

FINANCE ADVISORY COMMITTEE

AGENDA

March 6, 2014

Room 1E, Legislative Office Building - 1:00 P.M.

1. Minutes of the January 9, 2014 meeting.

2. New transactions as follows:

2014-09	Office of Governmental Accountability	\$105,000.00
2014-10	Department of Transportation	\$9,000,000.00
2014-11	Public Defender Services Commission	\$5,340,000.00

PAGE	OF
DOCUMENT NUMBER	
2014-1	

ALLOTMENT adjustment
 APPROPRIATION adjustment
 APPROPRIATION adjustment, requiring Finance Advisory Committee action

COMPT. USE ONLY		FAC NUMBER	AGENCY ACRONYM	REQUEST NUMBER
EFFECTIVE DATE		2014-09	OGA17100	2014-1

AGENCY NO.	AGENCY NAME
OGA17100	Office of Governmental Accountability/State Elections Enforcement Commission

F.Y.	FUND	AGENCY	SID	BUD REF	REDUCE *	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
					<u>Unallotted Balance</u>	<u>Allotment</u>	
14	11000	OGA17100	12481		\$105,000.00		Citizens' Election Fund Admin
14	11000	OGA17100	12522			\$105,000.00	Elections Enforcement Commission

REASON FOR ADJUSTMENT

The SEEC is submitting a request to transfer \$105,000 from SID 12481 to SID 12522. The transfer is needed to cover the payroll related costs of the employees that are assigned to SID 12522.

Bond Commission Date:

STATUTORY AUTHORITY (for adjustments in appropriations)	REQUESTING OFFICIAL (Signature) <i>Michael J. Blumenthal</i>	(Title) Exec. Director and Gen. Counsel	DATE SIGNED 2/18/2014
---	---	---	---------------------------------

ACTION

UNALLOTTED / AVAILABLE BALANCE		APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst) <i>Luiz RQ</i>	DATE <i>2/24/14</i>	APPROVED (Governor)	DATE
RECOMMENDED (Undersecretary, Bud. & Fin. Mgmt.)	DATE		

* USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

Secretary Benjamin Barnes
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106-1379

RECEIVED

FEB 19 2014

OFFICE OF POLICY & MANAGEMENT
OFFICE OF THE SECRETARY

Dear Secretary Barnes:

Attached please find the State Elections Enforcement Commission's request for a FAC transfer. Due to the current fiscal status of the account that is the subject of the transfer, the Commission requests that this item be included on the agenda for the meeting that is scheduled for March 6, 2014.

Currently the State Elections Enforcement Commission is funded through two programmatic SIDS. The budget for SID 12522 does not adequately support the staffing level assigned to the program. Since the resources to cover the shortfall are available in the remaining SID, the Commission proposes to transfer \$105,000 from one SID to the other.

Since there is no longer a budgetary reason to continue to maintain the two separate SIDs, the Commission will submit a budget option to consolidate the funding into one account in the budget for the FY 2016-17 biennium.

Please feel free to contact me should you have any questions or require additional information.

Sincerely yours,

Michael J. Brandi, Esq.
Executive Director and General Counsel
State Elections Enforcement Commission

Cc: Linda Ecklund, OPM
Grant Gager, OFA
Gloria Davis-Delancy, OGA

**PROPOSED ITEM FOR APPROVAL
BY
FINANCE ADVISORY COMMITTEE**

State Elections Enforcement Commission

Agency: OGA17100

12481 Citizen's Election Fund Administration	-\$105,000
12522 Elections Enforcement Commission	\$105,000

Reallocate Resources to Cover Personal Services Expenses

The State Elections Enforcement is funded through two SIDS, 12522 and 12481. Each of the SIDS are appropriated budgetary resources to cover the cost of personal services for employees assigned to each of the SIDS. SID 12522 has 16 positions and SID 12481 has 19 positions.

The funding level of \$1,446,317 in SID 12522 will not fully cover the personal services costs of all the employees assigned to the specific program. In order to address the shortfall, SEEC proposes to transfer \$105,000 from SID 12481 to 12522.

The budgetary resources of SID 12481 are sufficient to cover the transfer and meet the financial obligations associated with SID 12522. The resources are sufficient because it includes funding for positions that should appropriately be paid from SID 12522.

The State Elections Enforcement Commission did not submit a reallocation option to the Office of Policy and Management in order to combine the SID's in FY 15. The SEEC will seek to combine SID 12522 and 12481 in its budget submission for the next biennium.

DOCUMENT NUMBER

DOT8164

ALLOTMENT adjustment APPROPRIATION adjustment APPROPRIATION adjustment, requiring Finance Advisory Committee action

COMPT. USE ONLY		EFFECTIVE DATE		FAC NUMBER	AGENCY ACRONYM	REQUEST NUMBER
				2014-10	DOT	12591
AGENCY NO.	AGENCY NAME					
57000	Department of Transportation					

F.Y.	FUND	AGENCY	SID	BUD REF	REDUCE *	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
					<u>Unallotted</u>	<u>Allotment</u>	
2014	12001	DOT57000	10010	2014	\$7,000,000.00		Personal Services
2014	12001	DOT57000	10020	2014		\$7,000,000.00	Other Expenses
					<u>Allotment</u>	<u>Allotment</u>	
2014	12001	DOT57000	12518	2014	\$2,000,000.00		Pay-As-You-Go Transp Proj
2014	12001	DOT57000	10020	2014		\$2,000,000.00	Other Expenses

REASON FOR ADJUSTMENT

See attached

STATUTORY AUTHORITY (for adjustments in appropriations) Sec. 4-87	REQUESTING OFFICIAL (Signature) 	(Title) Bureau Chief	DATE SIGNED 1-21-14
---	-------------------------------------	--------------------------------	------------------------

ACTION

UNALLOTTED / AVAILABLE BALANCE		APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst) 	DATE 2/25/14	APPROVED (Governor)	DATE
RECOMMENDED (Undersecretary, Bud. & Fin. Mgmt.) 	DATE		

* USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND
** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND

**Finance Advisory Committee
Meeting March 6, 2014**

The Department of Transportation (Department) requests the transfer of \$9,000,000 to its Other Expenses appropriation from the Department's Pay-As-You-Go Transportation Projects appropriation (\$2,000,000) and temporarily from the Department's Personal Services appropriation (\$7,000,000) to cover immediate cash flow needs.

This transfer of funding is required to immediately replenish the Department's Other Expenses appropriation, which has been severely depleted due to higher than average Snow and Ice Removal costs, as well as rising costs to maintain and repair an aging fleet, and other unanticipated, unbudgeted expenses. This transfer will allow the Department to continue to make the purchases required to maintain the safety of the traveling public. The Department has been projecting a deficiency in many of its accounts and, as a result of this temporary transfer of \$7,000,000 from its Personal Services, the Department projects a deficiency in Personal Services for the amount of the transfer.

Funding is available in the Pay-As-You-Go Transportation Projects appropriation due to the identification of previously unanticipated available federal funds for certain program costs. Of note, Pay-As-You-Go funds would normally be reprogrammed to other critical activities; however, the Department is making every effort to offset shortfalls within its own appropriations.

Of note, the Department continues to gather cost information related to the ongoing winter season that may result in an additional shortfall projection in Other Expenses. Every effort will be made to achieve savings within the appropriation, however, 90 percent of the expenditures made from this account are non-discretionary and further FAC action may be necessary.

<u>FUND - SID</u>	<u>Appropriation Title</u>	<u>Transfer Amount</u>
12001-10020	Other Expenses	<u>\$ 9,000,000</u>
	Total Transfers In	\$ 9,000,000
12001-10010	Personal Services	\$ (7,000,000)
12001-12168	Pay-As-You-Go Transp Projects	<u>\$ (2,000,000)</u>
	Total Transfers Out	\$ (9,000,000)

OTHER EXPENSES SHORTFALL - CONTRIBUTING FACTORS

- \$6.4 Million in Snow Removal Costs (Salt, Liquid Magnesium Chloride, Contractor Trucks) – Winter storm costs for materials and contractual services have exceeded budgeted amounts by over \$6 million to date. There have been 15 storms to date and, on average, there are three additional storms after February 18, 2014; the Department's Snow and Ice Removal budget is based on an average of 12 storms. Materials (salt, liquid chlorides) must be acquired ahead of and in anticipation of storm activity to ensure product is available when needed. Contractor trucks are used to supplement the Department's fleet to ensure quick response to weather conditions and an improved level of service to provide clear and safe roadways for the traveling public.
- \$1.3 Million in Motor Vehicle Fuel – Current projections indicate that expenditures (net of reimbursements from Other State Agencies) will exceed budget by over \$1.3 million. Higher than average storm activity results in increased fuel usage. Of note, the Department must encumber and pay up front for the fuel that supplies the state's 84 fuel facilities used by all state agencies; therefore, it is critical that this transfer take place as soon as possible to ensure continued availability of funds.
- \$1.3 Million in Equipment and Motor Vehicle Repair - The Department continues to experience higher than budgeted expenditures in order to repair and maintain an aging fleet of equipment and vehicles. The Department's fleet of 632 trucks includes 248 trucks (39 percent) that are past their expected useful life of 12 years. Major components such as the engine, transmission, axle, etc. are no longer covered by warranty for trucks that are older than seven years. Current projections indicate that repair expenditures will exceed budget by over \$1.3 million.

ALLOTMENT OR APPROPRIATION
ADJUSTMENT REQUEST
B-107 REV 3/96

TO: STATE OF CONNECTICUT
BUDGET AND FINANCIAL MANAGEMENT
OFFICE OF POLICY AND MANAGEMENT

ALLOTMENT adjustment
 APPROPRIATION adjustment
 APPROPRIATION adjustment, requiring Advisory Committee action

COMPT. USE ONLY	PAGE	OF
DOC. TYPE	DOCUMENT NUMBER	
	036613	

COMPT. USE ONLY	EFFECTIVE DATE	FAC NUMBER	REQUEST NUMBER
		2014-11	14-1

AGENCY NO.	AGENCY NAME
PDS98500	PUBLIC DEFENDER SERVICES COMMISSION

F.Y.	FUND	AGENCY	SID	REDUCE*	INCREASE **	ACCOUNT TITLE/PROJECT NUMBER
				ALLOTTED BALANCE	ALLOTTED BALANCE	
2014	11000	PDS98500	10010	(5,230,000)		PERSONAL SERVICES
2014	11000	PDS98500	10020	(50,000)		OTHER EXPENSES
2014	11000	PDS98500	12418	(45,000)		CONTRACTED ATTORNEYS RELATED EXPENSES
2014	11000	PDS98500	12106	(15,000)		TRAINING AND EDUCATION
2014	11000	PDS98500	12076		4,240,000	ASSIGNED COUNSEL - CRIMINAL
2014	11000	PDS98500	12417		1,100,000	ASSIGNED COUNSEL - CHILD PROTECTION

REASON FOR ADJUSTMENT

Funding is necessary in the Assigned Counsel - Criminal account due the implementation of a more efficient system to assign habeas cases and process associated assigned counsel billings. As a result, the backlog (previously of up to 1 year) for habeas cases has decreased dramatically, but at the same time has resulted in increased costs to pay for these assigned counsel services. Funding is also necessary in this account due to the implementation of an online billing system, which has eliminated a 3-4 month delay in the payment of assigned counsel bills. In addition, funding is necessary in the Assigned Counsel - Criminal account due to ongoing costly capital cases, including Racial Disparity litigation. Funding is necessary in the Assigned Counsel - Child Protection account due to the carrying over of \$698,000 of child protection attorney bills, in addition to various budget cuts in the FY 14 Midterm Adjustments. Funding is available in the Contracted Attorneys Related Expenses account due to lower than anticipated miscellaneous expenses in child protection cases. Funding is available in the Training account due to the cancelation of the agency's Annual Meeting. Funding is available in the Personal Services account due to delayed hirings and freezing of vacant positions.

Bond Commission Date: _____

STATUTORY AUTHORITY (for adjustments in appropriations)	REQUESTING OFFICIAL (Signature)	(Title)	DATE SIGNED
	<i>Susan Storey</i>	Chief Public Defender	2/19/14

UNALLOTTED / UNENCUMBERED BALANCE	ACTION	APPROVED (Secretary, Office of Policy and Management)	DATE
REVIEWED BY (Analyst)	DATE	APPROVED (Governor)	DATE
<i>[Signature]</i>	2/25/14		
RECOMMENDED (Undersecretary, Bud. & Fin. Mgmt)	DATE		

* USE ONLY UNALLOTTED, UNENCUMBERED, RESOURCES OF FUND

** USE ONLY UNALLOTTED, ALLOTMENT, RESOURCES OF FUND



**Office of Chief Public Defender
State of Connecticut**

30 TRINITY STREET, 4TH FLOOR
HARTFORD, CONNECTICUT 06106
TEL (860)509-6429
FAX (860)-509-6499
susan.storey@jud.ct.gov

ATTORNEY SUSAN O. STOREY
CHIEF PUBLIC DEFENDER

January 23, 2013

John Jaramillo, Budget Analyst
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Re: Summary of Racial Disparity in Death Penalty Studies and Litigation

Dear John,

Per your request, I am sending this summary of the history of the *Racial Disparities in Death Penalty Cases* studies and litigation. I hope this is helpful to you in planning for the budget session.

The Racial Disparity in Death Penalty cases litigation originated from the Connecticut Supreme Court's decision in *State v. Cobb*, 234 Conn.735, (1995). In that opinion the Court recognized that a death row inmate should be permitted to present statistical evidence of systemic racial bias in a post-conviction habeas corpus hearing. In 1998, as a response to the *Cobb* decision, the Public Defender Services Commission authorized the initial racial bias study to determine whether or not any statistical evidence of systemic racial bias existed. That research study was conducted from 1998 to 2003 at a cost of \$256,250 and covered cases prosecuted during 1973-1998. Emergency funding for that study (Neil Weiner) was approved by OPM when it was requested by former Chief Public Defender, Gerard Smyth.

Subsequent to the *Cobb* decision the Connecticut Supreme Court decided *State v. Reynolds*, which held in part that all additional persons since *Cobb* that had been sentenced to death must also join in the consolidated racial disparity litigation. Therefore, the first defense study was by necessity updated in order to review the additional pool of "death eligible" cases to ensure that the study was statistically and currently valid. The second study (John Donohue) was concluded in 2008, and included cases prosecuted through 2007.

In 2010, the Public Defender Commission authorized me to again contact OPM to request emergency funding for expenditures over and above our appropriation in our expert witness

account. As you know, per their directive I wrote to then OPM Secretary Robert Genuario on April 6, 2010 indicating that we were going to have a substantial deficiency in our expert account due to the necessity of updating the racial disparities study. We were then projecting a substantial deficiency in that account, due in part to the Cheshire case death penalty trials that had commenced in the New Haven Superior Court and other capital trials that took place during that year as well. Emergency funding was not forthcoming and therefore the Agency had to absorb the continuing costs of the experts, expenses and legal fees of the litigation.

Since that time, additional defendants have been sentenced to death, and others already on death row have at times been joined as eligible and then severed for various reasons from the consolidated habeas litigation. These include: Daniel Webb (Hartford), Sedrick Cobb (Waterbury), Richard Reynolds (Waterbury), Lazale Ashby (Hartford), Jessie Campbell (Hartford), Todd Rizzo (Waterbury), Hector? Eduardo Santiago (Hartford), Robert Breton (Waterbury), Steven Hayes (New Haven), and Joshua Komisarjefsky (New Haven). By necessity, each of these clients continue to be represented by Assigned Counsel (Criminal Account). The five that eventually pursued their claims during the consolidated habeas trial in Rockville in 2012 were: Cobb, Reynolds, Webb, Breton, and Rizzo. The trial began in September and ended in November of 2012. The decision of the trial judge (Sferazza) is pending. A denial of relief on the habeas claims would result in appeals by those represented by assigned counsel and representation of all clients sentenced to death continues for all other legal matters by assigned counsel. These appeals will result in ongoing litigation related to this case, which will create further costs to the agency.

Clients whose cases were not tried in this consolidated habeas litigation are currently pursuing their direct appeals from their convictions that resulted in death sentences or awaiting re-trials of the penalty phases of their cases. If their sentences are overturned by the Connecticut Supreme Court then re-trials could take place. There is also the possibility of continuing racial disparity litigation for which the study would need to be updated once again. These cases are extremely time intensive, advise the appointment of two attorneys per client under ABA standards, and require numerous expert witnesses that continue to drain resources from our Agency as well as from the State's General Fund. My discussions with Chief State's Attorney Kevin Kane lead me to believe that these cases and possibly future death eligible "cold cases" will continue to require resources and funding so long as the Death Penalty remains an issue in Connecticut.

In addition to the case history mentioned above, this case has resulted in significant costs to the state. Since the cases' inception, our Agency has incurred a total cost of \$2.2 million. As the numbers show, this case has put significant financial burden on the Agency, and has resulted in annual deficiencies in the Assigned Counsel and Expert Accounts.

Fiscal Year	Public Defender Staff	Assigned Counsel	Experts	Other Expenses	Total
FY 06	\$ -	\$ 98,500	\$ 943	\$ -	\$ 99,443
FY 07	\$ -	\$ 109,268	\$ 222,096	\$ 18,640	\$ 350,004
FY 08	\$ 23,420	\$ 316,084	\$ 145,990	\$ 15,540	\$ 501,034
FY 09	\$ 23,420	\$ 128,883	\$ 13,984	\$ 8,450	\$ 174,737

FY 10	\$	23,420	\$	111,401	\$	1,650	\$	6,952	\$	143,423
FY 11	\$	23,420	\$	138,781	\$	60,484	\$	7,850	\$	230,535
FY 12	\$	23,420	\$	212,763	\$	51,706	\$	14,500	\$	302,389
FY 13	\$	12,500	\$	375,103	\$	3,880	\$	7,120	\$	398,603
Total	\$	129,600	\$	1,490,782	\$	500,734	\$	79,052	\$	2,200,167

Sincerely,

Susan O. Storey
Chief Public Defender