

FY 2012

HOUSE TRANSPORTATION AND PUBLIC SAFETY BUDGET COMMITTEE


CPOST
Board of Indigents' Defense Services
Sentencing Commission


Representative Virgil Peck, Jr., Chair



Representative Dan Kerschen

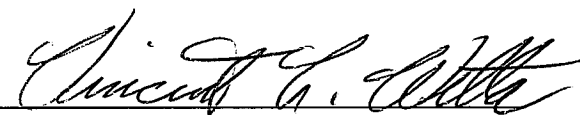

Representative JoAnn Pottorff, Vice-Chair

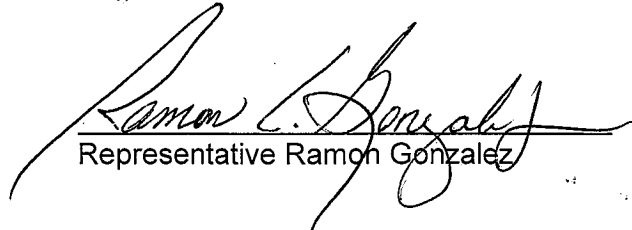

Representative Rey Mesa


Representative Doug Gatewood,
Ranking Minority Member


Representative Tom Moxley


Representative Bob Bethell


Representative Vince Wetta


Representative Ramon Gonzalez

Appropriations Committee

Date February 15, 2011

Attachment 1

House Budget Committee Report

Agency: Kansas Commission on Peace Officers' Standards and Training

Bill No. --

Bill Sec. --

Analyst: Klaassen

Analysis Pg. No. --

Budget Page No. 412

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	646,900	560,588	5,500
Subtotal	<u>\$ 646,900</u>	<u>\$ 560,588</u>	<u>\$ 5,500</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>\$ 646,900</u></u>	<u><u>\$ 560,588</u></u>	<u><u>\$ 5,500</u></u>
FTE positions			
FTE positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>7.0</u></u>	<u><u>7.0</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$646,900, all from the Kansas Commission on Peace Officers' Standards and Training (KCPOST) Fee Fund, which is an increase of \$7,022, or 1.1 percent, above the FY 2011 revised estimate. The agency states that increases are primarily due to bringing operations up to full functionality. The request includes 7.0 FTE positions, no change from the FY 2011 revised request.

Governor's Recommendation

The **Governor** recommends FY 2012 expenditures totaling \$560,588, all from the KCPOST Fee Fund, which is a decrease of \$86,312, or 13.3 percent, below the agency's FY 2012 request, and an increase of \$11,342, or 2.1 percent, above the FY 2011 recommendation. The Governor's recommendation includes reductions totaling \$86,312.

House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendation with the following adjustment and notations:

Appropriations Committee

Date February 15, 2011

Attachment 1-2

1. Add \$5,500, all from the KCPOST Fund, to partially restore operating expenditure reductions recommended as part of the Governor's FY 2012 recommendation. The Budget Committee recommended partial restorations of the following reductions:
 - o The Governor recommended reducing budgeted gasoline expenditures from \$10,000 to \$3,000. The Budget Committee recommended adding \$2,000, all from the KCPOST Fund, to provide a total of \$5,000 for gasoline expenditures for FY 2012;
 - o The Governor recommended reducing hospitality expenditures from \$1,000 to \$500. The Budget Committee recommended adding \$500, all from the KCPOST Fund, to provide a total of \$1,000 for hospitality expenditures for FY 2012;
 - o The Governor recommended reducing budgeted for out-of-state travel from \$3,000 to \$0. The Budget Committee recommended adding \$1,500, all from the KCPOST Fund, for out-of-state travel for FY 2012; and
 - o The Governor recommended reducing budgeted subsistence for out-of-state travel from \$3,000 to \$0. The Budget Committee recommended adding \$1,500, all from the KCPOST Fund, for subsistence for out-of-state travel for FY 2012.
2. The Budget Committee notes the significant transfers from the KCPOST Fund to the State General Fund since the creation of the agency in 2007. The 2009 Legislature transferred \$392,500 in FY 2009; the 2010 Legislature transferred \$200,000 in FY 2011; and the Governor's recommendation includes an additional transfer of \$500,000 in FY 2011. The Budget Committee discussed that the source of the agency's funding is from municipal court docket fees, and of the \$20 assessed for each case filed other than non-moving traffic violations, that \$2.50 is credited to the KCPOST Fund. The Budget Committee has requested the agency review this funding source and recommends reevaluating the agency's funding needs in FY 2013.
3. The Budget Committee notes that the agency presented information that legislation adding racial profiling duties and responsibilities to the Kansas Commission on Peace Officers' Standards and Training has been discussed, and that the agency may need to request additional funding and staff to fulfill any new responsibilities.
4. The Budget Committee notes that the Governor did not recommend \$20,812 for FY 2012 related to updating the agency's law enforcement officer tracking system, which was last updated in 1998. The agency provided testimony that it would work to produce a more detailed project plan outlining needs and expenditures before asking for additional funds for this project.

Appropriations Committee

Date February 15, 2011

Attachment 1-3

House Budget Committee Report

Agency: Board of Indigent's Defense Services

Bill No. --

Bill Sec. --

Analyst: Dear

Analysis Pg. No. --

Budget Page No. 58

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 23,105,592	\$ 20,656,379	\$ 558,000
Other Funds	904,670	1,010,986	0
Subtotal	<u>\$ 24,010,262</u>	<u>\$ 21,667,365</u>	<u>\$ 558,000</u>
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u><u>\$ 24,010,262</u></u>	<u><u>\$ 21,667,365</u></u>	<u><u>\$ 558,000</u></u>
FTE positions	195.0	185.0	0.0
Non FTE Uncl. Perm. <u>Pos.</u>	0.0	0.0	0.0
TOTAL	<u><u>195.0</u></u>	<u><u>185.0</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests a FY 2012 operating budget totaling \$24.0 million, including \$23.1 million from the State General Fund. The State General Fund request is \$1.2 million, or 5.7 percent, above the agency's FY 2011 revised request. The increase is due to enhancement requests for increased salaries for public defenders and to fund public defender positions currently supported by an ARRA grant, totaling \$1,253,450. Without the enhancement requests, the request is an all funds decrease of \$677,510, or 2.9 percent, and a State General Fund decrease of \$13,793, or 0.1 percent, below the FY 2011 revised request. The special revenue fund reduction is due to the exhaustion of ARRA grant monies. The request includes 195.0 FTE positions, the same as the current year.

Governor's Recommendation

The **Governor** recommends a FY 2012 operating budget totaling \$21.7 million, including \$20.7 million from the State General Fund. The State General Fund recommendation is a reduction of \$1.2 million, or 5.5 percent, below the FY 2011 Governor's recommendation. The recommendation also reduces special revenue funds (largely ARRA Grant Funds) by \$557,401, or 35.5 percent, below the FY 2011 Governor's recommendation. The State General Fund reduction is attributable to the adoption of the agency reduced resources plan, with the exception that the Governor recommends taking the reduction in contractual services rather

Appropriations Committee

Date February 15, 2011

Attachment 1-4

than delaying expenses to FY 2013 since no State General Fund savings would be realized by this plan. The reduction in special revenue funds is attributable to the exhaustion of ARRA grant monies. The Governor further recommends the reduction of 10.0 vacant and unfunded FTE positions, reducing the FTE limitation at the agency to 185.0.

The Governor's recommendation is a reduction of \$2.3 million, or 9.8 percent, and 10.0 FTE positions from the agency request. The reduction is attributable to a recommendation against adopting the agency's enhancement requests of \$1.3 million to raise public defender salaries and replace ARRA grant monies with State General Fund and adoption of the reduced resources plan of \$1.1 million. The reductions are partially offset by the recommendation to expend the remaining \$106,316 in the ARRA public defender grants not budgeted by the agency in FY 2012.

House Budget Committee Recommendation

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

1. Add \$558,000, all from the State General Fund, to adopt the agency enhancement requests to offset the reduction in American Reinvestment and Recovery Act (ARRA) and Justice Assistance Grant (JAG) monies with State General Fund dollars. The committee notes that these funds currently support nine public defender positions which will be lost if the funds are not replaced.
2. The Budget Committee notes that Legislative Post Audit has defined the scope for a new audit reviewing the payments made for indigent defense work. First, the audit will investigate whether the BIDS is taking appropriate measures to ensure that services are provided to indigent persons only. Second, the audit will investigate whether or not BIDS has adequate procedures in place to ensure effective recoupment of fees and costs from indigent persons.
3. The Budget Committee notes that the payment rate of assigned counsel at the reduced rate of \$62 per hour still results in an average gross wage of \$128,960 per year if assigned counsel were to work full time on BIDS work. The average pay for a public defender is \$46,000 or one third the compensation of assigned counsel. The budget committee questions the wisdom of relying even more heavily on assigned counsel to complete casework.
4. The Budget Committee had discussion on the statutory longevity bonuses for FY 2012 and recommends the full committee consider reducing the longevity bonuses for all agencies to the statutory limit. The current statutory provisions for the longevity bonus payment are \$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. For FY 2012, the Governor recommends the continuation of the longevity bonus payment program. The recommendation provides for a bonus of \$50 per year of service, with a 10-year minimum (\$500) and a 25-year maximum (\$1,250). The Budget Committee discussed the possibility of reducing the Governor's recommendation for longevity bonus payments from \$50 per year of service to the statutory level of \$40 per year of service for all state agencies for FY 2012.

Appropriations Committee

Date February 15, 2011

Attachment 1-5

House Budget Committee Report

Agency: Kansas Sentencing Commission **Bill No. --**

Bill Sec. --

Analyst: Waltner

Analysis Pg. No. --

Budget Page No. 414

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 7,372,447	\$ 7,003,825	\$ 0
Other Funds	912,287	912,287	0
Subtotal	<u>\$ 8,284,734</u>	<u>\$ 7,916,112</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>\$ 8,284,734</u></u>	<u><u>\$ 7,916,112</u></u>	<u><u>\$ 0</u></u>
FTE positions	10.0	8.0	0.0
Non FTE Uncl. Perm. Pos.	4.0	2.0	0.0
TOTAL	<u><u>14.0</u></u>	<u><u>10.0</u></u>	<u><u>0.0</u></u>

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$8.3 million, including \$7.4 million from the State General Fund. The request is an all funds decrease of \$289,085, or 3.4 percent, and a State General Fund decrease of \$6,822, or 0.1 percent, below the FY 2011 revised estimate. The decrease can be attributed to a decrease in the estimated 2003 SB 123 drug treatment payment being made by the Commission. In the past the Sentencing Commission has paid for 2003 SB 123 drug treatment services for offenders with Medicaid coverage. The commission then received a reimbursement from Medicaid for the drug treatment services. Starting in FY 2012, the Department of Social and Rehabilitation Services (SRS) will begin paying for SB 123 drug treatment services for offenders with Medicaid coverage. This change in the payer decreases the estimated SB 123 drug treatment payments for the Sentencing Commission. The request includes 10.0 FTE and 4.0 non-FTE unclassified permanent positions, the same as the revised FY 2011 estimate.

Governor's Recommendation

The **Governor** recommends FY 2012 operating expenditures of \$7.9 million, including \$7.0 million from the State General Fund. The recommendation is a decrease of \$368,622, or 4.4 percent, and a State General Fund reduction of the same amount, or 5.0 percent, below the agency's FY 2012 request. The Governor's recommendation included the reduced resources package that the agency submitted, which included a 5.0 percent State General Fund reduction

Appropriations Committee

Date February 15, 2011

Attachment 1-6

split proportionately between the two agency programs. The recommendation includes 8.0 FTE positions and 2.0 non-FTE unclassified permanent positions, a decrease of 2.0 FTE and 2.0 non-FTE unclassified positions. All four of the eliminated positions are vacant.

House Budget Committee Recommendation

The **House Budget Committee** concurs with the Governor's recommendation with the following notation:

1. The Budget Committee notes that the Sentencing Commission is improving efforts to collect the \$300 fee that that is assessed to offenders who are sentenced to 2003 SB 123 drug treatment services and urges the Commission to continue to increase efforts to collect the fee from all 2003 SB 123 drug treatment offenders across the state.

The Budget Committee also notes that currently the Sentencing Commission has received fee payments from every judicial district across the state but that the 29th judicial district (Wyandotte county) and the 6th judicial district (Bourbon, Linn, and Miami counties) have been slower than other judicial districts to implement, collect, and remit to the Sentencing Commission the \$300 fee to offenders.

Appropriations Committee

Date February 15, 2011

Attachment 1-7