

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on February 11, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

J. G. Scott, Kansas Legislative Research Department  
Michael Steiner, Kansas Legislative Research Department  
Audrey Dunkel, Kansas Legislative Research Department  
Cody Gorges, Kansas Legislative Research Department  
Jill Wolters, Office of the Revisor of Statutes  
Daniel Yoza, Office of the Revisor of Statutes  
Melinda Gaul, Chief of Staff  
Shirley Jepson, Committee Assistant  
James Fisher, Intern

Conferees appearing before the Committee:

Patricia Scalia, Executive Director, State Board of Indigents' Defense Services  
Constantine Cotsoradis, Deputy Secretary, Department of Agriculture

Others attending:

See attached list.

**Introduction of Legislation**

Senator Apple moved to introduce legislation concerning telecommunications (9rs1745). The motion was seconded by Senator Lee. Motion carried on a voice vote.

Senator Schmidt moved to introduce legislation concerning the expansion of the Topeka Transit Authority service area (9rs1854). The motion was seconded by Senator Masterson. Motion carried on a voice vote.

Senator Emler moved to introduce legislation concerning assessment on nursing home facilities (9rs1852). The motion was seconded by Senator Vratil. Motion carried on a voice vote.

Senator Emler moved to introduce legislation concerning the employment security law relating to benefits and employee contributions (9rs1847). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

**Discussion on Subcommittee Report on Board of Indigents' Defense Services (BIDS)**

Information from Michael Steiner, Legislative Research Department, as requested by the Committee on staffing levels at the Board of Indigents' Defense Services, was distributed to the Committee (Attachment 1).

Patricia Scalia, Executive Director, State Board of Indigents' Defense Services, responded to questions from the Committee. Ms. Scalia stated that there are currently 104 public defender positions filled from a maximum of 120 positions with eight of the current public defenders paid through grant funding. A reduction in staff equates to a 13 percent reduction in the public defender staff. Ms. Scalia stated that BIDS currently has 165.5 FTE staff. There are 10 public defender trial offices throughout the state. Ms. Scalia noted that there are not enough public defenders to handle all cases, causing the overage to fall on assigned counsel. Because of salary reductions, there have been a number of resignations among the assigned counsel personnel.

Senator Vratil, Chair of the Judicial Subcommittee, moved to adopt the Subcommittee recommendation for the Board of Indigents' Defense Services for FY 2011. The motion was seconded by Senator McGinn. Motion carried on a voice vote.

**Subcommittee Report on Post Secondary Education**

Senator Emler, Chair of the Postsecondary Education Subcommittee, presented the Subcommittee report on

## CONTINUATION SHEET

Minutes of the Senate Ways and Means Committee at 10:30 a.m. on February 11, 2010, in Room 548-S of the Capitol.

the Governor's budget recommendation for Postsecondary Education Systemwide for FY 2011 (Attachment 2). It was noted that the amount of \$200,669 in Item No. 2, Page 2 of the Senate Subcommittee Recommendation should read \$220,669.

A financial report for ACCESS US, as of February 10, 2010, was distributed to the Committee (Attachment 3). The Subcommittee explained that there is a balance of \$257,706.49 in the ACCESS fund. As per Item No. 2, the Subcommittee recommends the lapse of \$220,669 from balances in the Southwest Kansas Access State General Fund (SGF) account of the Board of Regents, and appropriate the \$220,669, all from SGF to Fort Hays State University for the Kansas Academy of Mathematics and Science (KAMS). The Subcommittee further recommends reducing the Governor's recommended Economic Development Initiatives Fund (EDIF) appropriation of \$5.0 million for aviation infrastructure at the National Center for Aviation Training by \$200,000 and appropriate the same amount to Fort Hays State University for KAMS, for a total of \$420,669 in additional funding. This funding would cover a second class of KAMS for two years using the proposed "KAMS Ultra Light" plan.

With reference to some of the \$5 million appropriation to the National Center for Aviation Training (NCAT) in FY 2010 being used for salaries, the Subcommittee stated that there was no language in the FY 2010 appropriations' bill that restricted the funding to equipment; however, during hearings, it was the understanding of the Committee and the intent of the Legislature that the funding would be used for equipment.

Senator Kelly moved to amend the Subcommittee report on Postsecondary Education Systemwide by adding \$4,331, all from the State General Fund, for Midwest Higher Education Compact (MHEC) dues and to lapse the same amount from the balances of the Southwest Kansas Access State General Fund account of the Board of Regents, all in FY 2011. The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Senator Kelly moved to adopt the Subcommittee report on Postsecondary Education Systemwide for FY 2011 as amended. The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

### **Action on SB 396 - Laboratory equipment fund.**

Jill Wolters, Office of Revisor of Statutes, presented and explained a proposed redraft amendment of **SB 396** (Attachment 4). Ms. Wolters noted that the fund will be capped at \$500,000.

Responding to a question from the Committee, Constantine Cotsoradis, Deputy Secretary, Department of Agriculture, indicated that it is not anticipated that any piece of equipment purchased from the fund would cost more than \$100,000.

Senator Vratil moved to amend SB 396 per the proposed redraft amendment of the bill. The motion was seconded by Senator Umbarger. Motion carried on a voice vote.

Senator McGinn moved to recommend SB 396 as amended favorably for passage. The motion was seconded by Senator Umbarger. Motion carried on a voice vote.

### **Approval of Minutes**

Senator Schodorf moved to approve the minutes of February 1, February 2, February 3 and February 4 as written. The motion was seconded by Senator Masterson. Motion carried on a voice vote.

### **Adjournment**

The next meeting is scheduled for February 12, 2010.

The meeting was adjourned at 11:10 a.m.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE: February 11, 2010

NAME	REPRESENTING
Kathy Damon	KU
Dana Donley	KBOZ
Peter Brodie	Emporia State
Marjorie Warky	" "
Victoria White	PSU
Nancy Zogelman	Polsinelli
KIB MEDLEY	KEARNEY + ASSOC.
Bernie Koch	KEPC
Doug Penner	KICA
Mary Jane Stankiewicz	KGFPA - KARA
Levi J. Henry	Sandstone Group LLC
Linda Fund	KACCT
John Pinegar	Washburn Univ.
Jackson Prudsey	Hein Law
Sue Peterson	K-State

## Michael Steiner

---

**From:** Cody Gorges  
**Sent:** Wednesday, February 10, 2010 12:03 PM  
**To:** Michael Steiner  
**Subject:** RE: Rush Request

Chairman Emler,

In response to the questions posed regarding the Full Time Equivalent (FTE) positions, the number of public defenders, and the average salary of defenders, the agency has provided the following response:

Average salary of public defenders is about \$48,000. Most are new or "newer" and earning just \$46,000. However, death penalty defenders earn \$65,000. There are 8 death penalty defenders. Beginning classified attorneys earn \$56,118.40.

Total number of public defenders is 104 and one half time defender.  
Of those, eight are filled with grant money. Before budget cuts, there were 120 public defenders.

Other position totals:

Administration:

3.5 Information Tech (IT)staff

3 Accounting staff audit assigned counsel bills

1 Human Resource specialist

1 Asst Director- on extended medical leave

1 Executive Director

Defender offices:

18 Legal asst; 4 legal asst in death defense

11 investigators; 1 death investigator; 1 death mitigator

22 clerical

1 social worker

**Total = 165.5 current filled positions.**

If I can provide any further information, please let me know.

Cody M. Gorges - *Fiscal Analyst*  
Kansas Legislative Research Department  
300 SW 10th Ave.  
Topeka, KS 66612-1504  
Phone: 785.296.3181 Fax: 785.296.3824  
[Cody.Gorges@klrd.ks.gov](mailto:Cody.Gorges@klrd.ks.gov)

Senate Ways & Means Cmte

Date 2-11-2010


Attachment 1

FY 2011

SENATE WAYS AND MEANS SUBCOMMITTEE


Postsecondary Education Systemwide  
University of Kansas  
Kansas State University  
Kansas State University – Veterinary Medicine  
Kansas State University – Extension  
Wichita State University  
Board of Regents  
University of Kansas Medical Center  
Emporia State University  
Fort Hays State University  
Pittsburg State University

  
\_\_\_\_\_  
Senator Jay Emler, Chair

  
\_\_\_\_\_  
Senator Laura Kelly

  
\_\_\_\_\_  
Senator Ty Masterson

  
\_\_\_\_\_  
Senator Jean Schodorf

  
\_\_\_\_\_  
Senator Ruth Teichman

Senate Ways & Means Cmte  
Date 2-11-2010  
Attachment 2

## Senate Subcommittee Report

**Agency:** Postsecondary Education Systemwide

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. Various**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 764,122,245	\$ 748,336,874	\$ (9,800,000)
Other Funds	1,411,504,337	1,416,504,337	0
Subtotal	<u>\$ 2,175,626,582</u>	<u>\$ 2,164,841,211</u>	<u>\$ (9,800,000)</u>
<b>Capital Improvements</b>			
State General Fund	\$ 33,858,264	\$ 8,727,264	\$ 0
Other Funds	69,770,213	62,270,213	0
Subtotal	<u>\$ 103,628,477</u>	<u>\$ 70,997,477</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 2,279,255,059</u></u>	<u><u>\$ 2,235,838,688</u></u>	<u><u>\$ (9,800,000)</u></u>
FTE positions	17,723.7	17,723.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>17,723.7</u></u>	<u><u>17,723.0</u></u>	<u><u>0.0</u></u>

### Agency Estimate/Request

The **agency** FY 2011 operating request for the postsecondary education system is \$2,175.6 million which is an increase of \$25.2 million, or 1.2 percent, above the current year estimate. State General Fund expenditures for FY 2011 are requested at \$764.1 million which is an increase of \$16.5 million, or 2.2 percent, above the current year estimate. The request includes \$40.0 million, all from federal American Recovery and Reinvestment Act (ARRA) funds, as well as operating enhancements of \$17.2 million, all from the State General Fund.

### Governor's Recommendation

The **Governor** recommends FY 2011 expenditures of \$2.164 billion, including \$748.3 million from the State General Fund. The recommendation is an increase of \$21.4 million, or 1.0 percent, all funds and \$7.7 million, or 1.0 percent, State General Fund, above the FY 2010 recommendation. The recommendation includes \$7.1 million, all from the State General Fund, for a systemwide operating grant increase and increases for fringe benefits.

The Governor's recommendation is a reduction of \$10.8 million, or 0.5 percent, all funds and \$15.8 million, or 2.1 percent, State General Fund below the agency estimate. Governor funds only \$2.1 million of the postsecondary education system's \$17.2 million in State General

Fund enhancement requests and adds \$5.0 million, all from the Economic Development Initiatives Fund (EDIF) for aviation infrastructure in FY 2011.

### **Senate Subcommittee Recommendations**

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

1. Delete \$10.0 million, all from the State General Fund, to remove the Governor's enhancement for the postsecondary education system in FY 2010. This would reduce funding for the postsecondary education system to the FY 2006 level.
2. Lapse \$200,669 from balances in the Southwest Kansas Access State General Fund account of the Board of Regents, and appropriate \$200,669, all from the State General Fund, to Fort Hays State University for the Kansas Academy of Mathematics and Science. In addition, reduce the Governor's recommended Economic Development Initiatives Fund (EDIF) appropriation of \$5.0 million for aviation infrastructure at the National Center for Aviation Training by \$200,000 and appropriate the same amount to Fort Hays State University for KAMS, for a total of \$420,669 in additional funding. This funding would cover a second class of KAMS for two years using the proposed "KAMS Ultra Light" plan.
3. Add proviso language limiting expenditures from the Aviation Infrastructure Economic Development Initiative Fund (EDIF) account at Wichita State University to equipment for the National Center for Aviation Training (NCAT) and require Wichita Area Technical College to provide a report on September 1, 2010, to the Legislative Budget Committee detailing the expenditure of the EDIF funds to date.

## Senate Subcommittee Report

**Agency:** University of Kansas

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 313**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 136,213,272	\$ 136,213,272	\$ 0
Other Funds	469,858,183	469,858,183	0
Subtotal	<u>\$ 606,071,455</u>	<u>\$ 606,071,455</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 22,533,636	\$ 1,384,136	\$ 0
Other Funds	9,527,734	9,527,734	0
Subtotal	<u>\$ 32,061,370</u>	<u>\$ 10,911,870</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 638,132,825</u></u>	<u><u>\$ 616,983,325</u></u>	<u><u>\$ 0</u></u>
FTE positions	5,405.0	5,405.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>5,405.0</u></u>	<u><u>5,405.0</u></u>	<u><u>0.0</u></u>

### Agency Estimate/Request

The **agency** requests an FY 2011 operating budget of \$606.1 million which is an increase of \$3.3 million, or 0.6 percent, above the current year estimate. The agency requests State General Fund expenditures of \$136.2 million which is an increase of \$21,013, or less than 0.1 percent, above the current year.

### Governor's Recommendation

The **Governor** concurs with the agency request for FY 2011.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation.

2-4



## Senate Subcommittee Report

**Agency:** Kansas State University

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 305**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 104,300,710	\$ 104,300,710	\$ 0
Other Funds	311,857,068	311,857,068	0
Subtotal	<u>\$ 416,157,778</u>	<u>\$ 416,157,778</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 165,396	\$ 165,396	\$ 0
Other Funds	6,908,937	6,908,937	0
Subtotal	<u>\$ 7,074,333</u>	<u>\$ 7,074,333</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 423,232,111</u></u>	<u><u>\$ 423,232,111</u></u>	<u><u>\$ 0</u></u>
FTE positions	3,510.3	3,510.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>3,510.3</u></u>	<u><u>3,510.3</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$416.2 million, which is a decrease of \$12.0 million, or 2.8 percent, below the current year estimate. The agency requests State General Fund expenditures of \$104.3 million, which is no change from the FY 2010 estimate. The all funds reduction reflects an anticipated decrease in tuition revenues and does not include the third year of American Recovery and Reinvestment Act (ARRA) funds for the Regents.

### Governor's Recommendation

The **Governor** concurs with the agency request for FY 2011.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2011.

## Senate Subcommittee Report

**Agency:** Kansas State University Veterinary Medical Center

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 309**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 10,375,659	\$ 10,364,282	\$ 0
Other Funds	24,269,145	24,269,145	0
Subtotal	<u>\$ 34,644,804</u>	<u>\$ 34,633,427</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,092,660	1,092,660	0
Subtotal	<u>\$ 1,092,660</u>	<u>\$ 1,092,660</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 35,737,464</u></u>	<u><u>\$ 35,726,087</u></u>	<u><u>\$ 0</u></u>
FTE positions	309.2	309.2	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>309.2</u></u>	<u><u>309.2</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$34.6 million, which is a decrease of \$1.6 million, or 4.4 percent, below the current year estimate. The agency requests State General Fund expenditures of \$10.4 million, which is an increase of \$11,377, or 0.1 percent, above the FY 2010 estimate, reflecting the agency's enhancement request for \$11,377 from the State General Fund for the Veterinary Medical Training Program for Rural Kansas. The all funds reduction reflects an anticipated decrease in expenditures from the Hospital and Diagnostic Lab Revenue Fund due to carry forward funds available in FY 2010 that will not be available in FY 2011.

### Governor's Recommendations

The **Governor** concurs with the agency request for FY 2011, with the exception of the enhancement request for the Veterinary Medical Training Program for Rural Kansas, which the Governor does not recommend.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2011.

## Senate Subcommittee Report

**Agency:** Kansas State University – Extension Systems  
and Agricultural Research Programs

**Bill No. --**      **Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 307**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 48,830,611	\$ 48,830,611	\$ 0
Other Funds	69,299,717	69,299,717	0
Subtotal	<u>\$ 118,130,328</u>	<u>\$ 118,130,328</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,000,000	1,000,000	0
Subtotal	<u>\$ 1,000,000</u>	<u>\$ 1,000,000</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 119,130,328</u></u>	<u><u>\$ 119,130,328</u></u>	<u><u>\$ 0</u></u>
FTE positions	1,198.5	1,198.5	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,198.5</u></u>	<u><u>1,198.5</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$118.1 million which is an increase of \$233,305, or 0.3 percent, above the current year estimate. The agency requests State General Fund expenditures of \$48.8 million which is no change from the FY 2010 estimate. The increase reflect fringe benefit increases, partially offset by reductions in other operating expenditures in order to reach budget targets.

### Governor's Recommendation

The **Governor** concurs with the agency request for FY 2011.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2011.

## Senate Subcommittee Report

**Agency:** Wichita State University

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 317**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 66,250,401	\$ 66,250,401	\$ 0
Other Funds	149,291,852	154,291,852	(200,000)
Subtotal	<u>\$ 215,542,253</u>	<u>\$ 220,542,253</u>	<u>\$ (200,000)</u>
<b>Capital Improvements</b>			
State General Fund	\$ 1,405,000	\$ 1,405,000	\$ 0
Other Funds	2,927,850	2,927,850	0
Subtotal	<u>\$ 4,332,850</u>	<u>\$ 4,332,850</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 219,875,103</u></u>	<u><u>\$ 224,875,103</u></u>	<u><u>\$ (200,000)</u></u>
<b>FTE positions</b>			
FTE positions	1,841.3	1,841.3	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>1,841.3</u></u>	<u><u>1,841.3</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$215.5 million which is a decrease of \$4.0 million, or 1.8 percent, below the current year estimate. The agency requests State General Fund expenditures of \$66.3 million which is a decrease of \$69,992, or 0.1 percent, below the current year estimate, reflecting increased fringe benefit rates offset by reductions in other areas. The other funds reduction reflects the absence of a request for aviation infrastructure, funded at \$2.5 million, all from the Economic Development Initiatives Fund (EDIF) in FY 2010, and federal American Recovery and Reinvestment Act (ARRA) funds that have not yet been appropriated and distributed by the Board of Regents.

### Governor's Recommendation

The **Governor** concurs with the agency request for FY 2011, and adds \$5.0 million, all from the Economic Development Initiatives Fund (EDIF) for aviation infrastructure.

### Senate Subcommittee Recommendation

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

2-8

1. Delete \$200,000, all from the Economic Development Initiatives Fund (EDIF) to reduce the Governor's recommended appropriation of \$5.0 million for aviation infrastructure at the National Center for Aviation Training (NCAT) by \$200,000 and appropriate the same amount from the EDIF to Fort Hays State University for the Kansas Academy of Mathematics and Science in FY 2011.
2. Add proviso language limiting expenditures from the Aviation Infrastructure Economic Development Initiatives Fund (EDIF) account at Wichita State University to equipment for the National Center for Aviation Training (NCAT) and require Wichita Area Technical College to provide a report on September 1, 2010, to the Legislative Budget Committee detailing the expenditures of the EDIF funds to date.

## Senate Subcommittee Report

**Agency:** Board of Regents

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 291**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 188,880,610	\$ 173,527,285	\$ (10,000,000)
Other Funds	70,422,943	70,422,943	0
Subtotal	<u>\$ 259,303,553</u>	<u>\$ 243,950,228</u>	<u>\$ (10,000,000)</u>
Capital Improvements			
State General Fund	\$ 0	\$ 5,000,000	\$ 0
Other Funds	41,710,000	34,210,000	0
Subtotal	<u>\$ 41,710,000</u>	<u>\$ 39,210,000</u>	<u>\$ 0</u>
 TOTAL	 <u><u>\$ 301,013,553</u></u>	 <u><u>\$ 283,160,228</u></u>	 <u><u>\$ (10,000,000)</u></u>
 FTE positions	 63.6	 63.6	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>63.6</u></u>	<u><u>63.6</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests FY 2011 operating expenditures of \$259.3 million which is a net increase of \$44.9 million, or 20.9 percent, above the current year estimate. Of this amount, \$188.9 million is from the State General Fund and is an increase of \$16.0 million, or 9.3 percent, above the current year estimate. The request includes enhancements totaling \$16.8 million, all from the State General Fund.

Absent the enhancement requests, the agency request is \$242.5 million, including \$172.1 million from the State General Fund, which is a decrease of \$28.7 million, or 13.1 percent, all funds and an increase of \$745,161, or 0.4 percent, State General Fund, from the FY 2010 estimate.

### Governor's Recommendation

The **Governor** recommends FY 2011 expenditures of \$244.0 million, including \$173.5 million from the State General Fund. The recommendation is an increase of \$31.5 million, including \$2.7 million from the State General Fund, above the FY 2010 recommendation. The all funds increase reflects the addition of \$40.0 million, all from American Recovery and Reinvestment Act funds, partially offset by reductions in other funds for changes in debt service payments and federal dollars. The State General Fund increase reflects the unified operating grant increase of \$2.1 million, as well as increases for fringe benefit rates and KPERS payments.

2-10

The Governor's FY 2011 recommendation is a decrease of \$15.4 million, all from the State General Fund, below the agency request due to unfulfilled enhancement requests.

### **Senate Subcommittee Recommendation**

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

1. Delete \$10.0 million, all from the State General Fund, from the postsecondary education operating grant in FY 2011. This reduces the postsecondary systemwide funding to the FY 2006 level.
2. Lapse \$220,669, from the unobligated balance in the Southwest Kansas Access State General Fund account in FY 2011. An equal amount is recommended to be appropriated in the budget of Fort Hays State University for the Kansas Academy of Mathematics and Science (KAMS) in FY 2011.

2-11

## Senate Subcommittee Report

**Agency:** University of Kansas Medical Center

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 315**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 109,749,930	\$ 109,749,930	\$ 0
Other Funds	169,842,140	169,842,140	0
Subtotal	<u>\$ 279,592,070</u>	<u>\$ 279,592,070</u>	<u>\$ 0</u>
Capital Improvements			
State General Fund	\$ 9,421,500	\$ 440,000	\$ 0
Other Funds	1,298,687	1,298,687	0
Subtotal	<u>\$ 10,720,187</u>	<u>\$ 1,738,687</u>	<u>\$ 0</u>
 TOTAL	 <u><u>\$ 290,312,257</u></u>	 <u><u>\$ 281,330,757</u></u>	 <u><u>\$ 0</u></u>
 FTE positions	 2,916.4	 2,916.4	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>2,916.4</u></u>	<u><u>2,916.4</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$279.6 million which is a decrease of \$2.6 million, or 0.9 percent, below the current year estimate. The agency requests State General Fund expenditures of \$109.7 million which is a decrease of \$100,369, or 0.1 percent, below the current year. The reduction reflects reappropriations in FY 2010 that are not available for FY 2011.

### Governor's Recommendation

The **Governor** concurs with the agency request for FY 2011.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2011.



## Senate Subcommittee Report

**Agency:** Emporia State University

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 301**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 31,436,938	\$ 31,436,938	\$ 0
Other Funds	44,129,577	44,129,577	0
Subtotal	<u>\$ 75,566,515</u>	<u>\$ 75,566,515</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,896,215	1,896,215	0
Subtotal	<u>\$ 1,896,215</u>	<u>\$ 1,896,215</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 77,462,730</u></u>	<u><u>\$ 77,462,730</u></u>	<u><u>\$ 0</u></u>
FTE positions	835.6	835.6	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>835.6</u></u>	<u><u>835.6</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** estimates/requests an FY 2011 operating budget of \$75.6 million, which is a decrease of \$2.9 million, or 3.7 percent, below the current year estimate. The agency requests State General Fund expenditures of \$31.4 million, which is no change from the FY 2010 estimate. The all funds reduction reflects an anticipated decrease in tuition revenues and does not include the third year of federal American Recovery and Reinvestment Act (ARRA) funds that have not yet been appropriated and distributed by the Board of Regents.

### Governor's Recommendation

The **Governor** recommends concurs with the agency request for FY 2011.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2011.

## Senate Subcommittee Report

**Agency:** Fort Hays State University

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 303**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 33,976,630	\$ 33,555,961	\$ 220,669
Other Funds	49,426,474	49,426,474	200,000
Subtotal	<u>\$ 83,403,104</u>	<u>\$ 82,982,435</u>	<u>\$ 420,669</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,015,944	1,015,944	0
Subtotal	<u>\$ 1,015,944</u>	<u>\$ 1,015,944</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 84,419,048</u></u>	<u><u>\$ 83,998,379</u></u>	<u><u>\$ 420,669</u></u>
FTE positions	756.6	756.6	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>756.6</u></u>	<u><u>756.6</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$83.4 million which is an increase of \$398,791, or 0.5 percent, above the current year estimate. The agency requests State General Fund expenditures of \$34.0 million which is an increase of \$633,906, or 1.9 percent from the FY 2010 estimate. The increase reflects the enhancement request for \$420,669 for the Kansas Academy of Mathematics and Science and fringe benefit increases, partially offset by reductions in other operating expenditures in order to reach budget targets.

### Governor's Recommendation

The **Governor** concurs with the agency estimate for FY 2011, with the exception of the enhancement request for the Kansas Academy of Mathematics and Science.

### Senate Subcommittee Recommendation

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

1. Add \$420,669, including \$220,669 from the State General Fund to fund a second class for the Kansas Academy of Mathematics and Science (KAMS) for two years using the "KAMS Ultra Light" proposal. The additional funding comes from a lapse of \$220,669 from the unobligated balance of the Board of Regents

2-14

Southwest Kansas Access State General Fund account, and the reduction of \$200,000, all from the Economic Development Initiatives Fund (EDIF) from the Governor's recommended \$5.0 million appropriation at Wichita State University for aviation infrastructure at the National Center for Aviation Training (NCAT).

## Senate Subcommittee Report

**Agency:** Pittsburg State University

**Bill No. --**

**Bill Sec. --**

**Analyst:** Dunkel

**Analysis Pg. No. --**

**Budget Page No. 311**

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 34,107,484	\$ 34,107,484	\$ 0
Other Funds	53,107,238	53,107,238	0
Subtotal	<u>\$ 87,214,722</u>	<u>\$ 87,214,722</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 332,732	\$ 332,732	\$ 0
Other Funds	2,392,186	2,392,186	0
Subtotal	<u>\$ 2,724,918</u>	<u>\$ 2,724,918</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 89,939,640</u></u>	<u><u>\$ 89,939,640</u></u>	<u><u>\$ 0</u></u>
FTE positions	887.5	887.5	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>887.5</u></u>	<u><u>887.5</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 operating budget of \$87.2 million, which is a decrease of \$560,646, or 0.6 percent, below the current year estimate. The agency requests State General Fund expenditures of \$34.1 million, which is a decrease of \$17,662, or 0.1 percent, below the FY 2010 estimate. The all funds reduction reflects the third year of the American Recovery and Reinvestment Act (ARRA) funding that has not yet been distributed by the Board of Regents for FY 2011, partially offset by increases in fringe benefit rates. The State General Fund reduction reflects reappropriations available in FY 2010 that are not expected to be available in FY 2011 and does not include transfers from the Board of Regents.

### Governor's Recommendation

The **Governor** concurs with the agency request for FY 2011.

### Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2011.

2-16

**Kansas Board of Regents  
Financial Report for ACCESS US  
As of 2/10/2010**

**State General Fund Appropriations**

FY 2004	\$200,000.00
FY 2005	\$200,000.00
FY 2006	\$200,000.00
FY 2007	\$200,000.00
FY 2008	\$200,000.00
FY 2009	\$200,000.00
FY 2009 reduction	(\$12,108.00)
FY 2010 0.25% reappropriation lapse	(\$2,137.00)
FY 2010 reappropriation lapse (2010 Omnibus Bill)	(\$350,375.00) (Error in posting June 30 lapse, corrected late Fall 2009)
<b>Total Appropriations</b>	<u><u>\$835,380.00</u></u>

**Approved Programs**

School	Program	Date Approved	Amount Reserved	Actual Expenditures	Reserve Balance	
FHSU	Bachelor of Technology Leadership	9/2003	\$50,000.00			
		6/17/2005	\$57,000.00			
		Total	1) \$107,000.00	(\$107,000.00)	\$0.00	
FHSU	Bachelor of General Studies release unspent reserve funds, per L. Gould email	1/20/2004	\$55,000.00			
		6/17/2005	\$57,000.00			
		6/19/2009	(\$75,376.00)			
		Total	\$36,624.00	(\$36,624.00)	\$0.00	
FHSU	Bachelor of Science in Nursing Proposal Withdrawn	5/15/2004	\$50,000.00			
		10/8/2004	(\$50,000.00)			
		Total	\$0.00		\$0.00	
FHSU	Bachelor of Science in Nursing release unspent reserve funds, per L. Gould email	6/17/2005	\$57,000.00			
		6/19/2009	(\$49,400.00)			
		Total	\$7,600.00	(\$7,600.00)	\$0.00	
FHSU	Bachelor of Social Work	8/10/2006	\$65,000.00			
		6/16/2009	\$65,000.00			
		Total	\$130,000.00	(\$21,531.00)	\$108,469.00	
FHSU	Bachelor of Science in Education, Special Education	10/11/2007	\$65,000.00			
		Total	\$65,000.00	(\$45,732.00)	\$19,268.00	
KSU	Bachelor of Science in Elementary Education release unspent reserve funds, per R. Boggs email	4/17/2006	\$200,070.00			
		2/10/2010	(\$200,070.00)			
		Total	\$0.00	\$0.00	\$0.00	
	Scholarships	12/2004	FY 07	\$44,083.50	(\$44,083.50)	\$0.00
			FY 08	\$51,021.00	(\$51,021.00)	\$0.00
			FY 09	\$11,836.00	(\$11,836.00)	\$0.00
			FY 10	\$37,000.00	(\$10,000.00)	\$27,000.00
			FY 11	\$20,000.00		\$20,000.00
			FY 12	\$20,000.00		\$20,000.00
	Marketing	12/2004	FY 06	\$26,423.53	(\$26,423.53)	\$0.00
			FY 07	\$10,473.50	(\$10,473.50)	\$0.00
			FY 08	\$10,611.98	(\$10,611.98)	\$0.00
	<b>Total Approved Programs</b>			<u>\$577,673.51</u>	<u>(\$382,936.51)</u>	<u>\$194,737.00</u>
				<b>Unobligated Appropriation Balance</b>	<b>Unexpended Appropriation Balance</b>	
	<b>Fund Balance</b>			<u>\$257,706.49</u>	<u>\$452,443.49</u>	

**NOTES:**

1 Funds were returned from FHSU for an overpayment of \$25,750 in FY 2009 on the Bachelor of Technology Leadership.

**Senate Ways & Means Cmte**  
Date 2-11-2010  
Attachment 3

**SENATE BILL No. 396**

By Committee on Agriculture

1-19

9 AN ACT concerning the laboratory fee fund; amending K.S.A. 2009  
10 Supp. 74-554 and repealing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2009 Supp. 74-554 is hereby amended to read as  
14 follows: 74-554. (a) There is hereby created a laboratory equipment fund  
15 in the state treasury. All moneys credited to the laboratory equipment  
16 fund shall be expended for the acquisition, *maintenance* and replacement  
17 of equipment used by the Kansas department of agriculture laboratory  
18 and metrology laboratory.

19 (b) Upon request of the secretary of agriculture the director of ac-  
20 counts and reports ~~will transfer no more than 10% of the carry-over~~  
21 ~~balance of any fee fund specified in subsection (c) in any fiscal year to the~~  
22 ~~laboratory equipment fund.~~

shall

on June 30

following

23 (c) ~~The fee funds subject to this transfer are:~~

24 (1) ~~The dairy fee fund established pursuant to K.S.A. 65-782, and~~  
25 ~~amendments thereto;~~

are

26 (2) ~~the feeding stuffs fee fund established pursuant to K.S.A. 2-1012,~~  
27 ~~and amendments thereto;~~

28 (3) ~~the fertilizer fee fund established pursuant to K.S.A. 2-1205, and~~  
29 ~~amendments thereto;~~

30 (4) ~~the pesticide use fee fund established pursuant to K.S.A. 2-2464a,~~  
31 ~~and amendments thereto;~~

32 (5) ~~the agricultural liming materials fee fund established pursuant to~~  
33 ~~K.S.A. 2-2911, and amendments thereto;~~

34 (6) ~~the petroleum inspection fund established pursuant to K.S.A. 55-~~  
35 ~~427, and amendments thereto;~~

36 (7) ~~the meat and poultry inspection fee fund established pursuant to~~  
37 ~~K.S.A. 65-6a45, and amendments thereto;~~

38 (8) ~~the entomology fee fund established pursuant to K.S.A. 2-2128,~~  
39 ~~and amendments thereto; and~~

40 (9) ~~the weights and measures fee fund as described pursuant to K.S.A.~~  
41 ~~83-302, and amendments thereto.~~

42 (d) ~~The laboratory equipment fund shall not be subject to diversion~~  
43 ~~to the state general fund.~~

Reletter remaining subsections.

Senate Ways & Means Cmte  
Date 2-11-2010  
Attachment 4

In any fiscal year, the

1 (e) ~~When the total amount of fees deposited in the fund is equal to or~~  
2 ~~exceeds \$500,000, the secretary shall not request transfer of fees as pro-~~  
3 ~~vided in subsection (b).~~

4 (f) All expenditures from the laboratory equipment fund shall be  
5 made in accordance with appropriation acts upon warrants of the director  
6 of accounts and reports issued pursuant to vouchers approved by the  
7 secretary of agriculture or by a person or persons designated by the  
8 secretary.

shall not exceed

9 Sec. 2. K.S.A. 2009 Supp. 74-554 is hereby repealed.

10 Sec. 3. This act shall take effect and be in force from and after its  
11 publication in the statute book.

4-2