

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services **Bill No.** SB 267

Bill Sec. 32

Analyst: de Boer

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Budget Page No. 62

Expenditure Summary	Agency Request FY 2022	Governor Recommendation FY 2022	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 50,871,997	\$ 37,608,162	\$ 0
Other Funds	606,000	606,000	0
<i>Subtotal</i>	\$ 51,477,997	\$ 38,214,162	\$ 0
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
<i>Subtotal</i>	\$ 0	\$ 0	\$ 0
TOTAL	\$ 51,477,997	\$ 38,214,162	\$ 0
FTE positions	294.8	199.7	0.0

Agency Request

The **agency** requests \$51.5 million, including \$50.9 million SGF, for FY 2022. This is an all funds increase of \$16.1 million, or 45.4 percent, and an SGF increase of \$16.1 million, or 46.3 percent, above the FY 2021 revised estimate. The increase is primarily due to the agency's enhancement requests for funds to upgrade IT security measures, an assigned counsel rate increase, implementation of a case management system, and staffing enhancements. The request includes 294.8 FTE positions, which is an increase of 94.0 FTE positions above the FY 2021 revised estimate. This increase is entirely due to the agency's caseload staffing enhancement request.

Governor's Recommendation

The **Governor** recommends expenditures of \$38.2 million, including \$37.6 million SGF, for FY 2022. This is an SGF decrease of \$13.3 million, or 26.1 percent, below the agency's request. The decrease is primarily attributable to the Governor only recommending one of agency's enhancement requests, \$4.1 million, all SGF, for recruiting and retention. The decrease is also due a reduction of \$1.7 million, all SGF, due to the Governor recommending part of the agency's reduced resources budget. These decreases are partially offset by an increase of \$342,983 for assigned counsel caseload estimates.

The recommendation includes 199.7 FTE positions, which is 95.1 FTE positions below the agency's request. The decrease in FTE positions is due to the Governor not recommending the enhancements that includes 94.0 FTE positions for staffing, and the correction of a technical error that counted the temporary positions as 1.1 FTE positions.

Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2022 with the following recommendation:

1. The Subcommittee recommends the review of the agency's enhancement requests at Omnibus. The agency requested four enhancements, three of which were not included in the Governor's recommendation. These include:
 - Ethical Caseloads Staffing (\$7.8 million SGF and 94.0 FTE positions);
 - Assigned Counsel Rate Increase (\$3.6 million SGF); and
 - Case Management System (\$200,000 SGF).

Senate Committee Recommendation

The **Committee** concurs with the Subcommittee's recommendation for FY 2022.

Senate Committee of the Whole Recommendation (Sub. for SB 267)

The **Committee of the Whole** concurs with the Committee's recommendation for FY 2022.

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No.** HB 2397

Bill Sec. 32

Analyst: de Boer

Analysis Pg. No. Vol. 2, pg. 1181

Budget Page No. 62

Expenditure Summary	Agency Request FY 2022	Governor Recommendation FY 2022	House Budget Committee Adjustments
<i>Operating Expenditures:</i>			
State General Fund	\$ 50,871,997	\$ 37,608,162	\$ 0
Other Funds	606,000	606,000	0
<i>Subtotal</i>	\$ 51,477,997	\$ 38,214,162	\$ 0
<i>Capital Improvements:</i>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
<i>Subtotal</i>	\$ 0	\$ 0	\$ 0
TOTAL	\$ 51,477,997	\$ 38,214,162	\$ 0
FTE positions	294.8	199.7	45.0

Agency Request

The **agency** requests \$51.5 million, including \$50.9 million SGF, for FY 2022. This is an all funds increase of \$16.1 million, or 45.4 percent, and an SGF increase of \$16.1 million, or 46.3 percent, above the FY 2021 revised estimate. The increase is primarily due to the agency's enhancement requests for funds to upgrade IT security measures, an assigned counsel rate increase, implementation of a case management system, and staffing enhancements. The request includes 294.8 FTE positions, which is an increase of 94.0 FTE positions above the FY 2021 revised estimate. This increase is entirely due to the agency's caseload staffing enhancement request.

Governor's Recommendation

The **Governor** recommends expenditures of \$38.2 million, including \$37.6 million SGF, for FY 2022. This is an SGF decrease of \$13.3 million, or 26.1 percent, below the agency's request. The decrease is primarily attributable to the Governor only recommending one of agency's enhancement requests, \$4.1 million, all SGF, for recruiting and retention. The decrease is also due a reduction of \$1.7 million, all SGF, due to the Governor recommending part of the agency's reduced resources budget. These decreases are partially offset by an increase of \$342,983 for assigned counsel caseload estimates.

The recommendation includes 199.7 FTE positions, which is 95.1 FTE positions below the agency's request. The decrease in FTE positions is due to the Governor not recommending the enhancements that includes 94.0 FTE positions for staffing, and the correction of a technical error that counted the temporary positions as 1.1 FTE positions.

House Budget Committee Recommendation

The **Budget Committee** concurs with the Governor's recommendation for FY 2022 with the following adjustments and notation:

1. Delete \$4.1 million, all SGF, for the agency's enhancement request for retention and recruitment for FY 2022. The amount was requested to achieve pay parity with prosecutors and other comparable government employees and to establish an internal formal training program for public defenders and assigned counsel. The request includes \$4.0 million for pay scale conversion and \$164,025 for office space rent, training programs, NAPD membership, and Bar fees for the new Training Division.
2. Add \$200,000, all SGF, for the agency's enhancement request for the purchase and implementation of a case management system for FY 2022. A one-time fee will be utilized for the custom build of a system, including the integration of the agency's historical data. In addition, a yearly fee, based on the number of new cases the agency anticipates entering into the system, is anticipated.
3. Add \$3.9 million, all SGF, to partially fund the agency's enhancement request for ethical caseload staffing for FY 2022 to hire 26 additional public defenders and necessary support staff.

The agency indicated it is attempting to meet the National Advisory Commission on Criminal Justice Standards and Goals for the Defense caseload guidelines of not more than 150 felony cases per attorney per year. The agency originally requested \$7.8 million, all SGF, and 94.0 FTE positions.

4. The Budget Committee recommends future budget committees give favorable consideration to additional expenditure requests over the next four years, related to Phase 1 of the agency's 3 phase plan, as outlined in the agency's report titled "A Status of Public Defense in Kansas."

House Committee Recommendation

The **Committee** concurs with the Budget Committee's recommendation for FY 2022 with the following adjustment:

1. Add language adjusting statutory rate for assigned counsel to \$100 per hour for FY 2022, contingent upon HB 2363 not being signed into law.

House Committee of the Whole Recommendation (Sub. for HB 2397)

The **House Committee of the Whole** concurs with the House Committee recommendation with the following adjustment:

1. Add language to delete 2.0 percent of SGF appropriations and reappropriations, excluding debt service, for FY 2022.

Conference Committee Recommendation (HB 2007)

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

1. Delete \$4.1 million, all SGF, for the agency's enhancement request for retention and recruitment for FY 2022. The amount was requested to achieve pay parity with prosecutors and other comparable government employees and to establish an internal formal training program for public defenders and assigned counsel. The request includes \$4.0 million for pay scale conversion and \$164,025 for office space rent, training programs, NAPD membership, and Bar fees for the new Training Division.
2. Add \$200,000, all SGF, for the agency's enhancement request for the purchase and implementation of a case management system for FY 2022. A one-time fee will be utilized for the custom build of a system, including the integration of the agency's historical data. In addition, a yearly fee, based on the number of new cases the agency anticipates entering into the system, is anticipated.
3. Add \$3.9 million, all SGF, to partially fund the agency's enhancement request for ethical caseload staffing for FY 2022 to hire 26 additional public defenders and necessary support staff.

Omnibus Action (SB 159)

1. Add \$3.6 million, all SGF, to fund the assigned counsel rate increase up to \$100 per hour for FY 2022.
2. Add language to increase the assigned counsel hourly rate up to \$100 per hour for FY 2022.

	Governor's Recommendation FY 2022	Legislative Action	Legislative Approved FY 2022	Governor's Vetoed FY 2022	Final Legislative Approved FY 2022
All Funds					
State Operations	\$ 38,214,162	\$ 3,569,164	\$ 41,783,326	\$ 0	\$ 41,783,326
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
<i>Subtotal - Operations</i>	<i>\$ 38,214,162</i>	<i>\$ 3,569,164</i>	<i>\$ 41,783,326</i>	<i>\$ 0</i>	<i>\$ 41,783,326</i>
Capital Improvements	0	0	0	0	0
TOTAL	\$ 38,214,162	\$ 3,569,164	\$ 41,783,326	\$ 0	\$ 41,783,326

State General Fund

State Operations	\$ 37,608,162	\$ 3,569,164	\$ 41,177,326	\$ 0	\$ 41,177,326
Aid to Local Units	0	0	0	0	0
Other Assistance	0	0	0	0	0
<i>Subtotal - Operating</i>	<i>\$ 37,608,162</i>	<i>\$ 3,569,164</i>	<i>\$ 41,177,326</i>	<i>\$ 0</i>	<i>\$ 41,177,326</i>
Capital Improvements	0	0	0	0	0
TOTAL	\$ 37,608,162	\$ 3,569,164	\$ 41,177,326	\$ 0	\$ 41,177,326

FTE Positions	199.7	45.0	244.7	0.0	244.7
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