Approved: March 25, 2003

Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 12:05 p.m. on February 27, 2003, in Room 123-S of the Capitol.

All members were present except:

Senator Christine Downey - excused

Senator Dave Kerr - excused

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Nicoletta Buonasera, Kansas Legislative Research Department
Michael Corrigan, Assistant Revisor of Statutes
Judy Bromich, Administrative Analyst

Conferees appearing before the committee: None

Others attending:

See attached list

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2003 and FY 2004 were distributed to the committee.

Subcommittee reports on:

Kansas Lottery (Attachment 1)

Subcommittee Chairwoman Schodorf reported that the Subcommittee concurs with the recommendation of the Governor with adjustment for FY 2003.

Subcommittee Chairwoman Schodorf reported that the Subcommittee concurs with the recommendation of the Governor with additional recommendations and comments for FY 2004.

Senator Barone moved, with a second by Senator Schodorf, to adopt the subcommittee report for the Kansas Lottery for FY 2003 and FY 2004. Motion carried on a voice vote.

Kansas Racing and Gaming Commission (Attachment 2)

Subcommittee Chairwoman Schodorf reported that the Subcommittee concurs with the recommendation of the Governor for FY 2003.

Subcommittee Chairwoman Schodorf reported that the Subcommittee concurs with the recommendation of the Governor with additional comments and recommendations for FY 2004.

<u>Senator Schodorf moved, with a second by Senator Barone, to adopt the subcommittee report for the Kansas Lottery for FY 2003 and FY 2004.</u> <u>Motion carried on a voice vote.</u>

Bill Introduction

<u>Senator Jackson moved, with a second by Senator Jordan, to introduce a bill concerning lotteries; authorizing electronic gaming machines and other lottery games at certain locations (3rs0884)</u>. (Note: Senator Jackson explained that a bill was introduced earlier and this bill has technical corrections regarding it.) <u>Motion carried on a voice vote</u>.

The meeting adjourned at 12:30 p.m. The next meeting is scheduled for March 5, 2003.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE Jebruary 27, 2003

| NAME | REPRESENTING |
|---------------|---------------------------------|
| Ed Van Vetten | Kan. Lottery. |
| Text Forker | KS LOTTLY |
| Din Geordon | 11 11 |
| IRACIDE! | Ks Racing + Gaming Comm / State |
| Mile Huffles | KS. Covernmental Consulting |
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SENATE SUBCOMMITTEE REPORTS

Kansas Lottery Kansas Racing and Gaming Commission

FY 2003 and FY 2004

Senator Jean Schodorf, Chairperson

Senator Jim Barone

Senator Nick Jordan

Senate Ways and Means 2-27-03 Attachment 1

Agency: Kansas Lottery Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1363 Budget Page No. 323

| Expenditure Summary | Agency Est. FY 03 | R — | Governor's Recommendation FY03 | | Budget Adjustments |
|--------------------------|-------------------------|--------|--------------------------------------|---------|-----------------------|
| State Operations | \$ 20,957,500 | \$ | 20,957,500 | \$ | 0 |
| Aid to Local Units | 0 | | 0 | | 0 |
| Other Assistance* | 125,186,400 | 1 | 39,013,237 | 1091 | 0 |
| Subtotal—Operating | \$ 146,143,900 | \$ | 59,970,737 | \$ | 0 |
| Capital Improvements | 0 | | 0 | _ | 0 |
| TOTAL | \$ 146,143,900 | \$ | 59,970,737 | \$ | 0 |
| | | | | - | |
| State General Fund | \$ 0 | \$ | 0 | \$ | 0 |
| All Other Funds | 146,143,900 | | 59,970,737 | 2000 | 0 |
| TOTAL | \$ 146,143,900 | \$ | 59,970,737 | \$ | 0 |
| | | | | 00 | |
| FTE Positions | 87.0 | | 87.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | 0.0 | | 0.0 | 2000000 | 0.0 |
| TOTAL | 87.0 | | 87.0 | | 0.0 |
| | | | | | |

^{*}Note: Previously, the *Governor's Budget Report* had included nonreportable expenditures for retailer commissions and retailer paid prizes that are not recorded in the State Treasury. However, beginning with the FY 2004 budget submission, only the reportable state-paid prizes are included in the *Governor's Budget Report*. For historical purposes, the total financial activity for state and local prizes and retailer commissions is reflected in this table for FY 2002 actual expenditures and FY 2003 to FY 2004 as requested by the agency. Amounts that are included above, but are not reflected in the *Governor's Budget Report* are \$75,794,570 in FY 2002, \$86,173,163 in FY 2003, and \$88,787,143 in FY 2004.

Agency Est./Governor's Recommendation

The agency's revised request includes an increase of \$97,234 for state operations and an increase of \$848,400 for prizes and retailer commissions. The Governor concurs with the increased expenditures of \$97,234 for state operations, but recommends a reduction of \$86.2 million in removing local paid prizes and retailer commissions from the budget as what is described as a "technical adjustment" in Division of the Budget materials. The approved budget amount of \$145,198,266 was reflected in the *FY 2003 Comparison Report* published by the Division of the Budget after the 2002 Legislature.

Budget Committee Recommendation

The Budget Committee concurs with the Governor's FY 2003 recommendation and makes the following additional adjustment:

1. A technical amendment to last Session's appropriations is required in order to reconcile two inconsistent provisions regarding transfers. Section 86(b) of Chapter 204 and Section 15(c) of Chapter 205 would have required two separate transfers be made on July 15, 2002. The Legislature did not intend that two transfers totaling \$8.5 million be made from the Lottery Operating Fund in one month. Section 15(c) of Chapter 205 should have replaced the earlier transfer language, but Section 86(b) of Chapter 204 was not repealed as it should have been. The technical correction is to repeal that provision in Chapter 204 and to clarify that Section 15(c) of Chapter 205 was intended to replace the earlier provision. A joint letter from the Director of the Budget and the Director of Legislative Research stated the problem and solution, with a recommendation that the Director of Accounts and Reports only transfer a \$4.0 million amount as intended. That transfer has taken place, and the other transfers now needs to be repealed since it has not been made as requested in the joint letter of July 30, 2002.

House Appropriations Committee

The Committee concurs.

Agency: Kansas Lottery Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1363 Budget Page No. 323

| Expenditure Summary | Agency Est. FY 03 | | Est. Recommendation | | _ | Subcommittee Adjustments |
|--------------------------|-------------------------|-------------|---------------------|------------|-------|-----------------------------|
| State Operations | \$ | 20,957,500 | \$ | 20,957,500 | \$ | 0 |
| Aid to Local Units | | 0 | | 0 | | 0 |
| Other Assistance* | | 125,186,400 | | 39,013,237 | | 0 |
| SubtotalOperating | \$ | 146,143,900 | \$ | 59,970,737 | \$ | 0 |
| Capital Improvements | | 0 | 8 | 0 | | 0 |
| TOTAL | \$ | 146,143,900 | \$ | 59,970,737 | \$ | 0 |
| State General Fund | \$ | 0 | \$ | 0 | \$ | 0 |
| All Other Funds | | 146,143,900 | | 59,970,737 | 00000 | 0 |
| TOTAL | \$ | 146,143,900 | \$ | 59,970,737 | \$ | 0 |
| FTE Positions | | 87.0 | | 87.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | | 0.0 | | 0.0 | | 0.0 |
| TOTAL | | 87.0 | | 87.0 | | 0.0 |
| | U. | | | | | |

*Note: Previously, the *Governor's Budget Report* had included nonreportable expenditures for retailer commissions and retailer paid prizes that are not recorded in the State Treasury. However, beginning with the FY 2004 budget submission, only the reportable state-paid prizes are included in the *Governor's Budget Report*. For historical purposes, the total financial activity for state and local prizes and retailer commissions is reflected in this table for FY 2002 actual expenditures and FY 2003 to FY 2004 as requested by the agency. Amounts that are included above, but are not reflected in the *Governor's Budget Report* are \$75,794,570 in FY 2002, \$86,173,163 in FY 2003, and \$88,787,143 in FY 2004.

Agency Est./Governor's Recommendation

The agency's revised request includes an increase of \$97,234 for state operations and an increase of \$848,400 for prizes and retailer commissions. The Governor concurs with the increased expenditures of \$97,234 for state operations, but recommends a reduction of \$86.2 million in removing local paid prizes and retailer commissions from the budget as what is described as a "technical adjustment" in Division of the Budget materials. The approved budget amount of \$145,198,266 was reflected in the *FY 2003 Comparison Report* published by the Division of the Budget after the 2002 Legislature.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's FY 2003 recommendation and makes the following additional adjustment:

1. A technical amendment to last Session's appropriations is required in order to reconcile two inconsistent provisions regarding transfers. Section 86(b) of Chapter 204 and Section 15(c) of Chapter 205 would have required two separate transfers be made on July 15, 2002. The Legislature did not intend that two transfers totaling \$8.5 million be made from the Lottery Operating Fund in one month. Section 15(c) of Chapter 205 should have replaced the earlier transfer language, but Section 86(b) of Chapter 204 was not repealed as it should have been. The technical correction is to repeal that provision in Chapter 204 and to clarify that Section 15(c) of Chapter 205 was intended to replace the earlier provision.

Agency: Kansas Lottery Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1363 Budget Page No. 323

| Expenditure Summary | | Agency Req. FY 04 | R _ | Governor's Recommendation FY04 | | Budget Adjustments |
|--------------------------|----|-------------------------|--------|--------------------------------------|-----|-----------------------|
| State Operations | \$ | 20,509,700 | \$ | 19,966,900 | \$ | 0 |
| Aid to Local Units | | 0 | | 0 | | 0 |
| Other Assistance* | - | 129,032,100 | _ | 40,244,957 | 100 | 0 |
| Subtotal—Operating | \$ | 149,541,800 | \$ | 60,211,857 | \$ | 0 |
| Capital Improvements | | 0 | 1 | 0 | | 0 |
| TOTAL | \$ | 149,541,800 | \$ | 60,211,857 | \$ | 0 |
| | | | | | 10. | |
| State General Fund | \$ | 0 | \$ | 0 | \$ | 0 |
| All Other Funds | | 149,541,800 | | 60,211,857 | | 0 |
| TOTAL | \$ | 149,541,800 | \$ | 60,211,857 | \$ | 0 |
| | | | | | | |
| FTE Positions | | 87.0 | | 87.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | | 0.0 | | 0.0 | | 0.0 |
| TOTAL | | 87.0 | | 87.0 | | 0.0 |

^{*}Note: Previously, the *Governor's Budget Report* had included nonreportable expenditures for retailer commissions and retailer paid prizes that are not recorded in the State Treasury. However, beginning with the FY 2004 budget submission, only the reportable state-paid prizes are included in the *Governor's Budget Report*. For historical purposes, the total financial activity for state and local prizes and retailer commissions is reflected in this table for FY 2002 actual expenditures and FY 2003 to FY 2004 as requested by the agency. Amounts that are included above, but are not reflected in the *Governor's Budget Report* are \$75,794,570 in FY 2002, \$86,173,163 in FY 2003, and \$88,787,143 in FY 2004.

Agency Req./Governor's Recommendation

The agency requests a net increase of \$3,397,900 in expenditures, including a reduction in state operations administrative expenses of \$447,800, an increase in state paid prizes of \$1,231,720, and local paid prizes and retailer commissions of \$2,613,980.

For FY 2004, the Governor recommends a 5.9 percent reduction in expenditures for all biennial budget agencies and for selected other agencies, including the Kansas Lottery. The reduction is intended to match the 5.9 percent allotment reductions that most other agencies absorbed in FY 2003 (2.0 percent in August 2002 and 3.9 percent in November 2002). The amount reduced from this agency's budget for the 5.9 percent reduction totals \$542,800. This amount will be transferred to the State General Fund. As a result, the net increase recommended by the Governor in FY 2004 is \$241,120, with a reduction of \$990,600 in state operations administrative expenses and an increase in state paid prizes of \$1,231,720. In keeping with the "technical adjustment" of not reporting local paid prizes and retailer commissions, the total amount not reflected in FY 2004 for local paid prizes and retailer commissions is \$88,787,143.

Under the Governor's FY 2004 **statutory budget recommendation** for this agency, the Governor's recommendation for the agency's SGF budget would have to be reduced by an additional \$0.

Budget Committee Recommendation

The Budget Committee concurs with the Governor's FY 2004 recommendation and makes the following additional comments:

- Received information about cell phone use from the Lottery indicating that the
 audit had helped identify and provide a review that ultimately reduced costs for
 these devices and eliminated the problems identified in the audit. The Budget
 Committee concurs that any problems have been corrected with the Director's
 affirmative action in addressing the cell phone issue.
- 2. Express concern about the Governor's recommendation for a 5.9 percent reduction in expenditures that applies to all biennial budget agencies and selected other agencies, including the Kansas Lottery. The reduction is intended to match the 5.9 percent allotment reductions that most other agencies absorbed in FY 2003 (2.0 percent in August 2002 and 3.9 percent in November 2002). According to Volume 1 of the Governor's Budget Report, the 5.9 percent reduction is intended to be an adjustment to overall Lottery operating expenditures. No attempt was made to identify reductions by specific expenditure categories. The amount reduced from this agency's budget for the 5.9 percent reduction totals \$542,800. This amount will be transferred to the SGF in addition to the \$10.3 million recommended by the Governor in FY 2004. Any reduction of this magnitude may have an adverse effect on sales. The Director noted that he would try to limit cuts in advertising to between \$150,000 and \$200,000 in FY 2004, with other areas, such as salaries targeted for reductions. The Committee is concerned that such reductions in budgets of agencies that generate revenue flows for the state are counterproductive.
- 3. Note that the FY 2004 SGF transfer depends upon sales increasing from \$205.0 million in FY 2003 to \$209.8 million in FY 2004. According to Volume 1 of the Governor's Budget Report, the transfers in FY 2004 would be based on a transfer rate of 20 percent of pull-tab sales and 30 percent of all other ticket sales. However, the Director reported that the Office of Governor Sebelius will support the Lottery in legislation that will modify statutory transfer language in KSA 74-8711 to allow the Lottery to transfer those sums of money not needed for the monthly operation of the Lottery. In FY 2003, the Legislature approved a one-year modification of the statutory provision that transfers in FY 2003 are scheduled at not less than \$4.5 million per month and for a grand total of at least \$59.0 million. The Governor concurs that an estimated \$9.0 million will accrue in the SGF at the end of FY 2003 based on this method. The Director reported that he expects the SGF transfer in FY 2003 will total \$11 million under this new method, based on sales information through early February 2003.

House Appropriations Committee

The Committee concurs.

Agency: Kansas Lottery Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1363 Budget Page No. 323

| Expenditure Summary | | Agency Req. FY 04 | F | Governor's Recommendation FY04 | | Subcommittee Adjustments |
|--------------------------|--|-------------------------|----|--------------------------------------|----|-----------------------------|
| State Operations | \$ | 20,509,700 | \$ | 19,966,900 | \$ | 0 |
| Aid to Local Units | | 0 | | 0 | | 0 |
| Other Assistance* | | 129,032,100 | | 40,244,957 | | 0 |
| SubtotalOperating | \$ | 149,541,800 | \$ | 60,211,857 | \$ | 0 |
| Capital Improvements | Manager of the same of the sam | 0 | | 0 | 7 | 0 |
| TOTAL | \$ | 149,541,800 | \$ | 60,211,857 | \$ | 0 |
| State General Fund | \$ | 0 | \$ | 0 | \$ | 0 |
| All Other Funds | | 149,541,800 | | 60,211,857 | | 0 |
| TOTAL | \$ | 149,541,800 | \$ | 60,211,857 | \$ | 0 |
| FTE Positions | | 87.0 | | 87.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | | 0.0 | 92 | 0.0 | | 0.0 |
| TOTAL | | 87.0 | | 87.0 | _ | 0.0 |
| | | | | | | |

*Note: Previously, the *Governor's Budget Report* had included nonreportable expenditures for retailer commissions and retailer paid prizes that are not recorded in the State Treasury. However, beginning with the FY 2004 budget submission, only the reportable state-paid prizes are included in the *Governor's Budget Report*. For historical purposes, the total financial activity for state and local prizes and retailer commissions is reflected in this table for FY 2002 actual expenditures and FY 2003 to FY 2004 as requested by the agency. Amounts that are included above, but are not reflected in the *Governor's Budget Report* are \$75,794,570 in FY 2002, \$86,173,163 in FY 2003, and \$88,787,143 in FY 2004.

Agency Req./Governor's Recommendation

The agency requests a net increase of \$3,397,900 in expenditures, including a reduction in state operations administrative expenses of \$447,800, an increase in state paid prizes of \$1,231,720, and local paid prizes and retailer commissions of \$2,613,980.

For FY 2004, the Governor recommends a 5.9 percent reduction in expenditures for all biennial budget agencies and for selected other agencies, including the Kansas Lottery. The reduction is intended to match the 5.9 percent allotment reductions that most other agencies absorbed in FY 2003 (2.0 percent in August 2002 and 3.9 percent in November 2002). The amount reduced from this agency's budget for the 5.9 percent reduction totals \$542,800. This amount will be transferred to the State General Fund. As a result, the net increase recommended by the Governor in FY 2004 is \$241,120, with a reduction of \$990,600 in state operations administrative expenses and an increase in state paid prizes of \$1,231,720. In keeping with the "technical adjustment" of not reporting local paid prizes and retailer commissions, the total amount not reflected in FY 2004 for local paid prizes and retailer commissions is \$88,787,143.

Under the Governor's FY 2004 **statutory budget recommendation** for this agency, the Governor's recommendation for the agency's SGF budget would have to be reduced by an additional \$0.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's FY 2004 recommendation and makes the following additional recommendations and comments:

- 1. Note that the FY 2004 SGF transfer depends upon sales increasing from \$205.0 million in FY 2003 to \$209.8 million in FY 2004. According to Volume 1 of the Governor's Budget Report, the transfers in FY 2004 would be based on a transfer rate of 20 percent of pull-tab sales and 30 percent of all other ticket sales. However, the Executive Director reported that the Governor will support the Lottery in legislation that will modify statutory transfer language in KSA 74-8711 to allow the Lottery to transfer those sums of money not needed for the monthly operation of the Lottery. SB 230 was introduced in Senate Federal and State Affairs Committee that would make monthly transfers in an amount certified by the Executive Director to be equal to the moneys in the Lottery Operating Fund in excess of those needed for expenses, retailer compensation, and prizes.
- 2. Commend the Executive Director for reductions in contract costs with key vendors, notably online games and online communications that have allowed savings to be redirected into prizes. Both online contracts were rebid as mandated by the Legislature, and the savings in FY 2004, compared with FY 2002 actual costs, allow almost \$2.5 million to be redirected into prizes for FY 2004, according to the Governor's recommendation. The Subcommittee recommends that an additional \$253,567 per month be transferred directly to the SGF in FY 2004(rather than \$542,800 recommended by the Governor as a one-time direct transfer that reflects a 5.9 percent reduction). The Subcommittee believes that the additional \$2.5 million should be directed to the SGF instead of prizes in FY 2004.

| Lottery Proceeds | FY 02 Actual All Funds | Percent of Sales | FY 04 Gov. Rec. All Funds | Percent of Sales |
|--------------------------|------------------------------|------------------------|---------------------------------|------------------------|
| Sales | \$ 189,901,181 | | \$ 209,800,000 | |
| Prizes | 98,963,631 | 52.1% | 116,863,700 | 55.7% |
| Online Vendor Commission | 7,126,220 | 3.8% | 6,195,200 | 3.0% |
| Online Communications | 3,324,477 | 1.8% | 1,900,000 | 0.9% |

3. The cash flow for the Lottery in recent months was requested in order to evaluate the reserves needed on hand for operating expenses. The Lottery was able to provide data for the past 22 months of its operations. The following data support the Subcommittee's belief that slightly less than \$260,000 per month may be reduced for transfers to the SGF in FY 2004.

| Calendar Year | Month | High Balance | Low Balance | | |
|---------------|-----------|------------------|-------------|-----------|--|
| 2001 | April | \$ 7,099,694 | \$ | 1,391,607 | |
| | May | 7,306,876 | | 1,651,479 | |
| | June | 8,239,651 | | 3,662,432 | |
| | July | 6,057,897 | | 2,162,958 | |
| | August | 12,329,472 | | 864,733 | |
| | September | 13,936,799 | | 5,036,920 | |
| | October | 8,794,874 | | 3,580,473 | |
| | November | 8,838,628 | | 3,752,780 | |
| | December | 9,031,125 | | 4,787,249 | |
| 2002 | January | 8,926,079 | | 3,896,984 | |
| | February | 9,273,440 | | 3,528,525 | |
| | March | 8,044,830 | | 4,306,121 | |
| | April | 9,507,953 | | 4,343,980 | |
| | May | 8,788,466 | | 3,613,314 | |
| | June | 8,857,173 | | 4,849,163 | |
| | July | 8,567,392 | | 3,699,229 | |
| | August | 8,495,168 | | 4,351,495 | |
| | September | 8,680,641 | | 2,773,678 | |
| | October | 7,218,485 | | 2,015,188 | |
| | November | 8,563,394 | | 2,711,724 | |
| | December | 9,265,550 | | 2,961,755 | |
| 2003 | January | 12,208,401 | | 3,986,224 | |

^{4.} The Lottery maintains a separate law enforcement unit, and the Subcommittee began exploring whether it should continue as a separate unit within the Lottery, or whether the duties and functions could be performed either wholly or partially by outside law enforcement officials. No conclusions were reached, given the limited time for such review.

Agency: Kansas Racing and Gaming Commission

Bill No.

Bill Sec.

Analyst: Efird

Analysis Pg. No. 1373

Budget Page No. 335

| Expenditure Summary | Agency Estimate FY 03 | F | Governor's Recommendation FY03 | | Budget Adjustments |
|--------------------------|-----------------------------|----|--------------------------------------|----|-----------------------|
| State Operations | \$ 4,567,735 | \$ | 4,567,735 | \$ | 0 |
| Aid to Local Units | 0 | | 0 | | 0 |
| Other Assistance | 1,642,000 | | 1,642,000 | | 0 |
| SubtotalOperating | \$ 6,209,735 | \$ | 6,209,735 | \$ | 0 |
| Capital Improvements | 0 | | 0 | | 0 |
| TOTAL | \$ 6,209,735 | \$ | 6,209,735 | \$ | 0 |
| State General Fund | \$ 0 | \$ | 0 | \$ | 0 |
| All Other Funds | 6,209,735 | | 6,209,735 | | 0 |
| TOTAL | \$ 6,209,735 | \$ | 6,209,735 | \$ | 0 |
| FTE Positions | 64.0 | | 64.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | 0.0 | | 0.0 | | 0.0 |
| TOTAL | 64.0 | _ | 64.0 | _ | 0.0 |
| | | 0 | | | |

Agency Estimate/Governor's Recommendation

The agency includes a reduction of \$157,729 in expenditures for the racing operations due to employee turnover and reduced revenue from racing activities for FY 2003. The Governor concurs with the reduction in FY 2003 and includes an adjustment to the State Racing Fund expenditure limitation in the supplementary appropriations bills, reducing the limit from \$3,155,357 to \$2,997,628 for the fund.

Budget Committee Recommendation

The Budget Committee concurs with the Governor's FY 2003 recommendation.

House Appropriations Committee

The Committee concurs.

Senate Ways and Means 2-27-03 Attachment 2

Agency: Kansas Racing and Gaming Commission Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1373 Budget Page No. 335

| Expenditure Summary | | Agency Est. FY 03 | F | Governor's Recommendation FY03 | - | Subcommittee Adjustments |
|--------------------------|----|-------------------------|----|--------------------------------------|----|-----------------------------|
| State Operations | \$ | 4,567,735 | \$ | 4,567,735 | \$ | 0 |
| Aid to Local Units | | 0 | | 0 | | 0 |
| Other Assistance | | 1,642,000 | | 1,642,000 | | 0 |
| SubtotalOperating | \$ | 6,209,735 | \$ | 6,209,735 | \$ | 0 |
| Capital Improvements | _ | 0 | | 0 | 2 | 0 |
| TOTAL | \$ | 6,209,735 | \$ | 6,209,735 | \$ | 0 |
| State General Fund | \$ | 0 | \$ | 0 | \$ | 0 |
| All Other Funds | | 6,209,735 | | 6,209,735 | | 0 |
| TOTAL | \$ | 6,209,735 | \$ | 6,209,735 | \$ | 0 |
| FTE Positions | | 64.0 | | 64.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | | 0.0 | | 0.0 | | 0.0 |
| TOTAL | | 64.0 | | 64.0 | | 0.0 |
| | | | | | | |

Agency Est./Governor's Recommendation

The agency includes a reduction of \$157,729 in expenditures for the racing operations due to employee turnover and reduced revenue from racing activities for FY 2003. The Governor concurs with the reduction in FY 2003 and includes an adjustment to the State Racing Fund expenditure limitation in the supplementary appropriations bills, reducing the limit from \$3,155,357 to \$2,997,628 for the fund.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's FY 2003 recommendation.

Agency: Kansas Racing and Gaming Commission Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1373 Budget Page No. 335

| _ | Agency Request FY 04 | Re | Governor's ecommendation FY04 | · | Budget Adjustments |
|----|----------------------------|---|--|--|--|
| \$ | 4,709,475 | \$ | 4,709,475 | \$ | 0 |
| | 0 | | 0 | | 0 |
| | 1,642,000 | | 1,642,000 | | 0 |
| \$ | 6,351,475 | \$ | 6,351,475 | \$ | 0 |
| V | 0 | | 0 | | 0 |
| \$ | 6,351,475 | \$ | 6,351,475 | \$ | 0 |
| \$ | 0 | \$ | 0 | \$ | 0 |
| | 6,351,475 | | 6,351,475 | | 0 |
| \$ | 6,351,475 | \$ | 6,351,475 | \$ | 0 |
| | 67.0 | | 67.0 | | 0.0 |
| | 0.0 | | 0.0 | | 0.0 |
| | 67.0 | | 67.0 | | 0.0 |
| | \$ | Request FY 04 \$ 4,709,475 0 1,642,000 \$ 6,351,475 0 \$ 6,351,475 \$ 6,351,475 \$ 6,351,475 | Request FY 04 \$ 4,709,475 \$ 0 1,642,000 \$ \$ 6,351,475 \$ \$ 0 \$ 6,351,475 \$ \$ 6,351,475 \$ \$ 6,351,475 \$ \$ 67.0 0.0 | Request FY 04 Recommendation FY04 \$ 4,709,475 \$ 4,709,475 0 0 1,642,000 1,642,000 \$ 6,351,475 \$ 6,351,475 \$ 0 \$ 6,351,475 \$ 6,351,475 \$ 6,351,475 \$ 6,351,475 \$ 6,351,475 \$ 6,351,475 \$ 6,351,475 \$ 67.0 67.0 0.0 0.0 | Request FY 04 Recommendation FY04 \$ 4,709,475 \$ 4,709,475 \$ 0 \$ 0 0 1,642,000 \$ 6,351,475 \$ 6,351,475 \$ 0 \$ 6,351,475 \$ 6,351,475 \$ \$ 0 \$ \$ 0 \$ \$ 6,351,475 |

Agency Request/Governor's Recommendation

The agency's requested FY 2004 budget includes one enhancement of \$133,234 plus 3.0 FTE positions and a continuation of all other operating expenditures with an increase of \$8,506, primarily due to adjustments in fringe benefits, such as health insurance and KPERS rate increases. The Governor concurs with increasing FY 2004 expenditures as requested, with funding of \$133,234 and 3.0 FTE positions recommended for an enhancement in the gaming operations activity.

Under the Governor's FY 2004 **statutory budget recommendation** for this agency, the Governor's recommendation for the agency's SGF budget would have to be reduced by an additional \$0.

Budget Committee Recommendation

The Budget Committee concurs with the Governor's FY 2004 recommendation.

House Appropriations Committee

The Committee concurs.

Agency: Kansas Racing and Gaming Commission Bill No. Bill Sec.

Analyst: Efird Analysis Pg. No. 1373 Budget Page No. 335

| Expenditure Summary | Agency Req. FY 04 | F | Governor's Recommendation FY04 | _ | Subcommittee Adjustments |
|--------------------------|-------------------------|-----|--------------------------------------|----|-----------------------------|
| State Operations | \$ 4,709,475 | \$ | 4,709,475 | \$ | 0 |
| Aid to Local Units | 0 | | 0 | | 0 |
| Other Assistance | 1,642,000 | | 1,642,000 | | 0 |
| SubtotalOperating | \$ 6,351,475 | \$ | 6,351,475 | \$ | 0 |
| Capital Improvements | 0 | | 0 | | 0 |
| TOTAL | \$ 6,351,475 | \$ | 6,351,475 | \$ | 0 |
| State General Fund | \$ 0 | \$ | 0 | \$ | 0 |
| All Other Funds | 6,351,475 | | 6,351,475 | | 0 |
| TOTAL | \$ 6,351,475 | \$ | 6,351,475 | \$ | 0 |
| FTE Positions | 67.0 | | 67.0 | | 0.0 |
| Non FTE Uncl. Perm. Pos. | 0.0 | | 0.0 | | 0.0 |
| TOTAL | 67.0 | | 67.0 | _ | 0.0 |
| | | 100 | | | |

Agency Req./Governor's Recommendation

The agency's requested FY 2004 budget includes one enhancement of \$133,234 plus 3.0 FTE positions and a continuation of all other operating expenditures with an increase of \$8,506, primarily due to adjustments in fringe benefits, such as health insurance and KPERS rate increases. The Governor concurs with increasing FY 2004 expenditures as requested, with funding of \$133,234 and 3.0 FTE positions recommended for an enhancement in the gaming operations activity.

Under the Governor's FY 2004 **statutory budget recommendation** for this agency, the Governor's recommendation for the agency's SGF budget would have to be reduced by an additional \$0.

Senate Subcommittee Recommendation

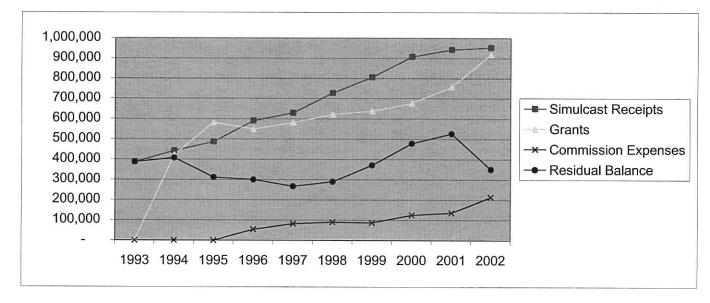
The Subcommittee concurs with the Governor's FY 2004 recommendation and makes the following additional comments and recommendations:

 Requested information about the revised fiscal note for SB 6 as amended by the House Committee of the Whole. The bill, which is in conference, would change the per diem of Racing and Gaming Commissioners from being set by the Governor, to statutorily set at legislative per diem. Currently, compensation set by the Governor is \$2,000 per month. Approximately 22-25 meetings of the Commission are held each year. Currently, three attorneys and one veterinarian serve on the board. The attorneys have served as hearing officers over the last three years, and there have been 90-100 cases per year to be heard. An average hearing takes two to three hours. In addition, the veterinarian reviews research grant proposals and oversees the laboratory drug testing program.

2. Note that the Horse Fair Racing Benefit Fund has a growing balance in excess of \$500,000, and that the past seven years the balance generally has grown each year. Over those seven years there has been a steady increase in revenue which is derived from a statutory provision that allocates one-third of simulcast receipts to this fund and two-thirds to the State Racing Fund. The grants awarded each year for the past seven years have been less than that current fiscal year receipts. The Subcommittee recommends that \$300,000 be transferred to the SGF in FY 2004 on October 1, 2003.

Kansas Racing and Gaming Commission Horse Fair Racing Benefit Fund

| 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|----------------|---------|---------------|-------------------|---------------------------|---|--|---|---|---|
| | | | | | | | | | |
| , - | 387,392 | 407,114 | 310,710 | 299,282 | 265,827 | 289,102 | 370,459 | 477,946 | 526,025 |
| - | - | - | - | 1,421 | 7,524 | 500 | 1,500 | - | 4,465 |
| | | | | | | | | | |
| 387,392 | 441,400 | 485,977 | 590,550 | 628,310 | 726,515 | 805,405 | 906,503 | 941,448 | 951,825 |
| - | - | - | 524 | - | - | - | - | - | - |
| | | | | | | | | | |
| | | | | | | | | | |
| - | 179,345 | 176,746 | 179,039 | 174,300 | 160,000 | 138,480 | 150,000 | 158,000 | 350,517 |
| - | 242,333 | 405,636 | 370,060 | 407,652 | 461,600 | 500,000 | 526,000 | 600,000 | 568,390 |
| - | 421,678 | 582,381 | 549,098 | 581,952 | 621,600 | 638,480 | 676,000 | 758,000 | 918,907 |
| | | | | | | | | | |
| - | 7= | - | 53,404 | 81,234 | 89,164 | 86,068 | 124,516 | 135,369 | 213,920 |
| | | | | | | | | | |
| - | 421,678 | 582,381 | 602,502 | 663,186 | 710,764 | 724,548 | 800,516 | 893,369 | 1,132,827 |
| | | | | | | | | | |
| 387,392 | 407,114 | 310,710 | 299,282 | 265,827 | 289,102 | 370,459 | 477,946 | 526,025 | 349,488 |
| | 387,392 | - 387,392 | - 387,392 407,114 | - 387,392 407,114 310,710 | - 387,392 407,114 310,710 299,282 1,421 387,392 441,400 485,977 590,550 628,310 524 - - 179,345 176,746 179,039 174,300 - 242,333 405,636 370,060 407,652 - 421,678 582,381 549,098 581,952 53,404 81,234 - 421,678 582,381 602,502 663,186 | - 387,392 407,114 310,710 299,282 265,827 1,421 7,524 387,392 441,400 485,977 590,550 628,310 726,515 524 - 179,345 176,746 179,039 174,300 160,000 - 242,333 405,636 370,060 407,652 461,600 - 421,678 582,381 549,098 581,952 621,600 53,404 81,234 89,164 - 421,678 582,381 602,502 663,186 710,764 | - 387,392 407,114 310,710 299,282 265,827 289,102 1,421 7,524 500 387,392 441,400 485,977 590,550 628,310 726,515 805,405 524 - 179,345 176,746 179,039 174,300 160,000 138,480 - 242,333 405,636 370,060 407,652 461,600 500,000 - 421,678 582,381 549,098 581,952 621,600 638,480 53,404 81,234 89,164 86,068 - 421,678 582,381 602,502 663,186 710,764 724,548 | - 387,392 407,114 310,710 299,282 265,827 289,102 370,459 - - - - 1,421 7,524 500 1,500 387,392 441,400 485,977 590,550 628,310 726,515 805,405 906,503 - - - 524 - - - - - 179,345 176,746 179,039 174,300 160,000 138,480 150,000 - 242,333 405,636 370,060 407,652 461,600 500,000 526,000 - 421,678 582,381 549,098 581,952 621,600 638,480 676,000 - - - 53,404 81,234 89,164 86,068 124,516 - 421,678 582,381 602,502 663,186 710,764 724,548 800,516 | - 387,392 407,114 310,710 299,282 265,827 289,102 370,459 477,946 1,421 7,524 500 1,500 - 387,392 441,400 485,977 590,550 628,310 726,515 805,405 906,503 941,448 524 - 179,345 176,746 179,039 174,300 160,000 138,480 150,000 158,000 - 242,333 405,636 370,060 407,652 461,600 500,000 526,000 600,000 - 421,678 582,381 549,098 581,952 621,600 638,480 676,000 758,000 53,404 81,234 89,164 86,068 124,516 135,369 - 421,678 582,381 602,502 663,186 710,764 724,548 800,516 893,369 |



Note 1 Grant Awards in 1994 and 1995 include Commission expenditures that are directly related to the regulation of the county fair meets.

Note 2 In 2002, a grant award in the amount of \$170,517 to the Anthony Count Fair was made in June. Previously this payment had been made in July.

Kansas State Gaming

Kansas Racing and Gaming Commission Horse Fair Racing Benefit Fund Monthly Analysis - FY 2000 and 2001

| | FY 2000 | | | | | | | | | | | |
|---|--|--|----------------------|--|-----------------------------|------------------------|----------------------------------|------------------|---|--|---|------------------------|
| | July | August | September | October | November | | | February | March | April | May | June |
| Carry Forward Balance | 370,460 | 216,786 | 284,515 | 354,976 | 413,053 | 492,262 | 549,660 | 633,704 | 716,323 | 549,677 | 615,710 | 429,588 |
| Canceled Encumbrances | | | - | - | - | - | | | 1,500 | | | - |
| Simulcast Receipts | 66,690 | 70,147 | 72,542 | 63,192 | 79,209 | 57,721 | 84,045 | 82,697 | 81,854 | 70,256 | 92,016 | 86,134 |
| Operating Transfer In | | | | | - | - | - 1,0 10 | - | - | - | 7 | |
| Grant Awards | | | | | | | | | | | | |
| Anthony | 150,000 | - | | | | | | | | | | |
| Eureka | - | - | - | - | - | - | - | _ | 250,000 | - | 276,000 | - |
| Total Grants | 150,000 | - | - | - | - | . | | - | 250,000 | - | 276,000 | |
| Commission Expenses | 70,364 | 2,418 | 2,081 | 5,115 | | 323 | - | 79 | - | 4,222 | 2,138 | 37,776 |
| Total Expenditures | 220,364 | 2,418 | 2,081 | 5,115 | | 323 | - | 79 | 250,000 | 4,222 | 278,138 | 37,776 |
| Residual Balance | 216,786 | 284,515 | 354,976 | 413,053 | 492,262 | 549,660 | 633,704 | 716,323 | 549,677 | 615,710 | 429,588 | 477,946 |
| | | | | | | | | | | | | |
| | July | August | September | October | November | FY 20 December | | February | March | April | May | June |
| Carry Forward Balance | | | | | 39 | December | January | | | | | |
| Сапу Forward Balance Canceled Encumbrances | July 477,946 | August 399,268 | September 463,267 | October 506,841 | November 577,205 | | | February 792,277 | March 865,852 | April 645,555 | May 732,210 | June 478,308 |
| Canceled Encumbrances | 477,946 | 399,268 | 463,267 | 506,841 | 577,205 | 652,549 - | January 710,236 | 792,277 | 865,852 | 645,555 | 732,210 | 478,308 |
| | 477,946 | 399,268 | 463,267 | 506,841 | 39 | December 652,549 | January | | 865,8 5 2 - 79,703 | 645,555 86,795 | 732,210 | 478,308 - 83,903 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In | 477,946 85,032 | 399,268 - 78,345 | 463,267 | 506,841 - 77,966 | 577,205 - 75,344 | 652,549 - 57,688 | 710,236 - 82,041 | 792,277 | 865,852 | 645,555 | 732,210 | 478,308 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In Grant Awards | 477,946 85,032 | 399,268 - 78,345 | 73,031 | 77,966 | 577,205 - 75,344 | 652,549 - 57,688 | 710,236 - 82,041 | 792,277 | 865,8 5 2 - 79,703 | 645,555 86,795 | 732,210 | 478,308 - 83,903 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In | 477,946 85,032 | 78,345 | 463,267 | 77,966 | 75,344 | 57,688 | 710,236 - 82,041 - | 792,277 | 79,703 | 86,795 | 732,210 | 478,308 - 83,903 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In Grant Awards Anthony | 477,946 85,032 | 399,268 - 78,345 | 73,031 | 77,966 | 577,205 - 75,344 | 652,549 - 57,688 | 710,236 - 82,041 | 792,277 | 865,8 5 2 - 79,703 | 645,555 86,795 | 732,210 - 88,024 - - 300,000 | 478,308 - 83,903 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In Grant Awards Anthony Eureka | 477,946 85,032 | 78,345 | 73,031 | 77,966 | 577,205 - 75,344 - | 57,688 | 710,236 - 82,041 - | 792,277 | 79,703 | 86,795 | 732,210 | 478,308 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In Grant Awards Anthony Eureka Total Grants | 477,946 85,032 - 158,000 | 399,268 - 78,345 - - | 73,031 | 77,966 | 75,344 | 57,688 | 710,236 - 82,041 - - | 792,277 | 865,852 - 79,703 - 300,000 300,000 | 86,795 | 732,210 - - 88,024 - - 300,000 300,000 41,926 | 478,308 |
| Canceled Encumbrances Simulcast Receipts Operating Transfer In Grant Awards Anthony Eureka Total Grants Commission Expenses | 477,946 85,032 - 158,000 - 158,000 5,710 | 399,268 - 78,345 - - 14,346 | 73,031 | 506,841 - 77,966 - - - - - 7,602 | 75,344 | 57,688 | 710,236 - 82,041 - - | 792,277 | 865,852 - 79,703 - 300,000 300,000 | 645,555 - 86,795 - - - - - 140 | 732,210 - 88,024 - 300,000 300,000 | 478,308 |

Kansas Racing and Gaming Commission Horse Fair Racing Benefit Fund Monthly Analysis - FY 2002 and 2003

| July 6,024 - 2,503 - 0,000 - 0,000 3,149 | 72,628 - 73,371 | 437,636 | 77,928 | 536,519 - 69,300 - | FY 2 December 605,819 - 66,154 | | 758,412 | March 838,547 - 78,860 | April 362,090 4,466 95,328 | May 460,496 100,940 | June 521,741 |
|--|--------------------------|------------------|----------------------------------|----------------------------------|--|---|--|---|---|--|---|
| 6,024 - 2,503 - 0,000 - 0,000 | 72,628 | 62,826 | 498,528 - 77,928 - - | 536,519 | 605,819 - 665,154 - | 671,973 674,973 86,439 | 758,412 | 78,860 | 362,090 4,466 95,328 | 460,496 | 521,741 - 88,488 |
| - 2,503 - 0,000 - 0,000 | 72,628 | 62,826 | 77,928 | 69,300 | 66,154 | 86,439 | 80,135 | 78,860 | 4,466 95,328 | 100,940 | 88,488 |
| 2,503 - 0,000 - 0,000 | 72,628 | 62,826 | 77,928 | - | - | 86,439 | 80,135 | 78,860 | 4,466 95,328 | 100,940 | 88,488 |
| 0,000 - 0,000 5,149 | 7,371 | | | - | - | - | | - | - | - | - |
| 0,000 6,149 | 7,371 | - | - | - | - | - | | - | - | - | - |
| 0,000 6,149 | 7,371 | | | • | | | | 555 317 | | | 170 517 |
| 0,000 6,149 | 7,371 | | | • | | | | 555 317 | | - | 170 517 |
| 5,149 | | | - | | | | | 555 317 | | - | |
| 5,149 | | | | 3.5 | | | | | | 13,073 | 110,517 |
| | | 1,933 | 39,937 | | | - | | 555,317 | - - | 13,073 | 170,517 |
| | | 1,933 | 39,937 | | | | | | | 10,010 | 110,011 |
| 6,149 | 7.371 | | | | - | | _ | | 1,388 | 26,622 | 90,520 |
| 2,110 | | 1,933 | 39,937 | | | | | | | | |
| | 7,011 | 1,000 | 100,60 | | | | | 555,317 | 1,388 | 39,695 | 261,037 |
| 2,378 | 437,636 | 498,528 | 536,519 | 605,819 | 671,973 | 758,412 | 838,547 | 362,090 | 460,496 | 521,741 | 349,192 |
| | | | | | | | | | | | |
| ulv | August | Sentember | October | Mouamban | | | | | Appendix Control | | 2200 |
| , | raguat | Ceptenibei | OCCUDE | Movellinel | December | January | rebruary | March | April | May | June |
| ,192 | 417,305 | 490,798 | 538,418 | 607,949 | 676.602 | 764.533 | 845 465 | 845 465 | 845 465 | DAE ACC | 04E 46E |
| - | | • | - | | - | - | - | - | - | 040,400 | 845,465 |
| ,675 | 76.235 | 80.452 | 84.655 | 68 653 | 88 071 | 94 020 | | | | | |
| - | <u> </u> | | - | | | - | | | | | |
| | | | | | | | | | | | |
| _ | | | | | | | | | | | |
| - | - | | - | | | - | - | _ | - | =: | • |
| - | - | | : - | | | | | | | | |
| FOO | 0.511 | | | | | | | | | | _ |
| ,563 | 2,741 | 32,832 | 15,123 | - | 140 | 107 | | | - | | <u> </u> |
| ,563 | 2,741 | 32,832 | 15,123 | - | 140 | 107 | - | - | - | | |
| 305 4 | 490,798 | 538,418 | 607,949 | 676,602 | 764,533 | 845,465 | 845,465 | 845,465 | 845,465 | 845,465 | 845,465 |
|) | ,675 - - - - | ,192 417,305 | ,192 417,305 490,798 | ,192 417,305 490,798 538,418 | .192 417,305 490,798 538,418 607,949 .675 76,235 80,452 84,655 68,653 | August September October November December 490,798 538,418 607,949 676,602 675 76,235 80,452 84,655 68,653 88,071 | 192 417,305 490,798 538,418 607,949 676,602 764,533 1,675 76,235 80,452 84,655 68,653 88,071 81,038 1,675 76,235 80,452 84,655 68,653 88,071 81,038 | August September October November December January February 417,305 490,798 538,418 607,949 676,602 764,533 845,465 675 76,235 80,452 84,655 68,653 88,071 81,038 | August September October November December January February March 417,305 490,798 538,418 607,949 676,602 764,533 845,465 845,465 675 76,235 80,452 84,655 68,653 88,071 81,038 | August September October November December January February March April 417,305 490,798 538,418 607,949 676,602 764,533 845,465 845,46 | August September October November December January February March April May 417,305 490,798 538,418 607,949 676,602 764,533 845,465 845,465 845,465 845,465 675 76,235 80,452 84,655 68,653 88,071 81,038 |