

Approved: May 10, 2005
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on February 17, 2005 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Michelle Alishahi, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Representative Bonnie Huy
Representative Vaughn Flora on behalf of Representative Tom Sloan

Others attending:

See attached list.

Chairman Umbarger opened the public hearing on:

SB 225--Claims against the state

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees on **SB 225**:

Representative Bonnie Huy, Chairwoman, Special Claims Against the State, provided information to the committee. She explained that during the 2004 interim, excluding motor vehicle fuel tax, the committee heard 146 claims of which 113 were filed by inmates. The value of the claims submitted was \$1.6 quadrillion dollars. Out of that amount, the committee recommended authorizing \$128,146.54 of which \$242.32 of that were inmate claims. The committee recommended \$132,628.48 for motor vehicle fuel tax refunds. The grand total recommended by the committee in **SB 225** was \$260,775.02. (No written testimony was provided.)

Representative Vaughn Flora presented testimony on **SB 225** on behalf of Representative Tom Sloan (Attachment 1). It was requested that the committee amend **SB 225** regarding problems between residency determinations by Pittsburg State University and the University of Kansas to authorize that each pay \$3,738.00 for a total of \$7,476.00 to Ms. Terica Gatewood as explained in Representative Sloan's written testimony. Committee questions and discussion followed.

Senator Betts moved, with a second by Senator Barone, to amend **SB 225** to direct the University of Kansas reimburse \$7,476.00 to Ms. Terica Gatewood. Motion carried on a voice vote.

Senator Steineger moved, with a second by Senator Teichman, to amend **SB 225** and adopt a balloon amendment to direct staff to make technical corrections (Attachment 2). Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Teichman, to amend **SB 225** and adopt the balloon amendment to authorize and direct the Kansas Department of Administration to pay \$3,660.27 to John Seitz from the Cancelled Warrants Payment Fund as reimbursement for a cancelled warrant (Attachment 3). Motion

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on February 17, 2005 in Room 123-S of the Capitol.

carried on a voice vote.

Senator Emler moved, with a second by Senator Schodorf, to amend SB 225 and adopt the balloon amendment to authorize and direct the Kansas Department of Administration to pay \$214,089.49 from the Cancelled Warrants Payment Fund as reimbursement for an expired warrant regarding the University of Wisconsin - Madison (Attachment 4). Motion carried on a voice vote.

Senator Emler moved, with a single by Senator Wysong, to amend SB 225 and adopt the balloon amendment to authorize and direct the Kansas Department of Wildlife and Parks to pay \$3,000 to Duane Walker from the Parks Fee Fund as reimbursement for damage to claimant's pasture caused by a fire set by a state park patron (Attachment 5). Motion carried on a voice vote. Senator Kelly requested to be recorded as voting "No" on the motion.

Senator Barone moved, with a second by Senator Emler, to report SB 225 favorable for passage as amended. Motion carried on a roll call vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2005 and FY 2006 were available to the committee.

Subcommittee budget report on:

SENATE PUBLIC SAFETY SUBCOMMITTEE (Attachment 6)

Juvenile Justice Authority

Subcommittee Chairman Jay Emler reported that the subcommittee on the Juvenile Justice Authority concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Atchison Juvenile Correctional Facility

Subcommittee Chairman Jay Emler reported that the subcommittee on the Atchison Juvenile Correctional Facility concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Beloit Juvenile Correctional Facility

Subcommittee Chairman Jay Emler reported that the subcommittee on the Beloit Juvenile Correctional Facility concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Larned Juvenile Correctional Facility

Subcommittee Chairman Jay Emler that the subcommittee on the Larned Juvenile Correctional Facility concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Topeka Juvenile Correctional Facility

Subcommittee Chairman Jay Emler reported that the subcommittee on the Topeka Juvenile Correctional Facility concurs with the Governor's recommendation in FY 2005 with adjustments and observations and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Senator Emler moved, with a second by Senator Teichman, to adopt the subcommittee budget reports on

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on February 17, 2005 in Room 123-S of the Capitol.

Public Safety including Juvenile Justice Authority, Atchison Juvenile Correctional Facility, Beloit Juvenile Correctional Facility, Larned Juvenile Correctional Facility and Topeka Juvenile Correctional Facility) in FY 2005 and FY 2006. Motion carried on a voice vote.

The meeting adjourned at 12:00 p.m. The next meeting is scheduled for March 18, 2005.

TOM SLOAN
 REPRESENTATIVE, 45TH DISTRICT
 DOUGLAS COUNTY

STATE CAPITOL BUILDING
 ROOM 446-N
 TOPEKA, KANSAS 66612-1504
 (785) 296-7677
 1-800-432-3924
 772 HWY 40
 LAWRENCE, KANSAS 66049-4174
 (785) 841-1526
 sloan@house.state.ks.us



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 CHAIRMAN: HIGHER EDUCATION
 MEMBER: UTILITIES
 ENVIRONMENT
 AGRICULTURAL & NATURAL
 RESOURCES BUDGET
 KANSAS WATER AUTHORITY

Testimony on SB 225 - Claims Against the State
 Ways & Means Committee
 February 17, 2005

Mr. Chairman, Members of the Committee: The House Higher Education Committee and the Kansas Board of Regents and their staff have struggled to resolve a problem between residency determinations by Pittsburg State University (PSU) and the University of Kansas (KU). PSU granted Ms. Terica Gatewood in-state residency status on two separate occasions and KU denied in-state residency several times before ultimately granting Ms. Gatewood residency status for tuition purposes.

Attached to my testimony is a copy of a letter by Mr. Reginald Robinson, President and CEO of the Kansas Board of Regents. The letter was provided after representatives of the Board's staff and the Higher Education Committee discussed a more appropriate means of resolving the matter of Ms. Gatewood's tuition charges than the House passed bill in 2004 or HB 2063 this session.

Without conceding that errors in resolving residency status between two universities may have occurred, the Regents' staff and legislators agreed that Ms. Gatewood paid \$7,476 more than she would have if KU had accepted PSU's residency determination. Board staff agreed that my bringing this matter before you is acceptable and appropriate to put this issue behind us, an issue that has engaged legislative and Board attention for at least two years.

Therefore Mr. Chairman, members of the Committee, I request the Committee amend SB 225 and authorize PSU and KU to each pay \$3,738.00 for a total of \$7,476.00 to:

Ms. Terica Gatewood
 1408 N.W. Central Ave.
 Topeka KS 66608

We appreciate your attention and consideration of this request. Ms. Gatewood's husband, Sean, is present if you have questions regarding Terica's residency status and the process she pursued with both PSU and KU. I will be pleased to respond to questions about House Committee members discussions with the Board of Regent's staff to resolve this matter in a mutually acceptable manner.

Senate Ways and Means
 2-17-05
 Attachment 1



KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

TELEPHONE – 785-296-3421
FAX – 785-296-0983
www.kansasregents.org

February 9, 2005

Representative Tom Sloan
Chairman
House Higher Education Committee
State Capitol, Room 446-N
Topeka, KS 66612

Dear Chairman Sloan:

I am contacting you regarding House Bill 2063, an act concerning residency determinations at state educational institutions.

House Bill 2063 would provide for, among other things, retroactive reimbursement to a specific individual who qualified for resident tuition at Pittsburg State University through its contiguous county program, but who failed to qualify for resident tuition at the University of Kansas. The individual in question enrolled at the University of Kansas as a nonresident and this bill would provide reimbursement to this individual for the difference between resident and nonresident rates. The difference would be \$7,476 for the 2004 Academic Year (Fall 2003 and Spring 2004 semesters).

As you know, residency determinations are often complicated and emotional situations. There are many facts that must be considered when making such a determination, and while I certainly appreciate the House Higher Education Committee's interest in this matter, I think there may be a venue more well-suited for making such a complex decision. I firmly believe that if the Legislature wishes to intervene in this residency determination, this matter should be presented to and any action should be taken by the Joint Committee on Special Claims Against the State – a Committee that would have a better opportunity to carefully review the complete history and complicated facts of the case.

Chairman Sloan, thank you for your consideration of this request.

Sincerely,


Reginald L. Robinson
President and CEO

SENATE BILL No. 225

By Joint Committee on Special Claims Against the State

Proposed Technical Amendment
For Consideration by
Committee on Ways and Means

Senate Ways and Means
2-17-05 Attachment 2

9 AN ACT concerning certain claims against the state, making appropri-
10 tions, authorizing certain transfers, imposing certain restrictions and
11 limitations, and directing or authorizing certain disbursements, pro-
12 cedures and acts incidental to the foregoing.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. For the fiscal year ending June 30, 2005, appropriations are
16 hereby made, restrictions and limitations are hereby imposed, and trans-
17 fers, disbursements, procedures and acts incidental to the foregoing are
18 hereby directed or authorized as provided in this act.

19 Sec. 2. The department of revenue is hereby authorized and directed
20 to pay the following amounts from the motor-vehicle fuel tax refund fund,
21 for claims not filed within the statutory filing period prescribed in K.S.A.
22 79-3458 and amendments thereto, to the following claimants:

23	4 T Total Lawn, Inc.	
24	10960 Eicher Dr.	
25	Lenexa, KS 66219	\$1,223.53
26	Ala, George F.	
27	22829 Showalter Rd.	
28	La Cygne, KS 66040	\$49.89
29	Algrim, Tim	
30	10552 Lakeview Ct.	
31	Dodge City, KS 67801	\$2,477.40
32	Allen, Jerry R.	
33	1630 Killdeer	
34	Howard, KS 67349	\$48.94
35	Amino Bros. Co., Inc.	
36	8110 Kaw Dr.	
37	Box 11277	
38	Kansas City, KS 66111	\$14,870.48
39	Anderes Farms	
40	492 Hwy 15	
41	Hope, KS 67451.....	\$181.82

1	Brackeen Line Cleaning, Inc.	
2	P.O. Box 434	
3	Claffin, KS 67525	\$166.55
4	Brennecke, Paul T.	
5	1021 S. Rutter	
6	Chanute, KS 66720.....	\$37.17
7	Brookridge Golf & Cntry. Club	
8	8223 W 103rd St.	
9	Overland Park, KS 66212	\$100.00
10	Brox, Anton R.	
11	12313 Jewell Rd.	
12	Huron, KS 66041	\$35.60
13	Christiansen Ranch	
14	245 300th Road	
15	Durham, KS 67438.....	\$162.50
16	Cikanek, Kelly E.	
17	338 Webb St.	
18	Ellsworth, KS 67439	\$69.66
19	City of Alma	
20	P.O. Box 444	
21	Alma, KS 66401	\$161.69
22	City of Lincoln Center	
23	153 W Lincoln	
24	Box 126	
25	Lincoln, KS 67455.....	\$106.21
26	City of Linn	
27	104 5th	
28	Linn, KS 66953.....	\$52.57
29	City of Merriam	
30	9000 W 62nd Terr.	
31	Merriam, KS 66202	\$1,828.67
32	CJ Schemper Farms, Inc.	
33	1219 W 1500 Rd.	
34	Prairie View, KS 67664	\$98.20
35	Clemence, Joe F. or Joanna	
36	2541 Jeep Rd.	
37	Abilene, KS 67410.....	\$88.50
38	Cloud Co. Community College	
39	2221 Campus Dr.	
40	Concordia, KS 66901	\$476.10
41	Dexter, J.W.	
42	2082 E 100 Rd.	
43	Lecompton, KS 66050.....	\$0.00 \$95.40

1	Klahr, Delmer	
2	12258 302nd Rd.	
3	Netawaka, KS 66516.....	\$33.00
4	Komp, Rufus	
5	4308 S Ridge Rd.	
6	Wichita, KS 67215.....	\$49.17
7	L.W. Miller Transportation, Inc.	
8	2237 Conestoga Tr.	
9	Richfield, WI 53070.....	\$0.00
10	Loe, Donald	
11	1077 Paint Rd.	
12	Hope, KS 67451.....	\$50.55
13	Lucian, John	
14	2562 NW Star Valley Rd.	
15	Columbus, KS 66725.....	\$108.05
16	Lund, Lowell	
17	1951 W 217th Dr.	
18	Waldo, KS 67673.....	\$125.07
19	Marquis, Wayne	
20	12120 W 387 St.	
21	La Cygne, KS 66040.....	\$110.35
22	Martin, Jim	
23	354 W 290th Dr.	
24	Lucas, KS 67648.....	\$396.20
25	Mayhugh, J.W.	
26	4515 Quail Rd.	
27	Prescott, KS 66767.....	\$65.04
28	McDermed, Kent D.	
29	1516 Park Place Dr.	
30	Atchison, KS 66002.....	\$114.95
31	Melvin Gengler Farms, Inc.	
32	RR 1 Box 65	
33	Beloit, KS 67420.....	\$54.00
34	Metzinger, Dale T.	
35	2005 MacKenzie Way	
36	Yukon, OK 73099.....	\$87.90
37	Miller, Leon	
38	2406 N Brownlee Rd.	
39	Sylvia, KS 67581.....	\$345.07
40	Mueller Dairy	
41	2040 Delaware	
42	Humbolt, KS 66748.....	\$338.24

L & M Well Servicing Inc.
 Box 528
 Russell, KS 67665.....\$308.76

SENATE BILL No. 225

By Joint Committee on Special Claims Against the State

9 AN ACT concerning certain claims against the state, making appropri-
10 tions, authorizing certain transfers, imposing certain restrictions and
11 limitations, and directing or authorizing certain disbursements, pro-
12 cedures and acts incidental to the foregoing.

13
14 Be it enacted by the Legislature of the State of Kansas:

15 Section 1. For the fiscal year ending June 30, 2005, appropriations are
16 hereby made, restrictions and limitations are hereby imposed, and trans-
17 fers, disbursements, procedures and acts incidental to the foregoing are
18 hereby directed or authorized as provided in this act.

19 Sec. 2. The department of revenue is hereby authorized and directed
20 to pay the following amounts from the motor-vehicle fuel tax refund fund,
21 for claims not filed within the statutory filing period prescribed in K.S.A.
22 79-3458 and amendments thereto, to the following claimants:

23	4 T Total Lawn, Inc.	
24	10960 Eicher Dr.	
25	Lenexa, KS 66219	\$1,223.53
26	Ala, George F.	
27	22829 Showalter Rd.	
28	La Cygne, KS 66040	\$49.89
29	Algrim, Tim	
30	10552 Lakeview Ct.	
31	Dodge City, KS 67801	\$2,477.40
32	Allen, Jerry R.	
33	1630 Killdeer	
34	Howard, KS 67349	\$48.94
35	Amino Bros. Co., Inc.	
36	8110 Kaw Dr.	
37	Box 11277	
38	Kansas City, KS 66111	\$14,870.48
39	Anderes Farms	
40	492 Hwy 15	
41	Hope, KS 67451	\$181.82

Proposed Amendment
For Consideration by
Senate Committee on Ways and Means

Senate Ways and Means
02-17-05
Attachment 3

1 sonnel at the El Dorado correctional facility, to the following claimant:
 2 Steven A. Ford, #68456
 3 P.O. Box 311
 4 El Dorado, KS 67042..... \$5.16

5 (h) The department of corrections is hereby authorized and directed
 6 to pay the following amount from the Ellsworth correctional facility —
 7 facilities operations account of the state general fund for loss of claimant's
 8 personal property while claimant was in the care, custody and control of
 9 the personnel at the Ellsworth correctional facility, to the following claim-

10 ant:
 11 Fredrick N. Patterson, #63110
 12 P.O. Box 107
 13 Ellsworth, KS 67439 \$25.00

14 (i) The department of corrections is hereby authorized and directed to
 15 pay the following amount from the Lansing correction facility — facilities
 16 operations account of the state general fund as reimbursement for damage
 17 to claimant's car parked in the facility's employee parking lot, to the
 18 following claimant:

19 Charles Nance
 20 7121 Berkley Ave.
 21 Kansas City, MO 64152..... \$250.00

22 (j) The department of corrections is hereby authorized and directed to
 23 pay the following amount from the Lansing correction facility — facilities
 24 operations account of the state general fund as reimbursement for damage
 25 to claimant's car parked in the facility's employee parking lot, to the
 26 following claimant:

27 William James Johnson
 28 117 W Lois
 29 Lansing, KS 66043..... \$150.00

30 Sec. 7. The department of revenue is hereby authorized and directed
 31 to pay the following amount from the division of vehicles operating fund
 32 as reimbursement for improvements made by the claimant to leasehold
 33 requested by the department of revenue, who subsequently terminated
 34 the lease before moving in, to the following claimant:

35 Harry Baxter
 36 HB Stereo Incorporated
 37 130 E Poyntz Ave.
 38 Manhattan, KS 66502
 39 c/o Brenda J. Bell
 40 Attorney at Law
 41 P.O. Box 816
 42 Manhattan, KS \$10,218.10

43 Sec. 8. The department of administration is hereby authorized and

(a)

1 directed to pay the following amount from the cancelled warrants pay-
 2 ment fund as reimbursement for a penalty deducted to issue a replace-
 3 ment warrant for a rent payment which was never received by the claim-
 4 ant, to the following claimant:
 5 C.D.C. Financial Group, L.L.C.
 6 Gateway Plaza ACEO I, c/o
 7 Richard Ellis, Inc.
 8 P.O. Box 1450, NW #7785
 9 Minneapolis, MN 55485-7785 \$5,957.55

10 Sec. 9. (a) Except as otherwise provided by this act, the director of
 11 accounts and reports is hereby authorized and directed to draw warrants
 12 on the state treasurer in favor of the claimants specified in this act, upon
 13 vouchers duly executed by the state agencies directed to pay the amounts
 14 specified in such sections to the claimants or their legal representatives
 15 or duly authorized agents, as provided by law.

16 (b) The director of accounts and reports shall secure prior to the pay-
 17 ment of any amount to any claimant, other than amounts authorized to
 18 be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as
 19 transactions between state agencies as provided by this act, a written
 20 release and satisfaction of all claims and rights against the state of Kansas
 21 and any agencies, officers and employees of the state of Kansas regarding
 22 their respective claims.

23 Sec. 10. This act shall take effect and be in force from and after its
 24 publication in the Kansas register.

(b) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for a canceled warrant, to the following claimant:
 John Seitz
 402 W. Carson St. #25
 Carson, CA 90745.....\$3,660.27

SENATE BILL No. 225

By Joint Committee on Special Claims Against the State

Proposed Amendment
For Consideration by
Committee on Ways and Means

9 AN ACT concerning certain claims against the state, making appropri-
10 tions, authorizing certain transfers, imposing certain restrictions and
11 limitations, and directing or authorizing certain disbursements, pro-
12 cedures and acts incidental to the foregoing.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. For the fiscal year ending June 30, 2005, appropriations are
16 hereby made, restrictions and limitations are hereby imposed, and trans-
17 fers, disbursements, procedures and acts incidental to the foregoing are
18 hereby directed or authorized as provided in this act.

19 Sec. 2. The department of revenue is hereby authorized and directed
20 to pay the following amounts from the motor-vehicle fuel tax refund fund,
21 for claims not filed within the statutory filing period prescribed in K.S.A.
22 79-3458 and amendments thereto, to the following claimants:

23 4 T Total Lawn, Inc.	
24 10960 Eicher Dr.	
25 Lenexa, KS 66219	\$1,223.53
26 Ala, George F.	
27 22829 Showalter Rd.	
28 La Cygne, KS 66040	\$49.89
29 Algrim, Tim	
30 10552 Lakeview Ct.	
31 Dodge City, KS 67801	\$2,477.40
32 Allen, Jerry R.	
33 1630 Killdeer	
34 Howard, KS 67349	\$48.94
35 Amino Bros. Co., Inc.	
36 8110 Kaw Dr.	
37 Box 11277	
38 Kansas City, KS 66111	\$14,870.48
39 Anderes Farms	
40 492 Hwy 15	
41 Hope, KS 67451.....	\$181.82

Senate Ways and Means
02-17-05
Attachment 4

1 personnel at the El Dorado correctional facility, to the following claimant:

2 Steven A. Ford, #68456

3 P.O. Box 311

4 El Dorado, KS 67042..... \$5.16

5 (h) The department of corrections is hereby authorized and directed
6 to pay the following amount from the Ellsworth correctional facility —
7 facilities operations account of the state general fund for loss of claimant's
8 personal property while claimant was in the care, custody and control of
9 the personnel at the Ellsworth correctional facility, to the following claim-
10 ant:

11 Fredrick N. Patterson, #63110

12 P.O. Box 107

13 Ellsworth, KS 67439 \$25.00

14 (i) The department of corrections is hereby authorized and directed to
15 pay the following amount from the Lansing correction facility — facilities
16 operations account of the state general fund as reimbursement for dam-
17 age to claimant's car parked in the facility's employee parking lot, to the
18 following claimant:

19 Charles Nance

20 7121 Berkley Ave.

21 Kansas City, MO 64152..... \$250.00

22 (j) The department of corrections is hereby authorized and directed to
23 pay the following amount from the Lansing correction facility — facilities
24 operations account of the state general fund as reimbursement for dam-
25 age to claimant's car parked in the facility's employee parking lot, to the
26 following claimant:

27 William James Johnson

28 117 W Lois

29 Lansing, KS 66043..... \$150.00

30 Sec. 7. The department of revenue is hereby authorized and directed
31 to pay the following amount from the division of vehicles operating fund
32 as reimbursement for improvements made by the claimant to leasehold
33 requested by the department of revenue, who subsequently terminated
34 the lease before moving in, to the following claimant:

35 Harry Baxter

36 HB Stereo Incorporated

37 130 E Poyntz Ave.

38 Manhattan, KS 66502

39 c/o Brenda J. Bell

40 Attorney at Law

41 P.O. Box 816

42 Manhattan, KS \$10,218.10

43 Sec. 8. The department of administration is hereby authorized and

(a)

1 directed to pay the following amount from the cancelled warrants pay-
 2 ment fund as reimbursement for a penalty deducted to issue a replace-
 3 ment warrant for a rent payment which was never received by the claim-
 4 ant, to the following claimant:
 5 G.D.C. Financial Group, L.L.C.
 6 Gateway Plaza ACEO 1, c/o
 7 Richard Ellis, Inc.
 8 P.O. Box 1450, NW #7785
 9 Minneapolis, MN 55485-7785..... \$5,957.55

10 Sec. 9. (a) Except as otherwise provided by this act, the director of
 11 accounts and reports is hereby authorized and directed to draw warrants
 12 on the state treasurer in favor of the claimants specified in this act, upon
 13 vouchers duly executed by the state agencies directed to pay the amounts
 14 specified in such sections to the claimants or their legal representatives
 15 or duly authorized agents, as provided by law.

16 (b) The director of accounts and reports shall secure prior to the pay-
 17 ment of any amount to any claimant, other than amounts authorized to
 18 be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as
 19 transactions between state agencies as provided by this act, a written
 20 release and satisfaction of all claims and rights against the state of Kansas
 21 and any agencies, officers and employees of the state of Kansas regarding
 22 their respective claims.

23 Sec. 10. This act shall take effect and be in force from and after its
 24 publication in the Kansas register.

(b) The department of administration is hereby authorized and directed to pay the following amount from the canceled warrants payment fund as reimbursement for an expired warrant, to the following claimant:
 University of Wisconsin - Madison
 400 A.W. Peterson Bldg.
 750 University Ave.
 Madison, WI 53706-1490.....\$214,089.49

SENATE BILL No. 225

By Joint Committee on Special Claims Against the State

2-8

Proposed Amendment
For Consideration by
Committee on Ways and Means

Senate Ways and Means
02-17-05
Attachment 5

9 AN ACT concerning certain claims against the state, making appropri-
10 tions, authorizing certain transfers, imposing certain restrictions and
11 limitations, and directing or authorizing certain disbursements, pro-
12 cedures and acts incidental to the foregoing.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. For the fiscal year ending June 30, 2005, appropriations are
16 hereby made, restrictions and limitations are hereby imposed, and trans-
17 fers, disbursements, procedures and acts incidental to the foregoing are
18 hereby directed or authorized as provided in this act.

19 Sec. 2. The department of revenue is hereby authorized and directed
20 to pay the following amounts from the motor-vehicle fuel tax refund fund,
21 for claims not filed within the statutory filing period prescribed in K.S.A.
22 79-3458 and amendments thereto, to the following claimants:

23	4 T Total Lawn, Inc.	
24	10960 Eicher Dr.	
25	Lenexa, KS 66219	\$1,223.53
26	Ala, George F.	
27	22829 Showalter Rd.	
28	La Cygne, KS 66040	\$49.89
29	Algrim, Tim	
30	10552 Lakeview Ct.	
31	Dodge City, KS 67801	\$2,477.40
32	Allen, Jerry R.	
33	1630 Killdeer	
34	Howard, KS 67349	\$48.94
35	Amino Bros. Co., Inc.	
36	8110 Kaw Dr.	
37	Box 11277	
38	Kansas City, KS 66111	\$14,870.48
39	Anderes Farms	
40	492 Hwy 15	
41	Hope, KS 67451	\$181.82

1 directed to pay the following amount from the cancelled warrants pay-
2 ment fund as reimbursement for a penalty deducted to issue a replace-
3 ment warrant for a rent payment which was never received by the claim-
4 ant, to the following claimant:

5 G.D.C. Financial Group, L.L.C.
6 Gateway Plaza ACEO 1, c/o
7 Richard Ellis, Inc.
8 P.O. Box 1450, NW #7785
9 Minneapolis, MN 55485-7785 \$5,957.55

10]

10 Sec. ~~10~~ (a) Except as otherwise provided by this act, the director of
11 accounts and reports is hereby authorized and directed to draw warrants
12 on the state treasurer in favor of the claimants specified in this act, upon
13 vouchers duly executed by the state agencies directed to pay the amounts
14 specified in such sections to the claimants or their legal representatives
15 or duly authorized agents, as provided by law.

16 (b) The director of accounts and reports shall secure prior to the pay-
17 ment of any amount to any claimant, other than amounts authorized to
18 be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as
19 transactions between state agencies as provided by this act, a written
20 release and satisfaction of all claims and rights against the state of Kansas
21 and any agencies, officers and employees of the state of Kansas regarding
22 their respective claims.

11]

23 Sec. ~~10~~ This act shall take effect and be in force from and after its
24 publication in the Kansas register.

Sec. 9. the department of wildlife and parks is hereby authorized and directed to pay the following amount from the parks fee fund as reimbursement for damage to claimant's pasture caused by a fire set by a state park patron, to the following claimant:
Duane W. Walker
1422 27th Ave.
Canton, KS 67428.....\$3,000

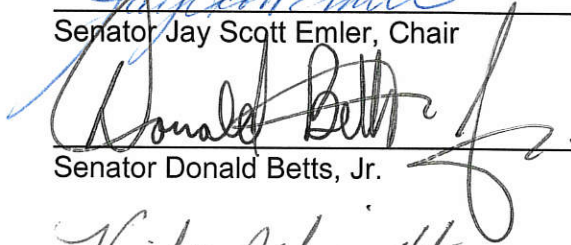
SENATE PUBLIC SAFETY COMMITTEE

**FY 2005 and FY 2006
Subcommittee Reports**

Atchison Juvenile Correctional Facility
Beloit Juvenile Correctional Facility
Larned Juvenile Correctional Facility
Topeka Juvenile Correctional Facility
Juvenile Justice Authority



Senator Jay Scott Emler, Chair



Senator Donald Betts, Jr.



Senator Vicki Schmidt

Senate Subcommittee Report

Agency: Juvenile Justice Authority

Bill No. - -

Bill Sec. - -

Analyst: Cussimano

Analysis Pg. No. Vol. I-549

Budget Page No. 235

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 32,034,727	\$ 30,508,156	\$ 0
Other Funds	22,886,968	22,590,096	0
TOTAL - Operations	\$ 54,921,695	\$ 53,098,252	\$ 0
Capital Improvements:			
State General Fund	0	0	0
Other Funds	4,028,401	4,019,281	0
TOTAL	\$ 58,950,096	\$ 57,117,533	\$ 0
FTE Positions			
	42.0	42.0	0.0
Non FTE Uncl. Perm. Pos.			
	16.3	16.3	0.0
TOTAL	58.3	58.3	0.0

Agency Estimate/Governor's Recommendation

The Juvenile Justice Authority estimates operating expenditures of \$54,921,695, an increase of \$4,927,634 or 9.9 percent from the amount approved by the 2004 Legislature. Of this estimate, \$32,034,727 is from the State General Fund. The estimate includes a supplemental request of \$3,393,408 from the State General Fund to fully finance the Purchase of Services budget which pays providers for the care of children in custody. Expenditures in the budget include payments for in home services, out of home placements, foster care, group homes, emergency shelters and add on services.

The Governor recommends operating expenditures of \$53,098,252 with \$30,508,156 from the State General Fund. The recommendation is an increase of \$3,104,191 or 9.9 percent from the amount approved by the 2004 Legislature. The recommendation is a decrease of \$1,823,443 or 3.3 percent from the agency's FY 2005 estimate.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2005 revised recommendation is a State General Fund increase of \$1,879,645 or 6.6 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature.

Senate Subcommittee Report

Agency: Juvenile Justice Authority

Bill No. - -

Bill Sec. - -

Analyst: Cussimanio

Analysis Pg. No. Vol. I-549 Budget Page No. 235

Expenditure Summary	Agency Request FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 36,122,295	\$ 30,745,119	\$ (149,262)
Other Funds	21,605,911	21,042,958	(22,560)
TOTAL - Operations	\$ 57,728,206	\$ 51,788,077	\$ (171,822)
Capital Improvements:			
State General Fund	0	0	0
Other Funds	5,088,753	2,921,000	0
TOTAL	\$ 62,816,989	\$ 54,709,077	\$ (171,822)
FTE Positions			
	42.0	42.0	0.0
Non FTE Uncl. Perm. Pos.			
	16.3	16.3	0.0
TOTAL	58.3	58.3	0.0

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

Agency Request/Governor's Recommendation

The Juvenile Justice Authority requests operating expenditures of \$57,728,206, an increase of \$2,806,511 or 5.1 percent from the FY 2005 revised estimate. Of this, \$36,122,295 is from the State General Fund, an increase of \$4,087,568 or 12.8 percent above the FY 2005 estimate. Included in the budget are eight enhancements totaling \$8,070,152. Absent the enhancement package, the request is a decrease of \$5,263,611 or 9.6 percent from the agency's FY 2005 estimate.

The Governor recommends operating expenditures of \$51,788,077 with \$30,745,119 from the State General Fund. The recommendation is a decrease of \$5,940,129 or 10.3 percent from the agency request. The Governor did not recommend full funding of the enhancements resulting in the decrease. The recommendation is a decrease of \$1,310,175 or 2.5 percent from the Governor's FY 2005 recommendation. The agency shrinkage rate was increased to 5.0 percent.

Statutory Budget Submission

KSA 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provide for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial

or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$2,745,330.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Pay Plan Adjustment.** Delete \$65,558, including \$56,898 from the State General Fund, to remove pay plan funding recommended by the Governor (a 2.5 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **Other Salary and Wage Adjustments.** Delete \$106,264, including \$92,364 from the State General Fund, to remove funding recommended by the Governor for the 27th payroll period (\$97,111), and for the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$9,153) for later Committee consideration.
3. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2006 recommendation is a State General Fund increase of \$2,116,608 or 7.4 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above pay plan and salary and wage adjustments, the recommendation is an increase of \$1,967,346, or 6.9 percent above the approved amount.
4. The Committee acknowledges the Governor's recommendation that the Legislature investigate possible uses for the old Topeka Juvenile Correctional Facility. However, the Committee requests the Juvenile Justice Authority look at the Topeka facility, taking into consideration existing resources, and make recommendations regarding possible uses for the facility.
5. The Committee recognizes the importance of community prevention programs and recommends an interim study by either the Corrections and Juvenile Justice Oversight Committee or the Legislative Budget Committee regarding the reductions in community funding over the past few years.

Senate Subcommittee Report

Agency: Atchison Juvenile Correctional Facility

Bill No.

Bill Sec.

Analyst: Cussimano

Analysis Pg. No. Vol. I-567

Budget Page No. 63

<u>Expenditure Summary</u>	<u>Agency Estimate FY 05</u>	<u>Governor's Recommendation FY 05</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 6,098,350	\$ 5,839,767	\$ 0
Other Funds	257,164	257,164	0
TOTAL - Operating	<u>\$ 6,355,514</u>	<u>\$ 6,096,931</u>	<u>\$ 0</u>
FTE Positions	118.0	118.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>118.0</u>	<u>118.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

Atchison Juvenile Correctional Facility estimates operating expenditures of \$6,355,514, an increase of \$296,863 or 4.9 percent from the amount approved by the 2004 Legislature. The agency estimates FY 2005 State General Fund expenditures of \$6,098,350, an increase of \$243,108 or 4.2 percent from the approved amount. Included in the agency's budget is a State General Fund supplemental request of \$234,769.

The Governor recommends an FY 2005 operating budget of \$6,096,931 with \$5,839,767 from the State General Fund. The recommendation is a reduction of \$258,583 or 4.1 percent from the agency's estimate. The Governor's FY 2005 recommendation is an increase of \$38,280 or 0.6 percent from the amount approved by the 2004 Legislature. The Governor does not recommend the State General Fund supplemental funding.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2005 revised recommendation is a State General Fund decrease of \$15,475 or 0.3 percent below the FY 2005 State General Fund amount approved by the 2004 Legislature.

Senate Subcommittee Report

Agency: Atchison Juvenile Correctional Facility **Bill No.** **Bill Sec.**

Analyst: Cussimanio **Analysis Pg. No.** Vol. I-567 **Budget Page No.** 63

Expenditure Summary	Agency Request FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 6,150,456	\$ 6,075,402	\$ (209,378)
Other Funds	229,445	229,695	(250)
TOTAL - Operating	<u>\$ 6,379,901</u>	<u>\$ 6,305,097</u>	<u>\$ (209,628)</u>
FTE Positions	118.0	118.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u>118.0</u>	<u>118.0</u>	<u>0.0</u>

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

Agency Request/Governor's Recommendation

Atchison Juvenile Correctional Facility requests an operating budget of \$6,379,901 for FY 2006, an increase of \$24,387 or 0.4 percent from the revised FY 2005 estimate. The request includes an enhancement package of \$282,782 funded by the State General Fund.

The Governor recommends funding for FY 2006 operating expenditures of \$6,305,097 with \$6,075,402 from the State General Fund. The recommendation is an increase of \$208,166 or 3.4 percent from the FY 2005 recommendation. The recommendation is a reduction of \$74,804 or 1.2 percent from the agency's revised FY 2006 request.

Statutory Budget Submission

KSA 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provide for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 percent ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$542,492.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Pay Plan Adjustment.** Delete \$79,861 from the State General Fund to remove pay plan funding recommended by the Governor (a 2.5 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **Other Salary and Wage Adjustments.** Delete \$129,767, including \$129,517 from the State General Fund, to remove funding recommended by the Governor for the 27th payroll period (\$118,410), and for the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$11,357) for later Committee consideration.
3. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2006 recommendation is a State General Fund increase of \$220,160 or 3.8 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above pay plan and salary and wage adjustments, the recommendation is an increase of \$10,782 or 0.2 percent above the approved amount.

Senate Subcommittee Report

Agency: Beloit Juvenile Correctional Facility

Bill No. - -

Bill Sec. - -

Analyst: Cussimanio

Analysis Pg. No. Vol. I-583

Budget Page No. 83

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 4,561,157	\$ 4,467,271	\$ 0
Other Funds	254,043	254,043	0
TOTAL - Operating	\$ 4,815,200	\$ 4,721,314	\$ 0
FTE Positions	94.0	94.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	94.0	94.0	0.0

Agency Estimate/Governor's Recommendation

Beloit Juvenile Correctional Facility estimates FY 2005 operating expenditures of \$4,815,200, a decrease of \$82,070 or 1.7 percent below the amount approved by the 2004 Legislature. The agency estimates FY 2005 State General Fund expenditures of \$4,561,157, a decrease of \$127,380 or 2.7 percent below the approved amount.

The Governor recommends an FY 2005 operating budget of \$4,721,314, a decrease of \$246,868 or 5.0 percent below the amount approved by the 2004 Legislature. The recommendation is a decrease of \$93,886 or 1.9 percent below the agency's FY 2005 estimate.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

- Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2005 revised recommendation is a State General Fund decrease of \$221,266 or 4.7 percent below the FY 2005 State General Fund amount approved by the 2004 Legislature.

Senate Subcommittee Report

Agency: Beloit Juvenile Correctional Facility

Bill No. - -

Bill Sec. - -

Analyst: Cussimanio

Analysis Pg. No. Vol. I-583

Budget Page No. 83

Expenditure Summary	Agency Request FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 4,668,906	\$ 4,609,697	\$ (188,078)
Other Funds	286,186	289,060	(2,874)
TOTAL - Operating	\$ 4,955,092	\$ 4,898,757	\$ (190,952)
FTE Positions	94.0	94.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	94.0	94.0	0.0

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

Agency Request/Governor's Recommendation

Beloit Juvenile Correctional Facility requests an FY 2006 operating budget of \$4,955,122, an increase of \$139,922 or 2.9 percent below the revised 2005 request. The request includes an enhancement package of \$160,491 funded by the State General Fund.

The Governor recommends funding for FY 2006 operating expenditures of \$4,898,757, an increase of \$177,443 or 3.8 percent above the FY 2005 recommendation. The recommendation is a decrease of \$56,625 or 1.1 percent below the agency's FY 2006 estimate.

Statutory Budget Submission

KSA 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provide for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$411,615.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Pay Plan Adjustment.** Delete \$72,968, including \$71,871 from the State General Fund, to remove pay plan funding recommended by the Governor (a 2.5 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **Other Salary and Wage Adjustments.** Delete \$117,984, including \$116,207 from the State General Fund, to remove funding recommended by the Governor for the 27th payroll period (\$108,129), and for the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$9,855) for later Committee consideration.
3. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2006 recommendation is a State General Fund decrease of \$78,840 or 1.7 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above pay plan and salary and wage adjustments, the recommendation is a decrease of \$266,918, or 5.7 percent above the approved amount.

Senate Subcommittee Report

Agency: Larned Juvenile Correctional Facility

Bill No. - -

Bill Sec. - -

Analyst: Cussimano

Analysis Pg. No. Vol. I-612 Budget Page No. 301

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 7,832,810	\$ 7,672,494	\$ 0
Other Funds	349,318	349,318	0
TOTAL - Operating	<u>\$ 8,182,128</u>	<u>\$ 8,021,812</u>	<u>\$ 0</u>
FTE Positions	147.0	147.0	0.0
Non FTE Uncl. Perm. Pos.	15.0	15.0	0.0
TOTAL	<u>162.0</u>	<u>162.0</u>	<u>0.0</u>

Agency Estimate/Governor's Recommendation

Larned Juvenile Correctional Facility estimates operating expenditures of \$8,182,128, a decrease of \$171,276 or 2.1 percent from the amount approved by the 2004 Legislature. The agency estimates FY 2005 State General Fund expenditures of \$7,832,810, a decrease of \$37,971 or 0.5 percent from the approved amount.

The Governor recommends an operating budget of \$8,021,812 for FY 2005 with \$7,672,494 from the State General Fund. The recommendation is a reduction of \$160,316 or 0.2 percent from the agency's request and a reduction of \$331,592 or 4.0 percent from the amount approved by the 2004 Legislature.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

- 1. Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2005 revised recommendation is a State General Fund decrease of \$198,287 or 2.5 percent below the FY 2005 State General Fund amount approved by the 2004 Legislature.

Senate Subcommittee Report

Agency: Larned Juvenile Correctional Facility

Bill No. - -

Bill Sec. - -

Analyst: Cussimanio

Analysis Pg. No. Vol. I-612 **Budget Page No.** 301

Expenditure Summary	Agency Request FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 8,305,273	\$ 8,012,838	\$ (325,276)
Other Funds	57,895	58,124	(229)
TOTAL - Operating	<u>\$ 8,363,168</u>	<u>\$ 8,070,962</u>	<u>\$ 325,505</u>
FTE Positions	149.0	149.0	0.0
Non FTE Uncl. Perm. Pos.	14.0	14.0	0.0
TOTAL	<u>163.0</u>	<u>163.0</u>	<u>0.0</u>

* The entire adjustment reflects deletion of the Governor's recommended salary adjustment.

Agency Request/Governor's Recommendation

Larned Juvenile Correctional Complex requests an operating budget of \$8,363,168, an increase of \$181,040 or 2.2 percent over the revised FY 2005 request. The request includes an enhancement package of \$456,289 funded by the State General Fund. Absent the enhancement package, the request is a decrease of \$234,944 or 2.9 percent from the revised FY 2005 request.

The Governor recommends an FY 2006 operating budget of \$8,070,962 with \$8,012,838 from the State General Fund. The recommendation is an increase of \$49,150 or 0.6 percent from the current year recommendation.

Statutory Budget Submission

KSA 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provide for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$715,492.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Pay Plan Adjustment.** Delete \$125,597, all from the State General Fund, to remove pay plan funding recommended by the Governor (a 2.5 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **Other Salary and Wage Adjustments.** Delete \$199,908, including \$199,679 from the State General Fund, to remove funding recommended by the Governor for the 27th payroll period (\$181,380), and for the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$18,528) for later Committee consideration.
3. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2006 recommendation is a State General Fund increase of \$142,057 or 1.8 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above pay plan and salary and wage adjustments, the recommendation is a decrease of \$183,219, or 2.3 percent below the approved amount.

Senate Subcommittee Report

Agency: Topeka Juvenile Correctional Facility

Bill No. - -

Bill Sec. - -

Analyst: Cussimanio

Analysis Pg. No. Vol. I - 626 Budget Page No. 403

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 12,738,191	\$ 13,995,787	\$ 0
Other Funds	525,657	525,657	0
TOTAL - Operating	\$ 13,263,848	\$ 14,521,444	\$ 0
FTE Positions	236.0	274.2	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	237.0	275.2	0.0

Agency Estimate/Governor's Recommendation

Topeka Juvenile Correctional Facility (TJCF) estimates operating expenditures of \$13,263,848 for FY 2005. This is an increase of \$587,342 or 4.6 percent from the amount approved by the 2004 Legislature. Of this estimate, \$12,738,191 is funded by the State General Fund, an increase of \$231,729 or 1.9 percent from the FY 2005 approved amount.

The Governor recommends by the end of FY 2005 the offenders and staff of TJCF move into the maximum security complex adjacent to the existing facility. The Governor also recommends the Topeka Juvenile Correctional Facility and the Kansas Juvenile Correctional Complex merge and be referred to as Kansas Juvenile Correctional Complex with one administration and budget. The Governor recommends an FY 2005 operating budget of \$14,521,444 with \$13,995,787 from the State General Fund. The recommendation is an increase of \$1,257,596 or 9.5 percent from the agency's FY 2005 estimate. The Governor's FY 2005 recommendation is an increase of \$1,844,938 or 14.6 percent from the amount approved by the 2004 Legislature.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2005 revised recommendation is a State General Fund increase of \$1,489,325 or 11.9 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. The Governor's State General Fund recommendation, however, is a decrease of \$56,449 or 0.4 percent from the combined approved budgets of Topeka Juvenile Correctional Facility and the Kansas Juvenile Correctional Complex.

Senate Subcommittee Report

Agency: Topeka Juvenile Correctional Facility

Bill No. - -

Bill Sec. - -

Analyst: Cussimanio

Analysis Pg. No. Vol. I-626 Budget Page No. 403

Expenditure Summary	Agency Request FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments*
Operating Expenditures:			
State General Fund	\$ 12,764,446	\$ 15,236,547	\$ (627,097)
Other Funds	585,244	585,244	0
TOTAL - Operating	\$ 13,349,690	\$ 15,821,791	\$ (627,097)
FTE Positions	235.0	274.2	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
TOTAL	236.0	275.2	0.0

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

Agency Request/Governor's Recommendation

Topeka Juvenile Correctional Facility requests operating expenditures of \$13,349,690 for FY 2006, an increase of \$85,842 or 0.6 percent from the revised FY 2005 estimate. Of this estimate, \$12,764,446 is funded by the State General Fund, an increase of \$26,255 or 0.2 percent from the FY 2005 estimate.

The Governor recommends funding for FY 2006 operating expenditures of \$15,821,791 with \$15,236,547 from the State General Fund. The recommendation is an increase of \$1,300,347 or 9.0 percent from the FY 2005 recommendation. The recommendation is an increase of \$2,472,101 or 18.5 percent from the agency's FY 2006 revised request.

Statutory Budget Submission

KSA 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provide for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$1,360,520.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Pay Plan Adjustment.** Delete \$242,428, all from the State General Fund, to remove pay plan funding recommended by the Governor (a 2.5 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **Other Salary and Wage Adjustments.** Delete \$384,669, all from the State General Fund, to remove funding recommended by the Governor for the 27th payroll period (\$359,173), and for the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$25,496) for later Committee consideration.
3. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2006 recommendation is a State General Fund increase of \$2,730,085 or 21.8 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above pay plan and salary and wage adjustments, the recommendation is an increase of \$2,102,988, or 16.8 percent above the approved amount. The recommendation, however, is an increase of \$1,184,311 or 8.4 percent above the combined approved amounts of the Topeka Juvenile Correctional Facility and the Kansas Juvenile Correctional Complex. Absent the salary plan adjustments, the increase would be \$557,214 or 4.0 percent above the combined approved amounts.