

January 20, 2012

REVISED

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Revised Fiscal Note for HB 2413 by Legislative Post Audit Committee

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2413 is respectfully submitted to your committee.

HB 2413 would allow the Secretary of Revenue to disclose information from tax returns to the State Board of Indigents Defense regarding defendants claiming indigence.

Estimated State Fiscal Effect				
	FY 2012 SGF	FY 2012 All Funds	FY 2013 SGF	FY 2013 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$178,000	\$178,000
FTE Pos.	--	--	--	1.00

The Board of Indigents Defense Services (BIDS) notes that in FY 2011, there were 25,602 cases involving indigent persons. The cost to search for and copy each tax return at five dollars each, as advised by the Department of Revenue, would result in a State General Fund cost to BIDS for 26,000 cases of \$130,000. In addition, one full-time auditor would be required to receive and review this information at a cost of \$48,000 per year. Accessing this information would presumably lower the state's costs for providing counsel as some defendants might be determined to not qualify as indigent.

Subsequent to preparation of the initial fiscal note, the Department of Revenue provided information as to the bill's fiscal effect on its agency. The Department of Revenue states that their administrative costs would depend on the number of requests for income information from the Board of Indigents Defense Services. If a certification of income is required for each of the

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Page 2—2413 Revised

estimated 26,000 individuals, there will be administrative cost for manpower, computer programming and printing. The Department says that those costs could be avoided if the request is made in an electronic format and the response is provided to BIDS in electronic format as a data stream. The Department does not provide an estimate for possible associated expenditures. Any fiscal effect associated with HB 2413 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Kathie Sparks, Department of Labor
Derek Kreifels, Treasurer's Office
Pat Scalia, Indigents Defense