

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 a.m. on March 9, 2004 in Room 514-S of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Legislative Research
J. G. Scott, Legislative Research
Amy VanHouse, Legislative Research
Michele Alishahi, Legislative Research
Melissa Calderwood, Legislative Research
Becky Krahl, Legislative Research
Debra Hollon, Legislative Research
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Analyst
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Others attending:

See Attached List.

- Attachment 1 Budget Committee Report on Board of Indigents' Services (BIDS)
- Attachment 2 Budget Committee Report on Judicial Council
- Attachment 3 Budget Committee Report on Judicial Branch
- Attachment 4 Budget Committee Report on Department of Corrections, El Dorado Correctional Facility, Ellsworth Correctional Facility, Hutchinson Correctional Facility, Lansing Correctional Facility, Larned Correctional Mental Health Facility, Norton Correctional Facility, Topeka Correctional Facility, Winfield Correctional Facility
- Attachment 5 Budget Committee Report on Animal Health Department

Chairman Neufeld moved to introduce legislation concerning provider's assessment for hospitals. The motion was seconded by Representative Campbell. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Board of Indigents' Defense Services (BIDS) for FY 2004 and moved for the adoption of the Budget Committee recommendation for FY 2004 (Attachment 1). The motion was seconded by Representative Minor. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Board of Indigents' Defense Services (BIDS) for FY 2005 and moved for the adoption of the Budget Committee recommendation with notations for FY 2005 (Attachment 1). The motion was seconded by Representative Sharp. Motion carried.

Responding to the Committee's concern with regard to Item No. 3 on the collection of the \$50 application fee from offenders before bonding out, Pat Scalia, Director of the Board of Indigents' Defense Services, explained that although the collection has been difficult, the rate of collection has improved.. Ms. Scalia noted that the fee is being collected on approximately half of the cases at the present time and indicated that she is continuing to work with judges and attorneys to improve the collection of the application fee. The Committee noted that the issues in this budget will be revisited if **HB 2616** is passed.

Representative Klein, member of the Tax, Judicial, Transportation & Retirement Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Judicial Council for FY 2004 and moved for the adoption of the Budget Committee recommendation for FY 2004 (Attachment

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE at 9:00 a.m. on March 9, 2004 in Room 514-S of the Capitol.

2). The motion was seconded by Representative McCreary. Motion carried

Representative Klein, member of the Tax, Judicial, Transportation & Retirement Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Judicial Council for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 2). The motion was seconded by Representative Campbell.

Representative Shriver moved to introduce legislation to remove legislators from the Judicial Council and add a proviso which states that no expenditures for legislators may be made from the Judicial Council budget. The motion was seconded by Representative Feuerborn. Motion failed.

Representative Feuerborn moved to strike Item No. 1 from the Budget Committee report. The motion was seconded by Representative Shultz. Motion carried.

Representative Klein renewed the motion for adoption of the Budget Committee report on the Judicial Council for FY 2005 as amended. The motion was seconded by Representative Campbell. Motion carried.

Representative McCreary, Chair of the Tax, Judicial, Transportation & Retirement Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Judicial Branch for FY 2004 and moved for the adoption of the Budget Committee recommendation for FY 2004 (Attachment 3). The motion was seconded by Representative Campbell. Motion carried

Representative McCreary, Chair of the Tax, Judicial, Transportation & Retirement Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Judicial Branch for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 3). The motion was seconded by Representative Klein. Division was called for. Motion carried on a show of hands.

Responding to questions concerning the district court judge position in Douglas County, the Budget Committee indicated that the majority of cases in Douglas County cannot be heard by a magistrate judge resulting in the need for an additional district court judge to assist with a backlog of cases. The Committee noted that there is a \$5.3 increase in the FY 2004 budget which includes \$2.5 million for the pay plan.

Representative Minor, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Department of Corrections (DOC) for FY 2004 and moved for the adoption of the Budget Committee recommendation for FY 2004 (Attachment 4). The motion was seconded by Representative Light. Motion carried.

Representative Minor, member of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Department of Corrections (DOC) for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 with notations (Attachment 4). The motion was seconded by Representative Light. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the El Dorado Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Ellsworth Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Hutchinson Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005

CONTINUATION SHEET

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE at 9:00 a.m. on March 9, 2004 in Room 514-S of the Capitol.

(Attachment 4). The motion was seconded by Representative Minor. Motion carried

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Lansing Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Larned Correctional Mental Health Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Norton Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.

Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Topeka Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.


Representative Light, Chair of the Public Safety Budget Committee, presented the Budget Committee report on the Governor's budget recommendations for the Winfield Correctional Facility for FY 2004 and FY 2005 and moved for the adoption of the Budget Committee recommendations for FY 2004 and FY 2005 (Attachment 4). The motion was seconded by Representative Minor. Motion carried.

Representative Schwartz, Chair of the Agriculture & Natural Resources Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Animal Health Department for FY 2004 and moved for the adoption of the Budget Committee recommendation for FY 2004 (Attachment 5). The motion was seconded by Representative Gatewood. Motion carried.

Representative Schwartz, Chair of the Agriculture & Natural Resources Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Animal Health Department for FY 2005 and moved for the adoption of the Budget Committee recommendation for FY 2005 (Attachment 5). The motion was seconded by Representative Gatewood. Motion carried.

It was noted that there is a typographical error in Item No. 5 in that the first line should read "The Budget Committee commends the work—".

The meeting was adjourned at 11:00 a.m. The next meeting will be held at 9:00 a.m. on March 10, 2004.



Melvin Neufeld, Chairman

HOUSE APPROPRIATIONS COMMITTEE

March 9, 2004

9:00 A.M.

NAME	REPRESENTING
Leslie Kaufman	Ks Co-op Council
Dug Wareham	KGFA / KARA
Susan Erickson	Outside Connection
ROGER WERHOLTZ	KDOC
JEREMY S BARCLAY	KDOC
Jed Amph	Budget
Max Foster	Dept of Agriculture
Dennis Williams	KDOC
Trudy M. Keane	Judicial Council
Jerry Sloan	Judicial Branch
Hym Fowler	Judicial Branch
PAT SCALIA	BIDS
Mike Huttles	Ks. Governmental Consulting
Peggy Langma	Treasurer's Office
Heather Hase	Damon + Associates
Debra Duncan	KAHID
Kelly Ruma	Judicial Branch
Barb Olym	SAKW + Wolf Rivald.
SID SHAWISE	HORSETHIEF RES.
Joe Fund	KWO
Roger Smith	KDOC

HOUSE BUDGET COMMITTEE REPORT

FY 2004 and FY 2005

PUBLIC SAFETY BUDGET COMMITTEE

BOARD OF INDIGENTS' DEFENSE SERVICES


Representative Bill Light, Chair


Representative Rob Boyer


Representative Ray Merrick


Representative Melvin Minor


Representative Bonnie Sharp


Representative Joshua Svaty


Representative Lee Tafanelli

HOUSE APPROPRIATIONS

DATE 3-09-2004
ATTACHMENT 1

Senate Subcommittee Report

Agency: Board of Indigents'
Defense Services

Bill No. SB 536

Bill Sec. 23

Analyst: Hollon

Analysis Pg. No. Vol. I, 515 **Budget Page No.** 231

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 17,453,011	\$ 16,420,033	\$ 0
Other Funds	548,854	548,854	0
TOTAL	\$ 18,001,865	\$ 16,968,887	\$ 0
FTE Positions			
FTE Positions	167.0	167.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	168.0	168.0	0.0

Agency Estimate/Governor's Recommendation

The agency's estimate for FY 2004 operating expenditures of \$18,001,865 is an increase of \$2,824,232 (18.6 percent) from the approved budget. The estimate includes State General Fund expenditures of \$17,453,011 which is \$2,688,378 (18.2 percent) from the approved amount. Differences between the approved amount and the agency's revised estimate are:

State General Fund:

- Unlimited reappropriation of FY 2003 State General Fund savings which exceeded the anticipated reappropriation by \$112,720 and is available for expenditure without any further legislative action;
- Supplemental funding totaling \$2,588,588 requested for the following:
 - Assigned Counsel Program—\$1,221,588 to cover shortfalls in the program;
 - Legal Services for Prisoners—\$437,000 to cover shortfalls in the program; Note: This amount is requested in the Assigned Counsel Program to cover cases shifted between the two programs.
 - Public Defender Offices—\$320,000 to open a public defender office in the 14th Judicial District (Independence) and 2.0 FTE positions to increase staff at existing offices;
 - Death Penalty Defense Unit—\$610,000 to cover shortfalls in the program.

All Other Funds:

- Increase of \$135,854 in other funds due to increased revenues stemming from the passage of 2003 HB 2121 which established a \$50 application fee for indigent defendants. The new fee replaced a \$35 administrative fee.

The **Governor** recommends a current year operating budget of \$16,968,887 which is an increase of \$1,791,254 (11.8 percent) from the approved budget. The Governor recommends FY 2004 State General Fund expenditures of \$16,420,033 which is an increase of \$1,655,400 (11.2 percent) from the approved budget. The difference between the recommended budget and the approved amount is:

State General Fund:

- Unlimited reappropriation of FY 2003 State General Fund savings which exceeded the anticipated reappropriation by \$112,720 and is available for expenditure without any further legislative action;
- Supplemental funding totaling \$1,542,680 for the following:
 - Assigned Counsel Program—\$932,680 to fully fund the caseload estimate; and
 - Death Penalty Defense Unit—\$610,000 to cover shortfalls in the program.

All Other Funds:

- Increase of \$135,854 in other funds due to increased revenues stemming from the passage of 2003 HB 2121 which established a \$50 application fee for indigent defendants. The new fee replaced a \$35 administrative fee.

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 Indigents'
Defense Services

Bill No. HB 2899

Bill Sec. 23

Analyst: Hollon

Analysis Pg. No. Vol. I, 515 **Budget Page No.** 231

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 17,453,011	\$ 16,420,033	\$ 0
Other Funds	548,854	548,854	0
TOTAL	\$ 18,001,865	\$ 16,968,887	\$ 0
FTE Positions			
FTE Positions	167.0	167.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	168.0	168.0	0.0

Agency Estimate/Governor's Recommendation

The agency's estimate for FY 2004 operating expenditures of \$18,001,865 is an increase of \$2,824,232 (18.6 percent) from the approved budget. The estimate includes State General Fund expenditures of \$17,453,011 which is \$2,688,378 (18.2 percent) from the approved amount. Differences between the approved amount and the agency's revised estimate are:

State General Fund:

- Unlimited reappropriation of FY 2003 State General Fund savings which exceeded the anticipated reappropriation by \$112,720 and is available for expenditure without any further legislative action;
- Supplemental funding totaling \$2,588,588 requested for the following:
 - Assigned Counsel Program - \$1,221,588 to cover shortfalls in the program.
 - Legal Services for Prisoners - \$437,000 to cover shortfalls in the program
Note: This amount is requested in the Assigned Counsel Program to cover cases shifted between the two programs.
 - Public Defender Offices:
 - \$320,000 to open a public defender office in the 14th Judicial District (Independence).
 - 2.0 FTE positions to increase staff at existing offices.
 - Death Penalty Defense Unit - \$610,000 to cover shortfalls in the program.

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All Other Funds:

- Increase of \$135,854 in other funds due to increased revenues stemming from the passage of 2003 HB 2121 which established a \$50 application fee for indigent defendants. The new fee replaced a \$35 administrative fee.

The **Governor** recommends a current year operating budget of \$16,968,887 which is an increase of \$1,791,254 (11.8 percent) from the approved budget. The Governor recommends FY 2004 State General Fund expenditures of \$16,420,033 which is an increase of \$1,655,400 (11.2 percent) from the approved budget. The difference between the recommended budget and the approved amount is:

State General Fund:

- Unlimited reappropriation of FY 2003 State General Fund savings which exceeded the anticipated reappropriation by \$112,720 and is available for expenditure without any further legislative action;
- Supplemental funding totaling \$1,542,680 for the following:
 - Assigned Counsel Program - \$932,680 to fully fund the caseload estimate; and
 - Death Penalty Defense Unit - \$610,000 to cover shortfalls in the program.

All Other Funds:

- Increase of \$135,854 in other funds due to increased revenues stemming from the passage of 2003 HB 2121 which established a \$50 application fee for indigent defendants. The new fee replaced a \$35 administrative fee.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Board of Indigents'
Defense Services

Bill No. SB 538

Bill Sec. 13

Analyst: Hollon

Analysis Pg. No. Vol. I, 515 **Budget Page No.** 231

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 22,808,193	\$ 17,695,342	\$ 369,531
Other Funds	510,000	510,000	0
TOTAL	\$ 23,318,193	\$ 18,205,342	\$ 369,531
FTE Positions			
FTE Positions	171.0	173.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	172.0	174.0	0.0

* Includes a reduction of \$230,469 from the State General Fund for deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

The **agency** requests an FY 2005 operating budget of \$23,318,193 which is an increase of \$5,316,328 (29.5 percent) from the FY 2004 estimate. The request includes \$22,808,193 from the State General Fund which is an increase of \$5,355,182 (30.7 percent) from FY 2004. The request includes:

- \$490,000 SGF to avoid delay in expert and attorney payments (estimated to occur March, 2005);
- \$400,000 SGF to increase the salaries for unclassified Public Defenders to more closely compare to that of attorneys in the classified service;
- \$4,000,000 SGF to increase the hourly rate for Assigned Counsel attorneys from \$50 to \$80. This hourly rate was last increased in 1987;
- \$535,000 SGF to establish an office in Wichita for handling death penalty cases in which the in-house Death Penalty Defense Unit has a conflict. Private attorneys have been used previously in these cases;
- \$479,782 SGF for Legal Services for Prisoners to maintain present staffing and to avoid the shifting of responsibility for these cases to the Assigned Counsel Program;
- \$1,902,377 SGF to avoid delay in expert and attorney payments; and

- 4.0 FTE positions at various public defender offices to meet increases in caseload.

The **Governor** recommends an FY 2005 operating budget of \$18,205,342 which is an increase of \$1,236,455 (7.3 percent) from the current year recommendation. The Governor recommends FY 2005 State General Fund expenditures of \$17,695,342 which is an increase of \$1,275,309 (7.8 percent) from the current year recommendation. The recommendation includes:

- full funding of the caseload estimates for the Assigned Counsel Program at \$6,767,000;
- \$400,000 SGF to increase the salaries for unclassified Public Defenders to more closely compare to that of attorneys in the classified service;
- \$490,000 SGF to cover anticipated shortfalls in the Death Penalty Defense Unit;
- the requested FTE positions for the Public Defender offices with no additional funding and recommends \$96,938 SGF and an additional 2.0 FTE positions to be added in offices that would most greatly reduce expenditures for Assigned Counsel; and
- a reduction of \$30,000 in capital outlay to reduce expenditures for computer equipment.

Under the Governor's **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$36,034 State General Fund.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following adjustments and notations:

1. **Pay Plan Adjustment**—Delete \$230,469 State General Fund to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. Add \$300,000 from the State General Fund to establish a Public Defender office in the 14th Judicial District (Montgomery and Chautauqua counties). Indigent cases in this district are currently being handled by assigned counsel, but the Chief Judge is finding it increasingly difficult to find attorneys willing to take the cases. There are an estimated 450 cases involving indigents this year and only one or two attorneys willing to handle those cases. Attorneys from Wichita are sometimes used to cover cases at a much greater expense. Cases are being continually delayed due to a lack of representation. The Board of Indigents' Defense Services has found experienced defenders in other areas of the state who are willing to relocate to Independence to staff the new office. In addition, the district court has offered space for the new office free of charge. The intent of the Subcommittee's recommendation is that the new office should be run as a satellite office of the Chanute Public Defender office to save administrative costs.

3. Add \$300,000 from the State General Fund to cover the costs of potential cases from a recent Kansas Supreme Court decision. Currently, Kansas has two statutes dealing with the crime of compounding drugs which contain different lengths of sentences. In its January 30 decision in *State v. McAdam*, the Supreme Court ruled that a person convicted of compounding drugs can face only the lesser of the two sentences. Individuals currently serving the lengthier of the two sentences would be eligible to appeal their sentencing. The Department of Corrections estimates that there are currently 375 inmates serving sentences under the drug manufacturing statute. House Bill 2777 has been introduced to eliminate the conflict, but such a change would not affect individuals currently serving sentences or awaiting prosecution. The bill is scheduled for a hearing before a subcommittee of the House Committee on Corrections and Juvenile Justice on February 20.

It is unclear at this point whether the cases would fall to Legal Services for Prisoners (which provides legal assistance for indigent inmates of correctional facilities), Assigned Counsel, or Public Defenders. The Subcommittee's intent with this recommendation is that the Executive Director be given the flexibility to shift the funding as needed to fund the costs of these cases.

4. The Subcommittee notes two pieces of legislation which would impact the budget of the Board of Indigents' Defense Services.
 - a. House Bill 2616 would increase the hourly rate for Assigned Counsel from \$50 to \$80. The hourly rate has not changed since 1987 when a decision by the Kansas Supreme Court required a \$15 increase. That decision suggested that the Board of Indigents' Defense Services calculate the appropriate hourly rate based upon the overhead costs of the attorneys. The agency conducted a survey of assigned counsel attorneys and determined that the level of overhead averages \$40 per hour. The current payment rate of \$50 per hour allows only \$10 per hour as compensation for professional services. The fiscal note associated with the proposed increase totals \$4,000,000. HB 2616 has passed out of the House of Representatives and has been referred to the Senate Committee on Ways and Means.
 - b. House Bill 2766 would retroactively apply the provisions of 2003 SB 123 to individuals convicted of certain drug offenses. Under SB 123 as enacted, individuals convicted of these offenses are sentenced to a non-prison drug treatment program rather than prison. HB 2766 provides that an individual convicted between July 1, 1994, and the effective date of SB 123 would be eligible to request a hearing with the sentencing court to have his or her sentence reviewed for possible modification. The bill also provides that, if such a hearing is scheduled, the inmate is entitled to appointed counsel. The Board of Indigents' Defense Services estimates its portion of the fiscal note for this bill to be \$171,000. A hearing on HB 2766 was scheduled for February 19 before the House Committee on Corrections and Juvenile Justice.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee's recommendation.

House Budget Committee Report

Agency: Board of Indigents' Defense Services

Bill No. HB 2900

Bill Sec. 13

Analyst: Hollon

Analysis Pg. No. Vol. I, 515 **Budget Page No.** 231

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 22,808,193	\$ 17,695,342	\$ 0
Other Funds	510,000	510,000	0
TOTAL	\$ 23,318,193	\$ 18,205,342	\$ 0
FTE Positions	171.0	173.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	172.0	174.0	0.0

Agency Request/Governor's Recommendation

The **agency** requests an FY 2005 operating budget of \$23,318,193 which is an increase of \$5,316,328 (29.5 percent) from the FY 2004 estimate. The request includes \$22,808,193 from the State General Fund which is an increase of \$5,355,182 (30.7 percent) from FY 2004. The request includes:

- \$490,000 SGF for the Death Penalty Defense Unit to avoid delay in expert and attorney payments (estimated to occur March, 2005);
- \$400,000 SGF to increase the salaries for unclassified Public Defenders to more closely compare to that of attorneys in the classified service;
- \$4,000,000 SGF to increase the hourly rate for Assigned Counsel attorneys from \$50 to \$80. This hourly rate was last increased in 1987;
- \$535,000 SGF to establish an office in Wichita for handling death penalty cases in which the in-house Death Penalty Defense Unit has a conflict. Private attorneys have been used previously in these cases;
- \$479,782 SGF for Legal Services for Prisoners to maintain present staffing and to avoid the shifting of responsibility for these cases to the Assigned Counsel Program;
- \$1,902,377 SGF for Assigned Counsel to avoid delay in expert and attorney payments; and
- 4.0 FTE positions at various public defender offices to meet increases in caseload.

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The **Governor** recommends an FY 2005 operating budget of \$18,205,342 which is an increase of \$1,236,455 (7.3 percent) from the current year recommendation. The Governor recommends FY 2005 State General Fund expenditures of \$17,695,342 which is an increase of \$1,275,309 (7.8 percent) from the current year recommendation. The recommendation includes:

- Full funding of the caseload estimates for the Assigned Counsel Program at \$6,767,000;
- \$400,000 SGF to increase the salaries for unclassified Public Defenders to more closely compare to that of attorneys in the classified service;
- \$490,000 SGF to cover anticipated shortfalls in the Death Penalty Defense Unit;
- The requested FTE positions for the Public Defender offices with no additional funding and recommends \$96,938 SGF and an additional 2.0 FTE positions to be added in offices that would most greatly reduce expenditures for Assigned Counsel; and
- A reduction of \$30,000 in capital outlay to reduce expenditures for computer equipment.

Under the Governor's **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$36,034 State General Fund.

House Budget Committee Recommendation

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

1. The Budget Committee recommends a review at Omnibus of potential sources of funding for an increase in the Assigned Counsel hourly rate should House Bill 2616 be enacted. HB 2616 would increase the hourly rate from \$50 to \$80. The hourly rate has not changed since 1987 when a decision by the Kansas Supreme Court required a \$15 increase. That decision suggested that the Board of Indigents' Defense Services calculate the appropriate hourly rate based upon the overhead costs of the attorneys. The agency has recently conducted a survey of assigned counsel attorneys and determined that the level of overhead averages \$40 per hour. The current payment rate of \$50 per hour allows only \$10 per hour as compensation for professional services. The fiscal note associated with the proposed increase totals \$4,000,000. HB 2616 has passed out of the House of Representatives and has been referred to the Senate Committee on Ways and Means.
2. The Budget Committee recommends a review at Omnibus of potential funding of \$300,000 for the establishment of a public defender office in the 14th Judicial District (Montgomery and Chautaugua counties). Indigent cases in this district are currently being handled by Assigned Counsel, but the Chief Judge is finding it increasingly difficult to find attorneys willing to take the cases. There are an estimated 450 cases involving indigents this year and only one or two attorneys willing to handle those cases. Attorneys from Wichita are sometimes used to cover cases at a much greater expense. Cases are being continually delayed due to a lack of representation. The Board of Indigents' Defense Services has

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found experienced defenders in other areas of the state who are willing to relocate to Independence to staff the new office. In addition, the District Court has agreed to provide office space free of charge.

3. The Budget Committee notes that the \$50 application fee established during the 2003 Legislative Session is not being assessed consistently by judges around the state. One provision of the new fee was that it is to be collected when the individual posts bond after his or her initial arrest. Because counties are responsible for the costs of incarceration, some judges are releasing the individual and allowing a 30-day grace period for the payment of the fee in an effort to reduce the incarceration costs.

Another issue discussed was the fact that some judges will appoint representation even though the financial affidavit required when requesting indigent defense services is not complete. The Executive Director stated that she intends to visit with judges in the coming months to discuss the issues. The Budget Committee supports the Executive Director in her efforts to educate the judiciary in the importance of the affidavit and the fee.

4. The Budget Committee expresses concern over the fiscal difficulties facing this agency within the next few years. A delay in payments in the Spring of 2003 resulted in the wholesale resignation of the Dodge City Assigned Counsel panel. That panel eventually reconsidered, but similar reactions in other judicial districts could require the establishment of public defender offices in areas where they are a less cost effective means of providing services. In addition, there has been increased financial pressure placed upon the agency due to several high cost capital murder cases. The Budget Committee believes that these events could jeopardize the agency's ability to perform its Constitutional function. For that reason, the Budget Committee recommends an interim study to examine these issues.

House Tax, Judicial, Transportation, and Retirement
Budget Committee

Judicial Council

FY 2004 and FY 2005



Representative Bill McCreary, Chair



Representative Michael O'Neal



Representative Larry Campbell



Representative Tom Sawyer



Representative Tom Klein

HOUSE APPROPRIATIONS

DATE 3-09-2004
ATTACHMENT 2

Senate Subcommittee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Alishahi

Analysis Pg. No. Vol. 1-505

Budget Page No. 75

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
Operating Expenditures:			
Special Revenue Funds	\$ 359,307	\$ 359,307	\$ 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 Estimate/Governor's Recommendation

The **agency's** estimate for FY 2004 operating expenditures of \$359,307 is an increase of \$47,075 (15.1 percent) from the approved budget. The estimate includes \$285,936 for salaries and wages, \$63,409 for contractual services, \$2,646 for commodities, and \$7,316 for capital outlay.

The **Governor's** recommendation for FY 2004 operating expenditures of \$359,307 is an increase of \$47,075 (15.1 percent) from the approved budget; and is consistent with the agency's FY 2004 estimate.

Senate Subcommittee Recommendation

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

1. The Subcommittee recognizes that the Judicial Council is experiencing a transitional period as it adjusts to its new funding arrangement; and understands that the increase in its revised estimate reflects the impact the new funding arrangement has had on the agency's level of activity during FY 2004. The Subcommittee notes the number of assignments the agency has received from the Legislature has increased from four in FY 2003 to ten in FY 2004, including two death penalty related studies; the agency's number of meetings has increased from 39 in FY 2003 to 55 in FY 2004; and the agency has published a second edition of the 2004 *Kansas Judicial Council Probate Forms* supplement and a new publication called *Kansas Legal Forms*. The Subcommittee recognizes the 2003 Legislature approved a "no limit" authority for the Judicial Council's two fee funds; and does not have a problem with the increase in its FY 2004 estimate.

enate Committee's Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Judicial Council

Bill No. --

Bill Sec. --

Analyst: Alishahi

Analysis Pg. No. Vol. 1, 505 Budget Page No. 75

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
Special Revenue Funds	\$ 359,307	\$ 359,307	\$ 0
FTE Positions	4.0	4.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>4.0</u>	<u>4.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The **agency's** estimate for FY 2004 operating expenditures of \$359,307 is an increase of \$47,075 (15.1 percent) from the approved budget. The estimate includes \$285,936 for salaries and wages, \$63,409 for contractual services, \$2,646 for commodities, and \$7,316 for capital outlay.

The **Governor's** recommendation for FY 2004 operating expenditures of \$359,307 is an increase of \$47,075 (15.1 percent) from the approved budget; and is consistent with the agency's FY 2004 estimate.

House Budget Committee Recommendations

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

1. The Budget Committee expresses its concern over the \$47,075 (15.1 percent) increase in the Judicial Council's revised estimate for the current year. Differences between the approved amount and the agency's revised estimate are mainly attributable to:
 - a. An additional \$4,200 for software programming expenses to comply with 2003 House Bill 2005 relating to the new destination-based taxing rules;

- b. An additional \$7,021 to purchase new computers that were necessary because Microsoft no longer supports the agency's operating system, Windows NT, and its five-year-old personal computers were no longer powerful enough to run the new operating system;
- c. An additional \$1,000 that resulted from a Department of Administration requirement that all subsistence payments must be taxed to comply with IRS regulations, which shifted amounts from the "travel" to the "salary" line item of the budget and required payment of fringe benefits on amounts on which they were not previously paid;
- d. An additional \$10,000 for the agency's adoption of its own pay plan as authorized by 2003 Senate Bill 36; and
- e. An additional \$25,752 that resulted from an increase in the agency's level of activity for FY 2004 due to its new funding arrangement, including \$20,352 for sixteen additional meetings, and \$5,400 for the reprint of the 2004 *Kansas Judicial Council Probate Forms* supplement.

The Budget Committee understands that the 2003 Legislature approved operating expenditures of \$312,232 for FY 2004, prior to the enactment of SB 36, which eliminated State General Fund appropriations to the Judicial Council and made the agency fully fee funded. In addition, the Legislature approved a "no limit" authority for both the Judicial Council Fund and the Publication Fee Fund. The Budget Committee recognizes that the agency is experiencing a transitional period as it adjusts to its new funding arrangement; and understands that the increase in its revised estimate mainly reflects the impact the new funding arrangement has had on the Judicial Council's level of activity during FY 2004. The Budget Committee notes the number of assignments the agency has received from the Legislature has increased from four in FY 2003 to ten in FY 2004, including two death penalty related studies; the agency's number of meetings has increased from 39 in FY 2003 to 55 in FY 2004; and the agency has published a second edition of the 2004 *Kansas Judicial Council Probate Forms* supplement and a new publication called *Kansas Legal Forms*.

However, the Budget Committee expresses concern over the agency's increase in its revised estimate for FY 2004 because it affects the ending balance of the Publication Fee Fund. The Judicial Council financed \$21,419 (45.5 percent) of its FY 2004 increase from the Publication Fee Fund, lowering the fund's ending balance from \$193,032 to \$171,613. The 2003 Legislature approved a proviso that any unencumbered balance in the Publications Fee Fund at the end of the fiscal year in excess of \$175,000 will be transferred to the State General Fund. The Budget Committee feels that the increase in the Judicial Council's revised estimate prevents the transfer of approximately \$18,032 to the State General Fund at the end of FY 2004. Consequently, the Budget Committee recommends the transfer of \$47,075 from the Publication Fee Fund to the State General Fund; and that a proviso be included in the appropriations bill that in the future the agency adopt the policy of utilizing the Judicial Council Fund first when confronted with unanticipated expenses, then turning to the Publication Fee Fund with the intention of keeping the ending balance of the Publication Fee Fund as close to \$175,000 as possible.

Senate Subcommittee Report

Agency: Judicial Council

Bill No. SB 538

Bill Sec. 12

Analyst: Alishahi

Analysis Pg. No. Vol. 1-505

Budget Page No. 75

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
Operating Expenditures:			
Special Revenue Funds	\$ 385,307	\$ 392,111	\$ (6,804)
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

* Includes a reduction of \$8,160 for deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

The **agency's** request for FY 2005 operating expenditures of \$385,307 is an increase of \$26,000 (7.2 percent) from the FY 2004 estimate. The request includes \$296,005 for salaries and wages, \$70,544 for contractual services, \$18,758 for commodities, and \$0 for capital outlay.

The **Governor's** recommendation for FY 2005 operating expenditures of \$392,111 is an increase of \$32,804 (9.1 percent) from the FY 2004 recommendation, and \$6,804 (1.8 percent) more than the agency's FY 2005 request. The recommendation includes a 3.0 percent base salary increase totaling \$8,160, and a BEST reduction of \$1,356 in contractual services and commodities.

Senate Subcommittee Recommendation

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

1. **Pay Plan Adjustment** – Delete \$8,160 to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **BEST Reduction** – The Subcommittee does not recommend the \$1,356 BEST reduction in contractual services and commodities for this agency. The Subcommittee feels that the Judicial Council is a fee funded agency that generates fees for specific purposes, and that the fees should not be transferred to the State General Fund.

3. The Subcommittee understands the expansion of the Kansas Court of Appeals, by one judge, in FY 2005 will affect the agency. The Judicial Council was notified that once appointed, the new judge may possibly be given its office space; and that the agency will be required to relocate; and will be responsible for financing the move. The Subcommittee realizes that the date of the possible move and the costs involved are unknown at this time.
4. The Subcommittee notes the significant ending balance in the Judicial Council Fund and the Publications Fee Fund for FY 2005, but also realizes the agency will have expenses during the budget year, including the possible office move. Therefore, the Subcommittee does not recommend dipping into the ending balance of the agency's two fee funds.
5. The Subcommittee recommends that the "no limit" authority placed on the agency's two fee funds be continued in the future.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Judicial Council

Bill No. HB 2900

Bill Sec. 12

Analyst: Alishahi

Analysis Pg. No. Vol. I, 505

Budget Page No. 75

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
Operating Expenditures:			
Special Revenue Funds	\$ 385,307	\$ 392,111	\$ 1,356
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 Request/Governor's Recommendation

The **agency's** request for FY 2005 operating expenditures of \$385,307 is an of \$26,000 (7.2 percent) from the FY 2004 estimate. The request includes \$296,005 for salaries and wages, \$70,544 for contractual services, \$18,758 for commodities, and \$0 for capital outlay.

The **Governor's** recommendation for FY 2005 operating expenditures of \$392,111 is an increase of \$32,804 (9.1 percent) from the FY 2004 recommendation, and \$6,804 (1.8 percent) more than the agency's FY 2005 request. The recommendation includes a 3.0 percent base salary increase totaling \$8,160, and a BEST reduction of \$1,356 in contractual services and commodities.

House Budget Committee Recommendations

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


1. **BEST Reduction** – The Budget Committee does not recommend the \$1,356 BEST reduction in contractual services and commodities for this agency. The Budget Committee feels that the Judicial Council is a fee funded agency that generates fees for specific purposes, and that the fees should not be transferred to the State General Fund.
2. The Budget Committee understands the expansion of the Kansas Court of Appeals, by one judge, in FY 2005 will affect the agency. Judicial Council was notified that once appointed, the new judge may possibly be given its office space; and that the agency will be required to relocate; and will be responsible for financing the move. The Budget Committee recommends the agency primarily utilize revenue from the Judicial Council Fund to cover the expenses involved in the possible office move.
3. The Budget Committee supports the passage of Senate Bill 297 by the Legislature. The bill would make permanent the deposit of docket fees into the Judicial Council Fund to assist the agency in financing its operations. SB 297 has passed out of the Senate and is on General Orders in the House.

House Budget Committee Report

FY 2004-FY 2005

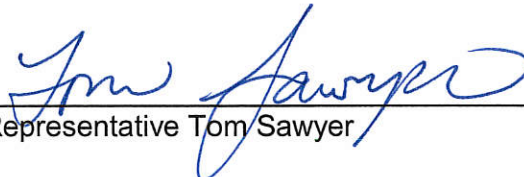
Judicial Branch


Representative Bill McCreary, Chairperson


Representative Larry Campbell


Representative Tom Klein


Representative Mike O'Neal


Representative Tom Sawyer

HOUSE APPROPRIATIONS

DATE 3-09-2004
ATTACHMENT 3

Senate Subcommittee Report

Agency: Judicial Branch **Bill No.** **Bill Sec.**
Analyst: Rampey **Analysis Pg. No.** Vol I. - 489 **Budget Page No.** Vol. 2 - 251

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 82,551,163	\$ 83,364,432	\$ 0
Emergency Surcharge Fund	4,391,993	4,391,993	0
Nonjudicial Salary Init. Fund	3,816,056	3,816,056	0
All Other Funds	7,171,598	7,177,083	0
TOTAL	<u>\$ 97,930,810</u>	<u>\$ 98,749,564</u>	<u>\$ 0</u>
FTE Positions	1,814.8	1,814.8	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>1,814.8</u>	<u>1,814.8</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The Judicial Branch estimates expenditures of \$97,930,810, of which \$82,551,163 (84.3 percent) is from the State General Fund. The total also includes \$4,391,993 from the Emergency Surcharge Fund, which will terminate June 30, 2004, and \$3,816,056 from the Nonjudicial Salary Initiatives Fund. No new positions were added in the current year. The scheduled addition of a new judge to the Kansas Court of Appeals, which was to have occurred in FY 2004, was delayed one year because of the state's financial condition. (The 2003 Legislature changed the law to delay the addition until FY 2005.)

The Judicial Branch's request inadvertently omits \$713,269 from the State General Fund, which was appropriated by the 2003 Legislature.

The Governor recommends \$98,749,564, of which \$83,364,432 is from the State General Fund. The primary change made by the Governor is to include the \$713,269 from the State General Fund that was inadvertently omitted when the budget was submitted.

Senate Subcommittee Recommendations

The Senate Subcommittee concurs with the recommendations of the Governor.

Senate Committee Recommendation

The Senate Committee concurs with the recommendation of the Subcommittee.

House Budget Committee Report

Agency: Judicial Branch

Bill No.

Bill Sec.

Analyst: Rampey

Analysis Pg. No. Vol. 1 - 489 **Budget Page No.** Vol. 2 - 251

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 82,551,163	\$ 83,364,432	\$ 0
Emergency Surcharge Fund	4,391,993	4,391,993	0
Nonjudicial Salary Init. Fund	3,816,056	3,816,056	0
All Other Funds	7,171,598	7,177,083	0
TOTAL	\$ 97,930,810	\$ 98,749,564	\$ 0
FTE Positions	1,814.8	1,814.8	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	1,814.8	1,814.8	0.0

Agency Estimate/Governor's Recommendation

The Judicial Branch estimates expenditures of \$97,930,810, of which \$82,551,163 (84.3 percent) is from the State General Fund. The total also includes \$4,391,993 from the Emergency Surcharge Fund, which will terminate June 30, 2004, and \$3,816,056 from the Nonjudicial Salary Initiatives Fund. No new positions were added in the current year. The scheduled addition of a new judge to the Kansas Court of Appeals, which was to have occurred in FY 2004, was delayed one year because of the state's financial condition. (The 2003 Legislature changed the law to delay the addition until FY 2005.)

The Judicial Branch's request inadvertently omits \$713,269 from the State General Fund, which was appropriated by the 2003 Legislature.

The Governor recommends \$98,749,564, of which \$83,364,432 is from the State General Fund. The primary change made by the Governor is to include the \$713,269 from the State General Fund that was inadvertently omitted when the budget was submitted.

Budget Committee Recommendations

The Budget Committee concurs with the recommendations of the Governor.

Senate Subcommittee Report

Agency: Judicial Branch

Bill No. 538

Bill Sec. 14

Analyst: Rampey

Analysis Pg. No. Vol. I - 489 **Budget Page No.** Vol. 2 - 251

Expenditure Summary	Agency Request FY 05	Governor's Amended Recommendation FY 05*	Senate Subcommittee Adjustments**
Operating Expenditures:			
State General Fund	\$ 94,293,254	\$ 93,392,348	\$ (5,932,846)
Emergency Surcharge Fund	0	0	0
Nonjudicial Salary Init. Fund	4,967,277	4,967,277	0
All Other Funds	6,070,086	6,053,594	(71,078)
TOTAL	\$ 105,330,617	\$ 104,413,219	\$ (6,003,924)
FTE Positions	1,844.8	1,817.8	14.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	1,844.8	1,817.8	14.0

* The Governor complies with the provisions of 2003 SB 21 and includes the Judicial Branch budget, as requested, in the *Governor's Budget Report*. However, the Governor also includes the Judicial Branch's current service budget (excluding enhancements) in her existing resources budget. Also includes Governor's Budget Amendment No. 1, Item 4, which adds \$1,731,930 (\$1,660,852 SGF) for salary plan adjustments inadvertently omitted in the Governor's original recommendation.

** Includes a reduction of \$2,583,963, including \$2,512,885 from the State General Fund, for deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$105,330,617, of which \$94,293,254 is from the State General Fund. The Judicial Branch does not budget continuation of the Emergency Surcharge in FY 2005 and requests that the revenue source be replaced with State General Fund revenues. The request includes funding for a 3.7 percent cost-of-living adjustment for nonjudicial personnel, four new judge positions and 2.0 FTE associated staff, a new staff position for the Supreme Court, and 20.0 new FTE nonjudicial positions.

The Governor includes the Judicial Branch's current service budget in the *Governor's Budget Report*, which replaces revenues from the Emergency Surcharge with funding from the State General Fund. However, in Volume I of the *Governor's Budget Report*, the Governor recommends that the surcharge be continued in order to save State General Fund dollars.

Included in the Governor's current service budget is \$2,583,963 for a 3.0 percent base salary adjustment for nonjudicial personnel (\$1,731,930) and judges (\$852,033). Of the total, \$2,512,885 is from the State General Fund. The Governor's current service budget includes \$247,918 from the State General Fund for the addition of the 12th judge to the Court of Appeals in January 2005.

The current service budget includes none of the requested enhancements. There are no reductions identified for the Judicial Branch in the Governor's "statutory budget."

Senate Subcommittee Recommendations

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

1. Adopt GBA No 1, Item 4, which adds \$1,731,930 (\$1,660,852 from the State General Fund) for the 3.0 percent salary plan adjustment for nonjudicial personnel, which was inadvertently omitted from the Governor's current resource budget.
2. Delete \$2,583,963, including \$2,512,885 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
3. Delete \$3,475,512 from the State General Fund, which is the estimated amount needed in FY 2005 to replace revenues from the Emergency Surcharge. The Surcharge can be continued only by action of the Supreme Court, but the Subcommittee's recommendation will force the Judicial Branch either to sustain a reduction in funding from its current service budget or consider continuing the Surcharge.
4. Delete \$713,269 from the State General Fund, which was inadvertently omitted from the budget as submitted by the Judicial Branch. Although the money was appropriated for FY 2004, reducing the FY 2005 appropriation from the State General Fund by that amount will allow the Judicial Branch to have use of the money for cash flow purposes in FY 2004, if necessary, and absorb the reduction in FY 2005 when it can better plan for it.
5. Add \$196,062 from the State General Fund for a district magistrate judge position (\$65,354 each) in the following judicial districts: 8th (Dickinson County), 9th (McPherson County), and 27th (Reno County).
6. Add \$69,392 from the State General Fund for 1.0 FTE Research Staff Attorney II for the Supreme Court to work primarily in the area of death penalty cases.
7. Add \$389,590 from the State General Fund for 10.0 FTE Court Services Officer I positions (\$38,959 each). (Thirteen Court Services Officer I positions were requested as the top priority for nonjudicial personnel.)
8. Add \$113,776 from the State General Fund to renovate parts of the Judicial Center that house staff for the Supreme Court and the Court of Appeals.
9. The Subcommittee observes that the Judicial Branch pay plan, implemented in July 2000 in part with funding from increased docket fees, has stabilized the Judicial Branch by helping it avoid hiring freezes and by enabling it to recruit and retain qualified staff.

Senate Committee Recommendation

The Senate Committee concurs with the recommendations of the Subcommittee.

House Budget Committee Report

Agency: Judicial Branch

Bill No. 2900

Bill Sec. 14

Analyst: Rampey

Analysis Pg. No. Vol. 1 - 489

Budget Page No. Vol. 2 - 251

Expenditure Summary	Agency Request FY 05	Governor's Amended Recommendation FY 05*	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 94,293,254	\$ 93,392,348	\$ (2,110,203)
Emergency Surcharge Fund	0	0	0
Nonjudicial Salary Init. Fund	4,967,277	4,967,277	0
All Other Funds	6,070,086	6,053,594	0
TOTAL	\$ 105,330,617	\$ 104,413,219	\$ (2,110,203)
FTE Positions	1,844.8	1,817.8	27.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	1,844.8	1,817.8	27.0

* The Governor complies with the provisions of 2003 SB 21 and includes the Judicial Branch budget, as requested, in the *Governor's Budget Report*. However, the Governor also includes the Judicial Branch's current service budget (excluding enhancements) in her existing resources budget.

Agency Request/Governor's Recommendation

The Judicial Branch requests a total of \$105,330,617, of which \$94,293,254 is from the State General Fund. The Judicial Branch does not budget continuation of the Emergency Surcharge in FY 2005 and requests that the revenue source be replaced with State General Fund revenues. The request includes funding for a 3.7 percent cost-of-living adjustment for nonjudicial personnel, four new judge positions and 2.0 FTE associated staff, a new staff position for the Supreme Court, and 20.0 new FTE nonjudicial positions.

The Governor includes the Judicial Branch's current service budget in the *Governor's Budget Report*, which replaces revenues from the Emergency Surcharge with funding from the State General Fund. However, in Volume I of the *Governor's Budget Report*, the Governor recommends that the surcharge be continued in order to save State General Fund dollars.

Included in the Governor's current service budget is \$2,583,963 for a 3.0 percent base salary adjustment for nonjudicial personnel (\$1,731,930) and judges (\$852,033). Of the total, \$2,512,885 is from the State General Fund. The Governor's current service budget includes \$247,918 from the State General Fund for the addition of the 12th judge to the Court of Appeals in January 2005.

The current service budget includes none of the requested enhancements. There are no reductions identified for the Judicial Branch in the Governor's "statutory budget."

Budget Committee Recommendations

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

1. Adopt GBA No. 1, Item 4, which adds \$1,731,930, of which \$1,660,852 is from the State General Fund. The money would provide for a 3.0 percent salary plan adjustment for nonjudicial employees, which was inadvertently left out of the Governor's current service budget.
2. Delete \$3,475,512 from the State General Fund, which is the amount included in the Governor's current service budget to replace revenues from the Emergency Surcharge which will terminate June 30, 2004. The Surcharge can be continued only by action of the Supreme Court, but the Budget Committee's recommendation will force the Judicial Branch either to sustain a reduction in funding from its current service budget or consider continuing the Surcharge.
3. Add \$419,865 from the State General Fund for the following judgeships and associated positions (see Attachment 1 for a list of district court positions recommended by the Budget Committee):
 - a. A district court judge for the 7th Judicial District (Douglas County) at a cost of \$132,780, plus \$44,303 for 1.0 FTE Court Reporter and \$31,558 for 1.0 FTE Administrative Assistant.
 - b. A district magistrate judge for the 8th Judicial District (Dickinson County) at a cost of \$65,354.
 - c. A district magistrate judge for the 9th Judicial District (McPherson County) at a cost of \$65,354.
 - d. A district magistrate judge for the 27th Judicial District (Reno County) at a cost of \$65,354.
4. Add \$69,392 from the State General Fund for 1.0 FTE Research Staff Attorney II for the Supreme Court to work primarily in the area of death penalty cases.
5. Add \$762,276 from the State General Fund for 20.0 FTE nonjudicial personnel (13.0 FTE Court Services Officers I, 4.0 FTE Secretaries I, 1.0 FTE Administrative Assistant, 1.0 FTE Trial Court Clerk II, and 1.0 FTE Transcriptionist.)
6. Add \$113,776 from the State General Fund to renovate parts of the Judicial Center that house staff for the Supreme Court and the Court of Appeals.

Attachment 1

New District Court Positions Requested

Judicial District	Classification	Salary, Including Fringe Benefits
7 th —Douglas County	1.0 FTE District Court Judge	\$ 132,780
7 th —Douglas County	1.0 FTE Court Reporter (associated with new Judge position)	\$ 44,303
7 th —Douglas County	1.0 FTE Administrative Assistant (associated with new Judge position)	\$ 31,558
8 th —Dickinson County	1.0 FTE District Magistrate Judge	\$ 65,354
9 th —McPherson County	1.0 FTE District Magistrate Judge	\$ 65,354
27 th —Reno County	1.0 FTE District Magistrate Judge	\$ 65,354
2 nd —Jackson County	1.0 FTE Court Services Officer I	\$ 38,959
4 th —Franklin County	1.0 FTE Secretary	\$ 26,825
7 th —Douglas County	1.0 FTE Court Services Officer I	\$ 38,959
9 th —McPherson County	1.0 FTE Court Services Officer I	\$ 38,959
10 th —Johnson County	1.0 FTE Court Services Officer I	\$ 38,959
12 th —Cloud County	1.0 FTE Court Services Officer I	\$ 38,959
13 th —Butler County	1.0 FTE Court Services Officer I	\$ 38,959
16 th —Ford County	1.0 FTE Court Services Officer I	\$ 38,959
17 th —Norton County	1.0 FTE Court Services Officer I	\$ 38,959
18 th —Sedgwick County	1.0 FTE Court Services Officer I	\$ 38,959
18 th —Sedgwick County	1.0 FTE Administrative Assistant	\$ 31,558
20 th —Barton County	1.0 FTE Secretary	\$ 26,825
22 nd —Brown County	1.0 FTE Secretary	\$ 26,825
23 rd —Ellis County	1.0 FTE Court Services Officer I	\$ 38,959
23 rd —Ellis County	1.0 FTE Secretary	\$ 26,825
26 th —Seward County	1.0 FTE Trial Court Clerk II	\$ 26,156
27 th —Reno County	1.0 FTE Court Services Officer I	\$ 38,959
28 th —Saline County	1.0 FTE Court Services Officer I	\$ 38,959
28 th —Saline County	1.0 FTE Transcriptionist	\$ 30,268
29 th —Wyandotte County	1.0 FTE Court Services Officer I	\$ 38,959

House Public Safety Budget Committee

FY 2004 - FY 2005

**Department of Corrections
El Dorado Correctional Facility
Ellsworth Correctional Facility
Hutchinson Correctional Facility
Lansing Correctional Facility
Larned Correctional Mental Health Facility
Norton Correctional Facility
Topeka Correctional Facility
Winfield Correctional Facility**



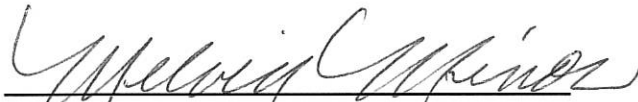
Representative Bill Light, Chair



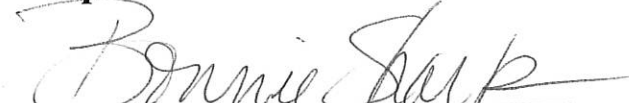
Representative Rob Boyer



Representative Ray Merrick



Representative Melvin Minor



Representative Bonnie Sharp



Representative Joshua Svaty



Representative Lee Tafanelli

HOUSE APPROPRIATIONS

DATE 3-9-2004
ATTACHMENT 4

Senate Subcommittee Report

Agency: Department of Corrections

Bill No. SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 713 **Budget Page No.** 117

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 78,968,310	\$ 78,959,755	\$ 0
Aid to Local Units	16,473,212	16,473,212	0
Subtotal - Operating	\$ 95,441,522	\$ 95,432,967	\$ 0
Capital Improvements	13,221,061	13,001,603	0
TOTAL	\$ 108,662,583	\$ 108,434,570	\$ 0
State General Fund:			
State Operations	\$ 59,214,900	\$ 59,240,711	\$ 0
Aid to Local Units	16,443,212	16,443,212	0
Subtotal - Operating	\$ 75,658,112	\$ 75,683,923	\$ 0
Capital Improvements	7,027,113	7,027,113	0
TOTAL	\$ 82,685,225	\$ 82,711,036	\$ 0
FTE Positions	322.5	322.5	0.0
Non FTE Uncl. Perm. Pos.	23.0	23.0	0.0
TOTAL	345.5	345.5	0.0

Agency Estimate/Governor's Recommendation

The Department of Corrections estimates FY 2004 operating expenditures of \$95,441,522 which is decrease of \$1,484,374 (1.5 percent) from the approved amount. The State General Fund estimated expenditures total \$75,658,112, which is an increase of \$252,935 (0.3 percent) from the approved amount. The estimate includes a supplemental request of \$319,473 for the food service contract based on average daily population projections and a decrease of \$2,224,000 all funds to eliminate the lease of prison beds. The estimate includes: salaries and wages of \$14,910,226, contractual services of \$56,193,680, commodities of \$4,585,580, capital outlay of \$905,824, debt service interest of \$2,373,000 and aid to local units of \$16,473,212.

The Governor recommends FY 2004 operating expenditures of \$95,432,967, which is a decrease of \$1,492,929 (1.5 percent) from the approved amount. The recommendation includes State General Fund expenditures of \$75,683,923, which is an increase of \$278,746 from the approved amount. The recommendation includes additional adjustments for an increase of \$271,051 for the food service contract, an increase of \$85,703 for the medical contract and a decrease of \$45,836 for the KPERS Correctional Officer rate adjustment (rates certified by KPERS were in error for FY 2000 through FY 2005). The recommendation includes: salaries and wages of \$14,864,390, contractual services of \$56,230,961, commodities of \$4,585,580, capital outlay of \$905,824, debt service interest of \$2,373,000, and aid to local units of \$16,473,212.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Department of Corrections

Bill No. 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 713

Budget Page No. 117

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 78,968,310	\$ 78,959,755	\$ 0
Aid to Local Units	<u>16,473,212</u>	<u>16,473,212</u>	<u>0</u>
Subtotal - Operating	\$ 95,441,522	\$ 95,432,967	\$ 0
Capital Improvements	<u>13,221,061</u>	<u>13,001,603</u>	<u>0</u>
TOTAL	<u>\$ 108,662,583</u>	<u>\$ 108,434,570</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 59,214,900	\$ 59,240,711	\$ 0
Aid to Local Units	<u>16,443,212</u>	<u>16,443,212</u>	<u>0</u>
Subtotal - Operating	\$ 75,658,112	\$ 75,683,923	\$ 0
Capital Improvements	<u>7,027,113</u>	<u>7,027,113</u>	<u>0</u>
TOTAL	<u>\$ 82,685,225</u>	<u>\$ 82,711,036</u>	<u>\$ 0</u>
FTE Positions	322.5	322.5	0.0
Non FTE Uncl. Perm. Pos.	<u>23.0</u>	<u>23.0</u>	<u>0.0</u>
TOTAL	<u>345.5</u>	<u>345.5</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The Department of Corrections estimates FY 2004 operating expenditures of \$95,441,522 which is decrease of \$1,484,374 (1.5 percent) from the approved amount. The State General Fund estimates expenditures of \$75,658,112, which is an increase of \$252,935 (0.3 percent) from the approved amount. The estimate includes a supplemental request of \$319,473 for the food service

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contract based on average daily population projections and a decrease of \$2,224,000 all funds to eliminate the lease of prison beds. The estimate includes: salaries and wages of \$14,910,226, contractual services of \$56,193,680, commodities of \$4,585,580, capital outlay of \$905,824, debt service interest of \$2,373,000 and aid to local units of \$16,473,212.

The Governor recommends FY 2004 operating expenditures of \$95,432,967, which is a decrease of \$1,492,929 (1.5 percent) from the approved amount. The recommendation includes State General Fund expenditures of \$75,683,923, which is an increase of \$278,746 from the approved amount. The recommendation includes additional adjustments for an increase of \$271,051 for the food service contract, an increase of \$85,703 for the medical contract and a decrease of \$45,836 for the KPERS Correctional Officer rate adjustment (rates certified by KPERS were in error for FY 2000 through FY 2005). The recommendation includes: salaries and wages of \$14,864,390, contractual services of \$56,230,961, commodities of \$4,585,580, capital outlay of \$905,824, debt service interest of \$2,373,000, and aid to local units of \$16,473,212.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Department of Corrections

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 713 **Budget Page No.** 117

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 88,572,301	\$ 80,187,270	\$ (396,299)
Aid to Local Units	17,781,212	17,781,212	0
Subtotal - Operating	\$ 106,353,513	\$ 97,968,482	\$ (396,299)
Capital Improvements	13,670,992	11,200,295	0
TOTAL	\$ 120,024,505	\$ 109,168,177	\$ (396,299)
State General Fund:			
State Operations	\$ 67,681,791	\$ 58,941,645	\$ (293,708)
Aid to Local Units	17,751,212	17,751,212	0
Subtotal - Operating	\$ 85,433,003	\$ 76,692,857	\$ (293,708)
Capital Improvements	7,745,000	6,055,303	0
TOTAL	\$ 93,178,003	\$ 82,748,160	\$ (293,708)
FTE Positions	322.5	322.5	0.0
Non FTE Uncl. Perm. Pos.	23.0	23.0	0.0
TOTAL	345.5	23.0	0.0

*The adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

The Department of Corrections requests FY 2005 operating expenditures of \$106,353,513, which is an increase of \$10,911,991 (11.4 percent) from the FY 2004 estimate. The request includes State General Fund expenditures of \$85,433,003, which is an increase of \$9,774,891 (12.9 percent) from the FY 2004 estimate. The request includes operating enhancements of \$7,398,681 (\$6,779,931 SGF) and \$1,689,797 in SGF capital improvement enhancement requests. The request includes a reduced resources package of \$9,863,604 (\$7,153,417 SGF). The request includes: salaries and wages of \$18,739,964, contractual services of \$61,333,116, commodities of \$4,949,275, capital outlay of \$1,214,946, debt service interest of \$2,335,000, and aid to local units of \$17,781,212.

The Governor recommends for FY 2005 operating expenditures of \$97,968,482, which is an increase of \$2,535,515 (2.7 percent) from the FY 2004 recommendation. The recommendation includes State General Fund expenditures of \$76,692,857, which is an increase of \$1,008,934 (1.3 percent) from the FY 2004 recommendation. The recommendation includes \$300,445 SGF in enhancement requests to increase the food service contract. The recommendation includes a reduction of \$1,607,482 all funds in offender programs, BEST reductions of \$76,776 SGF, an

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increase in the salaries and wages shrinkage rate to 4.5 percent for a reduction of \$163,867, an increase of \$396,299 (\$293,708 SGF) for the Governor's 3.0 percent pay plan, a decrease of \$41,769 SGF for the KPERs Correctional Officer rate adjustment, a decrease of \$20,655 SGF in vehicle moratorium purchases, a transfer of \$781,000 from the Kansas Correctional Industries fee fund to the General Fees Fund to offset SGF financing of remaining offender programs with a reduction in capital equipment and industry building expansion of the same amount. The recommendation includes: salaries and wages of \$15,573,964, contractual services of \$57,348,854, commodities of \$4,931,232, capital outlay of \$373,220, debt service interest of \$1,960,000 and aid to local units of \$17,781,212.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$12,255,166 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment—Delete \$396,299, including \$293,708 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. The Subcommittee would like to express its concern with the significant reduction in resources for offender treatment and intervention programs since FY 2000. Funding for facility based and community based programs has been reduced by over 50 percent resulting in significant reductions in program capacity. This has seriously impacted facility operations by contributing to inmate idleness which is the equivalent of eliminating approximately 750 work assignments. Further, the Subcommittee notes that these reductions seriously limit the Department's ability to assist offenders in preparing for and maintaining compliant behavior upon release to their communities. Below are tables detailing the decrease in the number of offenders participating in treatment programs and the decrease in funding since FY 2000:

Number of Offenders Participating in Facility-Based Programs

Fiscal Year	Sex Offender Treatment	Substance Abuse Treatment	Therapeutic Communities	Academic Education	Vocational Education	Inner Faith Initiative	Total	Funding*
2000	525	1,641	416	1,755	764		5,101	\$8,913,797
2001	549	1,571	417	1,221	683	275	4,716	\$7,524,951
2002	497	1,114	424	1,246	682	181	4,144	\$6,958,469
2003	419	200	401	1,461	704	207	3,192	\$5,812,936
2004**	450	0	410	1,450	530	210	3,050	\$5,268,065
2005**	450	0	410	1,450	480	210	3,020	\$5,295,760

*Figures exclude visitors centers, grant writer, and risk-needs project.

**Represents the number of offenders projected to participate.

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Number of Offenders Participating in Community-Based Programs

Fiscal Year	Sex Offender Treatment	Substance Abuse Treatment	Therapeutic Communities	Community Transition - CRBs	Total	Funding*
2000	375	1,046	147	792	2,360	\$3,502,672
2001	470	1,047	99	1,284	2,900	\$3,037,570
2002	475	1,940	137	1,419	3,971	\$3,269,496
2003	475	762	72	845	2,154	\$2,805,299
2004**	475	0	72	430	977	\$1,484,635
2005**	475	0	72	100	647	\$ 736,150

*Figures exclude specified alcohol and drug (DUI) funds.

** Represent the number of offenders projected to participate.

3. The Subcommittee has particular concerns about the impact of reductions on the community transition programs, such as the Community Residential Beds (CRBs). DOC and service provider testimony to the Subcommittee indicated that these services are targeted toward offenders with the greatest needs and the least resources for successful re-entry into the community. DOC noted that in FY 2003, 845 offenders were placed into these services. These 845 offenders represent a group most at risk to fail to comply with release conditions without significant intervention:

- essentially all 845 offenders lack DOC approved housing upon release, making the offenders eligible for CRBs;
- many of the 845 offenders lack employment and may be unemployable;
- many of the 845 offenders have little or no family support resources;
- up to 20 percent may have serious mental health and medical conditions; and
- many have substance abuse treatment needs.

In FY 2004, reductions will reduce the projected placements in CRBs to approximately 430 offenders and for FY 2005, the projected placement in CRBs is 100 offenders.

Nearly 750 offenders with significant support needs will not have access to CRBs. If even 10 percent of these offenders find acceptable housing from alternative community resources, 675 offenders will be essentially homeless upon release.

Predictable results will be an unacceptable strain on community resources, increased incidence of non-compliant behavior with increased risk to public safety, and increasing numbers of offenders returning to prison more quickly and more frequently, placing even further strain on the correctional system capacity.

4. The Subcommittee recognizes that human behavior is very complex and that many variables contribute to any behavioral effect. The precise impact of any single program or intervention is difficult to isolate. However, it seems clear that without supportive intervention resources, offenders are more likely to violate release conditions, engage in non-compliant or criminal behavior more quickly

and more frequently than with appropriate resources. The following information projects the impact of program reductions in the vocational education and substance abuse treatment programs.

DOC's program evaluation data indicates, for example, that of the total number of offenders in the evaluation pool who had completed a vocational program, 59 percent had not returned to prison. Applying this rate in vocational education program gives the following results:

	<u>FY 2003</u>	<u>FY 2005</u>
Number of slots	325	100
Number of offenders participating	704	480
Number of offenders completing program	333	225
Number of offenders likely to return to prison	137 (41 percent)	92 (41 percent)
Number of offenders not likely to return to prison	196 (59 percent)	133 (59 percent)

The net impact of the reduction in vocational education slots is a difference of 63 offenders who did not participate and are therefore projected to be more likely to return to prison. This is the size of the pool that becomes more vulnerable to return. While the DOC cannot predict with certainty that all of this number will return, DOC can indicate with some certainty that both the probability of return and the probability of these offenders returning earlier increases when the offender has not participated in treatment programs.

Similar information below indicates the impact of reduction in substance abuse treatment capacity. The program evaluation data indicates that 55 percent of those completing a substance abuse treatment program have not returned:

	<u>FY 2002</u>	<u>FY 2003</u>
Number of slots	220	40
Number of offenders participating	1,114	200
Number of offenders completing program	990	170
Number of offenders likely to return to prison	445 (45 percent)	76 (45 percent)
Number of offenders not likely to return to prison	545 (55 percent)	94 (55 percent)

The resulting difference is 451 offenders who if they had utilized the substance abuse treatment program would not likely return to prison, but as these offenders were not able to participate in the program, are now more likely to return to prison. Again, this is the size of the pool that becomes more vulnerable to return (and return more quickly) without this treatment intervention. As noted above, many factors contribute to offenders returning to prison or remaining in the community, and, again, while the Department cannot say with certainty that all of this number will return, certainly for some portion of this number both the

probability of return and the probability of earlier return is increased.

- 5. The Subcommittee would like to note the impacts of SB 323 and SB 123. The 2001 Legislature passed SB 323 which changed periods of post-release supervision, probation, placement in community corrections, and contained full retroactivity. There was a decrease in the inmate and post-incarceration populations primarily due to the implementation of SB 323 in FY 2001. However inmate populations have continued a steady growth since FY 2002 as the following table illustrates:

	<u>Inmate Population</u>	<u>Post-Incarceration Population</u>
FY 1999	8,486	5,643
FY 2000	8,784	5,385
FY 2001	8,540	3,698
FY 2002	8,773	3,927
FY 2003	9,046	4,167
FY 2004	9,168	4,216

* All numbers are as of June 30 each year except for FY 2004, which is December 31, 2003.

Passed by the 2003 Legislature, SB 123 provides for community corrections supervision (in lieu of incarceration) and mandatory substance abuse treatment for a target population of non-violent drug offenders who have been convicted of a drug offense under K.S.A. 65-4160 or K.S.A. 65-4162. For these offenders, there is, on average, an approximately 9 month delay between date of offense and date of sentencing. This leads to a decrease in the initial estimate of impact of SB 123 in the first and second years (*i.e.*, 2004 and 2005). The 2004 revised projected population stands at 9,134, up 88 from the initial Kansas Sentencing Commission projection of 9,046. The 2005 revised population projection stands at 9,111, an increase of 62 from the initial projection of 9,049. Without the passage of SB 123, DOC would have been projected to be over capacity and out of prison beds by the end of FY 2005.

On January 14, 2004, there were a total of 128 offenders in "active" Community Corrections status due to the provisions of SB 123. Of these 94 (73.4 percent) were at the pre-sentence/evaluation stage; 34 (26.6 percent) were post-sentence SB 123 offenders. By gender, 90 (70 percent) of these are male and 38 (30 percent) are female. As of January 14, 2004, 117 LSI-R (Level of Service Inventory-Revised" - the risk needs assessment) assessments have been completed on offenders referred to Community Corrections under SB 123 provisions.

- 6. The Subcommittee wishes to express its concern that the male inmate population is running very near or at system capacity and that some facilities regularly exceed capacity. This limits the Department's options in managing the offender population, exacerbates inmate movement (thus consuming staff time and facility resources), and makes responses to negative offender behavior more difficult. The Subcommittee notes that on January 31, 2004, the Department reported that it was short by 31 beds for maximum security males, two beds for medium

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security males and had a surplus of four minimum security male beds. The Subcommittee also notes that 48 medium security male inmates are currently housed in Texas, thus providing some additional relief at the medium male level, and that an additional 48 medium males will likely be moved to Texas in the next two to three weeks. However, on February 10, 2004, there were an additional 105 inmates in county jails awaiting admission to the system, thus negating the relief provided by the 96 inmates projected to be housed in Texas. An examination of the Sentencing Commission's monthly tracking numbers shows that the population is running about 70 to 80 ahead of projections. When the inmates currently held in county jails are factored in, the Department's population is running about 170 to 180 ahead of the projections. Earlier in the fiscal year, the Department had indicated that it was hoped that it would not be necessary to utilize the out of state bed contract in FY 2004. This was based on the population projections and comparisons to tracking numbers at that time. However, admissions of parole violators spiked in October and December 2003, releases declined in November, probation violators were up notably in December and the overall trend for probation violators is up for the entire fiscal year as compared to previous years. All of these changes represent deviations from the trends and assumptions that were used to build the projection model. One mitigating factor is that new court commits are down slightly. Any of these changes by themselves are rather unremarkable. When combined, however, and coupled with the fact that the prison system is so close to capacity, there is essentially no margin for error. Finally, the circumstances of admission for the 100+ offenders awaiting admission remain unknown. They could very well reinforce these new trends or identify yet another factor contributing to the current situation. This unforeseen change in admission patterns causes the Subcommittee to convey a sense of urgency to bring some resolution to the capacity issues faced by the state's prison system.

7. The Subcommittee would like to commend the Department of Corrections, the Correctional Facility Wardens and their staffs for their exceptional service to the state of Kansas. As inmate populations and demands have increased, the DOC continues to ensure a safe environment for all Kansans.

Senate Committee Recommendation

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

1. Add \$750,000 from the State General Fund to the Department of Corrections Offender Programs for the Community Residential Beds (CRBs). The number of slots available has decreased significantly from services offered to 845 offenders in FY 2003 to 430 offenders in FY 2004 and down to 100 offenders for FY 2005. This will add approximately 68 beds to be used by approximately 68 beds to be used by approximately 340 offenders.

House Budget Committee Report

Agency: Department of Corrections

Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 713 **Budget Page No.** 117

<u>Expenditure Summary</u>	<u>Agency Request FY 05</u>	<u>Governor's Recommendation FY 05</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 88,572,301	\$ 80,187,270	\$ 0
Aid to Local Units	17,781,212	17,781,212	0
Subtotal - Operating	\$ 106,353,513	\$ 97,968,482	\$ 0
Capital Improvements	13,670,992	11,200,295	0
TOTAL	\$ 120,024,505	\$ 109,168,177	\$ 0
State General Fund:			
State Operations	\$ 67,681,791	\$ 58,941,645	\$ 0
Aid to Local Units	17,751,212	17,751,212	0
Subtotal - Operating	\$ 85,433,003	\$ 76,692,857	\$ 0
Capital Improvements	7,745,000	6,055,303	0
TOTAL	\$ 93,178,003	\$ 82,748,160	\$ 0
FTE Positions	322.5	322.5	0.0
Non FTE Uncl. Perm. Pos.	23.0	23.0	0.0
TOTAL	345.5	345.5	0.0

Agency Request/Governor's Recommendation

The Department of Corrections requests FY 2005 operating expenditures of \$106,353,513, which is an increase of \$10,911,911 (11.4 percent) from the FY 2004 estimate. The request includes State General Fund expenditures of \$85,433,003, which is an increase of \$9,774,891 (12.9 percent) from the FY 2004 estimate. The request includes operating enhancements of \$7,398,681 (\$6,779,931 SGF) and \$1,689,797 SGF capital improvement enhancement requests. The request includes a reduced resources package of \$9,863,604 (\$7,153,417 SGF). The request includes: salaries and wages of \$18,739,964, contractual services of \$61,333,116, commodities of \$4,949,275, capital outlay of \$1,214,946, debt service interest of \$2,335,000, and aid to local units of \$17,781,212.

The Governor recommends for FY 2005 operating expenditures of \$97,968,482, which is an increase of \$2,535,515 (2.7 percent) from the FY 2004 recommendation. The recommendation includes State General Fund expenditures of \$76,692,857, which is an increase of \$1,008,934 (1.3 percent) from the FY 2004 recommendation. The recommendation includes \$300,445 SGF in enhancement requests to increase the food service contract. The recommendation includes a reduction of \$1,607,482 All Funds in offender programs, BEST reductions of \$76,776 SGF, an

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increase of the salaries and wages shrinkage rate to 4.5 percent for a reduction of \$163,867, an increase of \$396,299 (\$293,708 SGF) for the Governor's 3.0 percent pay plan, a decrease of \$41,769 SGF for the KPERs Correctional Officer rate adjustment, a decrease of \$20,665 SGF in vehicle moratorium purchases, a transfer of \$781,000 from the Kansas Correctional Industries fee fund to the General Fee Funds to offset SGF financing of remaining offender programs with a reduction of capital equipment and industry building expansion by the same amount. The recommendation includes: salaries and wages of \$15,573,964, contractual services of \$57,348,854, commodities of \$4,931,232, capital outlay of \$373,200, debt service interest of \$1,960,000 and aid to local units of \$17,781,212. Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$112,255,166 State General Fund.

House Budget Committee Recommendation

The House Budget Committee concurs with the Governor's recommendations with the following notations:

1. The Budget Committee notes that the Violent Offender Incarceration/Truth In Sentencing (VOI/TIS) grant funds will be depleted in FY 2005. Between 1996 and 2001, the state received \$27,245,469 in federal VOI/TIS funds, a grant program authorized under federal law for the purpose of expanding correctional capacity for violent offenders. VOI/TIS funds have been used or committed for several major projects in the state including: a new medium security housing unit at Norton; a renovation project at Lansing; a new 100-cell housing unit at Ellsworth Correctional Facility; day reporting centers; Juvenile Justice Authority's (JJA) maximum security facility for juveniles, and contract placement of medium custody males in private facilities. Congress has not appropriated funds for the VOI/TIS program since federal fiscal year 2001. In FY 2005 the remaining VOI/TIS funds of \$4,027,201 will be appropriated for: \$1,253,535 to send inmates out-of-state through a bed-leasing contract to lease 111 beds; \$2,336,400 for day reporting centers; and \$437,167 for the female conservation camp. The impact of the loss of these federal funds will possibly increase State General Fund expenditures in FY 2006 by \$4 million to provide for the likely continuation of leased contract prison beds, day reporting centers, and the female conservation camp.
2. The Budget Committee wishes to commend the Department of Corrections (DOC) and the eight Correctional Facilities for continuing to provide a safe and secure environment for staff and inmates when many of the facilities are at or near capacity. The Committee is concerned about the growing inmate population and the strains the increased population and the recent budget cuts have had on the facilities in its efforts to providing safe and effective control of inmates, the management of offenders in the community, and assisting offenders to become law-abiding citizens.

On February 29, 2004, the capacity in DOC facilities was 9,146, with an inmate population in DOC facilities of 9,038 inmates. This is a difference of 108 between DOC capacity and inmate population. Also, as of February 29, 2004, 94 DOC inmates were being housed in a Texas prison through a contract lease agreement. This situation of being near capacity, the Committee realizes, along with DOC, whatever decisions are made today will have long term effects of the

DOC prison system. There are several options to relieve the capacity problem within the DOC system including expansion of existing facilities, use of city and county jails, lease of out-of-state prison beds or a private prison in Kansas. Currently, DOC is reviewing its classification system in which all inmates are being reviewed to ensure each inmate is at the proper custody level. Having not reviewed the classification system since 1986, and the determinate sentencing that took affect in 1993, DOC feels that its current classification system may have inaccurately classified some offenders. As DOC is in need of maximum and medium beds, this reexamination of the classification process may provide for inmates to be relocated throughout the DOC system relieving the capacity problem as minimum custody beds offer more flexibility to the correctional facilities. More minimum custody inmates can be housed in each cell than maximum or medium custody inmates. Higher custody level inmate behavior requires segregated housing. The Budget Committee supports DOC's reclassification process to make certain the current custody levels and capacity is reflected accurately. This reclassification of inmates, in conjunction with the Kansas Sentencing Commissions inmate population projections and the availability to lease prison beds, could provide relief to the current inmate population and capacity levels before making a permanent commitment to expand or build new prisons in the state of Kansas.

3. The Committee wishes to review at Omnibus the possible funding for the DOC Visitor Centers. DOC requested \$225,000 for FY 2005 to fund the four Visitor Centers which the Governor did not recommend. The Committee asks that DOC search for possible funding by Omnibus for the Visitor Centers at Ellsworth, Hutchinson, Norton, and Lansing Correctional Facilities.

Senate Subcommittee Report

Agency: El Dorado Correctional Facility **Bill No.** SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 757

Budget Page No. 153

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 20,873,798	\$ 20,506,995	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 20,873,798	\$ 20,506,995	\$ 0
Capital Improvements	1,709	1,709	0
TOTAL	\$ 20,875,507	\$ 20,508,704	\$ 0
State General Fund:			
State Operations	\$ 20,739,943	\$ 20,373,140	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 20,739,943	\$ 20,373,140	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 20,739,943	\$ 20,373,140	\$ 0
FTE Positions	466.0	466.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	466.0	466.0	0.0

Agency Estimate/Governor's Recommendation

The El Dorado Correctional Facility estimates FY 2004 operating expenditures of \$20,873,798, which is a decrease of \$59,373 (0.3 percent) from the approved amount. The estimate includes State General Fund expenditures of \$20,739,943, which is a decrease of \$59,373 (0.3 percent) from the approved amount. The estimate includes a transfer of a Physician Specialist position to the Department of Corrections for a reduction of \$59,373 and 0.5 FTE positions. The estimate includes: salaries and wages of \$17,601,923, contractual services of \$2,135,336, commodities of \$1,136,539 and no capital outlay.

The Governor recommends FY 2004 operating expenditures of \$20,506,995, which is a decrease of \$426,176 (2.0 percent) from the approved amount. The recommendation includes State General Fund expenditures of \$20,373,140, which is a decrease of \$426,176 (2.0 percent) from the approved amount. The recommendation includes the transfer of the Physician Specialist position to DOC and a reduction of \$366,803 for the KPERS Correctional Officer rate adjustment. The

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recommendation includes: salaries and wages of \$17,235,120, contractual services of \$2,122,882, commodities of \$1,148,993 and no capital outlay.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: El Dorado Correctional Facility **Bill No.** 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 757

Budget Page No. 153

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 20,873,798	\$ 20,506,995	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 20,873,798	\$ 20,506,995	\$ 0
Capital Improvements	1,709	1,709	0
TOTAL	\$ 20,875,507	\$ 20,508,704	\$ 0
State General Fund:			
State Operations	\$ 20,739,943	\$ 20,373,140	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 20,739,943	\$ 20,373,140	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 20,739,943	\$ 20,373,140	\$ 0
FTE Positions	466.0	466.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	466.0	466.0	0.0

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Agency Estimate/Governor's Recommendation

The El Dorado Correctional Facility estimate FY 2004 operating expenditures of \$20,873,798, which is a decrease of \$59,373 (0.3 percent) from the approved amount. The estimate includes State General Fund expenditures of \$20,739,943, which is a decrease of \$59,373 (0.3 percent) from the approved amount. The estimate includes a transfer of a Physician Specialist position to the Department of Corrections for a reduction of \$59,373 and 0.5 FTE positions. The estimate includes: salaries and wages of \$17,601,923, contractual services of \$2,135,336, commodities of \$1,136,539 and no capital outlay. The revised average daily population for FY 2004 is 1,434 inmates.

The Governor recommends FY 2004 operating expenditures of \$20,506,995, which is a decrease of \$426,176 (2.0 percent) from the approved amount. The recommendation includes State General Fund expenditures of \$20,373,140, which is a decrease of \$426,176 (2.0 percent) from the approved amount. The recommendation includes the transfer of the Physician Specialist position to DOC and a reduction of \$366,803 for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$17,235,120, contractual services of \$2,122,882, commodities of \$1,148,993 and no capital outlay.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: El Dorado Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 757

Budget Page No. 153

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 21,676,241	\$ 21,300,282	\$ (442,340)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 21,676,241</u>	<u>\$ 21,300,282</u>	<u>\$ (442,340)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 21,676,241</u></u>	<u><u>\$ 21,300,282</u></u>	<u><u>\$ (442,340)</u></u>
State General Fund:			
State Operations	\$ 21,539,761	\$ 21,163,802	\$ (442,340)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 21,539,761</u>	<u>\$ 21,163,802</u>	<u>\$ (442,340)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 21,539,761</u></u>	<u><u>\$ 21,163,802</u></u>	<u><u>\$ (442,340)</u></u>
FTE Positions	466.0	466.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>466.0</u></u>	<u><u>466.0</u></u>	<u><u>0.0</u></u>

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

El Dorado Correctional Facility requests FY 2005 operating expenditures of \$21,676,241, which is an increase of \$802,443 (3.8 percent) from the FY 2004 estimate. The request includes State General Fund expenditures of \$ 21,539,761, which is an increase of \$799,818 (3.9 percent) from the FY 2004 estimate. The FY 2005 request includes enhancements of \$102,000. The request includes: salaries and wages of \$18,208,397, contractual services of \$2,173,567, commodities of \$1,192,277, and capital outlay of \$102,000.

The Governor recommends FY 2005 operating expenditures of \$21,300,282, which is an increase of \$793,287 (3.9 percent) from the FY 2004 recommendation and a decrease of \$375,959 (1.7 percent) from the facility's request. The recommendation includes State General Fund expenditures of \$21,163,802, which is an increase of \$790,662 (3.9 percent) from the FY 2004 recommendation. The recommendation includes an increase in the salaries and wages shrinkage

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rate from 5.6 percent to 6.0 percent for a reduction of \$78,739, a reduction of \$38,523 for the vehicle purchase moratorium, a reduction of \$346,680 for the KPERs Correctional Officer rate adjustment, an increase of \$442,340 for the 3.0 percent pay plan, and BEST reductions of \$159,844. The recommendation includes: salaries and wages of \$18,132,805, contractual services of \$2,131,244, commodities of \$1,036,233 and no capital outlay.

Under the Governor's FY 2005 **statutory budget** recommendations, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$3,134,401 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment - Delete \$442,340 all from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: El Dorado Correctional Facility

Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 757 **Budget Page No.** 153

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 21,676,241	\$ 21,300,282	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 21,676,241	\$ 21,300,282	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 21,676,241	\$ 21,300,282	\$ 0
State General Fund:			
State Operations	\$ 21,539,761	\$ 21,163,802	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 21,539,761	\$ 21,163,802	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 21,539,761	\$ 21,163,802	\$ 0
FTE Positions	466.0	466.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	466.0	466.0	0.0

Agency Request/Governor's Recommendation

El Dorado Correctional Facility requests FY 2005 operating expenditures of \$21,676,241, which is an increase of \$802,443 (3.8 percent) from the FY 2004 estimate. The request includes State General Fund expenditures of \$ 21,539,761, which is an increase of \$749,446 (3.9 percent) from the FY 2004 estimate. The FY 2005 request includes enhancements of \$102,000. The request includes: salaries and wages of \$18,208,397, contractual services of \$2,173,567, commodities of \$1,192,277, and capital outlay of \$102,000. The average daily population is 1,453 inmates.

The Governor recommends FY 2005 operating expenditures of \$21,300,282, which is an increase of \$793,287 (3.9 percent) from the FY 2004 recommendation and a decrease of \$375,959 (1.7 percent) from the facility's request. The recommendation includes State General Fund expenditures of \$21,163,802, which is an increase of \$790,662 (3.9 percent) from the FY 2004 recommendation. The recommendation includes an increase in the salaries and wages shrinkage rate from 5.6 percent to 6.0 percent for a reduction of \$78,739, a reduction of \$38,523 for the vehicle purchase moratorium, a reduction of \$346,680 for the KPERs Correctional Officer rate adjustment,

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an increase of \$442,340 for the 3.0 pay plan, and BEST reductions of \$159,844. The recommendation includes: salaries and wages of \$18,132,805, contractual services of \$2,131,244, commodities of \$1,036,233 and no capital outlay.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Ellsworth Correctional Facility

Bill No. SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 743 **Budget Page No.** 155

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 10,591,840	\$ 10,420,328	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 10,591,840	\$ 10,420,328	\$ 0
Capital Improvements	201,217	201,217	0
TOTAL	\$ 10,793,057	\$ 10,621,545	\$ 0
State General Fund:			
State Operations	\$ 10,554,858	\$ 10,383,346	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 10,554,858	\$ 10,383,346	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 10,554,858	\$ 10,383,346	\$ 0
FTE Positions	223.0	223.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	224.0	224.0	0.0

Agency Estimate/Governor's Recommendation

Ellsworth Correctional Facility estimates FY 2004 operating expenditures of \$10,591,840, which is an increase of \$3,926 from the approved amount. The estimate includes State General Fund expenditures of \$10,554,858, an increase of \$3,926 from the approved amount. The increase is due to KSIP expenditures. The estimate includes: salaries and wages of \$8,854,605, contractual services of \$1,026,112, commodities of \$682,197, and capital outlay of \$28,926.

The Governor recommends FY 2004 operating expenditures of \$10,420,328, which is a decrease of \$167,586 (1.6 percent) from the approved amount. The Governor recommends State General Fund expenditures of \$10,383,346, which is a decrease of \$167,586 (1.6 percent) from the approved amount. The additional decrease is due to the KPERs Correctional Officer rate adjustment of \$171,512. The recommendation includes: salaries and wages of \$8,683,093, contractual services of \$1,026,112, commodities of \$682,197, and capital outlay of \$28,926.

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Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Ellsworth Correctional Facility

Bill No. 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 743 **Budget Page No.** 155

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 10,591,840	\$ 10,420,328	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,591,840</u>	<u>\$ 10,420,328</u>	<u>\$ 0</u>
Capital Improvements	201,217	201,217	0
TOTAL	<u><u>\$ 10,893,057</u></u>	<u><u>\$ 10,621,545</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 10,554,858	\$ 10,383,346	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,554,858</u>	<u>\$ 10,383,346</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,554,858</u></u>	<u><u>\$ 10,383,346</u></u>	<u><u>\$ 0</u></u>
FTE Positions	223.0	223.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	<u><u>224.0</u></u>	<u><u>224.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

Ellsworth Correctional Facility estimates FY 2004 operating expenditures of \$10,591,840, which is an increase of \$3,926 from the approved amount. The estimate includes State General Fund expenditures of \$10,554,858, an increase of \$3,926 from the approved amount. The increase

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is due to KSIP expenditures. The estimate includes: salaries and wages of \$8,854,605, contractual services of \$1,026,112, commodities of \$682,197, and capital outlay of \$28,926.

The Governor recommends FY 2004 operating expenditures of \$ 10,420,328, which is a decrease of \$167,588 (1.6 percent) from the approved amount. The Governor recommends State General Fund expenditures of \$10,383,346, which is a decrease of \$167,586 (1.6 percent) from the approved amount. The additional decrease is due to the KPERS Correctional Officer rate adjustment of \$171,512. The recommendation includes: salaries and wages of \$8,683,093, contractual services of \$1,026,112, commodities of \$682,197, and capital outlay of \$28,926.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Ellsworth Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 743 **Budget Page No.** 155

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 11,209,339	\$ 10,845,707	\$ (227,198)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 11,209,339	\$ 10,845,707	\$ (227,198)
Capital Improvements	0	0	0
TOTAL	\$ 11,209,339	\$ 10,845,707	\$ (227,198)
State General Fund:			
State Operations	\$ 11,150,861	\$ 10,786,339	\$ (228,308)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 11,150,861	\$ 10,786,339	\$ (228,308)
Capital Improvements	0	0	0
TOTAL	\$ 11,150,861	\$ 10,786,339	\$ (228,308)
FTE Positions	223.0	223.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	224.0	224.0	0.0

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

Ellsworth Correctional Facility requests for FY 2005 operating expenditures of \$11,209,339, which is an increase of \$617,499 (5.8 percent) from the FY 2004 estimate. The request includes State General Fund expenditures of \$11,150,861, which is an increase of \$596,003 (5.6 percent) from the FY 2004 estimate and enhancements requests of \$210,726 SGF. The request includes: salaries and wages of \$9,386,834, contractual services of \$1,094,680, commodities of \$637,354, and capital outlay of \$90,471.

The Governor recommends FY 2005 operating expenditures of \$10,845,707, which is a decrease of \$363,632 (3.2 percent) from the facility's request. The recommendation includes State General Fund expenditures of \$10,786,339, which is a decrease of \$364,522 (3.3 percent) from the facility's request. The recommendation is an increase of \$425,379 (4.1 percent) from the FY 2004 Governor's recommendation. Included in the Governor's recommendation is an increase in the salaries and wages shrinkage rate from 5.1 percent to 5.6 percent for a reduction of \$48,196 SGF, a KPERs Correctional Officer rate adjustment of \$162,732, a vehicle moratorium purchase reduction of \$16,769, BEST reductions of \$71,407 and the 3.0 percent pay plan increase of \$227,198. The

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recommendation includes: salaries and wages of \$9,201,849 contractual services of \$1,085,711, commodities of \$558,147 and no capital outlay. The recommendation does not include the enhancement request.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$1,597,478 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment—Delete \$227,198, including \$228,308, from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Ellsworth Correctional Facility

Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 743 Budget Page No. 155

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 11,209,339	\$ 10,845,707	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 11,209,339	\$ 10,845,707	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 11,209,339	\$ 10,845,707	\$ 0
State General Fund:			
State Operations	\$ 11,150,861	\$ 10,786,339	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 11,150,861	\$ 10,786,339	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 11,150,861	\$ 10,786,339	\$ 0
FTE Positions	223.0	223.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	224.0	224.0	0.0

Agency Request/Governor's Recommendation

Ellsworth Correctional Facility requests for FY 2005 operating expenditures of \$11,209,339, which is an increase of \$617,499 (5.8 percent) from the FY 2004 estimate. The request includes State General Fund expenditures of \$11,150,861, which is an increase of \$596,003 (5.6 percent) from the FY 2004 estimate and enhancements requests of \$210,726. The request includes: salaries and wages of 9,386,834, contractual services of \$1,094,680, commodities of \$637,354, and capital outlay of \$90,471.

The Governor recommends FY 2005 operating expenditures of \$10,845,707, which is a decrease of \$363,632 (3.2 percent) from the facility's request. The recommendation includes State General Fund expenditures of \$10,786,339, which is a decrease of \$364,522 (3.3 percent) from the facility's request. The recommendation is an increase of \$425,379 (4.1 percent) from the FY 2004 Governor's recommendation. Included in the Governor's recommendation is an increase in the salaries and wages shrinkage rate from 5.1 percent to 5.6 percent for a reduction of \$48,196 SGF???, a KPERs Correctional Officer rate adjustment of \$162,732, a vehicle moratorium purchase reduction of \$16,769, BEST reductions of \$71,407 and the 3.0 percent pay plan increase of \$227,198. The recommendation includes: salaries and wages of \$9,201,849 contractual services

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of \$1,085,711, commodities of \$558,147 and no capital outlay. The recommendation does not include the enhancement request.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Hutchinson Correctional Facility **Bill No.** SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 774 **Budget Page No.** 229

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 24,533,006	\$ 24,116,669	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 24,533,006	\$ 24,116,669	\$ 0
Capital Improvements	580,088	580,088	0
TOTAL	\$ 25,113,094	\$ 24,696,757	\$ 0
State General Fund:			
State Operations	\$ 24,275,407	\$ 23,859,070	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 24,275,407	\$ 23,859,070	\$ 0
Capital Improvements	218,382	218,382	0
TOTAL	\$ 24,493,789	\$ 24,077,452	\$ 0
FTE Positions	513.0	513.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	513.0	513.0	0.0

Agency Estimate/Governor's Recommendation

Hutchinson Correctional Facility estimates FY 2004 operating expenditures of \$24,533,06, which is a decrease of \$19,543 (0.1 percent) from the approved amount and is due to an adjustment in the no-limit fee fund. The revised estimate includes State General Fund expenditures of \$24,275,407, which is an increase of \$1,516 and due to KSIP expenditures. The estimate includes: salaries and wages of \$20,842,630, contractual services of \$1,804,577, commodities of \$1,708,229, capital outlay of \$65,323, and debt service interest of \$112,247.

The Governor recommends FY 2004 operating expenditures of \$24,116,669, which is a decrease of \$435,880 (1.8 percent) from the approved amount, The recommendation includes State General Fund expenditures of \$23,859,070, which is a decrease of \$414,821 (1.7 percent) from the approved amount. The recommendation includes a decrease of \$416,337 SGF for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$20,426,293, contractual services of \$1,804,577, commodities of \$1,708,229, capital outlay of \$65,323, and debt service interest of \$112,247.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Hutchinson Correctional Facility **Bill No.** 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 774

Budget Page No. 229

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 24,533,006	\$ 24,116,669	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 24,533,006</u>	<u>\$ 24,116,669</u>	<u>\$ 0</u>
Capital Improvements	580,088	580,088	0
TOTAL	<u><u>\$ 25,113,094</u></u>	<u><u>\$ 24,696,757</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 24,275,407	\$ 23,859,070	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 24,275,407</u>	<u>\$ 23,859,070</u>	<u>\$ 0</u>
Capital Improvements	218,382	218,382	0
TOTAL	<u><u>\$ 24,493,789</u></u>	<u><u>\$ 24,077,452</u></u>	<u><u>\$ 0</u></u>
FTE Positions	513.0	513.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>513.0</u></u>	<u><u>513.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

Hutchinson Correctional Facility estimates FY 2004 operating expenditures of \$24,533,06, which is a decrease of \$19,543 (0.1 percent) from the approved amount and is due to an adjustment in the no-limit fee fund. The revised estimate includes State General Fund expenditures of \$24,275,407, which is an increase of \$1,516 and due to KSIP expenditures. The estimate includes:

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salaries and wages of \$20,842,630, contractual services of \$1,804,577, commodities of \$1,708,229, capital outlay of \$65,323, and debt service interest of \$112,247. The average daily population is 1,800 inmates.

The Governor recommends FY 2004 operating expenditures of \$24,226,669, which is a decrease of \$435,880 (1.8 percent) from the approved amount. The recommendation includes State General Fund expenditures of \$23,859,070, which is a decrease of \$414,821 (1.7 percent) from the approved amount. The recommendation includes a decrease of \$416,337 SGF for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$20,426,293, contractual services of \$1,804,577, commodities of \$1,708,229, capital outlay of \$65,323, and debt service interest of \$112,247.

House Budget Committee Recommendation

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

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Senate Subcommittee Report

Agency: Hutchinson Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 774 **Budget Page No.** 229

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 25,601,310	\$ 25,085,661	\$ (530,703)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 25,601,310</u>	<u>\$ 25,085,661</u>	<u>\$ (530,703)</u>
Capital Improvements	218,382	218,382	0
TOTAL	<u><u>\$ 25,819,692</u></u>	<u><u>\$ 25,304,043</u></u>	<u><u>\$ (530,703)</u></u>
State General Fund:			
State Operations	\$ 25,284,288	\$ 24,766,458	\$ (528,522)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 25,284,288</u>	<u>\$ 24,766,458</u>	<u>\$ (528,522)</u>
Capital Improvements	218,382	218,382	0
TOTAL	<u><u>\$ 25,502,670</u></u>	<u><u>\$ 24,984,840</u></u>	<u><u>\$ (528,522)</u></u>
FTE Positions	513.0	513.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>513.0</u></u>	<u><u>513.0</u></u>	<u><u>0.0</u></u>

* The entire adjustment reflects deletion of the Governor's recommendation pay plan adjustment.

Agency Request/Governor's Recommendation

Hutchinson Correctional Facility requests FY 2005 operating expenditures of \$25,601,310, which is an increase of \$1,068,304 (4.4 percent) from the FY 2004 estimate. State General Fund expenditures are \$25,284,288, which is an increase of \$1,008,881 (4.2 percent) from the FY 2004 estimate. The request includes enhancements of \$290,204 SGF. The request includes: salaries and wages of \$21,716,822, contractual services of \$1,868,384, commodities of \$1,708,229, capital outlay of \$195,628 and debt service interest of \$112,247.

The Governor recommends FY 2005 operating expenditures of \$25,085,661, which is an increase of \$968,992 (4.0 percent) from the FY 2004 recommendation and a decrease of \$515,649 (2.0 percent) from the facility's request. The recommendation includes State General Fund expenditures of \$24,766,458, which is an increase of \$907,388 (3.8 percent) from the FY 2004 recommendation. The Governor's recommendation includes a reduction of \$392,730 SGF for the KPERS Correctional Officer rate adjustment, a reduction of \$120,529 SGF to increase the salaries

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and wages shrinkage rate from 5.5 percent to 6.0 percent, a reduction of \$15,428 SGF for the vehicles moratorium purchases, an increase of \$530,703 (\$528,522 SGF) for the 3.0 percent pay plan and BEST reductions of \$227,461 SGF. The recommendation includes: salaries and wages of \$21,583,205, contractual services of \$1,837,223, commodities of \$1,542,941, capital outlay of \$10,045, and debt service interest of \$112,247.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$3,700,304 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustments - Delete \$530,703, including \$528,522 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Hutchison Correctional Facility Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 774

Budget Page No. 229

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 25,601,310	\$ 25,085,661	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 25,601,310</u>	<u>\$ 25,085,661</u>	<u>\$ 0</u>
Capital Improvements	218,382	218,382	0
TOTAL	<u><u>\$ 25,819,692</u></u>	<u><u>\$ 25,304,043</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 25,284,288	\$ 24,766,458	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 25,284,288</u>	<u>\$ 24,766,458</u>	<u>\$ 0</u>
Capital Improvements	218,382	218,382	0
TOTAL	<u><u>\$ 25,502,670</u></u>	<u><u>\$ 24,984,840</u></u>	<u><u>\$ 0</u></u>
FTE Positions	513.0	513.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>513.0</u></u>	<u><u>513.0</u></u>	<u><u>0.0</u></u>

Agency Request/Governor's Recommendation

Hutchinson Correctional Facility requests FY 2005 operating expenditures of \$25,601,310, which is an increase of \$1,068,304 (4.4 percent) from the FY 2004 estimate. State General Fund expenditures are \$25,284,288, which is an increase of \$1,008,881 (4.2 percent) from the FY 2004 estimate. The request includes enhancements of \$290,204 SGF. The request includes: salaries and wages of \$21,716,822, contractual services of \$1,868,384, commodities of \$1,708,229, capital outlay of \$195,628 and debt service interest of \$112,247. The average daily population is estimated at 1,800 inmates.

The Governor recommends FY 2005 operating expenditures of \$25,085,661, which is an increase of \$968,992 (4.0 percent) from the FY 2004 recommendation and a decrease of \$515,649 (2.0 percent) from the facility's request. The recommendation includes State General Fund expenditures of \$24,766,458, which is an increase of \$907,388 (3.8 percent) from the FY 2004 recommendation. The Governor's recommendation includes a reduction of \$392,730 SGF for the

KPERS Correctional Officer rate adjustment, a reduction of \$120,529 SGF to increase the salaries and wages shrinkage rate from 5.5 percent to 6.0 percent, a reduction of \$15,428 SGF for the vehicles moratorium purchases, an increase of \$530,703 (\$528,522 SGF) for the 3.0 per pay plan and BEST reductions of \$227,461 SGF. The recommendation includes: salaries and wages of \$21,583,205, contractual services of \$1,837,223, commodities of \$1,542,941, capital outlay of \$10,045, and debt service interest of \$112,247.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Lansing Correctional Facility

Bill No. SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 789 **Budget Page No.** 301

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 32,422,616	\$ 31,862,253	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 32,422,616	\$ 31,862,253	\$ 0
Capital Improvements	288,282	288,282	0
TOTAL	\$ 32,710,898	\$ 32,150,535	\$ 0
State General Fund:			
State Operations	\$ 32,314,265	\$ 31,753,902	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 32,314,265	\$ 31,753,902	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 32,314,265	\$ 31,752,902	\$ 0
FTE Positions	700.0	700.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	700.0	700.0	0.0

Agency Estimate/Governor's Recommendation

Lansing Correctional Facility estimates FY 2004 operating expenditures of \$32,422,616, which is a decrease of \$292,862 from the approved amount. The State General Fund expenditures of \$32,314,265 are a decrease of \$230,412 (0.7 percent) from the approved amount. The decrease includes KSIP expenditures and shift of funds. The estimate includes: salaries and wages of \$27,284,616, contractual services of \$2,772,260, commodities of \$2,096,330, and capital outlay of \$269,410.

The Governor recommends FY 2004 operating expenditures of \$31,862,253, which is a decrease of \$853,225 (2.6 percent) from the approved amount and State General Fund expenditures of \$31,753,902, which is a \$790,775 (2.4 percent) reduction from the approved amount. The Governor concurs with the facility's request with the additional decrease of \$569,063 for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$26,715,553, contractual services of \$2,772,260, commodities of \$2,096,330 and capital outlay of \$278,110.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Lansing Correctional Facility **Bill No.** 2899 **Bill Sec.** 43

Analyst: Krahl **Analysis Pg. No.** 789 **Budget Page No.** 301

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 32,422,616	\$ 31,862,253	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 32,422,616	\$ 31,862,253	\$ 0
Capital Improvements	288,282	288,282	0
TOTAL	\$ 32,710,898	\$ 32,150,535	\$ 0
State General Fund:			
State Operations	\$ 32,314,265	\$ 31,753,902	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 32,314,265	\$ 31,753,902	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 32,314,265	\$ 31,752,902	\$ 0
FTE Positions	700.0	700.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	700.0	700.0	0.0

Agency Estimate/Governor's Recommendation

Lansing Correctional Facility estimates FY 2004 operating expenditures of \$32,422,616, which is a decrease of \$292,862 from the approved amount. The State General Fund expenditures of \$32,314,265 is a decrease of \$230,412 (0.7 percent) from the approved amount. The decrease includes KSIP expenditures and shift of funds. The estimate includes: salaries and wages of

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\$27,284,616, contractual services of \$2,772,260, commodities of \$2,096,330, and capital outlay of \$269,410.

The Governor recommends FY 2004 operating expenditures of \$31,862,253, which is a decrease of \$853,225 (2.6 percent) and State General Fund expenditures of \$31,753,902, which is a \$790,774 (2.4 percent) from the approved amount. The Governor concurs with the facility's request with the additional decrease of \$569,063 for the KPERS Correctional Officer rate adjustment. The recommendation includes: salaries and wages of 26,715, 553, contractual services of \$2,772,260, commodities of \$2,096,330 and capital outlay of \$278,110.

House Budget Committee Recommendation

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

39401(3/5/4{8:32AM})

Senate Subcommittee Report

Agency: Lansing Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 789 **Budget Page No.** 301

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 33,800,484	\$ 33,034,706	\$ (711,341)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 33,800,484	\$ 33,034,706	\$ (711,341)
Capital Improvements	0	0	0
TOTAL	\$ 33,800,484	\$ 33,034,706	\$ (711,341)
State General Fund:			
State Operations	\$ 33,678,455	\$ 32,912,677	\$ (711,341)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 33,678,455	\$ 32,912,677	\$ (711,341)
Capital Improvements	0	0	0
TOTAL	\$ 33,678,455	\$ 32,912,677	\$ (711,341)
FTE Positions	700.0	700.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	700.0	700.0	0.0

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

Lansing Correctional Facility requests FY 2005 operating expenditures of \$33,800,484, which is an increase of \$1,377,868 (4.2 percent) from the revised FY 2004 estimate and State General Fund expenditures of \$33,678,455, which is an increase of \$1,364,190 (4.2 percent) from the FY 2004 estimate. The request includes three enhancement packages totaling \$467,797 SGF. The request includes: salaries and wages of \$28,538,208, contractual services of \$2,789,766, commodities of \$2,089,864 and capital outlay of \$382,646.

The Governor's recommends FY 2005 operating expenditures of \$33,034,708, which is an increase of \$1,172,453 (3.7 percent) from the revised FY 2004 recommendation and State General Fund expenditures of \$32,912,677, which is an increase of \$1,158,775 (3.6 percent) from the revised recommendation. The recommendation does not include the enhancement requests. The recommendation includes an increase in the salaries and wages shrinkage rate from 5.5 percent to 6.0 percent for a SGF reduction of \$150,201, a 3.0 percent pay plan increase of \$711,341 SGF,

vehicle moratorium purchase reductions of \$52,777 SGF, BEST reductions of \$268,054 SGF, and a reduction of \$538,290 for the KPERS Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$28,410,857, contractual services of \$2,756,948, commodities of \$1,801,851, and capital outlay of \$65,050.

Under the Governor's FY 2005 **Statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$4,874,433 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment - Delete \$711,341 all State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Lansing Correctional Facility

Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 789

Budget Page No. 301

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 33,800,484	\$ 33,034,706	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 33,800,484	\$ 33,034,706	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 33,800,484	\$ 33,034,706	\$ 0
State General Fund:			
State Operations	\$ 33,678,455	\$ 32,912,677	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 33,678,455	\$ 32,912,677	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 33,678,455	\$ 32,912,677	\$ 0
FTE Positions	700.0	700.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	700.0	700.0	0.0

Agency Request/Governor's Recommendation

Lansing Correctional Facility requests FY 2005 operating expenditures of \$33,800,484, which is an increase of \$1,277,868 (4.2 percent) and State General Fund expenditures of \$33,678,455, which is an increase of \$1,364,190 (4.2 percent) from the FY 2004 estimate. The request includes three enhancement packages totaling \$467,797 SGF. The request includes: salaries and wages of \$28,538,208, contractual services of \$2,789,766, commodities of \$2,089,864 and capital outlay of \$382,646.

The Governor's recommends FY 2005 operating expenditures of \$33,034,708, which is an increase of \$1,172,453 (3.7 percent) and State General Fund expenditures of \$32,912,677, which is an increase of \$1,158,775 (3.6 percent) from the approved amount. The recommendation does not include the enhancement requests. The recommendation includes an increase in the salaries and wages shrinkage rate from 5.5 percent to 6.0 percent for a SGF reduction of \$150,201, a 3.0 percent pay pal increase of \$711,341 SGF, vehicle moratorium purchase reductions of \$52,777 SGF

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and BEST reductions of \$268,054 SGF. The recommendation includes: salaries and wages of \$28,410,857, contractual services of \$2,756,948, commodities of \$1,801,851, and capital outlay of \$65,050.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Larned Correctional Mental Health Facility **Bill No.** SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 806 **Budget Page No.** 303

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 8,055,109	\$ 7,913,608	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,055,109	\$ 7,913,608	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 8,055,109	\$ 7,913,608	\$ 0
State General Fund:			
State Operations	\$ 8,053,080	\$ 7,911,579	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,053,080	\$ 7,911,579	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 8,053,080	\$ 7,911,579	\$ 0
FTE Positions	186.0	186.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	186.0	186.0	0.0

Agency Estimate/Governor's Recommendation

Larned Correctional Mental Health Facility estimates FY 2004 operating expenditures of \$8,055,109, which is in an increase of \$108,381 (1.4 percent) from the approved amount and State General Fund expenditures of \$8,053,080, which is also an increase of \$108,381 (1.4 percent) from the approved amount. The increase is due to KSIP expenditures and a shift of funds from the Department of Corrections. The estimate includes: salaries and wages of \$7,186,396, contractual services of \$442,690, commodities of \$377,861 and capital outlay of \$48,162.

The Governor recommends FY 2004 operating expenditures of \$7,913,608, which is a decrease of \$33,120 (0.4 percent) from the approved amount and State General Fund expenditures of \$7,911,579, which is a decrease of \$33,120 (0.4 percent) from the approved amount. The Governor concurs with the facility's estimate with the additional decrease of \$141,501 SGF for the KPERS Correctional Officers rate adjustment. The recommendation includes: salaries and wages of \$7,044,895, contractual services of \$442,690, commodities of \$377,861, and capital outlay of \$48,162.

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Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Larned Correctional Mental Health Facility **Bill No.** 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 806

Budget Page No. 303

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 8,055,109	\$ 7,913,608	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,055,109	\$ 7,913,608	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 8,055,109	\$ 7,913,608	\$ 0
State General Fund:			
State Operations	\$ 8,053,080	\$ 7,911,579	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,053,080	\$ 7,911,579	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 8,053,080	\$ 7,911,579	\$ 0
FTE Positions	186.0	186.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	186.0	186.0	0.0

Agency Estimate/Governor's Recommendation

Larned Correctional Mental Health Facility estimates FY 2004 operating expenditures of \$8,055,109, which is in an increase of \$108,381 (1.4 percent) and State General Fund expenditures of \$8,053,080, which is also an increase of \$108,381 (1.4 percent) from the approved amount. The increase is due to KSIP expenditures and a funds of funds from the Department of Corrections. The

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estimate includes: salaries and wages of \$7,186,396, contractual services of \$442,690, commodities of \$377,861 and capital outlay of \$48,162.

The Governor recommends FY 2004 operating expenditures of \$7,913,608, which is a decrease of \$33,120 (0.4 percent) and State General Fund expenditures of \$7,911,579, which is a decrease of \$33,120 (0.4 percent) from the approved amount. The Governor concurs with the facility's estimate with the additional decrease of \$141,501 SGF for the KPERS Correctional Officers rate adjustment. The recommendation includes: salaries and wages of \$8,044,895, contractual services of \$442,690, commodities of \$377,861, and capital outlay of \$48,162.

House Budget Committee Recommendation

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

39404(3/5/4{8:43AM})

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Senate Subcommittee Report

Agency: Larned Correctional Mental Health Facility **Bill No.** SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 806 **Budget Page No.** 303

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 8,389,977	\$ 8,312,635	\$ (184,499)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,389,977	\$ 8,312,635	\$ (184,499)
Capital Improvements	0	0	0
TOTAL	\$ 8,389,977	\$ 8,312,635	\$ (184,499)
State General Fund:			
State Operations	\$ 8,386,170	\$ 8,308,828	\$ (184,499)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,386,170	\$ 8,308,828	\$ (184,499)
Capital Improvements	0	0	0
TOTAL	\$ 8,386,170	\$ 8,308,828	\$ (184,499)
FTE Positions	186.0	186.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	186.0	186.0	0.0

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

Larned Correctional Mental Health Facility requests FY 2005 operating expenditures of \$8,389,977, which is an increase of \$334,868 (4.2 percent) from the approved amount and State General Fund expenditures of \$8,386,170, which is an increase of \$333,090 (4.1 percent) from the FY 2004 estimate. The request includes \$157,357 in SGF enhancement requests. The request includes: salaries and wages of \$7,505,968, contractual services of \$449,345, commodities of \$380,564, and capital outlay of \$54,100.

The Governor recommends FY 2005 operating expenditures of \$8,312,635, which is an increase of \$399,027 (5.0 percent) from the FY 2004 recommendation and State General Fund expenditures of \$8,308,828, which is an increase of \$379,249 (5.0 percent) from the FY 2004 recommendation. The recommendation includes \$87,371 SGF for the enhancement request to lower the salaries and wages shrinkage rate from 6.8 percent to 5.7 percent, a \$3,750 SGF reduction for the vehicle moratorium purchases, BEST reductions of \$51,884 SGF, an increase of \$184,499 SGF for a 3.0 percent pay plan adjustment, and a decrease of \$136,221 for the KPERS Correctional

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Officer rate adjustment. The recommendation includes: salaries and wages of \$7,538,360, contractual services of \$438,446, commodities of \$335,829 and no capital outlay.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$1,230,554 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment—Delete \$184,499 all from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Larned Correctional Mental Health Facility **Bill No.** 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 806

Budget Page No. 303

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 8,389,977	\$ 8,312,635	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,389,977	\$ 8,312,635	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 8,389,977	\$ 8,312,635	\$ 0
State General Fund:			
State Operations	\$ 8,386,170	\$ 8,308,828	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 8,386,170	\$ 8,308,828	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 8,386,170	\$ 8,308,828	\$ 0
FTE Positions	186.0	186.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	186.0	186.0	0.0

Agency Request/Governor's Recommendation

Larned Correctional Mental Health Facility requests FY 2005 operating expenditures of \$8,389,977, which is an increase of \$334,868 (4.2 percent) and State General Fund expenditures of \$8,386,170, which is an increase of \$333,000 (4.1 percent) from the FY 2004 estimate. The request includes \$157,357 SGF enhancement requests. The request includes: salaries and wages of \$7,505,968, contractual services of \$449,346, commodities of \$380,564, and capital outlay of \$54,100.

The Governor recommends FY2005 operating expenditures of \$8,312,635, which is an increase of \$399,027 (5.0 percent) and State General Fund expenditures of \$8,308,828, which is an increase of \$379,249 (5.0 percent) from the FY 2004 recommendation. The recommendation includes \$87,371 SGF for the enhancement request to lower the salaries and wages shrinkage rate from 6.8 percent to 5.7 percent, \$3,750 SGF reduction for the vehicle moratorium purchases, BEST reductions of \$51,884 SGF, an increase of \$184,499 SGF for a 3.0 pay plan adjustment, and a decrease of \$136,221 for the KPERS Correctional Officer rate adjustment. The recommendation

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includes: salaries and wages of \$7,538,360, contractual services of \$438,446, commodities of \$335,829 and no capital outlay.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Norton Correctional Facility

Bill No. SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 821 **Budget Page No.** 323

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 12,454,104	\$ 12,240,397	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 12,454,105	\$ 12,240,397	\$ 0
Capital Improvements	270,000	270,000	0
TOTAL	\$ 12,724,104	\$ 12,510,397	\$ 0
State General Fund:			
State Operations	\$ 12,292,940	\$ 12,079,233	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 12,292,940	\$ 12,079,233	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 12,292,940	\$ 12,079,233	\$ 0
FTE Positions	266.0	266.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	267.0	267.0	0.0

Agency Estimate/Governor's Recommendation

Norton Correctional Facility estimates FY 2004 operating expenditures of \$12,454,105, which is an increase of \$65,655 (0.5 percent) from the approved amount and State General Fund expenditures of \$12,292,940, which is an increase of \$64,664 (0.5 percent) from the approved amount. The increase is due to KSIP expenditures. The estimate includes: salaries and wages of \$10,497,558, contractual services of \$1,142,103, commodities of \$705,005, and capital outlay of \$109,438.

The Governor recommends FY 2004 operating expenditures of \$12,240,397, which is a decrease of \$148,052 (1.2 percent) from the approved amount and State General Fund expenditures of \$12,079,233, which is a decrease of \$149,043 (1.2 percent) from the approved amount. The recommendation includes a reduction of \$213,707 SGF for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$10,283,851, contractual services of \$1,142,103, commodities of \$705,005, and capital outlay of \$109,438.

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Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Norton Correctional Facility

Bill No. 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 821

Budget Page No. 323

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 12,454,104	\$ 12,240,397	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 12,454,105	\$ 12,240,397	\$ 0
Capital Improvements	270,000	270,000	0
TOTAL	\$ 12,724,104	\$ 12,510,397	\$ 0
State General Fund:			
State Operations	\$ 12,292,940	\$ 12,079,233	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 12,292,940	\$ 12,079,233	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 12,292,940	\$ 12,079,233	\$ 0
FTE Positions	266.0	266.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	267.0	267.0	0.0

Agency Estimate/Governor's Recommendation

Norton Correctional Facility estimates FY 2004 operating expenditures of \$12,454,105, which is an increase of \$65,655 (0.5 percent) and State General Fund expenditures of \$12,292,940, which is an increase of \$64,664 (0.5 percent) from the approved amount. The increase is due to KSIP

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expenditures. The estimate includes: salaries and wages of \$10,497,558, contractual services of \$1,142,103, commodities of \$705,005, and capital outlay of \$109,438.

The Governor recommends FY 2004 operating expenditures of \$12,240,397, which is a decrease of \$148,052 (1.2 percent) and State General Fund expenditures of \$12,079,233, which is a decrease of \$149,043 (1.2 percent) from the approved amount. The recommendation includes a reduction of \$213,707 SGF for the KPERS Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$10,283,851, contractual services of \$1,142,103, commodities of \$705,005, and capital outlay of \$109,438.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Norton Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 821 **Budget Page No.** 323

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 12,868,434	\$ 12,676,676	\$ (268,067)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 12,868,434</u>	<u>\$ 12,676,676</u>	<u>\$ (268,067)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 12,868,434</u></u>	<u><u>\$ 12,676,676</u></u>	<u><u>\$ (268,067)</u></u>
State General Fund:			
State Operations	\$ 12,707,590	\$ 12,513,125	\$ (265,360)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 12,707,590</u>	<u>\$ 12,513,125</u>	<u>\$ (265,360)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 12,707,590</u></u>	<u><u>\$ 12,512,125</u></u>	<u><u>\$ (265,360)</u></u>
FTE Positions	266.0	266.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	<u><u>267.0</u></u>	<u><u>267.0</u></u>	<u><u>0.0</u></u>

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

Norton Correctional Facility requests FY 2005 operating expenditures of \$12,868,434, which is an increase of \$414,330 (3.3 percent) from the FY 2004 estimate and State General Fund expenditures of \$12,707,590, which is in an increase of \$414,650 (3.4 percent) from the FY 2004 estimate. The request includes an enhancement request of \$114,947 SGF to reduce the salary and wage shrinkage rate from 5.5 percent to 4.5 percent. The request includes: salaries and wages of \$10,977,393, contractual services of \$1,142,103, commodities of \$705,005, and capital outlay of \$43,933.

The Governor recommends FY 2005 operating expenditures of \$12,676,676, which is an increase of \$436,279 (3.6 percent) from the FY 2004 recommendation and State General Fund expenditures of \$12,513,125, which is an increase of \$433,892 (3.6 percent) from the FY 2004 recommendation. The recommendation does not include the enhancement request but does include a reduction of \$50,492 SGF for an increase in the salaries and wages shrinkage rate from

5.6 percent to 6.0 percent, an increase of \$268,067 for the 3.0 percent pay plan, a reduction of \$91,480 SGF for BEST reductions and a reduction of \$202,906 SGF for the KPERS Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$10,877,115, contractual services of \$1,129,414, commodities of \$638,526, and capital outlay of \$31,621.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$1,853,219 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment - Delete \$268,067, including \$265,360 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Norton Correctional Facility

Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 821

Budget Page No. 323

<u>Expenditure Summary</u>	<u>Agency Request FY 05</u>	<u>Governor's Recommendation FY 05</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 12,868,434	\$ 12,676,676	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 12,868,434</u>	<u>\$ 12,676,676</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 12,868,434</u></u>	<u><u>\$ 12,676,676</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 12,707,590	\$ 12,513,125	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 12,707,590</u>	<u>\$ 12,513,125</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 12,707,590</u></u>	<u><u>\$ 12,512,125</u></u>	<u><u>\$ 0</u></u>
FTE Positions	266.0	266.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	<u><u>267.0</u></u>	<u><u>267.0</u></u>	<u><u>0.0</u></u>

Agency Request/Governor's Recommendation

Norton Correctional Facility requests FY 2005 operating expenditures of \$12,868,434, which is an increase of \$414,330 (3.3 percent) and State General Fund expenditures of \$12,707,590, which is an increase of \$141,650 (3.4 percent) from the approved amount. The request includes an enhancement request of \$114,947 SGF to reduce the salary and wage shrinkage rate from 5.5 percent to 4.5 percent. The request includes: salaries and wages of \$10,977,393, contractual services of \$1,142,103, commodities of \$705,005, and capital outlay of \$43,933.

The Governor recommends FY 2005 operating expenditures of \$12,676,676, which is an increase of \$436,279 (3.6 percent) and State General Fund expenditures of \$12,513,125, which is a decrease of \$194,465 (1.5 percent) from the FY 2004 recommendation. The recommendation does not include the enhancement request but does include a reduction of \$50,492 SGF for an increase in the salaries and wages shrinkage rate from 5.6 percent to 6.0 percent, an increase of \$268,067 for the 3.0 percent pay plan, a reduction of \$91,480 SGF for BEST reductions and a

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reduction of \$202,906 SGF for the KPERS Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$10,877,115, contractual services of \$1,129,414, commodities of \$638,526, and capital outlay of \$31,621.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Topeka Correctional Facility

Bill No. SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 836 **Budget Page No.** 405

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 11,498,894	\$ 11,329,049	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 11,498,894	\$ 11,329,049	\$ 0
Capital Improvements	37,274	37,274	0
TOTAL	\$ 11,536,168	\$ 11,366,323	\$ 0
State General Fund:			
State Operations	\$ 10,270,586	\$ 10,100,741	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 10,270,586	\$ 10,100,741	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 10,270,586	\$ 10,100,741	\$ 0
FTE Positions	248.0	248.0	0.0
Non FTE Uncl. Perm. Pos.	3.0	3.0	0.0
TOTAL	251.0	251.0	0.0

Agency Estimate/Governor's Recommendation

Topeka Correctional Facility estimates FY 2004 operating expenditures of \$11,498,894, which is an increase of \$204,179 (1.8 percent) from the approved amount and State General Fund expenditures of \$10,270,586, which is an increase of \$18,266 (0.2 percent) from the approved amount. The increase is due to KSIP expenditures of \$55,266, a shift of funds from DOC, and increased fees from the housing of federal females inmates. The estimate includes: salaries and wages of \$9,675,013, contractual services of \$980,989, commodities of \$691,226, and capital outlay of \$151,666.

The Governor recommends FY 2004 operating expenditures of \$11,329,049, which is an increase of \$34,334 (0.3 percent) from the approved amount and State General Fund expenditures of \$10,100,741, which is a decrease of \$151,579 (1.5 percent) from the approved amount. The recommendation concurs with the facility's estimate with the adjustment of \$169,845 for the KPERs Correctional Officer rate change. The recommendation includes: salaries and wages of \$9,505,168, contractual services of \$980,989, commodities of \$691,226, and capital outlay of \$151,666.

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Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Topeka Correctional Facility

Bill No. 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 836

Budget Page No. 405

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	House Budget Committee Adjustments
All Funds:			
State Operations	\$ 11,498,894	\$ 11,329,049	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 11,498,894	\$ 11,329,049	\$ 0
Capital Improvements	37,274	37,274	0
TOTAL	\$ 11,536,168	\$ 11,366,323	\$ 0
State General Fund:			
State Operations	\$ 10,270,586	\$ 10,100,741	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 10,270,586	\$ 10,100,741	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 10,270,586	\$ 10,100,741	\$ 0
FTE Positions	248.0	248.0	0.0
Non FTE Uncl. Perm. Pos.	3.0	3.0	0.0
TOTAL	251.0	251.0	0.0

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Agency Estimate/Governor's Recommendation

Topeka Correctional Facility estimates FY 2004 operating expenditures of \$11,498,894, which is an increase of \$204,179 (1.8 percent) and State General Fund expenditures of \$10,270,586, which is an increase of \$18,266 (0.2 percent) from the approved amount. The increase is due to KSIP expenditures of \$55,266, a shift of funds from DOC, and increased fees from Federal Females Inmates. The estimate includes; salaries and wages of \$10,270,586, contractual services of \$295,662, commodities of \$82,531 and no capital outlay.

The Governor recommends FY 2004 operating expenditures of \$11,329,049, which is an increase of \$34,334 (0.3 percent) and State General Fund expenditures of \$10,100,741, which is a decrease of \$151,579 (1.5 percent) from the approved amount. The recommendation concurs with the facility's estimate with the adjustment of \$169,845 for the KPERS Correctional Officer rate change. The recommendation includes: salaries and wages of \$10,100,741, contractual services of \$295,662, commodities of \$82,531 and no capital outlay.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Topeka Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 836 **Budget Page No.** 405

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 11,924,063	\$ 11,774,313	\$ (251,570)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 11,924,063</u>	<u>\$ 11,774,313</u>	<u>\$ (251,570)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 11,924,063</u></u>	<u><u>\$ 11,774,313</u></u>	<u><u>\$ (251,570)</u></u>
State General Fund:			
State Operations	\$ 10,458,840	\$ 10,288,847	\$ (231,327)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,458,840</u>	<u>\$ 10,288,847</u>	<u>\$ (231,327)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,458,840</u></u>	<u><u>\$ 10,288,847</u></u>	<u><u>\$ (231,327)</u></u>
FTE Positions	248.0	248.0	0.0
Non FTE Uncl. Perm. Pos.	3.0	3.0	0.0
TOTAL	<u><u>251.0</u></u>	<u><u>251.0</u></u>	<u><u>0.0</u></u>

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

Topeka Correctional Facility requests FY 2005 operating expenditures of \$11,924,063, which is an increase of \$425,169 (3.7 percent) from the FY 2004 estimate and State General Fund expenditures of \$10,458,840, which is an increase of \$188,254 (1.8 percent) from the FY 2004 estimate. The request includes: salaries and wages of \$10,036,710, contractual services of \$1,009,127, commodities of \$691,226, and capital outlay of \$187,000.

The Governor recommends FY 2005 operating expenditures of \$11,774,313, which is an increase of \$445,264 (3.9 percent) from the FY 2004 recommendation and State General Fund expenditures of \$10,288,847, which is an increase of \$188,106 (1.9 percent) from the FY 2004 recommendation. The recommendation includes a reduction of \$36,922 to increase the salaries and wages shrinkage rate from 5.6 percent to 6.0 percent, a reduction of \$62,444 SGF for the vehicle moratorium purchases, an increase of \$251,570 for the 3.0 percent pay plan adjustment, BEST reductions of \$151,229 SGF, and a decrease of \$150,725 SGF for the KPERS Correctional Officer

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rate adjustment. The recommendation includes: salaries and wages of \$10,100,633, contractual services of \$971,607, commodities of \$586,800, and capital outlay of \$115,273.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$1,523,799 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment—Delete \$ 251,570, including \$231,327 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Topeka Correctional Facility

Bill No. 2900

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. 836 **Budget Page No.** 405

<u>Expenditure Summary</u>	<u>Agency Request FY 05</u>	<u>Governor's Recommendation FY 05</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 11,924,063	\$ 11,774,313	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 11,924,063</u>	<u>\$ 11,774,313</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 11,924,063</u></u>	<u><u>\$ 11,774,313</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 10,458,840	\$ 10,288,847	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,458,840</u>	<u>\$ 10,288,847</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,458,840</u></u>	<u><u>\$ 10,288,847</u></u>	<u><u>\$ 0</u></u>
FTE Positions	248.0	248.0	0.0
Non FTE Uncl. Perm. Pos.	3.0	3.0	0.0
TOTAL	<u><u>251.0</u></u>	<u><u>251.0</u></u>	<u><u>0.0</u></u>

Agency Request/Governor's Recommendation

Topeka Correctional Facility request FY 2005 operating expenditures of \$11,924,063, which is an increase of \$425,169 (3.7 percent) and State General Fund expenditures of \$10,458,840, which is an increase of \$188,254 (1.8 percent) from the FY 204 estimate. The request includes: salaries and wages of \$10,458,840, contractual services of \$258,006, commodities of \$84,924 and no capital outlay.

The Governor recommends FY 2005 operating expenditures of \$11,774,313, which is an increase of \$445,264 (3.9 percent) and State General Fund expenditures of \$10,288,847, which is an increase of \$188,106 (1.9 percent) from the FY 2004 recommendation. The recommendation includes a reduction of \$36,922 to increase the salaries and wages shrinkage rate from 5.6 percent to 6.0 percent, a reduction of \$62,444 SGF for the vehicle moratorium purchases, an increase of \$251,570 for the 3.0 percent pay plan adjustment, BEST reductions of \$151,229 SGF, and a decrease of \$169,845 SGF for the KPERs Correctional Officer rate adjustment. The recommenda-

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tion includes: salaries and wages of \$10,288,847, contractual services of \$258,903, commodities of \$86,935 and no capital outlay.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Winfield Correctional Facility

Bill No. SB 536

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. Vol. II, 850 **Budget Page No.** 465

Expenditure Summary	Agency Estimate FY 04	Governor's Recommendation FY 04	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 10,124,124	\$ 9,961,801	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,124,124</u>	<u>\$ 9,961,801</u>	<u>\$ 0</u>
Capital Improvements	166,615	166,614	0
TOTAL	<u><u>\$ 10,290,739</u></u>	<u><u>\$ 10,128,415</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 9,932,565	\$ 9,770,242	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 9,932,565</u>	<u>\$ 9,770,242</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 9,932,565</u></u>	<u><u>\$ 9,770,242</u></u>	<u><u>\$ 0</u></u>
FTE Positions	201.0	201.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	<u><u>203.0</u></u>	<u><u>203.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

Winfield Correctional Facility estimates FY 2004 operating expenditures of \$10,124,124, which is an increase of \$89,417 (0.9 percent) from the approved amount and State General Fund expenditures of \$9,932,565, which is an increase of \$87,400 (0.9 percent) from the approved amount. The increase is due to KSIP expenditures of \$4,962 and a transfer of funds from Lansing Correctional facility for utilities. The estimate includes: salaries and wages of \$8,039,980, contractual services of \$1,327,484, commodities of \$679,403, and capital outlay of \$77,257.

The Governor recommends FY 2004 operating expenditures of \$9,961,801, which is a decrease of \$72,906 (0.7 percent) from the approved amount and State General Fund expenditures of \$9,770,242, which is a decrease of \$74,923 (0.8 percent) from the approved amount and a difference of \$162,323 from the facility's estimate, which is the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$7,877,657, contractual services of \$1,327,485, commodities of \$679,402, and capital outlay of \$77,257.

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Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

House Budget Committee Report

Agency: Winfield Correctional Facility

Bill No. 2899

Bill Sec. 43

Analyst: Krahl

Analysis Pg. No. 850

Budget Page No. 465

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Governor's Recommendation FY 04</u>	<u>House Budget Committee Adjustments</u>
All Funds:			
State Operations	\$ 10,124,124	\$ 9,961,801	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,124,124</u>	<u>\$ 9,961,801</u>	<u>\$ 0</u>
Capital Improvements	166,615	166,614	0
TOTAL	<u><u>\$ 10,290,739</u></u>	<u><u>\$ 10,128,415</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 9,932,565	\$ 9,770,242	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 9,932,565</u>	<u>\$ 9,770,242</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 9,932,565</u></u>	<u><u>\$ 9,770,242</u></u>	<u><u>\$ 0</u></u>
FTE Positions	201.0	201.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	<u><u>203.0</u></u>	<u><u>203.0</u></u>	<u><u>0.0</u></u>

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Agency Estimate/Governor's Recommendation

Winfield Correctional Facility estimates FY 2004 operating expenditures of \$10,124,124, which is an increase of \$89,417 (0.9 percent) and State General Fund expenditures of \$9,932,565, which is an increase of \$87,400 (0.9 percent) from the approved amount. The increase is due to KSIP expenditures of \$4,962 and a transfer of funds from Lansing Correctional facility for utilities. The estimate includes: salaries and wages of \$8,039,980, contractual services of \$1,327,484, commodities of \$679,403, and capital outlay of \$77,257.

The Governor recommends FY 2004 operating expenditures of \$9,961,801, which is a decrease of \$72,906 (0.7 percent) and State General Fund expenditures of \$9,770,242, which is a decrease of \$74,923 (0.8 percent) from the approved amount and a difference of \$162,323 from the facility's estimate which is the KPERS Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$7,877,657, contractual services of \$1,327,485, commodities of \$679,402, and capital outlay of \$77,257.

House Budget Committee Recommendation

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

Senate Subcommittee Report

Agency: Winfield Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 850 **Budget Page No.** 465

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments*
All Funds:			
State Operations	\$ 10,459,587	\$ 10,274,243	\$ (209,678)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 10,459,587	\$ 10,274,243	\$ (209,678)
Capital Improvements	0	0	0
TOTAL	\$ 10,459,587	\$ 10,274,243	\$ (209,678)
State General Fund:			
State Operations	\$ 10,262,163	\$ 10,072,141	\$ (205,000)
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	\$ 10,262,163	\$ 10,072,141	\$ (205,000)
Capital Improvements	0	0	0
TOTAL	\$ 10,262,163	\$ 10,072,141	\$ (205,000)
FTE Positions	201.0	201.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	203.0	203.0	0.0

* The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

Agency Request/Governor's Recommendation

Winfield Correctional Facility requests FY 2005 operating expenditures of \$10,459,857, which is an increase of \$335,463 (3.3 percent) from the FY 2004 estimate and State General Fund expenditures of \$10,262,163, which is an increase of \$329,598 (3.3 percent) from the FY 2004 estimate. The request includes enhancement packages of \$150,062 SGF. The request includes: salaries and wages of \$8,419,919, contractual services of \$1,236,561, commodities of \$725,742 and capital outlay of \$77,365.

The Governor recommends FY 2005 operating expenditures of \$10,274,243, which is an increase of \$312,442 (3.1 percent) from the FY 2004 recommendation and State General Fund expenditures of \$10,072,141, which is an increase of \$301,899 (3.1 percent) from the FY 2004 recommendation. The recommendation does not include the enhancement requests. The recommendation includes a decrease of \$90,442 SGF for BEST reductions, an increase of \$209,678

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for the 3.0 percent pay plan adjustment, and a decrease of \$154,518 SGF for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$8,388,719, contractual services of \$1,218,674, commodities of \$607,409, and capital outlay of \$59,441.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$1,491,704 State General Fund.

Senate Subcommittee Recommendation

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

1. Pay Plan Adjustment - Delete \$209,678 including \$205,000 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.

Senate Committee Recommendation

The Senate Committee concurs with the Senate Subcommittee's recommendation.

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House Budget Committee Report

Agency: Winfield Correctional Facility

Bill No. SB 538

Bill Sec. 50

Analyst: Krahl

Analysis Pg. No. Vol. II, 850 Budget Page No. 465

Expenditure Summary	Agency Request FY 05	Governor's Recommendation FY 05	House Budget Comm. Adjustments
All Funds:			
State Operations	\$ 10,459,587	\$ 10,274,243	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,459,587</u>	<u>\$ 10,274,243</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,459,587</u></u>	<u><u>\$ 10,274,243</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 10,262,163	\$ 10,072,141	\$ 0
Aid to Local Units	0	0	0
Claims	0	0	0
Subtotal - Operating	<u>\$ 10,262,163</u>	<u>\$ 10,072,141</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,262,163</u></u>	<u><u>\$ 10,072,141</u></u>	<u><u>\$ 0</u></u>
FTE Positions	201.0	201.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	<u><u>203.0</u></u>	<u><u>203.0</u></u>	<u><u>0.0</u></u>

Agency Request/Governor's Recommendation

Winfield Correctional Facility requests FY 2005 operating expenditures of \$10,459,857, which is an increase of \$335,463 (3.3 percent) from the FY 2004 estimate and State General Fund expenditures of \$10,262,163, which is an increase of \$329,598 (3.3 percent) from the FY 2004 estimate. The request includes enhancement packages of \$150,062 SGF. The request includes: salaries and wages of \$8,419,919, contractual services of \$1,236,561, commodities of \$725,742 and capital outlay of \$77,365.

The Governor recommends FY 2005 operating expenditures of \$10,274,243, which is an increase of \$312,442 (3.1 percent) from the FY 2004 recommendation and State General Fund expenditures of \$10,072,141, which is an increase of \$301,899 (3.1 percent) from the FY 2004 recommendation. The recommendation does not include the enhancement requests. The recommendation includes a decrease of \$90,442 SGF for BEST reductions, an increase of \$209,678

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for the 3.0 percent pay plan adjustment, and a decrease of \$154,518 SGF for the KPERs Correctional Officer rate adjustment. The recommendation includes: salaries and wages of \$8,388,719, contractual services of \$1,218,674, commodities of \$607,409, and capital outlay of \$59,441.

Under the Governor's FY 2005 **statutory budget** recommendation, the Governor's recommendation for this agency's budget would have to be reduced by an additional \$1,491,704 State General Fund.

House Budget Committee Recommendation

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

AGRICULTURE AND NATURAL RESOURCES BUDGET COMMITTEE

FY 2004 and FY 2005

ANIMAL HEALTH DEPARTMENT STATE FAIR


Representative Sharon Schwartz, Chair


Representative Vaughn Flora


Representative Doug Gatewood


Representative Carl Holmes


Representative Vern Osborne


Representative Larry Powell


Representative Tom Thull

HOUSE APPROPRIATIONS

DATE 3-09-2004
ATTACHMENT 5

Senate Subcommittee Report

Agency: Animal Health Department

Bill No. --

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol 1 - 21

Budget Page No. 57

<u>Expenditure Summary</u>	<u>Agency Estimate FY 04</u>	<u>Gov. Rec. FY 04</u>	<u>Senate Subcommittee Adjustments</u>
State General Fund	\$ 575,245	\$ 575,245	\$ 0
All Other Funds	1,799,068	1,799,068	0
TOTAL	<u>\$ 2,374,313</u>	<u>\$ 2,374,313</u>	<u>\$ 0</u>
FTE Positions	31.0	31.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	<u>33.0</u>	<u>33.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

The Animal Health Department estimates \$2,374,313 for FY 2004 operating expenditures, which is consistent with the amount approved by the 2003 Legislature. The estimate includes \$575,245 from the State General Fund and \$1,799,068 from all other funds. The estimate includes \$1,400,192 for salaries and wages, \$937,226 for contractual services, \$35,895 for commodities, and \$1,000 for capital outlay.

The Governor concurs with the agency estimate.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Committee Recommendation

The Senate Committee concurs with the subcommittee's recommendation.

Senate Recommendation

The Senate has not yet considered this budget.

House Budget Committee Report

Agency: Animal Health Department

Bill No. --

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol 1 - 21

Budget Page No. 57

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The Governor concurs with the agency estimate.

House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Animal Health Department

Bill No. SB 538

Bill Sec. 61

Analyst: VanHouse

Analysis Pg. No. Vol 1 - 21

Budget Page No. 57

Expenditure Summary	Agency Estimate FY 05	Gov. Rec. FY 05**	Senate Subcommittee Adjustments*
State General Fund	\$ 788,522	\$ 572,345	\$ (10,800)
All Other Funds	1,550,020	1,634,365	(24,748)
TOTAL	\$ 2,338,542	\$ 2,206,710	\$ (35,548)
FTE Positions	31.6	31.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	33.6	33.0	0.0

*The entire adjustment reflects deletion of the Governor's recommended pay plan adjustments.

**Includes Governor's Budget Amendment No. 1, page 7, item 13.

Agency Request/Governor's Recommendation

The Animal Health Department requests \$2,338,542 for FY 2005 operating expenditures, which is a decrease of \$35,771 or 1.5 percent from the FY 2004 estimate. The request includes \$788,522 from the State General Fund, which is an increase of \$213,277 or 37.1 percent from the FY 2004 estimate. The request includes \$1,520,228 for salaries and wages, \$772,327 for contractual services, \$44,987 for commodities, and \$1,000 for capital outlay. The agency requests an enhancement package of \$134,017, with \$198,402 from the State General Fund (an enhancement of \$64,385 would transfer financing of existing functions from special revenue funds to the State General Fund).

The Governor recommends \$2,206,710 for FY 2005 operating expenditures, which is a decrease of \$167,603 or 7.1 percent from the FY 2004 recommendation. The recommendation includes \$572,345 from the State General Fund, which is a decrease of \$2,900 or 0.5 percent from the FY 2004 recommendation. The recommendation includes \$1,419,574 for salaries and wages, \$750,143 for contractual services, \$36,603 for commodities, and \$390 for capital outlay. The Governor's recommendation includes a reduction of \$28,055 from the State General Fund for the salary of a senior administrative assistant. The recommendation also includes the Governor's 3.0 percent pay plan increase and the other operating expenditure reductions as recommended by the Budget Efficiency Savings Teams (BEST).

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following notations:

1. Delete \$35,548, including \$10,800 from the State General Fund, to remove pay plan funding recommended by the Governor (a 3.0 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. The agency reported concern about the decision to end the state motor pool. As a result of this decision, ownership of 13 trucks was transferred to the agency.

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The agency reported that seven of these trucks have over 70,000 miles on them, with agency staff driving between 25,000 and 35,000 miles annually. The agency reported that with the ownership transfer, the agency is now responsible for the maintenance, insurance, and registration of these vehicles. The Subcommittee is concerned with the ability of the agency to meet these unanticipated expenses within their already tight budget.

The Subcommittee also heard testimony regarding maintenance concerns on the truck primarily driven by the Livestock Commissioner. The agency reported that this vehicle had 42,360 on it as of December 1, 2003 and that transmission work had been done on this truck several times at state expense. Since it was purchased through state contract, the warranty only covered the vehicle's first 35,000 miles. The Subcommittee notes that this manufacturer advertises 70,000 mile warranties. The Subcommittee noted that the state may be able to get this longer warranty, and, with a longer warranty, the transmission work would have been covered by the warranty. The Subcommittee expressed concern that by purchasing vehicles with a shorter warranty, the state may be incurring additional maintenance expense.

3. The Subcommittee heard testimony regarding a series of difficulties encountered in the repair of 17 laptop computers the agency purchased through state contract. The agency purchased 17 Gateway laptops on September 25, 2002, for a total purchase price of \$38,182. The agency provided the Subcommittee with documentation of the problems with the computers and the agency's communication with Gateway. As of January 23, 2004, the computers had not been repaired. On January 15, 2004, the Gateway service technician had taken 13 of the laptops to the Kansas City office for repair. The Subcommittee is concerned with this situation, particularly with the disruption to workflow within the agency and concern for purchases the agency had been with the state contract.
4. The agency reported on the status of the Animal Disease Control Fee Fund and the Animal Dealers Fee Fund. During the 2003 Interim, the Special Committee on Appropriations and Ways and Means reviewed the funding of the agency. The Committee directed the agency and the industry to work together to develop a fee proposal agreeable to both parties. Representatives of the livestock industry have met with the agency; however, a fee proposal has not yet been agreed upon. The agency reports that the Animal Disease Control Fee Fund has balances sufficient to fund the agency through FY 2005. However, with current revenues, the fund will be depleted by FY 2006. The agency reported that the Animal Dealers Fee Fund is depleted to a point where it will not have sufficient resources to fund the Facility Inspection program through FY 2005.
5. The Subcommittee received testimony from the kennel industry supporting the agency's Animal Facilities Inspection Program and the increase of fees to fund this program. The Subcommittee is very concerned about the low fund balance in this program and the ability of the agency to fund this program in future years. The Subcommittee noted SB 257, as amended by Ways and Means, which proposes to increase the fees in the kennel inspection program by 25 percent and impose a one dollar surcharge on adult dogs and cats maintained at a facility. The Subcommittee is supportive of the bill with amendments to strike the one dollar surcharge and increase the fees by 50 percent. The agency reported that it would have sufficient funds for about two years with a 25 percent fee increase. Upon passage of the bill, the Subcommittee concurs with the agency's intent to increase the fees by 25 percent until an increase to the new statutory maximum

(the entire 50 percent increase) is necessary. The Subcommittee also recommends that this issue be flagged for omnibus consideration, since the agency reports that this program will be unable to operate in FY 2005 without additional funds.

The Subcommittee is very supportive of the Animal Facilities Inspection Program and is encouraged by the positive changes that have resulted in this industry since the program's inception. Kansas now has a much stronger kennel industry and a good reputation in the national market as a result of this program. The Subcommittee feels it is necessary to increase the fees in this program to maintain its current level of regulation for this industry.

6. The Subcommittee heard testimony regarding the agency's work on the control of livestock diseases. The agency reported on a cooperative agreement between the Department and the U.S. Department of Agriculture (USDA) for several animal diseases. The agreement includes funding to double the surveillance of Bovine Spongiform Encephalopathy (BSE or mad cow disease). The agreement also includes funding for emergency management and surveillance of foreign animal diseases such as foot and mouth disease. This funding is intended to enhance, not supplant existing program funding.

The agency also gave an update on the status of other animal diseases of concern. Kansas was declared Brucellosis Free and Pseudorabies Free in 1999, and has maintained the "free" status since that time. The state has been Tuberculosis Free since 1995; however, tuberculosis has been found in the national dairy herd. As a result of this, the Department is now requiring a negative test for tuberculosis on all dairy cows before they are imported into the state. In FY 2004, the agency has tested over 21,000 horses for Equine Infectious Anemia (EIA) with 5 positive tests. Horses imported into the state and all equine entered at the Kansas State Fair are required to have a negative test for EIA.

7. The agency also reported on its ability to respond to an emergency situation. The agency has sufficient resources to respond to the BSE issue, but will be depleted of funds within one week should an outbreak of foot and mouth disease occur. The agency estimates that approximately 30 percent of its time is now devoted to emergency management.

The agency also reported that the Livestock Commissioner has been spending up to 75 percent of his time on the BSE issue. This has put a strain on both the Commissioner and the operations of the agency. The agency reported that in FY 2000, total travel expenditures for the Commissioner were \$3,235; however, travel expenditures for the first six months of FY 2004 were \$9,941. Annualized, this is over a six fold increase in travel expenditures. The Commissioner's duty to protect and support food safety and the livestock industry is critical to the vitality of the state's economy. Increased funding for the critical activities of this agency to support the livestock industry and the state's food system should be seriously considered.

Senate Committee Recommendation

The Senate Committee concurs with the subcommittee's recommendation.

Senate Recommendation

The Senate has not yet considered this budget.

House Budget Committee Report

Agency: Animal Health Department **Bill No.** HB 2900 **Bill Sec.** 61

Analyst: VanHouse **Analysis Pg. No.** Vol 1 - 21 **Budget Page No.** 57

<u>Expenditure Summary</u>	<u>Agency Estimate FY 05</u>	<u>Gov. Rec. FY 05*</u>	<u>House Budget Committee Adjustments</u>
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All Other Funds	1,550,020	1,634,365	0
TOTAL	<u>\$ 2,338,542</u>	<u>\$ 2,206,710</u>	<u>\$ 0</u>
FTE Positions	31.6	31.0	0.0
Non FTE Uncl. Perm. Pos.	2.0	2.0	0.0
TOTAL	<u>33.6</u>	<u>33.0</u>	<u>0.0</u>

*Includes Governor's Budget Amendment No. 1, page 7, item 13.

Agency Request/Governor's Recommendation

The Animal Health Department requests \$2,338,542 for FY 2005 operating expenditures, which is a decrease of \$35,771 or 1.5 percent from the FY 2004 estimate. The request includes \$788,522 from the State General Fund, which is an increase of \$213,277 or 37.1 percent from the FY 2004 estimate. The request includes \$1,520,228 for salaries and wages, \$772,327 for contractual services, \$44,987 for commodities, and \$1,000 for capital outlay. The agency requests an enhancement package of \$134,017, with \$198,402 from the State General Fund (an enhancement of \$64,385 would transfer financing of existing functions from special revenue funds to the State General Fund).

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House Budget Committee Recommendation

The Budget Committee concurs with the Governor's recommendation with the following notations.

1. The Budget Committee notes that Substitute for HB 2593 authorizes the agency to develop and implement an animal identification program. This work would be preliminary work anticipating the federal animal identification program. The Livestock Commissioner reported that three clerical positions would be needed to adequately begin work on this program. The agency has meetings scheduled in April with the federal government and at that time will have more information regarding the direction the federal government will take with this program. The Budget Committee recommends this issue be revisited during Omnibus.
2. The agency reported that the Department of Administration charges each state agency located in Shawnee County a rent surcharge of \$0.94 per square foot to cover maintenance expenses on the State Capitol Building, the Judicial Center, and Cedar Crest. The agency requested an enhancement package of \$5,511 to cover this expense. The Budget Committee notes that maintenance on these buildings is a function of general state government and should not be arbitrarily charged to state agencies.
3. The Budget Committee notes SB 257, which increases fees in the animal facilities inspection program by 25 percent. The Budget Committee heard testimony from the kennel industry supporting this program and the increase of fee to fund it. The agency reports that due to declining fee balances, the Animal Dealers Fee Fund will have a negative balance at the end of FY 2005 without a fee increase or other action. SB 257 would provide the agency an additional \$42,000 in revenue and would provide sufficient funds for the program for two additional years.
4. The Budget Committee concurs with Governor's Budget Amendment No. 1, page 7, item 13 which corrects an error in the agency's FTE limitation.
5. The agency commends the work the agency has done on informing the public about animal diseases, especially in regard to the recent finding of an animal infected with Bovine Spongiform Encephalopathy (BSE) in the United States. The agency reported that in order to effectively administer many of the additional duties the agency is taking on with animal disease issues and emergency management, one additional veterinarian position is needed. This individual would assist with many of the Commissioner's additional responsibilities in the disease control program and assist with emergency response functions, particularly in the event of a foreign animal disease outbreak.
6. Due to the agency's increased focus on emergency management and the potential of responding to an animal disease outbreak, the Livestock Commissioner has been required to spend many hours attending public meetings across the state and responding to the public on these issues. The Budget Committee encourages the agency to further utilize the resources of the Kansas State University Extension Service and the Department of Agriculture to perform these public relations functions.