	0.0

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.

Governor's 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).

House Sub. for SB 4

House Sub. for SB 4 adopted the Governor's recommendation for FY 2015 with the following adjustment:

1. Delete $315,955, all from the State General Fund, to a newly created litigation support State General Fund account for assigned counsel expenditures in FY 2015 and review later during the budget process.

Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation as adjusted by House Sub. for SB 4 with the following further adjustment:

1. Add $315,955, all from the State General Fund, to a newly created litigation support State General Fund account for assigned counsel expenditures in FY 2015. This action restores the agency to the Governor's recommendation prior to House Sub. for SB 4.

Senate Committee Recommendation

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

1. Delete $315,955, all from the State General Fund, to a newly created litigation support State General Fund account for assigned counsel expenditures in FY 2015 and review at omnibus.

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No.** House Sub. for SB 4 **Bill Sec.** --

Analyst: Wilhelm **Analysis Pg. No.** 1201 **Budget Page No.** 60

Expenditure Summary		Agency Estimate FY 2015		Governor Recommendation FY 2015		House Budget Committee Adjustments
Operating Expenditures:						
State General Fund	$	25,916,649	$	26,107,206	$	315,955
Other Funds		597,252		596,978		0
Subtotal	$	26,513,901	$	26,704,184	$	315,955
Capital Improvements:						
State General Fund	$	0	$	0	$	0
Other Funds		0		0		0
Subtotal	$	0	$	0	$	0
TOTAL	$	26,513,901	$	26,704,184	$	315,955
FTE positions		187.0		187.0		0.0
Non FTE Uncl. Perm. Pos.		0.0		0.0		0.0
TOTAL		187.0		187.0		0.0

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.

Governor's 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

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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).

House Sub. for SB 4

House Sub. for SB 4 adopted the Governor's recommendation for FY 2015 with the following adjustment:

1. Delete $315,955, all from the State General Fund, to a newly created litigation support State General Fund account for assigned counsel expenditures in FY 2015 and review later during the budget process.

House Budget Committee Recommendation

The **Budget Committee** concurs with the Governor's recommendation as adjusted by House Sub. for SB 4 with the following further adjustments:

1. Add $315,955, all from the State General Fund, to a newly created litigation support State General Fund account for assigned counsel expenditures in FY 2015. This action restores the agency to the Governor's recommendation prior to House Sub. for SB 4.

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	$ 28,542,585	$ 26,472,023	$ 60,000
Capital Improvements:			
State General Fund	$ 0	$ 0	$ 0
Other Funds	0	0	0
Subtotal	$ 0	$ 0	$ 0
TOTAL	$ 28,542,585	$ 26,472,023	$ 60,000
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 $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.

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	$	28,542,585	$	26,472,023	$	0
Capital Improvements:						
State General Fund	$	0	$	0	$	0
Other Funds		0		0		0
Subtotal	$	0	$	0	$	0
TOTAL	$	28,542,585	$	26,472,023	$	0
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 $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.

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.

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	$ 29,080,775	$ 27,527,764	$ 0
Capital Improvements:			
State General Fund	$ 0	$ 0	$ 0
Other Funds	0	0	0
Subtotal	$ 0	$ 0	$ 0
TOTAL	$ 29,080,775	$ 27,527,764	$ 0
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.

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.