

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Representative Kenny Wilk at 9:00 a.m. on March 7, 2002, in Room 514-S of the Capitol.

All members were present except: Representative Shultz, Excused
Representative McCreary, Excused

Committee staff present: Amy Kramer, Legislative Research
Becky Krahl, Legislative Research
Alan Conroy, Legislative Research
Julian Efird, Legislative Research
Carolyn Rampey, Legislative Research
Robert Waller, Legislative Research
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Committee Secretary

Conferees appearing before the committee: Adjutant General Greg Garner, Kansas National Guard

Others attending: See Attached

Representative Wilk moved for the introduction of legislation regarding payroll deductions as requested by the Division of Personnel. Motion was seconded by Representative Campbell. Motion carried.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Budget Committee report on the Governor's Budget recommendations for the Judicial Council for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 1). Motion was seconded by Representative Stone. Motion carried.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Budget Committee report on the Governor's Budget recommendations for the Judicial Council for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with exceptions (Attachment 1). Motion was seconded by Representative Campbell. Motion carried.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Budget Committee report on the Governor's Budget recommendations for the Board of Indigents' Defense Services for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 2). Motion was seconded by Representative Campbell.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Minority report on the Governor's Budget recommendations for the Board of Indigents' Defense Services for FY 2002 (Attachment 2).

Representative Feuerborn made a substitute motion to adopt the Minority Report on the Governor's Budget recommendations for the Board of Indigents' Defense Services for FY 2002 (Attachment 2). Motion was seconded by Representative Shriver. Motion failed.

Representative Peterson's original motion to adopt the Budget Committee recommendations on the Governor's Budget recommendations for the Board of Indigents Defense Services for FY 2002 (Attachment 2) carried.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Budget Committee report on the Governor's Budget recommendations for the Board of Indigents' Defense Services for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with exceptions (Attachment 2). Motion was seconded by Representative Campbell.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Minority report on the Governor's Budget recommendations for the Board of Indigents' Defense Services for FY 2003 (Attachment 2).

Representative Nichols made a substitute motion to adopt the Minority Report on the Governor's Budget recommendations for the Board of Indigents' Defense Services for FY 2003 (Attachment 2). Motion was seconded by Representative Henry. Motion failed.

Representative Peterson's original motion to adopt the Budget Committee recommendations on the Governor's Budget recommendations for the Board of Indigents Defense Services for FY 2003 (Attachment 2) carried.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Judicial Branch for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 with exceptions (Attachment 3). Motion was seconded by Representative Light.

The Committee discussed the appropriateness of adopting a report which was not signed by a majority of the members of the Budget Committee. With the permission of the second, Representative Light, Representative Peterson withdrew his motion. At a later point in the meeting, the original Tax, Judicial and Transportation Budget Committee report for the Judicial Branch for FY 2002 and FY 2003 was presented with four signatures.

Representative Peterson renewed his motion to adopt the Tax, Judicial and Transportation Budget Committee recommendations for the Judicial Branch for FY 2002 with the noted exceptions (Attachment 3). Motion was seconded by Representative Shriver.

It was noted that the exceptions in the Budget Committee report recommended the introduction of legislation regarding the computation of retirement benefits for state employees which would be patterned after 2001 **HB 2598**.

Representative Peterson, Chairperson of the Tax, Judicial and Transportation Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Judicial Branch for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with comments (Attachment 3). Motion was seconded by Representative Light.

Representative Spangler, member of the Tax, Judicial and Transportation Budget Committee, presented the Minority report on the Governor's Budget recommendations for the Judicial Branch for FY 2003 and moved for the adoption of the Minority report for FY 2003 (Attachment 3). Motion was seconded by Representative Ballard. Motion failed.

Representative Peterson's original motion to adopt the Budget Committee report recommendations on the Governor's budget recommendations for the Judicial Branch FY 2003 (Attachment 3) carried. Representative Campbell and Representative Newton requested to be recorded as "no" votes.

Representative Campbell, Chairman of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Adjutant General for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Campbell, Chairman of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Adjutant General for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 4). Motion was seconded by Representative Feuerborn.

The Committee discussed at length **HB 2642** which would allow individuals to become eligible for tuition assistance immediately upon enlistment in the Kansas National Guard and require one and one-half years of service for each year of tuition assistance. Currently guardsmen are required to apply each semester for tuition assistance after paying tuition and charges with an out-of-pocket expenditure and reimbursement of part of these out-of-pocket expenditures coming at a later date plus a commitment of four years in the Kansas National Guard. This proposed legislation would allow fees and tuition to be paid directly to the educational assistance fund and would transfer the administration of the program to the State Board of Regents. Simplification for enrollment in the program would be up to the agency and on-going education for recruiters was recommended. The educational tuition program should have funding up to \$500,000 in order to make such tuition grants available to active guardsmen.

Adjutant General Greg Garner explained the reasoning behind the semester-by-semester tuition program was that all federal funding sources for tuition reimbursement are exhausted before the state-supported funding

is explored.

Representative Stone moved to amend the report by striking “from the Economic Development Initiatives Fund (EDIF) to provide” from Item 1 of the Budget Committee recommendations for adjustments in the Public Safety Budget Committee report. Motion was seconded by Representative Pottorff. Motion failed.

Representative Pottorff moved to amend the report by striking “ Economic Development Initiatives Fund (EDIF)” and inserting “State Water Plan Fund” as the funding source for the educational assistance program. Motion was seconded by Representative Stone. Motion failed.

Representative Campbell’s motion to adopt the Public Safety Budget Committee report on the Governor’s budget recommendations for the Adjutant General for FY 2003 with adjustments (Attachment 4) carried.

Representative Minor, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the Kansas Bureau of Investigation for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Campbell. Motion carried.

Representative Minor, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the Kansas Bureau of Investigation for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 4). Motion was seconded by Representative Campbell. Motion carried.

The addition of 2.0 FTE’s contingent upon the passage of **HB 2880** would be necessary because the federal funds involved cannot be used for personnel to collect the DNA samples.

Representative Feuerborn, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the Board of Emergency Medical Services for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Minor. Motion carried.

Representative Feuerborn, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the Board of Emergency Medical Services for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 4). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell, Chairperson of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the State Fire Marshal for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell, Chairperson of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the State Fire Marshal for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 4). Motion was seconded by Representative Minor.

During discussion, it was pointed out that the proposed rules and regulations to implement the activities funded by the transfer of \$153,459 from the Fire Marshal Fee Fund to the Hazardous Materials Program Fund would require legislation.

Representative Shriver moved to remove all of Item 1 under adjustments from the Public Safety Budget Committee budget recommendations on the State Fire Marshal for FY 2003. Motion was seconded by Representative Klein. Motion failed.

Representative Campbell’s motion regarding the adoption of the Public Safety Budget Committee recommendations for FY 2003 carried.

Representative Minor, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor’s budget recommendations for the Kansas Highway Patrol for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Campbell. Motion carried.

Representative Minor, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Kansas Highway Patrol for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 4). Motion was seconded by Representative Campbell. Motion carried.

Representative Feuerborn, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Parole Board for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Minor. Motion carried.

Representative Feuerborn, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Parole Board for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 (Attachment 4). Motion was seconded by Representative Minor. Motion carried.

Representative Campbell, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Sentencing Commission for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 4). Motion was seconded by Representative Feuerborn. Motion carried.

Representative Campbell, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Sentencing Commission for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 4). Motion was seconded by Representative Minor. Motion carried.

Representative Shriver, member of the General Government and Human Resources Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Department of Human Resources Budget Report for FY 2002 and moved for the adoption of the Budget Committee recommendations for FY 2002 (Attachment 5). Motion was seconded by Representative Pottorff. Motion carried.

Representative Shriver, member of the General Government and Human Resources Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Department of Human Resources Budget Report for FY 2003 and moved for the adoption of the Budget Committee recommendations for FY 2003 with adjustments (Attachment 5). Motion was seconded by Representative Pottorff.

Representative Pottorff moved to amend the report by authorizing the staff to make any necessary technical changes. Motion was seconded by Representative Shriver. Motion carried.

Representative Shriver moved for the adoption of the General Government and Human Resources Budget Committee report and recommendations for the Department of Human Resources Budget for FY 2003 with adjustments as amended (Attachment 5). Motion was seconded by Representative Pottorff. Motion carried.

The meeting was adjourned at 10:45 a.m. The next meeting is scheduled for Friday, March 8, 2002.

APPROPRIATIONS COMMITTEE GUEST LIST

DATE: 3/7/02

NAME	REPRESENTING
PAT SCALIA	STATE Board of Indigents' Defense
Leon Richard	XXXX KSTA
Boyle Jones	KSC
Jan Brant	KSC
Jim Fendrick	KSC
Don Brownlee	KHP
David Lake	BEMS
Mary E. Mulryan	BEMS
Gerald Schneider	KDHR
Cindy D'Ercole	Kansas Active In Children
Col ADAM KINIG	ADJUTANT GENERAL'S DEPT
MAJ GEN GREG GARDNER	"
JANICE HARPER	"
Gale Haag	State Fire Marshal
Elena Muro	KS Fm
XXXXXXXX	
Joyce Cassimanno	Ks Children's Cnd.

**2002 TAX, JUDICIAL, AND TRANSPORTATION
BUDGET COMMITTEE**

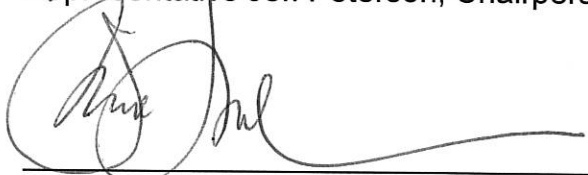
Judicial Council



Representative Jeff Peterson, Chairperson



Representative Cindy Hermes



Representative Ward Loyd



Representative Doug Spangler



Representative Dan Thimesch

HOUSE APPROPRIATIONS

DATE 3/7/02

ATTACHMENT #1

Senate Subcommittee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. 1 – 271

Budget Page No. 271

<u>Expenditure Summary</u>	<u>Agency Est. FY 02</u>	<u>Governor's Recommendation FY 02</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	316,141	315,990	0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 316,141	\$ 315,990	\$ 0
State General Fund:			
State Operations	233,193	233,193	0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 233,193	\$ 233,193	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Est./Governor's Recommendation

The Judicial Council estimates expenditures of \$316,141, of which \$233,193 is from the State General Fund. Funding in the current year would allow for 41 meetings of the Judicial Council and its advisory committees. In addition, estimated funding would continue 4.0 FTE positions and temporary staff used in times of peak workloads and when regular staff is on vacation.

The Governor recommends expenditures of \$315,990, including \$233,193 from the State General Fund.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

House Budget Committee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. 1 – 271

Budget Page No. 271

Expenditure Summary	Agency Est. FY 02	Governor's Recommendation FY 02	House Budget Committee Adjustments
All Funds:			
State Operations	316,141	315,990	0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 316,141	\$ 315,990	\$ 0
State General Fund:			
State Operations	233,193	233,193	0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 233,193	\$ 233,193	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

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The Governor recommends expenditures of \$315,990, including \$233,193 from the State General Fund.

House Budget Committee Recommendation

The House Budget Committee concurs with the recommendations of the Governor.

Senate Subcommittee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. 1 – 271

Budget Page No. 271

Expenditure Summary	Agency Req. FY 03	Governor's Recommendation FY 03	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 325,398	\$ 283,655	\$ 41,743
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 325,398	\$ 283,655	\$ 41,743
State General Fund:			
State Operations	\$ 241,973	\$ 199,721	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 241,973	\$ 199,721	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Req./Governor's Recommendation

The Judicial Council requests a total of \$325,398, which would maintain the salaries of 4.0 FTE positions, temporary employees for use in peak work times, and would allow for 45 meetings of the Council and its advisory committees.

The Governor recommends expenditures of \$283,655, a reduction of \$32,335 from the Governor's recommendation in the current year. The Governor's recommendation, in reducing expenditures compared to the current year, makes the reduction entirely in the State General Fund and continues expenditures from the Publications Fee Fund at approximately the same level as the current year. Under the Governor's recommendation, funding would be provided for the 4.0 FTE permanent employees, but not for temporary employees. Recommended funding would allow for 15 meetings of the Judicial Council and its advisory committees.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor, with the following exception:

- Increase expenditures from the Publications Fee Fund by \$41,743, for a total of \$125,677, in order to compensate for reduced expenditures from the State General Fund. Without the increase, the Council would be able to hold only 15 Council and advisory committee meetings in FY 2003, compared to 40 to 45 meetings in a normal year. The increase is possible because of ample balances in the Fund. However, a proviso to the appropriation would be necessary to authorize expenditure from the Fund for operating expenses that are not related to publications activities.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

House Budget Committee Report

Agency: Judicial Council	Bill No. --	Bill Sec. --
Analyst: Rampey	Analysis Pg. No. Vol. 1 – 271	Budget Page No. 271

Expenditure Summary	Agency Req. FY 03	Governor's Recommendation FY 03	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 325,398	\$ 283,655	\$ 41,743
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 325,398	\$ 283,655	\$ 41,743
State General Fund:			
State Operations	\$ 241,973	\$ 199,721	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
TOTAL	\$ 241,973	\$ 199,721	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Req./Governor's Recommendation

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House Budget Committee Recommendations

The House Budget Committee concurs with the recommendations of the Governor, with the following exception:

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Senate Subcommittee Report

Agency: Board of Indigents' Defense Services **Bill No. --** **Bill Sec. --**

Analyst: Rampey **Analysis Pg. No.** Vol. I – 282 **Budget Page No.** 253

Expenditure Summary	Agency Est. FY 02	Governor's Recommendation FY 02	Senate Subcom- mittee Adjustments
All Funds:			
State Operations	\$ 15,010,352	\$ 14,620,253	\$ 0
Aid to Local Units	0	0	0
Other Assistance	497,218	497,218	0
TOTAL	\$ 15,507,570	\$ 15,117,471	\$ 0
State General Fund:			
State Operations	\$ 14,681,696	\$ 14,291,597	\$ 0
Aid to Local Units	0	0	0
Other Assistance	497,218	497,218	0
TOTAL	\$ 15,178,914	\$ 14,788,815	\$ 0
FTE Positions	165.5	165.5	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	166.5	166.5	0.0

Agency Est./Governor's Recommendation

The Board of Indigents' Defense Services estimates expenditures in the current year of \$15,507,570, of which \$15,178,914 is from the State General Fund. The total includes \$300,000 requested as a supplemental appropriation for the Death Penalty Defense Unit. Part of the reason for the requested increase is that \$100,000 in costs incurred in FY 2001 were carried over for payment in FY 2002. In addition, the Unit is involved with 14 capital cases, which is a record number of cases in one fiscal year.

The Governor recommends a total of \$15,117,471, which does not include the requested supplemental appropriation of \$300,000.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following exception:

- Consider additional funding in the Omnibus Bill for the Death Penalty Defense Unit, for which a supplemental appropriation of \$300,000 is requested. The Unit started FY 2002 with \$100,000 in expenses carried forward from the prior year

HOUSE APPROPRIATIONS

DATE 3/07/02
ATTACHMENT 2

because of a lack of funding in FY 2001. The situation was compounded by costs associated with two quadruple homicides that occurred in Wichita and finally by a recent decision of the Kansas Supreme Court that the verdict form used in the Kleypas Case violated the *Kansas Constitution*. This decision means that the Kleypas Case and three other cases involving persons sentenced to death must be retried in the sentencing phase of the case by a new jury, at a total estimated cost of \$300,000. The expenditure for the trials must be made, which means that without additional funding the Board will be forced to transfer money from payments to assigned counsel to death penalty defense. Such a transfer would exacerbate an already-serious situation the Subcommittee discusses more fully in its FY 2003 report.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No. --** **Bill Sec. --**

Analyst: Rampey **Analysis Pg. No.** Vol. I – 282 **Budget Page No.** 253

Expenditure Summary	Agency Est. FY 02	Governor's Recommendation FY 02	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 15,010,352	\$ 14,620,253	\$ 0
Aid to Local Units	0	0	0
Other Assistance	497,218	497,218	0
TOTAL	\$ 15,507,570	\$ 15,117,471	\$ 0
State General Fund:			
State Operations	\$ 14,681,696	\$ 14,291,597	\$ 0
Aid to Local Units	0	0	0
Other Assistance	497,218	497,218	0
TOTAL	\$ 15,178,914	\$ 14,788,815	\$ 0
FTE Positions	165.5	165.5	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	166.5	166.5	0.0

Agency Est./Governor's Recommendation

The Board of Indigents' Defense Services estimates expenditures in the current year of \$15,507,570, of which \$15,178,914 is from the State General Fund. The total includes \$300,000 requested as a supplemental appropriation for the Death Penalty Defense Unit. Part of the reason for the requested increase is that \$100,000 in costs incurred in FY 2001 were carried over for payment in FY 2002. In addition, the Unit is involved with 14 capital cases, which is a record number of cases in one fiscal year.

The Governor recommends a total of \$15,117,471, which does not include the requested supplemental appropriation of \$300,000.

House Budget Recommendation

The House Budget Subcommittee concurs with the recommendations of the Governor.



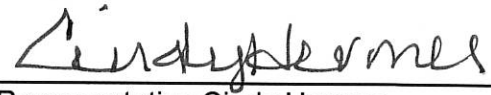
Representative Ward Loyd



Representative Dan Thimesh



Representative Jeff Peterson, Chairman



Representative Cindy Hermes

Representative Doug Spangler

Minority Report

The Board of Indigents' Defense Services started FY 2002 with unpaid expenditures from FY 2001, incurred additional costs as the year progressed that resulted in a requested supplemental appropriation of \$300,000, and now has learned that, due to a recent Kansas Supreme Court Decision, it will incur an additional \$300,000 in expenses because it must retry the sentencing phase of four death penalty cases on appeal. The Board provides a constitutionally-mandated service which must be funded. I urge the Committee to approve a supplemental appropriation of \$300,000 for FY 2002 so that the Board may carry out its duties.



Representative Doug Spangler

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. Vol. I – 282

Budget Page No. 253

Expenditure Summary	Agency Req. FY 03	Governor's Recommendation FY 03	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 15,115,255	\$ 14,526,840	\$ 0
Aid to Local Units	0	0	0
Other Assistance	580,233	248,609	0
TOTAL	\$ 15,695,488	\$ 14,775,449	\$ 0
State General Fund:			
State Operations	\$ 14,793,255	\$ 14,204,840	\$ 0
Aid to Local Units	0	0	0
Other Assistance	580,233	248,609	0
TOTAL	\$ 15,373,488	\$ 14,453,449	\$ 0
FTE Positions	165.5	165.5	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	166.5	166.5	0.0

Agency Req./Governor's Recommendation

The State Board of Indigents' Defense Services requests a total of \$15,695,488, of which \$15,373,488 is from the State General Fund. The amount includes \$425,329 for enhancements (\$194,933 for additional funding for assigned counsel and \$230,336 for additional funding for the Death Penalty Defense Unit). The Board also requests \$580,233 for Legal Services for Prisoners, Inc.

The Governor recommends \$14,775,449 for the Board in FY 2003, a reduction of \$920,039 from its request. The Governor does not recommend the additional funding requested as enhancements and he reduces funding for Legal Services for Prisoners, Inc., from the \$497,218 in the current year to \$248,609.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor, with the following exceptions:

- The Senate Subcommittee reaffirms the sentiment of the Senate Subcommittee that reviewed the Board's budget during the 2001 Session when it commended the Executive Director of the Board and the Board's staff for their effort to operate within constraints imposed by scarce resources. The Subcommittee believes the operations of the Board are well managed and that the staff is sharply focused on the Board's mission. The Subcommittee expresses its appreciation for the leadership the Executive Director has shown and the staff's willingness to continue to do more with less.

Unfortunately, competent managers and dedicated staff cannot perform their duties indefinitely if state funding in support of their activities is inadequate. Over the years, the Board has regularly requested more money that neither the Governor nor the Legislature has approved and the Executive Director has repeatedly warned the Legislature that funding for the Board's activities, particularly for assigned counsel and death penalty defense, is less than needed. A repeated concern is that the current \$50 hourly rate for assigned counsel could be challenged as being an unreasonable amount of money to pay compensation to attorneys assigned to represent indigent defendants. That rate was set in 1987 when the Kansas Supreme Court held that the state's system of appointing and compensating assigned counsel was unconstitutional. In order to fairly compensate counsel, the then-rate of \$30 was raised to \$50. The federal rate for similar cases has been \$75 for several years.

However, the Subcommittee reluctantly reaches the conclusion that there is not money available in FY 2003 to address the concerns the Board has raised.

- Consider additional funding for Legal Services for Prisoners, Inc., in the Omnibus Bill. The Governor's recommendation cuts funding for Legal Services for Prisoners, Inc., in half, reducing it from \$497,218 in the current year to \$248,609 in FY 2003. When the Governor proposed a similar reduction a year ago for FY 2002, the Legislature restored the funding and asked the Judicial Council to report back on the state's constitutional obligation to provide legal services to Kansas inmates. Among the Council's findings is this conclusion: "If Legal Services for Prisoners, Inc., were to be eliminated or its budget reduced, the state would have to fund more extensive prison law libraries and paralegals, or increase BIDS' budget so that local attorneys could be appointed." The Subcommittee is concerned that if funding for Legal Services for Prisoners, Inc., is not restored, the state faces even more expensive alternatives to provide the constitutionally-mandated service.
- The Subcommittee calls attention to increasing numbers of drug Level I cases (methamphetamine manufacture) and the consequence to the Board's operations. The number of cases has increased from 79 in FY 1999 to 525 in FY 2001, an increase of 665 percent. Costs to the Board for assigned counsel in connection with these cases have risen from about \$97,000 in FY 2000 to almost \$269,000 in the first seven months of FY 2002. It is estimated that total costs in FY 2002 could exceed \$600,000. This aspect of the Board's operations contributes to the increasing demands placed on the Board's staff and financial resources.

- The Subcommittee notes that the cost-per-case is \$452 for public defenders and \$470 for assigned counsel. According to the Board's Executive Director, it would be cost-effective to open two more public defender offices in McPherson and Emporia, but the high start-up cost of opening new offices prevents taking that step at this time.
- The Subcommittee calls attention to SB 412 which, at the time the Subcommittee completed its work, was on Senate General Orders. The bill, which is supported by the Board, would increase the administrative fee the Board may collect from indigents it represents from \$35 to \$50 and provide that the fee would be assessed at the time an indigent defendant applies for representation through the Board instead of at the end of the case. The Subcommittee encourages favorable action on this bill because it would not only increase revenues to the Board by raising the fee, but it would require payment at the time of representation, not at the end of the case as part of court costs which often are not collected. The bill contains a provision that would allow the judge to waive the fee if the court determines that the defendant would experience manifest hardship if the requirement were imposed.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

House Budget Committee Report

Agency: Board of Indigents' Defense Services

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. Vol. I – 282

Budget Page No. 253

Expenditure Summary	Agency Req. FY 03	Governor's Recommendation FY 03	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 15,115,255	\$ 14,526,840	\$ (372,073)
Aid to Local Units	0	0	0
Other Assistance	580,233	248,609	248,606
TOTAL	<u>\$ 15,695,488</u>	<u>\$ 14,775,449</u>	<u>\$ (123,467)</u>
State General Fund:			
State Operations	\$ 14,793,255	\$ 14,204,840	\$ (372,073)
Aid to Local Units	0	0	0
Other Assistance	580,233	248,609	248,606
TOTAL	<u>\$ 15,373,488</u>	<u>\$ 14,453,449</u>	<u>\$ (123,467)</u>
FTE Positions	165.5	165.5	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	<u>166.5</u>	<u>166.5</u>	<u>0.0</u>

Agency Req./Governor's Recommendation

The State Board of Indigents' Defense Services requests a total of \$15,695,488, of which \$15,373,488 is from the State General Fund. The amount includes \$425,329 for enhancements (\$194,933 for additional funding for assigned counsel and \$230,336 for additional funding for the Death Penalty Defense Unit). The Board also requests \$580,233 for Legal Services for Prisoners, Inc.

The Governor recommends \$14,775,449 for the Board in FY 2003, a reduction of \$920,039 from its request. The Governor does not recommend the additional funding requested as enhancements and he reduces funding for Legal Services for Prisoners, Inc., from the \$497,218 in the current year to \$248,609.

House Budget Committee Recommendations

The House Budget Committee concurs with the recommendations of the Governor, with the following exceptions:


- Delete \$372,073 from the State General Fund for payments to assigned counsel, for a total of \$5,089,058. The amount is a reduction of \$678,798 from the current year and is estimated to result in payments for one month in FY 2003 being paid in FY 2004. (Under the Governor's recommendation, assigned counsel payments for one week in FY 2003 would have been paid in FY 2004.) The reduction made by the Budget Committee was identified by the Board in response to directives from the Division of the Budget as to how it would respond if it had to make a 4 percent reduction in resources. The Budget Committee reluctantly makes this recommendation, but does so in the face of severe revenue constrictions and the knowledge that assigned counsel payments, although delayed, will be made. Currently, the state pays \$50 per hour to assigned counsel. Comparable rates at the federal level will increase from \$75 to \$90 per hour in June of 2002.
- Add \$248,606 from the State General Fund for Legal Services for Prisoners, Inc., for a total of \$497,218, the same as the current year. In the Budget Committee's opinion, the Governor's recommendation to cut funding in half puts the state in jeopardy for failure to fulfill its constitutional obligation to provide inmates with access to courts. The Budget Committee bases its conclusion on a report issued in December 2001 by the Judicial Council, which was requested by the 2001 Legislature. The report concludes: "If Legal Services for Prisoners, Inc., were to be eliminated or its budget reduced, the state would have to fund more extensive prison law libraries and paralegals, or increase BIDS' budget so that local attorneys could be appointed."



Representative Ward Loyd



Representative Dan Thimesh



Representative Jeff Peterson, Chairman



Representative Cindy Hermes

Representative Doug Spangler

Minority Report

I disagree with the majority's decision to reduce funding for assigned counsel. First, reduced funding almost certainly will result in expenditures being carried forward to FY 2004. Not only will delayed payment likely lead to a funding shortfall in FY 2004, but it will exacerbate a situation that currently exists whereby the state risks a lawsuit from attorneys who are paid \$50 an hour to represent indigents when the federal rate for similar representation is \$75 an hour and is due to increase to \$90 in June of this year.

For this reason, I recommend the addition of \$1.3 million for assigned counsel, which will enable the Board to pay its bills in the year in which they are incurred and also allow for the hourly rate to increase from \$50, which has been the rate since 1985, to \$65.



Representative Doug Spangler

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. I – 255 Budget Page No. 271

Expenditure Summary	Agency Est. FY 02	Governor's Recommendation FY 02	Senate Subcommittee Adjustments
All Funds:			
Operations	\$ 89,475,305	\$ 89,157,895	\$ 600,000
Aid to Local Units	526,921	526,921	0
Other Assistance	1,084,766	1,084,766	0
Subtotal—Operating	<u>\$ 91,086,992</u>	<u>\$ 90,769,582</u>	<u>\$ 600,000</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 91,086,992</u></u>	<u><u>\$ 90,769,582</u></u>	<u><u>\$ 600,000</u></u>
State General Fund:			
Operations	\$ 79,429,209	\$ 78,900,471	\$ 600,000
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal—Operating	<u>\$ 79,429,209</u>	<u>\$ 78,900,471</u>	<u>\$ 600,000</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 79,429,209</u></u>	<u><u>\$ 78,900,471</u></u>	<u><u>\$ 600,000</u></u>
FTE Positions	1,813.0	1,813.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,813.0</u></u>	<u><u>1,813.0</u></u>	<u><u>0.0</u></u>

Agency Est./Governor's Recommendation

The Judicial Branch estimates expenditures of \$91,086,992, which include a supplemental appropriation of \$528,753. (The requested supplemental appropriation has since been revised upward to \$600,000). The supplemental appropriation is requested in order to avert a furlough of nonjudicial employees which is estimated to involve closing the district courts one day each month for three months. The possible furlough is in spite of efforts taken at the beginning of the current fiscal year to generate savings, including a 90-day hiring freeze, the elimination of travel for district magistrate judges and judges on the Court of Appeals, a 25 percent reduction in funding for temporary workers, and other reductions specific to each judicial district.

The Governor does not recommend the supplemental appropriation, but does recommend an additional \$500,000 in his enhanced recommendations.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor, with the following exception and comment:

HOUSE APPROPRIATIONS
DATE 3/07/02
ATTACHMENT 3

- Add \$600,000 from the State General Fund for the purpose of averting a furlough of nonjudicial personnel. Funding a statewide system of courts is an essential state service and the Subcommittee does not consider it an option to close courthouses across the state one day a month for three months. In this regard, the Subcommittee notes that concerns about recruiting and retaining qualified and experienced court personnel led the Legislature to increase docket fees in order to implement a new nonjudicial employee salary plan in July of 2000. That plan is successful and has had the effect of lowering turnover in the district court system. Ironically, reduced turnover has contributed to the current salary shortfall because there are fewer turnover savings, resulting in forced vacancies and other measures that are detrimental to the personnel system the Legislature sought to enhance.

Senate Committee Recommendations

The Senate Committee concurs with the recommendations of the Subcommittee.

House Budget Committee Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. 1-255 Budget Page No. 271

Expenditure Summary	Agency Est. FY 02	Governor's Recommendation FY 02	House Budget Committee Adjustments
All Funds:			
Operations	\$ 89,475,305	\$ 89,157,895	\$ 600,000
Aid to Local Units	526,921	526,921	0
Other Assistance	1,084,766	1,084,766	0
Subtotal—Operating	<u>\$ 91,086,992</u>	<u>\$ 90,769,582</u>	<u>\$ 600,000</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 91,086,992</u></u>	<u><u>\$ 90,769,582</u></u>	<u><u>\$ 600,000</u></u>
State General Fund:			
Operations	\$ 79,429,209	\$ 78,900,471	\$ 600,000
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal—Operating	<u>\$ 79,429,209</u>	<u>\$ 78,900,471</u>	<u>\$ 600,000</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 79,429,209</u></u>	<u><u>\$ 78,900,471</u></u>	<u><u>\$ 600,000</u></u>
FTE Positions	1,813.0	1,813.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>1,813.0</u></u>	<u><u>1,813.0</u></u>	<u><u>0.0</u></u>

Agency Est./Governor's Recommendation

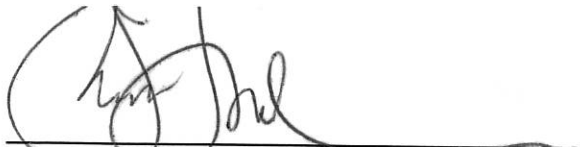
The Judicial Branch estimates expenditures of \$91,086,992, which include a supplemental appropriation of \$528,753. (The requested supplemental appropriation has since been revised upward to \$600,000). The supplemental appropriation is requested in order to avert a furlough of nonjudicial employees which is estimated to involve closing the district courts one day each month for three months. The possible furlough is in spite of efforts taken at the beginning of the current fiscal year to generate savings, including a 90-day hiring freeze, the elimination of travel for district magistrate judges and judges on the Court of Appeals, a 25 percent reduction in funding for temporary workers, and other reductions specific to each judicial district.

The Governor does not recommend the supplemental appropriation, but does recommend an additional \$500,000 in his enhanced recommendations.

House Budget Committee Recommendations

The House Budget Committee concurs with the recommendations of the Governor, with the following exceptions:

- Add \$600,000 from the State General Fund in order to avoid a furlough of nonjudicial employees in the current year. The Budget Committee strongly believes that essential services of the state should be maintained and that closing courthouses across the state is an option that should be avoided if possible.
- Recommend the passage of legislation patterned after 2001 HB 2598, which relates to the computation of retirement benefits for state employees. The legislation, requested by the Judicial Branch, would ensure that if the salary of a state officer or employee is reduced because of a furlough, the reduced salary would not affect the officer or employee's retirement benefits.



Representative Ward Loyd



Representative Dan Thimesch



Representative Jeff Peterson, Chairman

Representative Cindy Hermes



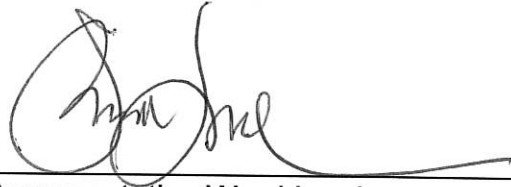
Representative Doug Spangler

Minority Report

The serious condition of the courts around the state extends beyond the immediate need to keep court houses open in the current year. In judicial districts across the state, both judicial and nonjudicial employees are straining to keep up with increasing workloads. In several districts, the situation is serious enough to require additional personnel, even in these times of constrained resources.

I have great respect for the Judicial Branch, especially with regard to how closely it analyzes its budgetary needs each year. However, having considered the stated needs of the 7th, 8th, and 9th Judicial Districts, as carried over from prior years, and having observed first hand the deleterious effect upon citizens as litigants, the administering of justice and the health of judges at the hands of ever burgeoning caseloads, and further considering the limits upon the jurisdictional authority of magistrates, these judicial districts need the full, unlimited services of a district judge, and this Legislature must make provision for such needs. I would enhance the requested judge positions by funding four new judgeships, to provide a District Judge for the 7th Judicial District—Douglas, a District Judge for the 8th District—Geary, a District Judge for the 9th Judicial District—McPherson and Harvey, and a Magistrate District Judge for the 27th Judicial District—Reno.

In addition, without additional finding to maintain operations, the Judicial Branch will face the same shortfall and threat of furloughs in FY 2003 as it does now. The shortfall is estimated to be \$3.5 million and I ask the Committee to recommend that this amount be added to the Judicial Branch's FY 2003 budget.



Representative Ward Loyd



Representative Doug Spangler

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. I – 255 Budget Page No. 273

Expenditure Summary	Agency Req. FY 03	Governor's Recommendation FY 03	Senate Subcommittee Adjustments
All Funds:			
Operations	\$ 96,933,360	\$ 91,584,361	\$ 0
Aid to Local Units	504,154	504,154	0
Other Assistance	990,606	990,606	0
Subtotal–Operations	\$ 98,428,120	\$ 93,079,121	\$ 0
Capital Improvements	114,400	114,000	0
TOTAL	\$ 98,542,520	\$ 93,193,521	\$ 0
State General Fund:			
Operations	\$ 86,384,921	\$ 81,079,774	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal–Operations	\$ 86,384,921	\$ 81,079,774	\$ 0
Capital Improvements	114,400	114,400	0
TOTAL	\$ 86,499,321	\$ 81,194,174	\$ 0
FTE Positions	1,841.0	1,816.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	1,841.0	1,816.0	0.0

Agency Req./Governor's Recommendation

The Judicial Branch requests a total of \$98,542,520 for FY 2003, of which \$86,384,921 (87.7 percent) is from the State General Fund. Major items in the request include the following:

- \$141,089 from the State General Fund for a new judge, associated staff, and other operating costs, pursuant to 2001 HB 2297, which expands the Court of Appeals by one judge on January 1, 2003. (Three more judges will be added to the court of Appeals each year through January 1, 2006.)
- \$2,958,878 from the Judicial Technology Fund (docket fees and federal grants) to continue implementation of the statewide court accounting and case management system.

- \$2,026,484 for a salary plan adjustment of 3.7 percent for nonjudicial employees, tied to the FY 2001 inflation rate as measured by the Employment Cost Index reported by the U.S. Bureau of Labor Statistics.
- \$997,107 for 25.0 FTE new positions, consisting of 4.0 FTE district magistrate judges and 21.0 FTE nonjudicial employees.

The Governor recommends a total of \$93,193,521, which is a reduction from the Judicial Branch's State General Fund request of almost \$5.3 million. The Governor approves the requested \$141,089 for the new judge for the Court of Appeals, associated staff, and other operating costs, but does not approve any of the requested new district magistrate judge positions or the 21.0 FTE nonjudicial positions. In his enhanced budget recommendations, the Governor recommends an additional \$3.6 million for judicial operations in FY 2003 for the purpose of "keeping the courts open and functioning."

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor, with the following comments:

- The Subcommittee has taken action with regard to the Judicial Branch's FY 2002 budget to avert the closing of courthouse in the current year, but the outlook for FY 2003 is dire and will have to be addressed by the Legislature sooner or later. The Subcommittee recommends that strong consideration be given to adding additional money to the Judicial Branch's budget in the Omnibus Bill, an action which is consistent with the Governor's recommendation contained in his enhanced budget for an additional \$3.6 million for FY 2003. The Subcommittee also repeats its comment contained in its FY 2002 report to the effect that the Legislature took specific steps to enhance the nonjudicial personnel system in recent years and the current shortfall is undermining the morale and efficiency of a system the Legislature hoped to improve.
- Recognizing the serious condition of the state's resources, the Subcommittee requests that the Judicial Branch consider any possible ways the judicial system could be made more efficient, while at the same time protecting the public's right to due process and preserving its access to justice.
- An issue in recent years has been whether the establishment of the Kansas Payment Center has reduced the workload associated with child support payments in the Offices of the Clerks of the District Court. The Subcommittee calls attention to an audit completed in July 2001 by the Legislative Division of Post Audit which reached the following conclusions:
 - "The 3 clerks' offices with the largest caseloads in the state [Sedgwick, Shawnee, and Wyandotte Counties] estimate they freed up a total of about 10 positions after the Payment Center opened. Much of the time freed up by transferring work to the Payment Center has been offset by time required for new duties resulting from the Payment Center."

- "About half the freed-up positions were eliminated, while the others were assigned to other court duties. Only 4.5 of the 10 positions freed up actually were eliminated. Officials in the 3 Clerks' Offices said they needed to keep the remaining positions to stay on top of ongoing case duties for child support and other types of cases, address backlogs, and work on new court initiatives."

Senate Committee Recommendations

The Senate Committee concurs with the recommendations of the Subcommittee, with the following exception:

- Add to the list of items that will be considered in the Omnibus Bill the two district magistrate judge positions approved by the Senate during the 2001 Session that were eliminated in Conference Committee. One position is for the 8th Judicial District (Dickinson, Geary, Marion, and Morris counties) and the other is for the 9th Judicial District (Harvey and McPherson counties). The salary for each position in FY 2003 would be \$59,559.
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House Budget Committee Report

Agency: Judicial Branch

Bill No. --

Bill Sec. --

Analyst: Rampey

Analysis Pg. No. Vol. 1-255 Budget Page No. 273

Expenditure Summary	Agency Req. FY 03	Governor's Recommendation FY 03	House Budget Committee Adjustments
All Funds:			
Operations	\$ 96,933,360	\$ 91,584,361	\$ 0
Aid to Local Units	504,154	504,154	0
Other Assistance	990,606	990,606	0
Subtotal—Operations	\$ 98,428,120	\$ 93,079,121	\$ 0
Capital Improvements	114,400	114,000	0
TOTAL	\$ 98,542,520	\$ 93,193,521	\$ 0
State General Fund:			
Operations	\$ 86,384,921	\$ 81,079,774	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal—Operations	\$ 86,384,921	\$ 81,079,774	\$ 0
Capital Improvements	114,400	114,400	0
TOTAL	\$ 86,499,321	\$ 81,194,174	\$ 0
FTE Positions	1,841.0	1,816.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	1,841.0	1,816.0	0.0

Agency Req./Governor's Recommendation

The Judicial Branch requests a total of \$98,542,520 for FY 2003, of which \$86,384,921 (87.7 percent) is from the State General Fund. Major items in the request include the following:

- \$141,089 from the State General Fund for a new judge, associated staff, and other operating costs, pursuant to 2001 HB 2297, which expands the Court of Appeals by one judge on January 1, 2003. (Three more judges will be added to the court of Appeals each year through January 1, 2006.)
- \$2,958,878 from the Judicial Technology Fund (docket fees and federal grants) to continue implementation of the statewide court accounting and case management system.

- \$2,026,484 for a salary plan adjustment of 3.7 percent for nonjudicial employees, tied to the FY 2001 inflation rate as measured by the Employment Cost Index reported by the U.S. Bureau of Labor Statistics.
- \$997,107 for 25.0 FTE new positions, consisting of 4.0 FTE district magistrate judges and 21.0 FTE nonjudicial employees.

The Governor recommends a total of \$93,193,521, which is a reduction from the Judicial Branch's State General Fund request of almost \$5.3 million. The Governor approves the requested \$141,089 for the new judge for the Court of Appeals, associated staff, and other operating costs, but does not approve any of the requested new district magistrate judge positions or the 21.0 FTE nonjudicial positions. In his enhanced budget recommendations, the Governor recommends an additional \$3.6 million for judicial operations in FY 2003 for the purpose of "keeping the courts open and functioning."

House Budget Committee Recommendations

The House Budget Committee concurs with the recommendations of the Governor, with the following comment:

- The Budget Committee regrets that it cannot recommend additional funding for the Judicial Branch at this time because of severe revenue constraints. The Budget Committee believes that additional funding will be necessary in FY 2003 in order to maintain operations of the judicial system, but cannot recommend an increase unless the state's financial condition improves.




Representative Jeff Peterson, Chair



Representative Cindy Hermes

Representative Ward Loyd

Representative Doug Spangler


Representative Dan Thimesch

2002 PUBLIC SAFETY BUDGET COMMITTEE

Adjutant General
Kansas Bureau of Investigation
Emergency Medical Services Board
State Fire Marshal
Kansas Highway Patrol
Kansas Parole Board
Sentencing Commission



Representative Larry Campbell, Chairperson



Representative Bill Feuerborn



Representative Doug Gatewood



Representative Steve Huebert



Representative Kathe Lloyd



Representative Melvin Minor



Representative Dean Newton

HOUSE APPROPRIATIONS

DATE 3/7/02

ATTACHMENT 4

SENATE SUBCOMMITTEE REPORT

Agency: Adjutant General

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 917

Budget Page No. 1

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 21,696,666	\$ 21,696,666	\$ 0
Aid to Local Units	13,113,060	13,113,060	0
Other Assistance	<u>34,847</u>	<u>34,847</u>	<u>0</u>
Subtotal - Operating	\$ 34,844,573	\$ 34,844,573	\$ 0
Capital Improvements	<u>100,000</u>	<u>100,000</u>	<u>0</u>
TOTAL	<u>\$ 34,944,573</u>	<u>\$ 34,944,573</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 4,702,616	\$ 4,702,616	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 4,702,616	\$ 4,702,616	0
Capital Improvements	<u>100,000</u>	<u>100,000</u>	<u>0</u>
TOTAL	<u>\$ 4,802,616</u>	<u>\$ 4,802,616</u>	<u>0</u>
FTE Positions	215.0	215.0	0.0
Unclassified Temp. Positions	<u>90.0</u>	<u>90.0</u>	<u>0.0</u>
TOTAL	<u>305.0</u>	<u>305.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The revised FY 2002 agency estimate totals \$34,844,573, which is \$10,692,620 or 44.3 percent above the FY 2002 approved amount. The FY 2002 estimate includes \$4,702,616 from the State General Fund, which is the same amount as approved. All other funds increase by \$10,692,620 over the approved amount. The increase can be attributed to additional funding needed to finance costs associated with the disasters that occurred in Parsons in 2000, and Barton County in 2001. Additionally, on May 31, 2001, the State Finance Council authorized the 2nd issuance of \$2,000,000 in bonds to continue the authorized renovation and repair of the agency's 58 statewide armories.

On December 13, 2001, the State Finance Council authorized expenditures in the amount of \$545,096 from the State Emergency Fund to finance costs associated with tornado related damage that occurred in Barton County. In providing a portion of the State matching funds necessary to access federal disaster related grants, the Adjutant General's Department is utilizing funds allocated for prior disaster related costs to meet the State match required for the Individual

Family Grant Program. Doing so, lowered the amount the Department needed from the State Emergency Fund from \$562,193 to \$545,096. The table below details the different grant programs and the matching amounts necessary from federal, state, and local governments.

<u>Program</u>	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Total</u>
Individual Family Grants (IFG)	\$ 281,250	\$ 93,750	--	\$ 375,000
Donation Management	--	12,000	--	12,000
FEMA Disaster Housing	121,960	--	--	121,960
Public Assistance (PA)	2,719,817	408,309	537,463	3,665,589
DR-1366 Mitigation	361,008	48,134	72,202	481,344
SUBTOTAL	<u>\$ 3,484,035</u>	<u>\$ 562,193</u>	<u>\$ 609,665</u>	<u>\$ 4,655,893</u>
Less previously Appropriated Funds		(17,097)		
TOTAL		<u>\$ 545,096</u>		

The Governor concurs with the agency's FY 2002 revised estimate.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Adjutant General

Bill No. -

Bill Sec. -

Expenditure Summary	Agency Request FY 2002	Gov. Rec. FY 2002	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 21,696,666	\$ 21,696,666	\$ 0
Aid to Local Units	13,113,060	13,113,060	0
Other Assistance	<u>34,847</u>	<u>34,847</u>	<u>0</u>
Subtotal - Operating	\$ 34,844,573	\$ 34,844,573	\$ 0
Capital Improvements	<u>100,000</u>	<u>100,000</u>	<u>0</u>
TOTAL	<u>\$ 34,944,573</u>	<u>\$ 34,944,573</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 4,702,616	\$ 4,702,616	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 4,702,616	\$ 4,702,616	0
Capital Improvements	<u>100,000</u>	<u>100,000</u>	<u>0</u>
TOTAL	<u>\$ 4,802,616</u>	<u>\$ 4,802,616</u>	<u>0</u>
FTE Positions	215.0	215.0	0.0
Unclassified Temp. Positions	<u>90.0</u>	<u>90.0</u>	<u>0.0</u>
TOTAL	<u>305.0</u>	<u>305.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The revised FY 2002 agency estimate totals \$34,844,573, which is \$10,692,620 or 44.3 percent above the FY 2002 approved amount. The FY 2002 estimate includes \$4,702,616 from the State General Fund, which is the same amount as approved. All other funds increase by \$10,692,620 over the approved amount. The increase can be attributed to additional funding needed to finance costs associated with the disasters that occurred in Parsons in 2000, and Barton County in 2001. Additionally, on May 31, 2001, the State Finance Council authorized the 2nd issuance of \$2,000,000 in bonds to continue the authorized renovation and repair of the agency's 58 statewide armories.

On December 13, 2001, the State Finance Council authorized expenditures in the amount of \$545,096 from the State Emergency Fund to finance costs associated with tornado related damage that occurred in Barton County. In providing a portion of the State matching funds necessary to access federal disaster related grants, the Adjutant General's Department is utilizing funds allocated for prior disaster related costs to meet the State match required for the Individual Family Grant Program. Doing so, lowered the amount the Department needed from the State

Emergency Fund from \$562,193 to \$545,096. The table below details the different grant programs and the matching amounts necessary from federal, state, and local governments.

<u>Program</u>	<u>Federal</u>	<u>State</u>	<u>Local</u>	<u>Total</u>
Individual Family Grants (IFG)	\$ 281,250	\$ 93,750	--	\$ 375,000
Donation Management	--	12,000	--	12,000
FEMA Disaster Housing	121,960	--	--	121,960
Public Assistance (PA)	2,719,817	408,309	537,463	3,665,589
DR-1366 Mitigation	361,008	48,134	72,202	481,344
SUBTOTAL	<u>\$ 3,484,035</u>	<u>\$ 562,193</u>	<u>\$ 609,665</u>	<u>\$ 4,655,893</u>
Less previously appropriated funds		(17,097)		
TOTAL		<u>\$ 545,096</u>		

The Governor concurs with the agency's FY 2002 revised estimate.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Adjutant General

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 917

Budget Page No. 1

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 23,822,622	\$ 21,409,644	\$ 0
Aid to Local Units	6,745,272	6,745,272	0
Other Assistance	4,519	4,519	0
Subtotal - Operating	\$ 30,572,413	\$ 28,159,435	\$ 0
Capital Improvements	105,000	105,000	0
TOTAL	\$ 30,677,413	\$ 28,264,435	\$ 0
State General Fund:			
State Operations	\$ 6,903,240	\$ 4,542,291	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 6,903,240	\$ 4,542,291	\$ 0
Capital Improvements	105,000	105,000	0
TOTAL	\$ 7,008,240	\$ 4,647,291	\$ 0
FTE Positions	255.0	215.0	0.0
Unclassified Temp. Positions	90.0	90.0	0.0
TOTAL	345.0	305.0	0.0

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$30,572,413, which is \$4,272,160 or 12.3 percent below the revised FY 2002 estimate. Requested State General Fund expenditures total \$6,903,240. This is an increase of \$2,200,624 or 46.8 percent above the estimated FY 2002 amount due mostly to the agency's requested enhancement package. Requested all other fund expenditures decrease by \$6,472,784 or 21.5 percent from the FY 2002 estimate due to federal disaster-related funding being expended during the current year. Aid to local units expenditures decrease from \$13,113,060 to \$6,745,272 (48.6 percent). The agency's operating enhancement package totals \$2,271,841 (including \$2,200,567 from the State General Fund).

The agency's operating budget request (with enhancements) includes:

- \$13,070,237 for salaries and wages
 - 255.0 FTE positions requested
- \$9,280,941 for contractual services

- \$1,302,320 for commodities
- \$77,000 for capital outlay
- \$6,745,272 for aid to local units
- \$4,519 for other assistance
- \$92,124 in debt service payments

Absent requested FY 2003 enhancements, the agency's FY 2003 operating budget totals \$28,300,572 which is \$6,544,001 or 18.8 percent below the revised FY 2002 estimate, and the number of requested FTE positions would remain the same.

The Governor recommends operating expenditures which total \$28,159,435, which is \$6,685,138 or 19.2 percent below the revised FY 2002 recommendation. State General Fund expenditures decrease by \$160,325 or 3.4 percent due mostly to the Governor's recommended 4.0 percent reduction in State General Fund financing for agency operations. The decrease was partially offset by annualization of pay plan adjustments. All other funds decrease by \$6,524,813 or 21.6 percent due to federal disaster related funding being expended during FY 2002.

The Governor's operating budget recommendation includes:

- \$11,841,499 for salaries and wages
 - 215.0 FTE positions recommended
- \$8,270,701 for contractual services
- \$1,152,320 for commodities
- \$53,000 for capital outlay
- \$6,745,272 for aid to local units
- \$4,519 for other assistance
- \$92,124 in debt service payments

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. The Senate Subcommittee endorses the passage of SB 627 which would attempt to ensure family health insurance coverage for those members of the Kansas National Guard (who are called into active duty) and their families. Currently, members lose their civilian employer provided health insurance 30 days after leaving the job for state active duty. SB 627 would address this gap by reimbursing (or providing an "allowance") to the member. Additionally, the bill would provide tax credits to the civilian employer and the member during those periods of state active duty which exceed 30 days.
2. The Senate Subcommittee flags for Omnibus consideration the restoration of \$110,430 (from the State General Fund) which was eliminated within the Governor's FY 2003 recommendation. The agency stated that continued reductions within the physical plant has reduced the Department's ability to maintain repair and rehabilitation of its facilities across the state.
3. The Senate Subcommittee draws attention to the recent Ice Storm that caused major damage throughout the state. The Adjutant General stated that preliminary estimates place the Ice Storm disaster as the most expensive disaster in the history of Kansas, with costs at more than \$50,000,000 as of February 20, 2002.

A Presidential disaster was declared on February 26, 2002, which makes the state eligible for federal disaster relief funding. However, in accessing that funding, the state must provide 10 percent of state matching dollars along with 15 percent for local entities to access the 75 percent provided by the federal government. Therefore, by current estimates, the state would have to provide at least \$5,000,000 from the State Emergency Fund to provide state matching dollars to finance disaster related costs.

Staff Note: KSAs 75-3712 through 75-3713d authorize the State Finance Council to make allocations to state agencies from the State Emergency Fund for specific purposes outlined in the statutes. During the 2000 Legislative Session, Senate Bill 100 was passed which authorizes the transfer of funds from the State General Fund to the State Emergency Fund when the balance in the latter is insufficient for expenditures approved by the State Finance Council for state financial response to natural disasters or emergencies. Such transfers are limited to \$10 million per year. As of February 26, 2002, the unencumbered cash balance in the State Emergency Fund totals \$50,000.

4. The Subcommittee draws attention to Homeland Security measures proposed by the Adjutant General's department. The Subcommittee flags the following items for Omnibus consideration in the event that additional funding becomes available to finance the proposals.

- SB 629. Add \$110,000 (\$55,000 from the State General Fund) and 1.5 FTE positions based on recommendations by the Commission on Emergency Planning and Response and the Governor's Terrorism Threat and Vulnerability Assessment. The agency proposes to make use of the Incident Management System (IMS) mandatory by all government agencies in Kansas. IMS provides a common organizational structure and system for managing crises that integrates the response of all level of government.

Add \$350,000 (\$175,000 from the State General Fund) and 6.0 FTE positions based on recommendations by the Commission on Emergency Planning and Response and the Governor's Terrorism Threat and Vulnerability Assessment to create a regional planning system for emergency management in Kansas. Six regional emergency coordinators would help counties develop county plans, provide training for emergency responders, and develop and run emergency response exercises.

- SB 541. Add \$240,000 (State General Fund) for the first year (with \$90,000 in recurring costs) to provide a Terrorism preparedness program and Regional Emergency Medical Response Teams. The Kansas Division of Emergency Management (DEM) would teach terrorism preparedness classes, and DEM would work with the Board of Emergency Medical Services (EMS) and the Department of Health and Environment (KDHE) to create, equip, and train six Regional Emergency Medical Response Teams to decontaminate and stabilize patients after chemical, biological, radiological or high explosive incidents.

5. The Senate Subcommittee flags for Omnibus consideration restoring the Kansas National Guard Educational assistance program to the FY 2002 amount. During the 2001 session, \$250,000 from the Economic Development Initiatives Fund (EDIF) was appropriated which provided \$497,218 to provide tuition assistance

to eligible Kansas National Guard members. The Governor's FY 2003 recommendation funds the program at \$229,620 from the State General Fund.

6. The Senate Subcommittee endorses the issuance of a Governor's Budget Amendment (GBA) to provide funding for debt service principal and interest payments on the 2nd issuance of bonds to finance the renovation and repair of the 58 statewide armories. Within the Governor's FY 2003 Budget Report, \$197,124 was appropriated to finance debt service principal and interest payments on the 1st issuance. However, financing for the 2nd issuance was inadvertently omitted (\$185,705).
7. The Senate Subcommittee endorses the passage of SB 511 which would provide 1.0 FTE Deputy Adjutant General position (with **no** funding). The agency stated that a similar position was eliminated by a former department head, but due to additional responsibilities, the agency requests the "reinstatement" of the position.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Adjutant General

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 23,822,622	\$ 21,409,644	\$ 270,380
Aid to Local Units	6,745,272	6,745,272	0
Other Assistance	4,519	4,519	0
Subtotal - Operating	<u>\$ 30,572,413</u>	<u>\$ 28,159,435</u>	<u>\$ 270,380</u>
Capital Improvements	105,000	105,000	0
TOTAL	<u><u>\$ 30,677,413</u></u>	<u><u>\$ 28,264,435</u></u>	<u><u>\$ 270,380</u></u>
State General Fund:			
State Operations	\$ 6,903,240	\$ 4,542,291	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 6,903,240</u>	<u>\$ 4,542,291</u>	<u>\$ 0</u>
Capital Improvements	105,000	105,000	0
TOTAL	<u><u>\$ 7,008,240</u></u>	<u><u>\$ 4,647,291</u></u>	<u><u>\$ 0</u></u>
FTE Positions	255.0	215.0	0.0
Unclassified Temp. Positions	90.0	90.0	0.0
TOTAL	<u><u>345.0</u></u>	<u><u>305.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$30,572,413, which is \$4,272,160 or 12.3 percent below the revised FY 2002 estimate. Requested State General Fund expenditures total \$6,903,240. This is an increase of \$2,200,624 or 46.8 percent above the estimated FY 2002 amount due mostly to the agency's requested enhancement package. Requested all other fund expenditures decrease by \$6,472,784 or 21.5 percent from the FY 2002 estimate due to federal disaster-related funding being expended during the current year. Aid to local units expenditures decrease from \$13,113,060 to \$6,745,272 (48.6 percent). The agency's operating enhancement package totals \$2,271,841 (including \$2,200,567 from the State General Fund).

The agency's operating budget request (with enhancements) includes:

- \$13,070,237 for salaries and wages
 - 255.0 FTE positions requested
- \$9,280,941 for contractual services
- \$1,302,320 for commodities
- \$77,000 for capital outlay
- \$6,745,272 for aid to local units

- \$4,519 for other assistance
- \$92,124 in debt service payments

Absent requested FY 2003 enhancements, the agency's FY 2003 operating budget totals \$28,300,572 which is \$6,544,001 or 18.8 percent below the revised FY 2002 estimate, and the number of requested FTE positions would remain the same.

The Governor recommends operating expenditures which total \$28,159,435, which is \$6,685,138 or 19.2 percent below the revised FY 2002 recommendation. State General Fund expenditures decrease by \$160,325 or 3.4 percent due mostly to the Governor's recommended 4.0 percent reduction in State General Fund financing for agency operations. The decrease was partially offset by annualization of pay plan adjustments. All other funds decrease by \$6,524,813 or 21.6 percent due to federal disaster related funding being expended during FY 2002.

The Governor's operating budget recommendation includes:

- \$11,841,499 for salaries and wages
 - 215.0 FTE positions recommended
- \$8,270,701 for contractual services
- \$1,152,320 for commodities
- \$53,000 for capital outlay
- \$6,745,272 for aid to local units
- \$4,519 for other assistance
- \$92,124 in debt service payments

House Budget Committee Recommendation

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

1. The House Budget Committee adds \$270,380 from the Economic Development Initiatives Fund (EDIF) to provide additional funding to the Kansas National Guard educational assistance program. With the additional funding, this program would total \$500,000.
2. The House Budget Committee draws attention to the recent Ice Storm that caused major damage throughout the state. The Adjutant General stated that preliminary estimates place the Ice Storm disaster as the most expensive disaster in the history of Kansas, with costs at more than \$50,000,000 as of February 20, 2002. A Presidential disaster was declared on February 6, 2002 which makes the state eligible for federal disaster relief funding. However, in accessing that funding, the state must provide 10 percent in state matching dollars along with 15 percent from local entities to access the 75 percent provided by the federal government. Therefore, by current estimations, the state would have to provide at least \$5,000,000 from the State Emergency Fund to provide state matching dollars to finance disaster related costs.

Staff Note: KSAs 75-3712 through 75-3713d authorize the State Finance Council to make allocations to state agencies from the State Emergency Fund for specific purposes outlined in the statutes. During the 2000 Legislative Session, Senate Bill 100 was passed which authorizes the transfer of funds from the State General Fund to the State Emergency Fund when the balance in the latter is insufficient

for expenditures approved by the State Finance Council for state financial response to natural disasters or emergencies. Such transfers are limited to \$10 million per year. As of February 26, 2002, the unencumbered cash balance in the State Emergency Fund totals \$50,000.

3. The House Budget Committee endorses the issuance of a Governor's Budget Amendment (GBA) to provide funding for debt service principal and interest payments on the 2nd issuance of bonds to finance the renovation and repair of the 58 statewide armories. Within the Governor's FY 2003 Budget Report, \$197,124 (from the State General Fund) was appropriated to finance debt service principal and interest payments on the 1st issuance. However, financing for the 2nd issuance was inadvertently omitted (\$185,705).
4. The House Budget Committee flags for Omnibus consideration for following bills for review and consideration:
 - SB 541. Add \$240,000 (State General Fund) for the first year (with \$90,000 in recurring costs) to provide a Terrorism preparedness program and Regional Emergency Medical Response Teams. The Kansas Division of Emergency Management (DEM) would teach terrorism preparedness classes and DEM would work with the Board of Emergency Medical Services (EMS) and the Department of Health and Environment (KDHE) to create, equip, and train six Regional Emergency Medical Response Teams to decontaminate and stabilize patients after chemical, biological, radiological or high explosive incidents.
 - SB 627. The bill would attempt to ensure family health insurance coverage for those members of the Kansas National Guard (who are called into active duty) and their families. Currently members lose their civilian employer provided health insurance 30 days after leaving the job for state active duty. SB 627 would address this gap by reimbursing (or providing an "allowance") to the member. Additionally, the bill would provide tax credits to the civilian employer and the member during those periods of state active duty which exceed 30 days.
 - SB 511. The bill would provide 1.0 FTE Deputy Adjutant General position (with **no** funding). The agency stated that a similar position was eliminated by a former department head. But due to additional responsibilities incurred by the Adjutant General, the agency requests the "reinstatement" of the position.
 - HB 2642. The bill would amend current law to read as follows:
 1. Allow individuals to become eligible for assistance immediately upon enlistment in the Kansas National Guard. Presently, Guard members must complete basic military training before they can participate in the program.
 2. Individuals who participate in the program would be required to serve in the Kansas National Guard one and one-half years for each year of assistance. Because an individual has to be active in the National Guard in order to participate in the program, part of the service commitment could be fulfilled concurrently with the benefit. Under current law, there is a four-year service obligation, regardless of the length of time an individual participates in the assistance program.

3. Tuition and fees would be paid directly to the educational institution (state university, community college, Washburn University, area vocational school, technical college, or accredited independent institution) in the form of a waiver. Presently, the student has to make an out-of-pocket payment for tuition and fees and then wait to be reimbursed.
4. A member of the Kansas National Guard who is eligible for federal student assistance available to certain members of the Guard must apply for and use that assistance before receiving assistance under the state program. There currently is no such requirement.
5. The Kansas National Guard Educational Assistance Program Repayment Fund would be created and any repayments from Guard members who participate in the assistance program, but who do not fulfill their service commitment, would be credited to the Fund. Recouped payments would be used for other National Guard scholarships. Under current law, recouped payments are credited to the State General Fund.
6. Administration of the program would be transferred from the Office of the Adjutant General to the State Board of Regents.

SENATE SUBCOMMITTEE REPORT

Agency: Kansas Bureau of Investigation

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 968

Budget Page No. 293

Expenditure Summary	Agency Request FY 2002	Gov. Rec. FY 2002	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 19,074,367	\$ 18,702,584	\$ 0
Aid to Local Units	998,758	998,758	0
Other Assistance	\$ 20,073,125	\$ 19,701,342	\$ 0
Subtotal - Operating	<u>563,329</u>	<u>563,329</u>	<u>0</u>
Capital Improvements	<u>\$ 20,636,454</u>	<u>\$ 20,264,671</u>	<u>\$ 0</u>
TOTAL			
State General Fund:			
State Operations	\$ 12,951,439	\$ 12,579,657	\$ 0
State Operations	<u>0</u>	<u>0</u>	<u>0</u>
Aid to Local Units	\$ 12,951,439	\$ 12,579,657	\$ 0
Other Assistance	<u>220,000</u>	<u>220,000</u>	<u>0</u>
Subtotal - Operating	<u>\$ 13,171,439</u>	<u>\$ 12,799,657</u>	<u>\$ 0</u>
Capital Improvements			
TOTAL			
FTE Positions	200.0	200.0	0.0
Non FTE Uncl. Perm. Pos.	<u>84.0</u>	<u>84.0</u>	<u>0.0</u>
TOTAL	<u><u>284.0</u></u>	<u><u>284.0</u></u>	<u><u>0.0</u></u>

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 operating budget totals \$20,073,125, which is \$1,489,369 (8.0 percent) above the 2001 Legislature's approved funding. The State General Fund estimate is \$371,782 or 3.0 percent above FY 2002 approved expenditures due to the agency's supplemental request. Revised FY 2002 all other funds total \$7,121,685, which is \$1,117,587 (18.6 percent) above the approved amount due to the availability of additional federal grant funding. While the number of FTE positions remains the same, other unclassified positions increase by 33.0 positions. The additional positions would be utilized to enter criminal records into the Criminal Justice Information System (CJIS), maintenance of various databases, crime analysis, data processing, and investigation of clandestine laboratories.

FY 2002 Supplemental Requests. The current year estimated State General Fund (SGF) financing reflects supplemental appropriation requests totaling \$371,782:

The agency requests:

- \$176,782 to pay for salaries of the 52.0 FTE employees currently housed within the KBI Laboratory due to an increase in the shrinkage rate and unbudgeted salary increases.
- \$195,000 to finance the continued operation of the DNA laboratory
- \$64,000 to conduct DNA examinations
- \$131,000 to sustain the DNA databank (CODIS)

The Governor recommends an FY 2002 operating budget total of \$19,701,342, which is \$1,117,587 or 6.0 percent above the FY 2002 approved amount. State General Fund expenditures remain the same, while all other funds increase by \$1,117,587. The increase can be attributed to the agency receiving additional federal grants to finance 33.0 other unclassified positions to enter criminal records into the Criminal Justice Information System (CJIS), maintenance of various databases, crime analysis, data processing, and investigation of clandestine laboratories.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas Bureau of Investigation

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 19,074,367	\$ 18,702,584	\$ 0
Aid to Local Units	998,758	998,758	0
Other Assistance	\$ 20,073,125	\$ 19,701,342	\$ 0
Subtotal - Operating	<u>563,329</u>	<u>563,329</u>	<u>0</u>
Capital Improvements	\$ 20,636,454	\$ 20,264,671	\$ 0
TOTAL			
State General Fund:			
State Operations	\$ 12,951,439	\$ 12,579,657	\$ 0
State Operations	<u>0</u>	<u>0</u>	<u>0</u>
Aid to Local Units	\$ 12,951,439	\$ 12,579,657	\$ 0
Other Assistance	<u>220,000</u>	<u>220,000</u>	<u>0</u>
Subtotal - Operating	<u>\$ 13,171,439</u>	<u>\$ 12,799,657</u>	<u>\$ 0</u>
Capital Improvements			
TOTAL			
FTE Positions	200.0	200.0	0.0
Unclassified Temp. Positions	<u>84.0</u>	<u>84.0</u>	<u>0.0</u>
TOTAL	<u>284.0</u>	<u>284.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 operating budget totals \$20,073,125, which is \$1,489,369 (8.0 percent) above the 2001 Legislature's approved funding. The State General Fund estimate is \$371,782 or 3.0 percent above FY 2002 approved expenditures due to the agency's supplemental request. Revised FY 2002 all other funds total \$7,121,685, which is \$1,117,587 (18.6 percent) above the approved amount due to the availability of additional federal grant funding. While the number of FTE positions remains the same, other unclassified positions increase by 33.0 positions. The additional positions would be utilized to enter criminal records into the Criminal Justice Information System (CJIS), maintenance of various databases, crime analysis, data processing, and investigation of clandestine laboratories.

FY 2002 Supplemental Requests. The current year estimated State General Fund (SGF) financing reflects supplemental appropriation requests totaling \$371,782:

The agency requests:

- \$176,782 to pay for salaries of the 52.0 FTE employees currently housed within the KBI Laboratory due to an increase in the shrinkage rate and unbudgeted salary increases.

- \$195,000 to finance the continued operation of the DNA laboratory
- \$64,000 to conduct DNA examinations
- \$131,000 to sustain the DNA databank (CODIS)

The Governor recommends an FY 2002 operating budget total of \$19,701,342, which is \$1,117,587 or 6.0 percent above the FY 2002 approved amount. State General Fund expenditures remain the same, while all other funds increase by \$1,117,587. The increase can be attributed to the agency receiving additional federal grants to finance 33.0 other unclassified positions to enter criminal records into the Criminal Justice Information System (CJIS), maintenance of various databases, crime analysis, data processing, and investigation of clandestine laboratories.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Kansas Bureau of Investigation

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 968

Budget Page No. 293

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 18,922,289	\$ 18,850,349	\$ 0
Aid to Local Units	1,569,140	1,569,140	0
Other Assistance	\$ 20,491,429	\$ 20,419,489	\$ 0
Subtotal - Operating	205,000	205,000	0
Capital Improvements	\$ 20,696,429	\$ 20,624,489	\$ 0
TOTAL			
State General Fund:	\$ 12,620,792	\$ 12,510,712	\$ 0
State Operations	0	0	0
Aid to Local Units	\$ 12,620,792	\$ 12,510,712	\$ 0
Other Assistance	205,000	205,000	0
Subtotal - Operating	\$ 12,825,792	\$ 12,715,712	\$ 0
Capital Improvements			
TOTAL			
FTE Positions	200.0	200.0	0.0
Non FTE Uncl. Perm. Pos.	81.0	81.0	0.0
TOTAL	281.0	281.0	0.0

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$20,491,429, which is \$418,304 or 2.1 percent above the FY 2002 revised amount. The agency's requested operating total is comprised of \$12,620,792 from the State General Fund. This is a decrease of \$330,647 or 2.6 percent below the FY 2002 State General Fund operating amount due mostly to reductions in other operating expenses within the Laboratory Division, which is offset by the agency's supplemental request of \$371,782. **Absent the agency's supplemental request**, State General Fund financed expenditures increase by \$41,135 or 0.3 percent above the current year. Requested expenditures from all other funds increase by \$748,952 or 10.5 percent from the FY 2002 figure. The change is due to an increase in federal grants and additional forfeiture moneys received by the agency. The agency requests no enhancements.

The agency's operating budget request includes:

- \$12,010,780 for salaries and wages
 - 200.0 FTE positions

- \$5,718,718 for contractual services
- \$686,677 for commodities
- \$399,539 for capital outlay
- \$106,575 for debt service interest
- \$1,569,140 for aid to local units

The Governor recommends an operating budget total of \$20,419,489. This is an increase of \$718,147 or 3.6 percent above the FY 2002 recommendation. State General Fund expenditures decrease by \$68,945 or 0.5 percent due to recommended reductions in salaries and wages and other operating expenses. The decrease is offset by additional health insurance premium expenditures. All other funds decrease by \$787,092 or 11.1 percent due to the reduction of federal funds to finance agency operations.

The Governor's operating budget recommendation includes:

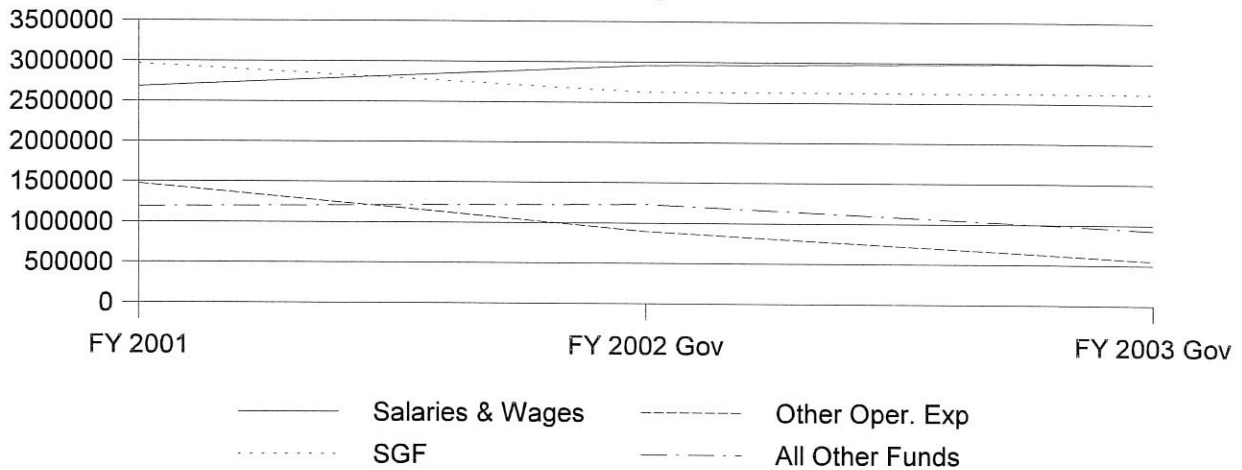
- \$12,013,878 for salaries and wages
 - 200.0 FTE positions
- \$5,700,718 for contractual services
- \$629,639 for commodities
- \$399,539 for capital outlay
- \$106,575 for debt service interest
- \$1,569,140 for aid to local units

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation, with the following observations:

1. The Senate Subcommittee notes its concern relating to reductions within the Laboratory Division, particularly in other operating expenses funding for DNA analysis. During testimony, the agency stated that the average cost of a DNA examination in one criminal case is \$900. During FY 2003, KBI scientists anticipate performing DNA analysis in 180 rape/homicide cases amounting to \$162,000 (which the agency requested in its budget appeal). The agency states that due to reductions which have occurred in operating expenses, Kansas law enforcement agencies would eventually have to submit their evidence to private DNA laboratories due to the agency's inability to fund those requests (at an estimated cost of \$1,200 per sample as opposed to \$60 per sample charged by the Kansas Bureau of Investigation). The Subcommittee draws attention to the following chart which details salaries and wages expenses (primarily funded by the State General Fund) and other operating expenses over the last three fiscal years, and the subsequent increases and decreases pertaining to each.

KBI Laboratory Division



2. The Senate Subcommittee commends the agency on its efforts to obtain federal funding to finance expenses incurred in the execution of its duties. The Subcommittee encourages the agency to continue its current practice of obtaining the maximum amount of federal funding possible in funding the various programs housed within the Kansas Bureau of Investigation.
3. The Senate Subcommittee draws attention to information provided by the agency relating to the backlog of methamphetamine laboratory cases. The agency informed the Subcommittee that the number of "meth lab" backlog cases have decreased from 299 to 113 from March of 2001 to December 30th of the same year. The Subcommittee commends the agency on its efforts to reduce the backlog of "meth lab" cases within the Laboratory Division.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas Bureau of Investigation

Bill No. -

Bill Sec. -

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 18,922,289	\$ 18,850,349	\$ 0
Aid to Local Units	1,569,140	1,569,140	0
Other Assistance	\$ 20,491,429	\$ 20,419,489	\$ 0
Subtotal - Operating	<u>205,000</u>	<u>205,000</u>	<u>0</u>
Capital Improvements	<u>\$ 20,696,429</u>	<u>\$ 20,624,489</u>	<u>\$ 0</u>
TOTAL			
State General Fund:			
State Operations	\$ 12,620,792	\$ 12,510,712	\$ 0
State Operations	<u>0</u>	<u>0</u>	<u>0</u>
Aid to Local Units	\$ 12,620,792	\$ 12,510,712	\$ 0
Other Assistance	<u>205,000</u>	<u>205,000</u>	<u>0</u>
Subtotal - Operating	<u>\$ 12,825,792</u>	<u>\$ 12,715,712</u>	<u>\$ 0</u>
Capital Improvements			
TOTAL			
FTE Positions	200.0	200.0	0.0
Unclassified Temp. Positions	<u>81.0</u>	<u>81.0</u>	<u>0.0</u>
TOTAL	<u><u>281.0</u></u>	<u><u>281.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$20,491,429, which is \$418,304 or 2.1 percent above the FY 2002 revised amount. The agency's requested operating total is comprised of \$12,620,792 from the State General Fund. This is a decrease of \$330,647 or 2.6 percent below the FY 2002 State General Fund operating amount due mostly to reductions in other operating expenses within the Laboratory Division, which is offset by the agency's supplemental request of \$371,782. **Absent the agency's supplemental request**, State General Fund financed expenditures increase by \$41,135 or 0.3 percent above the current year. Requested expenditures from all other funds increase by \$748,952 or 10.5 percent from the FY 2002 figure. The change is due to an increase in federal grants and additional forfeiture moneys received by the agency. The agency requests no enhancements.

The agency's operating budget request includes:

- \$12,010,780 for salaries and wages
 - 200.0 FTE positions

- \$5,718,718 for contractual services
- \$686,677 for commodities
- \$399,539 for capital outlay
- \$106,575 for debt service interest
- \$1,569,140 for aid to local units

The Governor recommends an operating budget total of \$20,419,489. This is an increase of \$718,147 or 3.6 percent above the FY 2002 recommendation. State General Fund expenditures decrease by \$68,945 or 0.5 percent due to recommended reductions in salaries and wages and other operating expenses. The decrease is offset by additional health insurance premium expenditures. All other funds decrease by \$787,092 or 11.1 percent due to the reduction of federal funds to finance agency operations.

The Governor's operating budget recommendation includes:

- \$12,013,878 for salaries and wages
 - 200.0 FTE positions
- \$5,700,718 for contractual services
- \$629,639 for commodities
- \$399,539 for capital outlay
- \$106,575 for debt service interest
- \$1,569,140 for aid to local units

House Budget Committee Recommendation

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

1. Contingent on the passage of HB 2880, the House Budget Committee adds \$55,000 (from the State General Fund) and 2.0 FTE positions to collect additional specimens as outlined by the bill. HB 2880 would require the Kansas Bureau of Investigation to collect specimens from any person convicted of felony as an adult or adjudicated as a juvenile offender.
2. The House Budget Committee flags the following items for Omnibus consideration:
 - The addition of \$181,478 (from the State General Fund) to restore funding for 5.0 FTE positions left vacant by the Governor's FY 2003 budget recommendation.
 - The addition of \$162,000 (from the State General Fund) to provide funding for reductions within the Laboratory Division relating to DNA examinations.
 - The addition of \$148,472 (from the State General Fund) to provide additional funding for other operating expenses within the Investigation Division due to reductions proposed by the Governor's FY 2003 recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Board of Emergency Medical Services **Bill No.** -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 1017

Budget Page No. 163

Expenditure Summary	Agency Request FY 2002	Gov. Rec. FY 2002	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 874,981	\$ 874,981	\$ 0
Aid to Local Units	0	0	0
Other Assistance	77,500	77,500	0
TOTAL	\$ 952,481	\$ 952,481	\$ 0
State General Fund:			
State Operations	\$ 773,118	\$ 773,118	\$ 0
Aid to Local Units	0	0	0
Other Assistance	77,500	77,500	0
TOTAL	\$ 850,618	\$ 850,618	\$ 0
FTE Positions	13.0	13.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	15.0	15.0	0.0

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 budget totals \$952,481, which is the same as approved by the 2001 Legislature. The agency is funded by State General Fund expenditures which total \$850,618, and special revenue financing in the amount of \$101,863.

The Governor concurs.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Board of Emergency Medical Services

Bill No. -

Bill Sec. -

Expenditure Summary	Agency Request FY 2002	Gov. Rec. FY 2002	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 874,981	\$ 874,981	\$ 0
Aid to Local Units	0	0	0
Other Assistance	77,500	77,500	0
TOTAL	<u>\$ 952,481</u>	<u>\$ 952,481</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 773,118	\$ 773,118	\$ 0
Aid to Local Units	0	0	0
Other Assistance	77,500	77,500	0
TOTAL	<u>\$ 850,618</u>	<u>\$ 850,618</u>	<u>\$ 0</u>
FTE Positions	13.0	13.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	<u>15.0</u>	<u>15.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 budget totals \$952,481, which is the same as approved by the 2001 Legislature. The agency is funded by State General Fund expenditures which total \$850,618, and special revenue financing in the amount of \$101,863.

The Governor concurs.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Board of Emergency Medical Services **Bill No. -** **Bill Sec. -**

Analyst: Waller **Analysis Pg. No.** Vol. 2 - 1017 **Budget Page No.** 163

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 882,784	\$ 873,917	\$ 0
Aid to Local Units	0	0	0
Other Assistance	77,500	74,400	0
TOTAL	\$ 960,284	\$ 948,317	\$ 0
State General Fund:			
State Operations	\$ 882,784	\$ 773,474	\$ 0
Aid to Local Units	0	0	0
Other Assistance	77,500	74,400	0
TOTAL	\$ 960,284	\$ 847,874	\$ 0
FTE Positions	15.0	13.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	2.0	0.0
TOTAL	15.0	15.0	0.0

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$960,284 which is \$7,803 or 0.8 percent above the FY 2002 revised estimate. Requested State General Fund expenditures total \$960,284 which is an increase of \$109,666 or 12.9 percent due in large part to the agency's enhancement package. Requested all other fund expenditures decrease by \$101,863 (the same amount included within the FY 2002 estimated total) due to the loss of federal funding which finances the Emergency Medical Services for Children Program. The agency does expect renewal of the grant during the FY 2003 budget year, and reduces its requested other unclassified positions by 2.0 due to the loss of those funds. However, the agency does request an enhancement package which includes an increase of 2.0 FTE positions in FY 2003. Funding for Regional Councils remains unchanged from FY 2002.

The agency's operating budget request (with enhancements) includes:

- \$673,001 for salaries and wages
 - 15.0 FTE positions requested
- \$202,340 for contractual services
- \$7,443 for commodities
- \$0 for capital outlay
- \$77,500 for aid to local units (Regional Councils)

Absent requested FY 2003 enhancements, the agency's request totals \$851,248. This is a decrease of \$101,233 or 10.6 percent below FY 2002 estimates.

The Governor recommends an operating expenditure total of \$948,317, which is \$4,164 or 0.4 percent below the FY 2002 amount. Recommended State General Fund expenditures decrease by \$2,744 or 0.3 percent due to reductions in regional council funding, salaries and wages, and other operating expenses. These decreases are offset by the recommended inclusion of \$23,338 (from the State General Fund) to finance increased costs for office space and computer services during the agency's proposed move from its current location to Landon State Office Building in FY 2003. Recommended all other funds decrease by \$1,420 or 1.4 percent due to the reduction of federal funds which finance the Emergency Medical Services for Children program. The agency's operating enhancement package totals \$109,036 (from the State General Fund) with 2.0 FTE positions.

The Governor's operating budget recommendation includes:

- \$ 657,508 for salaries and wages
 - 13.0 FTE positions recommended
- \$ 208,966 for contractual services
- \$ 7,443 for commodities
- \$ 0 for capital outlay
- \$ 74,400 for aid to local units (Regional Councils)

Senate Subcommittee Recommendation

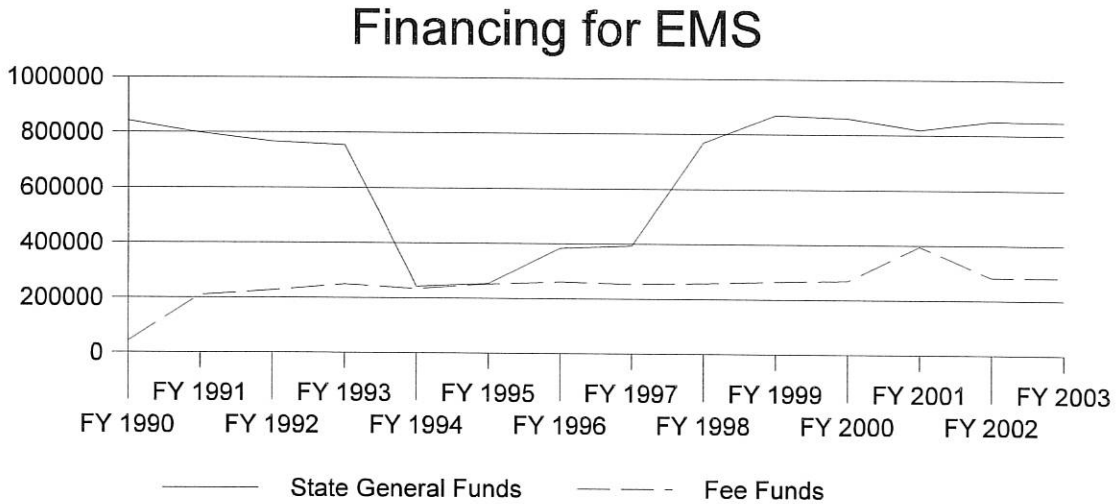
The Senate Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. The Senate Subcommittee draws attention to the number of volunteer personnel currently regulated by the Board of Emergency Medical Services, and the possibility of an increase in fees to offset reductions within the agency. During testimony, the agency informed the Committee that although fees are collected from individuals and entities regulated by the Board, it does not directly benefit from those increases. Kansas Statutes direct all fees collected by the agency in the regulation of emergency medical services (whether individuals or entities) to be remitted to the state treasurer and subsequently deposited to the State General Fund. The agency stated that due to the number of volunteers regulated by the Board, an increase in fees without direct benefit to those individuals or entities could have a detrimental effect on the number of volunteers who would continue to maintain their certification and serve in the practice of emergency medical service activities. The Subcommittee refers to the following table which denotes the number of individuals or entities the agency regulates.

Attendant/Ambulance Service Employment Status	
Full-time employed	2,138
Part-time employed	707
Volunteer	2,238
Volunteer not affiliated with an ambulance service	5,004
TOTAL	10,087

2. The Senate Subcommittee also draws attention to the growth in fees collected by the agency and deposited to the State General Fund, and the growth in amount of State General Fund revenue the agency receives to finance the operation of

the agency. The Subcommittee includes the following chart relating to the above growth for informational purposes.



Staff Note: During Fiscal Years 1994 through 1997, the agency was funded partially through court docket fees.

3. The Senate Subcommittee draws attention to SB 508, which if passed, would direct the Insurance Commissioner to levy a percentage of automobile liability and homeowners insurance proceeds to yield an aggregate amount equal to at least \$1,000,000, and that revenue would be deposited into the Emergency Medical Services operating fund to finance the operation of the agency. Although the Committee fully endorses the passage of the bill, the Committee notes its continued concern relating to the full funding of the agency to finance its statutorily mandated duties.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Board of Emergency Medical Services **Bill No. -** **Bill Sec. -**

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 882,784	\$ 873,917	\$ 8,000
Aid to Local Units	0	0	0
Other Assistance	77,500	74,400	3,100
TOTAL	\$ 960,284	\$ 948,317	\$ 11,100
State General Fund:			
State Operations	\$ 882,784	\$ 773,474	\$ (282,405)
Aid to Local Units	0	0	0
Other Assistance	77,500	74,400	0
TOTAL	\$ 960,284	\$ 847,874	\$ (282,405)
FTE Positions	15.0	13.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	2.0	0.0
TOTAL	15.0	15.0	0.0

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$960,284 which is \$7,803 or 0.8 percent above the FY 2002 revised estimate. Requested State General Fund expenditures total \$960,284 which is an increase of \$109,666 or 12.9 percent due in large part to the agency's enhancement package. Requested all other fund expenditures decrease by \$101,863 (the same amount included within the FY 2002 estimated total) due to the loss of federal funding which finances the Emergency Medical Services for Children Program. The agency does expect renewal of the grant during the FY 2003 budget year, and reduces its requested other unclassified positions by 2.0 due to the loss of those funds. However, the agency does request an enhancement package which includes an increase of 2.0 FTE positions in FY 2003. Funding for Regional Councils remains unchanged from FY 2002.

The agency's operating budget request (with enhancements) includes:

- \$673,001 for salaries and wages
 - 15.0 FTE positions requested
- \$202,340 for contractual services
- \$7,443 for commodities
- \$0 for capital outlay
- \$77,500 for aid to local units (Regional Councils)

Absent requested FY 2003 enhancements, the agency's request totals \$851,248. This is a decrease of \$101,233 or 10.6 percent below FY 2002 estimates.

The Governor recommends an operating expenditure total of \$948,317, which is \$4,164 or 0.4 percent below the FY 2002 amount. Recommended State General Fund expenditures decrease by \$2,744 or 0.3 percent due to reductions in regional council funding, salaries and wages, and other operating expenses. These decreases are offset by the recommended inclusion of \$23,338 (from the State General Fund) to finance increased costs for office space and computer services during the agency's proposed move from its current location to Landon State Office Building in FY 2003. Recommended all other funds decrease by \$1,420 or 1.4 percent due to the reduction of federal funds which finance the Emergency Medical Services for Children program. The agency's operating enhancement package totals \$109,036 (from the State General Fund) with 2.0 FTE positions.

The Governor's operating budget recommendation includes:

- \$ 657,508 for salaries and wages
 - 13.0 FTE positions recommended
- \$ 208,966 for contractual services
- \$ 7,443 for commodities
- \$ 0 for capital outlay
- \$ 74,400 for aid to local units (Regional Councils)

House Budget Committee Recommendation

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

1. During testimony, the agency requested the restoration of \$11,100 in State General Fund financing (\$8,000 from salaries and wages and \$3,100 in regional council funding) reduced in the Governor's FY 2003 recommendation for the Board of Emergency Medical Services. The House Budget Committee was informed that Kansas Statutes direct all fees collected by the agency in the regulation of emergency medical services (whether individuals or entities) to be remitted to the state treasurer and subsequently deposited to the State General Fund. Therefore, the agency receives no direct benefit from regulatory fee increases enacted by the agency, thus making it difficult to increase fees on emergency medical service personnel (many of whom are volunteers) due to the perception that they receive no direct benefit from increased fees.

To allow the agency direct access to the regulatory fees it collects (for FY 2003 only) and to finance the restoration of the above reduction, the House Budget Committee recommends the following:

- Add a proviso allowing the agency direct access to the fees it collects making it a partially fee funded agency for FY 2003 (the agency estimates collecting \$282,405 in fees for FY 2003).
- In allowing the agency direct access to the above amount, the House Budget Committee recommends reducing the State General Fund financing recommended by the Governor by \$282,405 leaving a total of \$565,469 (\$491,069 for operations and \$74,400 in regional council funding).
- The House Budget Committee recommends the funding be deposited in the Emergency Medical Services Operating Fund (\$282,405).

- The House Budget Committee places the expenditure limitation of \$293,405 on the Emergency Medical Services Operating Fund allowing the agency to utilize any additional funding obtained by the agency through increased projections or increased fees to finance the restoration of \$11,100 reduced within the Governor's FY 2003 recommendation.

However, the House Budget Committee notes that like most fee funded agencies, there may be a lesser balance in the fee fund than projected, and any amount collected which is under the projected amount \$282,405, will subject the agency to further reductions in operating expenditures.

2. The House Budget Committee draws attention to SB 508, which if passed, would direct the Insurance Commissioner to levy a percentage of automobile liability and homeowners insurance to yield an aggregate amount equal to at least \$1,000,000, and that revenue would be deposited into the Emergency Medical Services Operating fund to finance the operation of the agency. Although the Committee does fully endorse the passage of the bill, the Committee notes its continued concern relating to the full funding of the agency to finance its statutorily mandated duties.

SENATE SUBCOMMITTEE REPORT

Agency: State Fire Marshal

Bill No. --

Bill Sec. --

Analyst: Waller

Analysis Pg. No. Vol. 2 - 987

Budget Page No. 169

Expenditure Summary	Agency Request FY 2002	Governor's Recommendation FY 2002	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 3,359,433	\$ 3,230,121	\$ 0
Aid to Local Units	0	0	0
Other Assistance	275,000	275,000	0
Subtotal - Operating	\$ 3,634,433	\$ 3,505,121	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 3,634,433	\$ 3,505,121	\$ 0
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0
FTE Positions	48.0	46.0	0.0
Unclassified Temp. Positions	1.0	1.0	0.0
TOTAL	49.0	47.0	0.0

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 operating budget totals \$3,634,433, which is \$129,312 or 3.7 percent above the Legislature's approved funding. The change can be attributed to the agency's supplemental package, which includes an additional 2.0 FTE positions above the approved amount. Additionally, the agency has budgeted the expenditure of \$250,000 from the newly created Hazardous Materials Emergency Fund. However, the State Fire Marshal's Office has not determined how those funds will be spent.

FY 2002 Supplemental Requests. The current year estimated financing reflects supplemental appropriation requests totaling \$129,312.

The agency requests \$129,312 be transferred from the Fire Marshal Fee Fund to the Hazardous Materials Program Fund to finance 2.0 FTE positions (1.0 training/responder position and 1.0 support position). The supplemental positions would provide training classes, operational and

technical level support, notify responders, and issue certificates relating to hazardous materials response.

The Governor recommends an FY 2002 budget total of \$3,505,121. This is the same as the amount approved by the 2001 Legislature. Salaries and wages total \$2,251,344, and other operating expenses total \$978,777 respectively. Additionally, the Governor accounts for \$250,000 (from the newly created Hazardous Materials Emergency Fund). However, the Governor makes no specific recommendation as to how those funds will be spent in the current year. **The Governor** does not recommend the agency's request for supplemental funding of \$129,312.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: State Fire Marshal

Bill No. -

Bill Sec. -

Expenditure Summary	Agency Request FY 2002	Gov. Rec. FY 2002	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 3,359,433	\$ 3,230,121	\$ 0
Aid to Local Units	0	0	0
Other Assistance	275,000	275,000	0
Subtotal - Operating	\$ 3,634,433	\$ 3,505,121	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 3,634,433	\$ 3,505,121	\$ 0
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0
FTE Positions	48.0	46.0	0.0
Unclassified Temp. Positions	1.0	1.0	0.0
TOTAL	49.0	47.0	0.0

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 operating budget totals \$3,634,433, which is \$129,312 or 3.7 percent above the Legislature's approved funding. The change can be attributed to the agency's supplemental package, which includes an additional 2.0 FTE positions above the approved amount. Additionally, the agency has budgeted the expenditure of \$250,000 from the newly created Hazardous Materials Emergency Fund. However, the State Fire Marshal's Office has not determined how those funds will be spent.

FY 2002 Supplemental Requests. The current year estimated financing reflects supplemental appropriation requests totaling \$129,312.

The agency requests \$129,312 be transferred from the Fire Marshal Fee Fund to the Hazardous Materials Program Fund to finance 2.0 FTE positions (1.0 training/responder position and 1.0 support position). The supplemental positions would provide training classes, operational and technical level support, notify responders, and issue certificates relating to hazardous materials response.

The Governor recommends an FY 2002 budget total of \$3,505,121. This is the same as the amount approved by the 2001 Legislature. Salaries and wages total \$2,251,344, and other operating expenses total \$978,777 respectively. Additionally, the Governor accounts for \$250,000 (from the newly created Hazardous Materials Emergency Fund). However, the Governor makes no specific recommendation as to how those funds will be spent in the current year. **The Governor** does not recommend the agency's request for supplemental funding of \$129,312.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: State Fire Marshal

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol 2 - pg. 987

Budget Page No. 169

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 3,471,764	\$ 3,252,137	\$ 0
Aid to Local Units	0	0	0
Other Assistance	275,000	275,000	0
Subtotal - Operating	\$ 3,746,764	\$ 3,527,137	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 3,746,764	\$ 3,527,137	\$ 0
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0
FTE Positions	51.0	46.0	0.0
Unclassified Temp. Positions	1.0	1.0	0.0
TOTAL	52.0	47.0	0.0

Agency Estimate/Governor's Recommendation

The agency requests funding for FY 2003 operating expenditures of \$3,746,764 which is \$112,331 or 3.1 percent above the FY 2002 revised estimate. Funding for agency requests in FY 2003 is from the Fire Marshal Fee Fund (\$2,902,126), the Hazardous Material Program Fund (\$569,638), funding to reimburse local entities for hazardous material emergency response activities (\$250,000), and moneys distributed to local units to finance the purchase of carbon monoxide equipment (\$25,000 from the Fire Marshal Fee Fund). The increase between FY 2002 and FY 2003 can be mainly attributed to the agency's enhancement package. The agency's FY 2003 enhancement package totals \$253,598. The total is comprised of \$100,139 (Fire Marshal Fee Fund), and \$153,459 from the Hazardous Materials Program Fund (a transfer from the Fire Marshal Fee Fund) with 5.0 FTE positions.

During the 2001 Legislative session, 2.0 other unclassified positions assigned to the Juvenile Firesetter Intervention Program were reclassified as FTE (full time equivalent) positions. Although the positions were financed by federal funds during the previous fiscal year, the agency was unable

to acquire additional federal dollars in FY 2003. Therefore, the positions are being funded by the Fire Marshal Fee fund in the budget year.

The agency's operating budget request (with enhancements) includes:

- \$2,479,669 for salaries and wages
 - 51.0 FTE positions
- \$702,091 for contractual services
- \$150,004 for commodities
- \$140,000 for capital outlay
- \$275,000 in other assistance

Absent requested FY 2003 enhancements, the agency's request totals \$3,493,166. This represents a decrease of \$11,956 or 0.3 percent below the FY 2002 approved amount, and the number of FTE positions would remain unchanged.

The Governor recommends an operating budget of \$3,527,137, which is \$22,016 or 0.6 percent above the FY 2002 revised recommendation. The Governor funds expenditures for FY 2003 from the Fire Marshal Fee Fund (\$2,835,355), the Hazardous Material Fund (\$416,782), funding to reimburse local entities for hazardous material emergency response activities (\$250,000), and moneys distributed to local units to finance the purchase of carbon monoxide equipment (\$25,000 from the Fire Marshal Fee Fund). Salaries and wages increase by \$64,794 or 2.9 percent with the annualization of pay plan adjustments and additional employee health insurance expenses. Other operating expenses decrease by \$42,778 or 4.4 percent due to reductions in commodities and capital outlay expenditures.

The Governor's operating budget recommendation includes:

- \$2,316,138 for salaries and wages
 - 46.0 FTE positions
- \$657,495 for contractual services
- \$138,504 for commodities
- \$140,000 for capital outlay
- \$275,000 in other assistance

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. The Senate Subcommittee flags for Omnibus consideration the addition of the following:
 - Add \$38,966 (from the State Fire Marshal Fee Fund) and 1.0 FTE to assist in preventing harm or accidental death due to the mishandling of propane or fireworks.

- Transfer \$153,459 from the Fire Marshal Fee Fund to the Hazardous Materials Program Fund to finance 3.0 positions (2.0 training/responder positions and 1.0 support position) to provide training classes, operating and technical level support, notify responders, and issue certificates relating to hazardous materials response.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation, with the following adjustments:

1. The Senate Committee eliminates the transfer of \$750,000 (in FY 2003) from the Fire Marshal Fee Fund to the Hazardous Materials Emergency Fund. The Hazardous Materials Emergency Fund would have a remaining balance of \$750,000.
 2. The Senate Committee directs the Kansas Legislative Research Department to create a flow chart relating to receipts, expenditures, the remaining balance, and the effect that the passage of SB 508 (as amended by the Senate Committee) would have on the Fire Marshal Fee Fund.
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HOUSE BUDGET COMMITTEE REPORT

Agency: State Fire Marshal

Bill No. -

Bill Sec. -

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 3,471,764	\$ 3,252,137	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>275,000</u>	<u>275,000</u>	<u>0</u>
Subtotal - Operating	\$ 3,746,764	\$ 3,527,137	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 3,746,764</u></u>	<u><u>\$ 3,527,137</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 0	\$ 0	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>
FTE Positions	51.0	46.0	0.0
Unclassified Temp. Positions	<u>1.0</u>	<u>1.0</u>	<u>0.0</u>
TOTAL	<u><u>52.0</u></u>	<u><u>47.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency requests funding for FY 2003 operating expenditures of \$3,746,764 which is \$112,331 or 3.1 percent above the FY 2002 revised estimate. Funding for agency requests in FY 2003 is from the Fire Marshal Fee Fund (\$2,902,126), the Hazardous Material Program Fund (\$569,638), funding to reimburse local entities for hazardous material emergency response activities (\$250,000), and moneys distributed to local units to finance the purchase of carbon monoxide equipment (\$25,000 from the Fire Marshal Fee Fund). The increase between FY 2002 and FY 2003 can be mainly attributed to the agency's enhancement package. The agency's FY 2003 enhancement package totals \$253,598. The total is comprised of \$100,139 (Fire Marshal Fee Fund), and \$153,459 from the Hazardous Materials Program Fund (a transfer from the Fire Marshal Fee Fund) with 5.0 FTE positions.

During the 2001 Legislative session, 2.0 other unclassified positions assigned to the Juvenile Firesetter Intervention Program were reclassified as FTE (full time equivalent) positions. Although the positions were financed by federal funds during the previous fiscal year, the agency was unable

to acquire additional federal dollars in FY 2003. Therefore, the positions are being funded by the Fire Marshal Fee fund in the budget year.

The agency's operating budget request (with enhancements) includes:

- \$2,479,669 for salaries and wages
 - 51.0 FTE positions
- \$702,091 for contractual services
- \$150,004 for commodities
- \$140,000 for capital outlay
- \$275,000 in other assistance

Absent requested FY 2003 enhancements, the agency's request totals \$3,493,166. This represents a decrease of \$11,956 or 0.3 percent below the FY 2002 approved amount, and the number of FTE positions would remain unchanged.

The Governor recommends an operating budget of \$3,527,137, which is \$22,016 or 0.6 percent above the FY 2002 revised recommendation. The Governor funds expenditures for FY 2003 from the Fire Marshal Fee Fund (\$2,835,355), the Hazardous Material Fund (\$416,782), funding to reimburse local entities for hazardous material emergency response activities (\$250,000), and moneys distributed to local units to finance the purchase of carbon monoxide equipment (\$25,000 from the Fire Marshal Fee Fund). Salaries and wages increase by \$64,794 or 2.9 percent with the annualization of pay plan adjustments and additional employee health insurance expenses. Other operating expenses decrease by \$42,778 or 4.4 percent due to reductions in commodities and capital outlay expenditures.

The Governor's operating budget recommendation includes:

- \$2,316,138 for salaries and wages
 - 46.0 FTE positions
- \$657,495 for contractual services
- \$138,504 for commodities
- \$140,000 for capital outlay
- \$275,000 in other assistance

House Budget Committee Recommendation

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

1. The House Budget Committee flags the following items for Omnibus consideration:
 - The addition of \$61,140 (from the Fire Marshal Fee Fund) and 1.0 FTE fire investigator qualified to be a canine handler with a canine. The team would provide statewide coverage, but would likely be assigned to the southeast part of the state.

- The addition of \$38,966 (from the State Fire Marshal Fee Fund) and 1.0 FTE to assist in preventing harm or accidental death due to the mishandling of propane or fireworks.
 - The addition of \$153,459 to be transferred from the Fire Marshal Fee Fund to the Hazardous Materials Program Fund to finance 3.0 FTE positions (2.0 training/responder position and 1.0 support position) to provide training classes, operating and technical level support, notify responders, and issue certificates relating to hazardous materials response.
2. The House Budget Committee notes its concerns about the safety and security of the citizens of Kansas post September 11, 2001. The House Budget Committee encourage all public safety agencies to coordinate their efforts and finances to ensure the continued protection of the citizens and infrastructure of Kansas. The Committee draws special attention to the Governor's enhanced budget proposal which appropriates \$2,000,000 for Homeland Security measures with the Kansas Department of Health and Environment (KDHE).

SENATE SUBCOMMITTEE REPORT

Agency: Kansas Highway Patrol

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol 2 - 939

Budget Page No. 209

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 52,591,411	\$ 52,590,985	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 52,591,411	\$ 52,590,985	\$ 0
Capital Improvements	608,701	608,701	0
TOTAL	\$ 53,200,112	\$ 53,199,686	\$ 0
State General Fund:			
State Operations	\$ 26,049,475	\$ 26,049,049	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 26,049,475	\$ 26,049,049	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 26,049,475	\$ 26,049,049	\$ 0
FTE Positions	823.8	823.8	0.0
Unclassified Temp. Positions	61.3	61.3	0.0
TOTAL	885.1	885.1	0.0

Agency Request/Governor's Recommendation

The agency's revised current year estimate for operating expenditures totals \$52,591,411, which is \$1,151,536 or 2.2 percent above the approved FY 2002 amount. The State General Fund estimate increases by \$426 due to the use of reappropriated funds (with limited expenditure authority) being utilized by the agency in the current year. All other funds are estimated to increase by \$1,151,110. The change is due to the use additional special revenue funds to finance expenses in various subprograms of the agency. The number of FTE positions within the agency's estimated FY 2002 budget remain the same as those approved by the 2001 Legislature.

Staff Note: Within the *FY 2003 Governor's Budget Report*, Capitol Area Security Guard (CASP) expenses (under contracts with the Department of Administration and State Historical Society) were inadvertently included within the operational budget of the agency in FY 2002. Historically, CASP expenditures have been designated as nonexpense items. Therefore, the figures in the above table have been recalculated by the Kansas Legislative Research Department and CASP expenditures have been taken off budget.

The Governor recommends an estimated FY 2002 amount of \$52,590,985. State General Fund expenditures remain the same as those approved by the 2001 Legislature, while all other funds increase by \$1,151,110 or 4.5 percent due to the use of additional special revenue funds to finance operating expenses incurred by the agency. Additionally, the Governor recommends reappropriating \$426 (from the State General Fund) to FY 2003, rather than concurring with the agency's request to expend those funds in FY 2002.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas Highway Patrol

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 52,591,411	\$ 52,590,985	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 52,591,411	\$ 52,590,985	\$ 0
Capital Improvements	<u>608,701</u>	<u>608,701</u>	<u>0</u>
TOTAL	<u>\$ 53,200,112</u>	<u>\$ 53,199,686</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 26,049,475	\$ 26,049,049	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 26,049,475	\$ 26,049,049	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 26,049,475</u>	<u>\$ 26,049,049</u>	<u>\$ 0</u>
FTE Positions	823.8	823.8	0.0
Unclassified Temp. Positions	<u>61.3</u>	<u>61.3</u>	<u>0.0</u>
TOTAL	<u>885.1</u>	<u>885.1</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency's revised current year estimate for operating expenditures totals \$52,591,411, which is \$1,151,536 or 2.2 percent above the approved FY 2002 amount. The State General Fund estimate increases by \$426 due to the use of reappropriated funds (with limited expenditure authority) being utilized by the agency in the current year. All other funds are estimated to increase by \$1,151,110. The change is due to the use additional special revenue funds to finance expenses in various subprograms of the agency. The number of FTE positions within the agency's estimated FY 2002 budget remain the same as those approved by the 2001 Legislature.

Staff Note: Within the *FY 2003 Governor's Budget Report*, Capitol Area Security Guard (CASP) expenses (under contracts with the Department of Administration and State Historical Society) were inadvertently included within the operational budget of the agency in FY 2002. Historically, CASP expenditures have been designated as nonexpense items. Therefore, the figures in the above table have been recalculated by the Kansas Legislative Research Department and CASP expenditures have been taken off budget.

The Governor recommends a estimated FY 2002 amount of \$52,590,985. State General Fund expenditures remain the same as those approved by the 2001 Legislature, while all other funds increase by \$1,151,110 or 4.5 percent due to the use of additional special revenue funds to finance operating expenses incurred by the agency. Additionally, the Governor recommends reappropriating \$426 (from the State General Fund) to FY 2003, rather than concurring with the agency's request to expend those funds in FY 2002.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Kansas Highway Patrol

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol 2 - 939

Budget Page No. 209

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 55,347,358	\$ 52,827,566	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 55,347,358	\$ 52,827,566	\$ 0
Capital Improvements	<u>746,121</u>	<u>746,121</u>	<u>0</u>
TOTAL	<u><u>\$ 56,093,479</u></u>	<u><u>\$ 53,573,687</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 28,497,205	\$ 26,028,159	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 28,497,205	\$ 26,028,159	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 28,497,205</u></u>	<u><u>\$ 26,028,159</u></u>	<u><u>\$ 0</u></u>
FTE Positions	823.8	823.8	0.0
Unclassified Temp. Positions	<u>61.3</u>	<u>61.3</u>	<u>0.0</u>
TOTAL	<u><u>885.1</u></u>	<u><u>885.1</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The **agency's operating budget request** totals \$55,347,358, which is \$2,755,947 or 5.2 percent greater than the FY 2002 revised estimate. Requested State General Fund expenditures total \$28,497,205 or 9.4 percent above the FY 2002 amount due mostly to the agency's enhancement package, and the annualization of pay plan adjustments. Requested expenditures from special revenue funds increase by \$308,217 or 1.2 percent from the FY 2002 amount of \$26,541,936. The change is due to the increased use of special revenue funds to finance the current level of services. Also, the agency requests additional funds be transferred from the State Highway Fund (\$260,000) to finance operating expenditures. The agency's operating enhancement package totals \$2,472,763 (\$2,242,934 from the State General Fund).

The agency's operating budget request (with enhancements) includes:

- \$40,480,568 for salaries and wages
 - 823.8 FTE positions requested
- \$4,617,533 for contractual services
- \$3,248,397 for commodities

- \$6,811,895 for capital outlay
- \$188,965 for debt service interest payments

Absent requested FY 2002 enhancements, the agency's FY 2003 operating budget totals \$52,874,595 which is \$283,184 or 0.5 percent above the revised FY 2002 estimate.

The Governor recommends operating expenditures which total \$52,827,566, which is \$236,581 or 0.4 percent above the FY 2002 revised recommendation. State General fund expenditures decrease by \$20,890 or 0.1 percent due to increased shrinkage savings, which is offset by the annualization of pay plan adjustments and additional health insurance premium expenses. All other funds increase by \$257,471 or 1.0 percent. This increase is due to additional special revenue financing of agency operations.

The Governor's operating budget request recommendation includes:

- \$37,960,776 for salaries and wages
 - 823.8 FTE positions recommended
- \$4,617,533 for contractual services
- \$3,248,397 for commodities
- \$6,811,895 for capital outlay
- \$188,965 for debt service interest payments

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. The Senate Subcommittee commends the agency on receiving the first place award from the International Association of Chiefs of Police for its highway safety program. Additionally, the Committee commends the agency for being recognized by the Federal Motor Carrier Safety Administration (FMCSA) for its role in assessing the safety and security of hazardous material carriers in Kansas. In conjunction within FMCSA, Kansas was the first state in the nation to complete those statewide reviews.
2. The Senate Committee notes its concern relating to the Governor's recommended increase in shrinkage savings in FY 2003. During testimony, the agency stated that if the current recommendation is adopted the Highway Patrol would not have adequate funding to finance the salaries and wages of 36 troopers positions (which is equal to the amount of trainees currently in a class at the Training Center in Salina). The agency informed the Committee that any reduction in State General Fund financing impacts the number of troopers directly due to a majority of trooper salaries being funded by the State General Fund. The agency stated that Kansas ranks 4th in the nation in the number of road miles, yet ranks 38th in the size of its state police/highway patrol law enforcement department. The Senate Committee includes the following chart detailing salaries and wages and recommended shrinkage amounts.

Governor's Recommended Shrinkage Savings

	<u>Salaries</u>	<u>FY 2002 Shrinkage</u>	<u>Percent</u>	<u>Salaries</u>	<u>FY 2003 Shrinkage</u>	<u>Percent</u>
CASP	\$ 589,849	\$ 92,057	13.5%	\$ 611,689	\$ 93,469	13.3%
Operations	25,640,277	2,316,656	8.3	25,320,863	3,322,542	11.6
MCSAP	2,327,298	0	0.0	2,373,858	0	0.0
Data Pro.	807,077	20,694	2.5	826,365	20,943	2.5
MCI	<u>5,800,605</u>	<u>559,707</u>	<u>8.8</u>	<u>6,174,176</u>	<u>372,748</u>	<u>5.7</u>
TOTAL	<u>\$ 35,165,106</u>	<u>2,989,114</u>	<u>7.8%</u>	<u>35,306,951</u>	<u>3,809,702</u>	<u>9.7%</u>
Off Budget	<u>1,762,591</u>	<u>0</u>	<u>0.0%</u>	<u>1,802,740</u>	<u>0</u>	<u>0.0%</u>
COMP. TOTAL	<u>\$ 36,927,697</u>	<u>\$ 2,989,114</u>	<u>7.5%</u>	<u>\$ 37,109,691</u>	<u>\$ 3,809,702</u>	<u>9.3%</u>

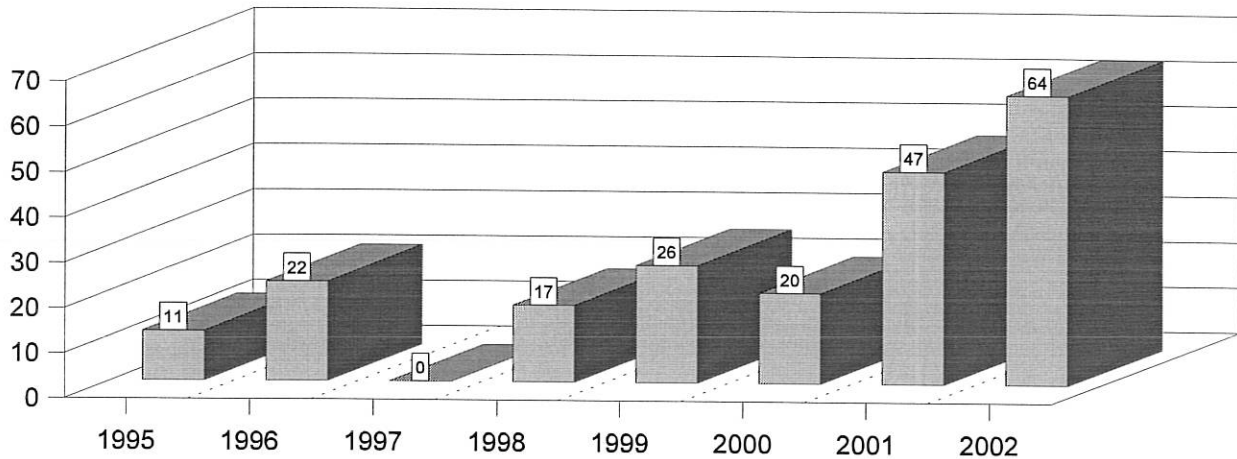
Staff Note: Within the *FY 2003 Governor's Budget Report*, Capitol Area Security Guard (CASP) expenses (under contracts with the Department of Administration and State Historical Society) were inadvertently included within the operational budget of the agency in FY 2001, FY 2002, and FY 2003. Historically, CASP expenditures have been designated as nonexpense items. Therefore, the figures in the above table have been recalculated by the Kansas Legislative Research Department and CASP expenditures have been taken off budget.

3. The Senate Subcommittee was informed that due to cuts incurred in previous fiscal years, the Highway Patrol has become more reliant on its special revenue funds to finance many of its operational duties. However, within FY 2003 budget recommendation and beyond, the agency estimates that it will not have sufficient special revenue fund financing available to meet additional reductions in State General Fund financing.
4. The Senate Subcommittee notes its concern regarding funding for operational costs incurred by the Kansas Highway Patrol during Kansas Speedway events. The Committee was informed that the agency expended \$120,000 from its budget to finance those costs, without reimbursement from the Speedway. The Committee flags this item for Omnibus consideration to obtain further information from the agency and the Speedway.
5. The Senate Subcommittee would like to draw attention to the activities and additional responsibilities undertaken by the agency post September 11, 2001. The agency informed the Committee of increased security posts and patrols throughout the capitol complex through the use of Capitol Police officers (CASP). The agency stated that the increased workload "annualized" would equate to financing 13.0 FTE positions. The agency stated that if the current trends continue and additional CASP personnel are needed, the agency would reassign troopers to perform those duties. Additionally, the agency provided information on other Homeland Security measures undertaken by the agency. Those include:
 - increased motor carrier enforcement in conducting safety/security audits on hazardous materials carriers;
 - additional Task Force representation requests;
 - increase in requests for KHP explosive detection dogs;

- additional responsibilities undertaken by the agency's Emergency Management section.

6. The Subcommittee would like to draw attention to the agency's efforts in recruiting troopers. The Subcommittee commends the agency on its ability to increase its recruiting classes, which now stand at two a year (January and July). The Committee provides the following chart detailing those increases.

Trooper Academy Graduates by Fiscal Year



*Chart provided by the Kansas Highway Patrol

7. The Senate Subcommittee draws attention to services provided by the agency to local department. The agency informed the Committee of various services it provides, including:

- aircraft support for various law enforcement related activities;
- accident support;
- Special Operation response; and
- computer aided mapping and crime scene analysis.

The Committee notes the above information to draw attention to the agency's increasing importance to local law enforcement departments.

8. The Senate Subcommittee draws attention to PrePass. The agency informed the Committee of the implementation of the nationally utilized system. Along I-35 and I-70, devices have been installed that look like video cameras mounted on long arms over the roadway. The device is not a camera, nor does it gauge drivers' speeds. Through the use of radio frequency technology (similar to the Kansas Turnpike's K-TAG electronic toll collection system) motor carriers are permitted to bypass inspection stations by having their safety ratings and credentials read electronically.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Kansas Highway Patrol

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 55,347,358	\$ 52,827,566	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 55,347,358	\$ 52,827,566	\$ 0
Capital Improvements	746,121	746,121	0
TOTAL	<u>\$ 56,093,479</u>	<u>\$ 53,573,687</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 28,497,205	\$ 26,028,159	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 28,497,205	\$ 26,028,159	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 28,497,205</u>	<u>\$ 26,028,159</u>	<u>\$ 0</u>
FTE Positions	823.8	823.8	0.0
Unclassified Temp. Positions	61.3	61.3	0.0
TOTAL	<u>885.1</u>	<u>885.1</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The **agency's operating budget request** totals \$55,347,358, which is \$2,755,947 or 5.2 percent greater than the FY 2002 revised estimate. Requested State General Fund expenditures total \$28,497,205 or 9.4 percent above the FY 2002 amount due mostly to the agency's enhancement package, and the annualization of pay plan adjustments. Requested expenditures from special revenue funds increase by \$308,217 or 1.2 percent from the FY 2002 amount of \$26,541,936. The change is due to the increased use of special revenue funds to finance the current level of services. Also, the agency requests additional funds be transferred from the State Highway Fund (\$260,000) to finance operating expenditures. The agency's operating enhancement package totals \$2,472,763 (\$2,242,934 from the State General Fund).

The agency's operating budget request (with enhancements) includes:

- \$40,480,568 for salaries and wages
 - 823.8 FTE positions requested
- \$4,617,533 for contractual services
- \$3,248,397 for commodities
- \$6,811,895 for capital outlay
- \$188,965 for debt service interest payments

Absent requested FY 2002 enhancements, the agency's FY 2003 operating budget totals \$52,874,595 which is \$283,184 or 0.5 percent above the revised FY 2002 estimate.

The Governor recommends operating expenditures which total \$52,827,566, which is \$236,581 or 0.4 percent above the FY 2002 revised recommendation. State General fund expenditures decrease by \$20,890 or 0.1 percent due to increased shrinkage savings, which is offset by the annualization of pay plan adjustments and additional health insurance premium expenses. All other funds increase by \$257,471 or 1.0 percent. This increase is due to additional special revenue financing of agency operations.

The Governor's operating budget request recommendation includes:

- \$37,960,776 for salaries and wages
 - 823.8 FTE positions recommended
- \$4,617,533 for contractual services
- \$3,248,397 for commodities
- \$6,811,895 for capital outlay
- \$188,965 for debt service interest payments

House Budget Committee Recommendation

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

1. The House Budget Committee notes its concern relating to the Governor's recommended increase in shrinkage savings for FY 2003. During testimony, the agency stated that if the current recommendation is adopted, the Highway Patrol would not have adequate funding to finance the salaries and wages of 36 troopers positions (which is equal to the amount of trainees currently in a class at the Training Center in Salina). The agency informed the Committee that any reduction in State General Fund financing impacts the number of troopers directly due to a majority of trooper salaries being funded by the State General Fund. The House Budget Committee flags this item for Omnibus consideration pending additional funding becomes available, and includes the following chart detailing salaries and wages and recommended shrinkage amounts.

Governor's Recommended Shrinkage Savings						
	Salaries	FY 2002 Shrinkage	Percentage	Salaries	FY 2003 Shrinkage	Percentage
CASP	\$ 589,849	\$ (92,057)	13.5%	\$ 611,689	\$ (93,469)	13.3%
Operations	25,640,277	(2,316,656)	8.3	25,320,863	(3,322,542)	11.6
MCSAP	2,327,298	0	0.0	2,373,858	0	0.0
Data Pro.	807,077	(20,694)	2.5	826,365	(20,943)	2.5
MCI	5,800,605	(559,707)	8.8	6,174,176	(372,748)	5.7
TOTAL	\$ 35,165,106	\$ (2,989,114)	7.8%	\$ 35,306,951	\$ (3,809,702)	9.7%
Off Budget	\$ 1,762,591	\$ 0	0.0%	\$ 1,802,740	\$ 0	0.0%
Comp. Total	\$ 36,927,697	\$ (2,989,114)	7.5%	\$ 37,109,691	\$ (3,809,702)	9.3%

Staff Note: Within the *FY 2003 Governor's Budget Report*, Capitol Area Security Guard (CASP) expenses (under contracts with the Department of Administration and State Historical Society) were inadvertently included within the operational budget of the agency in FY 2001, FY 2002, and FY 2003. Historically, CASP expenditures have been designated as nonexpense items. Therefore, the figures in the above table have been recalculated by the Kansas Legislative Research Department and CASP expenditures have been taken off budget.

2. The Senate Subcommittee was informed that due to cuts incurred in previous fiscal years, the Highway Patrol has become more reliant on its special revenue funds to finance many of its operational duties. However, within FY 2003 budget recommendation and beyond, the agency estimates that it will not have sufficient special revenue fund financing available to meet additional reductions in State General Fund financing.

SENATE SUBCOMMITTEE REPORT

Agency: Parole Board

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 1005

Budget Page No. 349

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 531,567	\$ 531,567	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 531,567	\$ 531,567	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 531,567	\$ 531,567	\$ 0
State General Fund:			
State Operations	\$ 531,567	\$ 531,567	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 531,567	\$ 531,567	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 531,567	\$ 531,567	\$ 0
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 budget totals \$531,567, which is the same amount as approved by the 2001 Legislature. Salary and wages total \$460,370, and other operating expenditures amount to \$71,197.

The Governor concurs.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Parole Board

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 531,567	\$ 531,567	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 531,567	\$ 531,567	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 531,567</u>	<u>\$ 531,567</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 531,567	\$ 531,567	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 531,567	\$ 531,567	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 531,567</u>	<u>\$ 531,567</u>	<u>\$ 0</u>
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u>4.0</u>	<u>4.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 budget totals \$531,567, which is the same amount as approved by the 2001 Legislature. Salary and wages total \$460,370, and other operating expenditures amount to \$71,197.

The Governor concurs.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Parole Board

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 1005

Budget Page No. 349

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 540,720	\$ 535,306	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 540,720	\$ 535,306	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 540,720</u></u>	<u><u>\$ 535,306</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 540,720	\$ 535,306	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 540,720	\$ 535,306	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 540,720</u></u>	<u><u>\$ 535,306</u></u>	<u><u>\$ 0</u></u>
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>4.0</u></u>	<u><u>4.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency requests FY 2003 operating expenditures of \$540,720, which is an increase of \$9,153 or 1.7 percent over the FY 2002 estimate. The agency is completely financed by the State General Fund. The increase from the current year reflects requested funding for the FY 2003 enhancement package, and the continuation of the agency's current level of services. The agency's enhancement package totals \$8,422 (from the State General Fund) to provide additional funds for travel and subsistence.

The Governor recommends an increase in operating expenditures of \$3,739, which is 0.7 percent above the FY 2002 revised recommended amount of \$531,567. Salary and wages increase by \$9,049 or 2.0 percent with the inclusion annualized pay plan adjustments and additional health insurance premium expenditures. Other operating expenses decrease by \$5,310 or 7.5 percent due to a reduction in in-state travel.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Parole Board

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Estimate FY 2003</u>	<u>Gov. Rec. FY 2003</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 540,720	\$ 535,306	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 540,720	\$ 535,306	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 540,720	\$ 535,306	\$ 0
State General Fund:			
State Operations	\$ 540,720	\$ 535,306	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 540,720	\$ 535,306	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 540,720	\$ 535,306	\$ 0
FTE Positions	4.0	4.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	4.0	4.0	0.0

Agency Estimate/Governor's Recommendation

The agency requests FY 2003 operating expenditures of \$540,720, which is an increase of \$9,153 or 1.7 percent over the FY 2002 estimate. The agency is completely financed by the State General Fund. The increase from the current year reflects requested funding for the FY 2003 enhancement package, and the continuation of the agency's current level of services. The agency's enhancement package totals \$8,422 (from the State General Fund) to provide additional funds for travel and subsistence.

The Governor recommends an increase in operating expenditures of \$3,739, which is 0.7 percent above the FY 2002 revised recommended amount of \$531,567. Salary and wages increase by \$9,049 or 2.0 percent with the inclusion annualized pay plan adjustments and additional health insurance premium expenditures. Other operating expenses decrease by \$5,310 or 7.5 percent due to a reduction in in-state travel.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Sentencing Commission

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 1029

Budget Page No. 397

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 793,651	\$ 793,651	\$ 0
Aid to Local Units	4,167,592	4,167,592	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 4,961,243	\$ 4,961,243	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 4,961,243</u>	<u>\$ 4,961,243</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 467,282	\$ 467,282	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 467,282	\$ 467,282	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u>\$ 467,282</u>	<u>\$ 467,282</u>	<u>\$ 0</u>
FTE Positions	10.0	10.0	0.0
Non FTE Uncl. Perm. Pos.	<u>2.0</u>	<u>2.0</u>	<u>0.0</u>
TOTAL	<u>12.0</u>	<u>12.0</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 budget totals \$4,961,243. This is an increase of \$3,116,287 or 168.7 percent above the Legislature's approved funding. The State General Fund estimate remains unchanged. All other funds increase from \$1,377,674 to \$4,493,961 (226.2 percent) from the approved amount. The increase can be attributed to incomplete information submitted to the Division of Budget by the agency during the 2001 Legislative Session. Although corrected amounts were submitted to the Kansas Legislative Research Department at a later date, those amounts were not included in the *FY 2002 Governor's Budget Report*. However, the money deposited in those special revenue funds are obtained from federal grants and have a "no limit" expenditure authority.

The Governor concurs with agency's FY 2002 estimate of \$4,961,243. However, the Governor recommends shifting \$11,205 from salaries and wages to capital outlay to finance additional expenses.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

HOUSE BUDGET COMMITTEE REPORT

Agency: Sentencing Commission

Bill No. -

Bill Sec. -

<u>Expenditure Summary</u>	<u>Agency Request FY 2002</u>	<u>Gov. Rec. FY 2002</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 793,651	\$ 793,651	\$ 0
Aid to Local Units	4,167,592	4,167,592	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,961,243	\$ 4,961,243	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 4,961,243	\$ 4,961,243	\$ 0
State General Fund:			
State Operations	\$ 467,282	\$ 467,282	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 467,282	\$ 467,282	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 467,282	\$ 467,282	\$ 0
FTE Positions	10.0	10.0	0.0
Unclassified Temp. Positions	2.0	2.0	0.0
TOTAL	12.0	12.0	0.0

Agency Request/Governor's Recommendation

The agency's estimated FY 2002 budget totals \$4,961,243. This is an increase of \$3,116,287 or 168.7 percent above the Legislature's approved funding. The State General Fund estimate remains unchanged. All other funds increase from \$1,377,674 to \$4,493,961 (226.2 percent) from the approved amount. The increase can be attributed to incomplete information submitted to the Division of Budget by the agency during the 2001 Legislative Session. Although corrected amounts were submitted to the Kansas Legislative Research Department at a later date, those amounts were not included in the *FY 2002 Governor's Budget Report*. However, the money deposited in those special revenue funds are obtained from federal grants and have a "no limit" expenditure authority.

The Governor concurs with agency's FY 2002 estimate of \$4,961,243. However, the Governor recommends shifting \$11,205 from salaries and wages to capital outlay to finance additional expenses.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendation.

SENATE SUBCOMMITTEE REPORT

Agency: Sentencing Commission

Bill No. -

Bill Sec. -

Analyst: Waller

Analysis Pg. No. Vol. 2 - 1029

Budget Page No. 397

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 813,984	\$ 741,295	\$ 0
Aid to Local Units	3,519,800	3,519,800	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 4,333,784	\$ 4,261,095	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 4,333,784</u></u>	<u><u>\$ 4,261,095</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 509,910	\$ 460,520	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 509,910	\$ 460,520	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 509,910</u></u>	<u><u>\$ 460,520</u></u>	<u><u>\$ 0</u></u>
FTE Positions	11.0	10.0	0.0
Non FTE Uncl. Perm. Pos.	<u>3.0</u>	<u>2.0</u>	<u>0.0</u>
TOTAL	<u><u>14.0</u></u>	<u><u>12.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$4,333,784, which is \$627,459 or 12.6 percent below the FY 2002 estimate. Requested State General Fund expenditures increase by \$42,628 or 9.1 percent due mostly to the agency's requested enhancement package. All other funds decrease by \$670,087 or 14.9 percent. The decrease can be attributed to a reduction in federal aid to local unit expenditures (from \$4,167,592 to \$3,519,800) and partially to positions requested by the agency in enhancements. The agency requests \$63,292 (38,271 from the State General Fund) to finance 1.0 FTE Research Analyst position and 1.0 other unclassified Grant Specialist position. The agency requests no other operating expenses associated with the positions.

The agency's operating budget request (with enhancements) includes:

- \$630,639 for salaries and wages
 - 11.0 FTE positions
- \$154,145 for contractual services
- \$14,200 for commodities

- \$15,000 for capital outlay
- \$3,519,800 for aid to local units

Absent the agency's requested FY 2003 enhancements, operating expenditures total \$4,270,492. This is a decrease of \$690,751 or 13.9 percent below the FY 2002 estimate.

The Governor recommends operating expenditures which total \$4,261,095. This is a decrease of \$700,148 or 14.1 percent below the revised FY 2002 recommendation. State General Fund expenditures decrease by \$6,762 or 1.4 percent due mostly to additional shrinkage savings. All other funds increase by \$693,386 or 15.4 percent. The change can be attributed to the amount of federal grants received by the agency for criminal justice projects which would then be passed to local law enforcement agencies.

The Governor's operating budget recommendation includes:

- \$561,950 for salaries and wages
 - 10.0 FTE positions
- \$154,145 for contractual services
- \$14,200 for commodities
- \$11,000 for capital outlay
- \$3,519,800 for aid to local units

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. The Senate Subcommittee notes its concerns regarding the operating budget of the Sentencing Commission. The agency is charged with developing the prison population projections for the Department of Corrections and provides criminal justice related data to various individuals and departments. The Committee notes the agency's increased duties in regards to the development of a parole/postrelease Violator Simulation Projection Model, Risk/Assessment tools, and the Racial Disparity study. The Subcommittee draws attention to agency's delays in distributing the Sentencing Commission's Annual Report to the Legislature, and delays in distribution of the Sentencing Guidelines Desk Reference Manual, and Criminal Justice Resource Directory. The Committee also notes increased delays in responding to requests from criminal justice agencies, and the backlog of sentencing journal entry forms from an average of 400 in FY 2001 to 1,992 for FY 2002. Additionally, the Committee notes its concern relating to federal grants the agency administers and the regulations and provisions the federal government mandates as it relates to auditing and site visits of recipients. The agency stated that in order to comply with federal regulations, it must conduct site visits and program audits of federal grant sub-recipients. The agency noted that currently it is in violation of federal guidelines and is subject to potential action related to noncompliance.
2. During testimony, the Senate Subcommittee received information relating to juvenile justice population projections contracted by the Juvenile Justice Authority (JJA) through the National Council on Crime and Delinquency (\$25,000 in FY 2001) and Wichita State University (\$15,000 in FY 2001 and \$25,000 in FY

2002). The Juvenile Justice Authority obtained projection data from these sources after contacting the Sentencing Commission and being informed that the agency could not provide that information to the JJA due to a lack of personnel to perform those duties. The Senate Subcommittee contemplated transferring \$25,000 (from the JJA) to the Sentencing Commission to finance 1.0 FTE Research Analyst position which the agency requested in its FY 2003 enhancement package. However, the Committee was informed by the JJA that the financing for the population projections were obtained through a block grant, and the agency was unsure whether it could be used to finance a position that was not directed at performing duties relating to juvenile justice activities. The Senate Subcommittee therefore flags this item for Omnibus consideration pending further information to be provided by the Juvenile Justice Authority.

3. The Senate Subcommittee notes its concern relating to the State Travel Center and the ability of agencies to obtain tickets via the Internet. During testimony, the agency explained that in obtaining airline tickets via the Internet, the agency must contact the State Travel Center before a ticket can be purchased. The agency explained that due to "time limits" on Internet sales and specials, it is difficult to obtain lower airline ticket prices. The State Travel Center makes the final determination as to whether the ticket found by the agency will be purchased, or whether another ticket price will be authorized. In a letter to the Committee, the director of the State Travel Center states..."it is policy to permit individuals traveling on state business to purchase airline tickets through the Internet or any other source that is less expensive than the price quoted by the State Travel Center. Tickets issued by the State Travel Center are charged directly to the state, whereas the traveler is responsible to pay for tickets issued by a source other than the State Travel Center....."
4. The Subcommittee draws attention to the following information relating to the Criminal Justice Information System (CJIS) and the preliminary completion of a consolidated CJIS budget.

Kansas Criminal Justice Information System (KCJIS) Consolidated Budget Summary

The 1995 Legislature created the Kansas Criminal Justice Coordinating Council (KCJCC), with the purpose overseeing the criminal justice community in Kansas, and to implement an "integrated" criminal justice information system to allow sharing of information among agencies (state, local and federal). The implementation of the KCJIS system began with planning in 1996, and the system became operational in 1998. Subsequently, during the 2000 Legislative session, the position of Project Director and additional funding were provide to oversee and complete the continued expansion of KCJIS. Additionally, and a proviso was added directing the creation of a consolidated KCJIS Budget. The budget was to include all expenditures in all state agencies that were attributable to the implementation, operation, and maintenance of KCJIS.

KCJIS Consolidated Budget - Agency Detail

<u>Agency</u>	<u>Federal Match Funds</u>	<u>State General Funds</u>	<u>Agency Totals</u>
Department of Corrections	\$ 1,549,232	\$ 604,985	\$ 2,154,217
Juvenile Justice Authority	734,480	244,826	979,306
Kansas Bureau of Investigation	5,363,760	1,787,920	7,151,680
Kansas Highway Patrol	3,169,868	1,056,623	4,226,491
Kansas Sentencing Commission	1,956,921	513,818	2,470,739
Office of Attorney General	273,750	91,250	365,000
Office of Judicial Administration*	3,456,495	1,096,589	4,553,084
Social and Rehabilitation Services	0	0	0
TOTAL**	\$ 16,504,506	\$ 5,396,011	\$ 21,900,517

* Includes a multiyear project started in 2002

** FY 1996 through FY 2002

The project manager notes that the consolidated budget numbers are preliminary and require additional information and clarification from the agencies involved. That update will be provided before the close of the 2002 Legislative Session. Additionally, the project states that while the KCJIS CORE System is 92 percent complete, and operational, there are numerous projects currently underway which will increase participation as well as expand the amount of data available to criminal justice users. Examples include the statewide Judicial Case Management and Accounting System (FullCourt), and the Department of Corrections Supervision Repository (KASPER). These planned expansions were originally envisioned within our "integrated" criminal justice system, and are now being implemented.

KCJIS Consolidated Budget Summary

KCJIS CORE System Budget (92.3% complete)	12,024,815
Planned Expansion (projects in progress)	9,864,426
Total KCJIS Consolidated Budget	21,900,517

Senate Committee Recommendation

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

1. The Senate Committee amends paragraph number 1, and directs the agency to establish policies and procedures to bring the agency in compliance with federally mandated rules relating to sub-recipient site visits and program audits. The Committee directs the agency to provide this information during Omnibus.

HOUSE BUDGET COMMITTEE REPORT

Agency: Sentencing Commission

Bill No. -

Bill Sec. -

Expenditure Summary	Agency Estimate FY 2003	Gov. Rec. FY 2003	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 813,984	\$ 741,295	\$ 0
Aid to Local Units	3,519,800	3,519,800	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,333,784	\$ 4,261,095	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 4,333,784</u>	<u>\$ 4,261,095</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 509,910	\$ 460,520	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 509,910	\$ 460,520	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 509,910</u>	<u>\$ 460,520</u>	<u>\$ 0</u>
FTE Positions	11.0	10.0	0.0
Non FTE Uncl. Perm. Pos.	3.0	2.0	0.0
TOTAL	<u>14.0</u>	<u>12.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The agency's FY 2003 operating budget request totals \$4,333,784, which is \$627,459 or 12.6 percent below the FY 2002 estimate. Requested State General Fund expenditures increase by \$42,628 or 9.1 percent due mostly to the agency's requested enhancement package. All other funds decrease by \$670,087 or 14.9 percent. The decrease can be attributed to a reduction in federal aid to local unit expenditures (from \$4,167,592 to \$3,519,800) and partially to positions requested by the agency in enhancements. The agency requests \$63,292 (38,271 from the State General Fund) to finance 1.0 FTE Research Analyst position and 1.0 other unclassified Grant Specialist position. The agency requests no other operating expenses associated with the positions.

The agency's operating budget request (with enhancements) includes:

- \$630,639 for salaries and wages
 - 11.0 FTE positions
- \$154,145 for contractual services
- \$14,200 for commodities
- \$15,000 for capital outlay
- \$3,519,800 for aid to local units

Absent the agency's requested FY 2003 enhancements, operating expenditures total \$4,270,492. This is a decrease of \$690,751 or 13.9 percent below the FY 2002 estimate.

The Governor recommends operating expenditures which total \$4,261,095. This is a decrease of \$700,148 or 14.1 percent below the revised FY 2002 recommendation. State General Fund expenditures decrease by \$6,762 or 1.4 percent due mostly to additional shrinkage savings. All other funds increase by \$693,386 or 15.4 percent. The change can be attributed to the amount of federal grants received by the agency for criminal justice projects which would then be passed to local law enforcement agencies.

The Governor's operating budget recommendation includes:

- \$561,950 for salaries and wages
 - 10.0 FTE positions
- \$154,145 for contractual services
- \$14,200 for commodities
- \$11,000 for capital outlay
- \$3,519,800 for aid to local units

House Budget Committee Recommendation

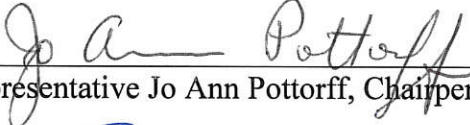
The House Budget Committee concurs with the Governor's recommendation, with the following adjustments:

1. The House Budget Committee notes its concern relating to the federal grants the agency administers and the regulations and provisions the federal government mandates as it relates to auditing and site visits to sub-recipients. The agency stated that in order to comply with federal regulations, it must conduct site visits and program audits to federal grant sub-recipients. The agency remarked that currently it is in violation of federal guidelines and is subject to potential action related to noncompliance.
2. During testimony, the House Budget Committee received information relating to juvenile justice population projections contracted by the Juvenile Justice Authority (JJA) through the National Council on Crime and Delinquency (\$25,000 in FY 2001) and Wichita State University (\$15,000 in FY 2001 and \$25,000 in FY 2002). The Juvenile Justice Authority obtained projection data from these sources after contacting the Sentencing Commission and being informed that the agency could not provide that information to the JJA due to their lack of personnel to perform those duties. The House Budget Committee was informed by the JJA that the financing for the population projections were obtained through a block grant, but was limited in its usage. The House Budget Committee therefore flags this item for Omnibus consideration pending further information to be provided by the Juvenile Justice Authority.
3. The House Budget Committee flags for Omnibus consideration the addition of \$29,931 (from the State General Fund) and 1.0 FTE Research Analyst position to provide additional data analysis and programming changes to the population projections, and \$33,361 (\$8,340 from the State General Fund) and 1.0 Grant Specialist position to perform sub-recipient visits relating to federal compliance requirements and identify additional criminal justice related grants.

4. The House Budget Committee notes its concern relating to the State Travel Center and the ability of agencies to obtain tickets via the Internet. During testimony, the agency explained that in obtaining airline tickets via the Internet, the agency must contact the State Travel Center before a ticket can be purchased. The agency explained that due to "time limits" on Internet sales and specials, it is difficult to obtain lower airline ticket prices. The State Travel Center makes the final determination as to whether the ticket found by the agency will be purchased, or whether another ticket price will be authorized. In a letter to the Committee, the director of the State Travel Center states..."it is policy to permit individuals traveling on state business to purchase airline tickets through the Internet or any other source that is less expensive than the price quoted by the State Travel Center. Tickets issued by the State Travel Center are charged directly to the state, whereas the traveler is responsible to pay for tickets issued by a source other than the State Travel Center....."

**HOUSE GENERAL GOVERNMENT AND HUMAN RESOURCES
BUDGET COMMITTEE**

Department of Human Resources Budget Report


Representative Jo Ann Pottorff, Chairperson

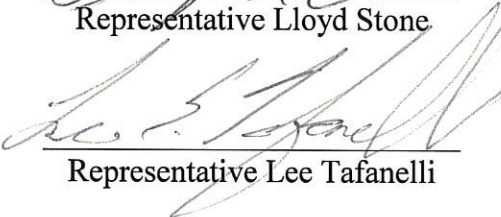

Representative Marti Crow


Representative Annie Kuether


Representative Ralph Ostmeyer


Representative Joe Shriver


Representative Lloyd Stone


Representative Lee Tafanelli

HOUSE APPROPRIATIONS

DATE 3/07/02
ATTACHMENT 75

House Budget Committee Report

Agency: Department of Human Resources

Bill No. 457

Bill Sec. --

Analyst: Efird

Analysis Pg. No. Vol. 1 - 521

Budget Page No. 223

Expenditure Summary	Agency Estimate FY 02	Governor's Recommendation FY 02	Budget Adjustments
State Operations	\$ 54,256,998	\$ 54,256,998	\$ 0
Aid to Local Units	10,667,000	10,667,000	0
Other Assistance	234,515,000	234,515,000	0
Subtotal—Operating	\$ 299,438,998	\$ 299,438,998	\$ 0
Capital Improvements	120,862	120,862	0
TOTAL	\$ 299,559,860	\$ 299,559,860	\$ 0
State General Fund	\$ 2,906,889	\$ 2,906,889	0
All Other Funds	296,652,971	296,652,971	0
TOTAL	\$ 299,559,860	\$ 299,559,860	\$ 0
FTE Positions	963.4	963.4	0.0
Non FTE Uncl. Perm. Pos.	19.0	19.0	0.0
TOTAL	982.4	982.4	0.0

Agency Estimate/Governor's Recommendation

The agency estimate for State General Fund (SGF) financing increases \$54,727 from the amount approved by the 2001 Legislature, with KSIP funding used to pay the increased expenditures. No adjustment in the SGF expenditure limitation is requested. For other funds, unemployment payments account for most of the increase with additional claims of \$30,415,000 estimated in FY 2002.

The Governor concurs with the agency request to spend KSIP funds and with other agency adjustments in current year spending, including \$54,727 SGF and \$125,000 in Workers Compensation for KSIP expenditures.

For other funds, unemployment payments increase due to additional claims of \$30,415,000 estimated in FY 2002.

House Budget Committee Recommendation

The Committee concurs with the Governor's FY 2002 recommendation.

House Budget Committee Report

Agency: Department of Human Resources **Bill No.** **Bill Sec.**

Analyst: Efird **Analysis Pg. No.** Vol. 1 - 521 **Budget Page No.** 223

Expenditure Summary	Agency Request FY 03	Governor's Recommendation FY 03	Budget Adjustments
State Operations	\$ 54,021,783	\$ 53,997,231	\$ 42,162
Aid to Local Units	10,465,564	10,465,564	0
Other Assistance	241,515,000	241,515,000	0
Subtotal—Operating	\$ 306,002,347	\$ 305,977,795	\$ 42,162
Capital Improvements	360,000	395,000	(42,162)
TOTAL	<u>\$ 306,362,347</u>	<u>\$ 306,372,795</u>	<u>\$ 0</u>
State General Fund	\$ 2,658,722	\$ 2,053,985	\$ 0
All Other Funds	303,703,625	304,318,810	0
TOTAL	<u>\$ 306,362,347</u>	<u>\$ 306,372,795</u>	<u>\$ 0</u>
FTE Positions	970.9	961.4	0.0
Non FTE Uncl. Perm. Pos.	19.0	19.0	0.0
TOTAL	<u>989.9</u>	<u>980.4</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The agency request includes a net reduction in SGF financing for FY 2003, with two program enhancements costing an additional \$550,590 that is offset by a reduction of \$722,044 in Employment Services where a matching SGF appropriation previously was required for obtaining federal funds. The additional 9.5 FTE positions are associated with the program enhancements. Most of the net increase for expenditures is attributed to \$7.0 million of higher unemployment benefit payments in FY 2003. The agency requests 2.0 new FTE positions for safety inspections, 2.0 new FTE positions for industrial hygiene, 1.5 new FTE positions for supervision and clerical support, and 4.0 FTE positions to support the registered apprenticeship system.

The Governor recommends additional reductions in SGF financing and no program enhancements that use SGF financing in FY 2003. The Governor concurs with the estimated increase for unemployment benefit payments in FY 2003 of \$7.0 million. The Governor's recommendation includes to reduced resources packages totaling \$84,325 in SGF cuts from the agency's original budget allocation in FY 2003.

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House Budget Committee Recommendation

The Committee concurs with the Governor's FY 2003 recommendation and makes the following adjustments:

1. Reduce \$42,162 from \$210,000 recommended for preliminary planning of a new building and financed from the Principle and Interest Fund. The agency indicates that planning may still be conducted with \$167,837 in FY 2003.
2. Add \$42,162 for three units financed from the Principle and Interest Fund: Legal Services (\$10,000), Industrial Safety (\$27,162), and Public Employees Relations Board (\$5,000). This one-time financing will replace SGF money deleted by the Governor's recommendation in FY 2003. This action is not intended to be a permanent means of financing these three units in lieu of SGF support in the future.