House Budget Committee Report

Agency: State Court of Tax Appeals

Bill No. 2760

Bill Sec. 21

Analyst: Steiner

Analysis Pg. No. 389

Budget Page No. 112

Expenditure Summary	 Agency Request FY 2013	Red	Governor commendation FY 2013	 House Budget Committee Adjustments
Operating Expenditures:				
State General Fund	\$ 970,216	\$	970,216	\$ 0
Other Funds	1,032,107		1,032,107	0
Subtotal	\$ 2,002,323	\$	2,002,323	\$ 0
Capital Improvements:				
State General Fund	\$ 0	\$	0	\$ 0
Other Funds	0		0	0
Subtotal	\$ 0	\$	0	\$ 0
TOTAL	\$ 2,002,323	\$	2,002,323	\$ 0
FTE positions	20.0		19.0	0.0
Non FTE Uncl. Perm. Pos.	0.0		0.0	0.0
TOTAL	 20.0		19.0	 0.0

Agency Request

The **agency** request for FY 2013 operating expenditures is \$2,002,323, including \$970,216 from the State General Fund. Included in the agency's request is \$5,000 from the Duplicating Fee Fund and \$1,027,107 from the Filing Fee Fund. The request is an all funds increase of \$22,733, or 1.1 percent, and a State General Fund increase of \$9,478, or 1.0 percent, above the FY 2012 revised estimate. The increase is attributable to increased employer contributions for group health insurance and Kansas Public Employees Retirement System (KPERS) contributions.

Governor's Recommendation

The **Governor** concurs with the agency's request for FY 2013; however, the Governor does recommend the elimination of 1.0 FTE which is currently unfilled due to budget reductions.

House Budget Committee Recommendation

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

- 1. The Budget Committee would like to draw attention to current lawsuits underway which attempt to equalize business and property taxes and notes that such lawsuits could impact the Court's filing fees.
- 2. The Budget Committee notes its concern in regards to the amount appropriated to the Court by the Legislature and the Budget Committee wants to ensure that the public has unfettered access to the Court.

Committee Recommendation

The Committee concurs with the Budget Committee's recommendation.

Senate Subcommittee Report

Agency: State Court of Tax Appeals

Bill No. 433

Bill Sec. 21

Analyst: Steiner

Analysis Pg. No. 389

Budget Page No. 112

Expenditure Summary	 Agency Request FY 2013	Red	Governor commendation FY 2013	Senate Subcommittee Adjustments
Operating Expenditures:				
State General Fund	\$ 970,216	\$	970,216	\$ 0
Other Funds	1,032,107		1,032,107	0
Subtotal	\$ 2,002,323	\$	2,002,323	\$ 0
Capital Improvements:				
State General Fund	\$ 0	\$	0	\$ 0
Other Funds	 0		0	0
Subtotal	\$ 0	\$	0	\$ 0
TOTAL	\$ 2,002,323	\$	2,002,323	\$ 0
FTE positions	20.0		20.0	0.0
Non FTE Uncl. Perm. Pos.	 0.0		0.0	0.0
TOTAL	20.0		20.0	 0.0

Agency Request

The **agency** request for FY 2013 operating expenditures is \$2,002,323, including \$970,216 from the State General Fund. Included in the agency's request is \$5,000 from the Duplicating Fee Fund and \$1,027,107 from the Filing Fee Fund. The request is an all funds

increase of \$22,733, or 1.1 percent, and a State General Fund increase of \$9,478, or 1.0 percent, above the FY 2012 revised estimate. The increase is attributable to increased employer contributions for group health insurance and Kansas Public Employees Retirement System (KPERS) contributions.

Governor's Recommendation

The **Governor** concurs with the agency's request for FY 2013; however, the Governor does recommend the elimination of 1.0 FTE which is currently unfilled due to budget reductions.

Senate Subcommittee Recommendation

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

- 1. The Subcommittee would like to note the Court of Tax Appeals has some of the highest filing fees of any similar court in the country. The Kansas Court of Tax Appeals provided information to Legislative Research which compared filing fees with the United States Tax Court and the Tax Court of New Jersey.
- 2. The Subcommittee would like to note that due to reductions in the agency's State General Fund appropriation the Court has had to raise filing fees to ensure the core functions of the Court are fulfilled.
- 3. The Subcommittee would like to bring to the attention of the full committee the inability of Court personnel to travel. As a result of budget reductions the Court has eliminated travel and the Subcommittee feels that some taxpayers may not have access to the Court which may pose a hardship for some taxpayers.

House Budget Committee Report

Agency: Kansas Department of Commerce Bill No. 2760

Bill Sec. 25

Analyst: Steiner

Analysis Pg. No. 405

Budget Page No. 73

Expenditure Summary	Agency Request FY 2013		Re	Governor ecommendation FY 2013	House Budget Committee Adjustments	
Operating Expenditures:						
State General Fund	\$	15,000,000	\$	16,000,000	\$	(1,000,000)
Other Funds		118,693,827		131,087,824		0
Subtotal	\$	133,693,827	\$	147,087,824	\$	(1,000,000)
Capital Improvements:						
State General Fund	\$	0	\$	0	\$	0
Other Funds		165,000		165,000		0
Subtotal	\$	165,000	\$	165,000	\$	0
TOTAL	\$	133,858,827	\$	147,252,824	\$	(1,000,000)
FTE positions		250.0		235.0		0.0
Non FTE Uncl. Perm. Pos.		63.0		63.0		0.0
TOTAL		313.0		298.0		0.0

Agency Request

The **agency**'s request for FY 2013 operating expenditures is \$133,693,827. Included in the agency's request is \$15,000,000 from the State General Fund and \$17,183,871 from the EDIF. The request is an all funds decrease of \$39,279,595, or 22.7 percent, and an EDIF decrease of \$1,207,781, or 6.6 percent, below the FY 2012 revised estimate. The State General Fund request of \$15.0 million remained unchanged from the agency's FY 2012 estimate. The all funds decrease is attributable to a decrease in federal funding in FY 2012. Included in the decrease was a 5.0 percent operating reduction of \$859,194, the elimination of Engineering Expansion Grants which total \$950,000, and the removal of the Kansas Film Commission, which totals \$104,030, from the EDIF block grant.

Governor's Recommendation

The **Governor** recommends FY 2013 operating expenditures of \$147,087,824, including \$16.0 million from the State General Fund and \$15,368,584 from the EDIF. The recommendation is an all funds increase of \$13,393,997, or 10.0 percent, a State General Fund increase of \$1.0 million, or 6.7 percent, and an EDIF decrease of \$1,815,287, or 10.6 percent, from the agency's FY 2013 request. The all funds increase is partially attributable to the Kan-Grow Engineering Grant initiative which provides additional funding for engineering programs at the University of Kansas, Kansas State University, and Wichita State University. Also included in the all funds increase is funding for the Air Service Incentive Fund. The State General Fund

increase is attributable to a new program to provide incentives for companies to employ and train individuals with disabilities as well as a program to provide additional economic development initiatives in Southeast Kansas. The EDIF decrease is attributable to a 5.0 percent shrinkage reduction as well as the elimination of the Engineering Expansion Grants which were included in the Governor's FY 2012 budget proposal during the 2011 Legislative Session. The Governor recommended the deletion of 7.0 FTE positions and there was a decrease of 11.0 FTE as a result of the Voluntary Retirement Incentive Program. Additionally, the Governor did recommend 3.0 FTE to support new initiatives in the department.

House Budget Committee Recommendation

The **Budget Committee** concurs with the Governor's recommendation with the following adjustment and notations:

- 1. Delete \$500,000, all from the State General Fund, for the Southeast Kansas economic improvement initiative, or Project 17, and consider adding at Omnibus. The initiative is designed to establish a long-term economic development strategy for southeast Kansas.
- 2. Delete \$500,000, all from the State General Fund, for the pilot program to enhance employment opportunities with developmental and physical disabilities and consider adding at Omnibus.
- 3. The Budget Committee notes that funding of \$2.0 million, all from the Economic Development Initiatives Fund, for the Air Service Incentive Fund was moved from FY 2013 to FY 2012 through the Governor's Budget Amendment No. 1, Item No. 2.
- 4. The Budget Committee expresses concern regarding the data collection and mapping methods for Broadband. In particular, the Budget Committee feels that the current methods used for data collection and mapping may not adequately address the need for Broadband in rural communities. The Budget Committee is concerned that using providers of Broadband instead of consumers does not provide the most accurate information relating to the extension of Broadband in rural areas. Additionally, the Budget Committee requests Omnibus review of the latest plans developed by the Department of Commerce for Broadband development.
- 5. The Budget Committee requests the Department of Commerce report to the House Budget Committee on Agriculture and Natural Resources before Omnibus regarding the benefits of the Investments in Major Projects and Comprehensive Training (IMPACT) Program. As the IMPACT program is being wound down, the Budget Committee would like to see statistics on whether the IMPACT program accomplished the goals established by the Department of Commerce.
- 6. The Budget Committee requests the Department of Commerce report to the House Budget Committee on Agriculture and Natural Resources before Omnibus regarding the contracts maintained by the Department in Chicago, New York, Los Angeles, Beijing, and Mexico City. The Budget Committee would like more information on the metrics used to determine the effectiveness of the contracts maintained by the Department for trade and business development in the aforementioned cities.
- 7. The Budget Committee notes the Angel Tax Credit program currently administered by the Kansas Department of Commerce. The Angel Tax Credit program was previously administered by the Kansas Technology Enterprise Corporation. The Kansas Angel Tax

Credit allows an investor to take a 50.0 percent tax credit on their cash investment of up to \$50,000, in a certified Kansas business. In FY 2011 328 investors received credits through the Angel Tax Credit program and the tax credits issued in FY 2011 totaled \$6.5 million. Additionally, in FY 2011 34 companies received investments from angel investors.

- 8. The Budget Committee notes concern regarding the Energy Efficiency Revolving Loan Grant. During FY 2011 the Department indicated the State would be unable to use the full allocation of American Recovery and Reinvestment Act (ARRA) funds on the initially targeted projects. The Department indicated that three projects initially identified by the Department were not funded through ARRA. The two projects that were funded includes the Western Plains Energy digester, which would allow company's onsite power plant to be converted to use biomethane produced from cattle manure instead of natural gas to power the bio-fuel production process. The second project funded was the Kansas Alliance for Biorefining and Bioenergy, which will allow for the purchase of advanced harvesting and transportation equipment which allows more efficient delivery of biomass feedstock to the plant.
- 9. The Budget Committee would like to note that the Department of Commerce has undergone significant change during the last two years. The agency has seen numerous changes in funding and programming. The Department of Commerce has absorbed the duties and functions of two previous state agencies, Kansas, Inc. and KTEC and the Department, under the Governor's FY 2013 recommendation has been charged with administering the University Engineering Initiative Act, the Rural Opportunity Zones program, and the newly created Creative Industries Commission. Additionally, the Department has seen several programs transferred to other agencies include the Division of Travel and Tourism and the Kansas Commission on Disability Concerns. The Budget Committee would note that at the end of January, 2012, the Rural Opportunity Zones rogram has received 211 applications and according to the Department of Commerce 75.0 percent of applications are approved.

Senate Subcommittee Report

Agency: Kansas Department of Commerce Bill No. 433

Bill Sec. 25

Analyst: Steiner

Analysis Pg. No. 405

Budget Page No. 73

Expenditure Summary	-	Agency Request FY 2013	Re	Governor commendation FY 2013	Senate Subcommittee Adjustments
Operating Expenditures:					
State General Fund	\$	15,000,000	\$	16,000,000	\$ 0
Other Funds		118,693,827		131,087,824	0
Subtotal	\$	133,693,827	\$	147,087,824	\$ 0
Capital Improvements:					
State General Fund	\$	0	\$	0	\$ 0
Other Funds		165,000		165,000	0
Subtotal	\$	165,000	\$	165,000	\$ 0
TOTAL	\$	133,858,827	\$	147,252,824	\$ 0
FTE positions		250.0		235.0	0.0
Non FTE Uncl. Perm. Pos.		63.0		63.0	0.0
TOTAL		313.0		298.0	0.0

Agency Request

The **agency**'s request for FY 2013 operating expenditures is \$133,693,827. Included in the agency's request is \$15,000,000 from the State General Fund and \$17,183,871 from the EDIF. The request is an all funds decrease of \$39,279,595, or 22.7 percent, and an EDIF decrease of \$1,207,781, or 6.6 percent, below the FY 2012 revised estimate. The State General Fund request of \$15.0 million remained unchanged from the agency's FY 2012 estimate. The all funds decrease is attributable to a decrease in federal funding in FY 2012. Included in the decrease was a 5.0 percent operating reduction of \$859,194, the elimination of Engineering Expansion Grants which total \$950,000, and the removal of the Kansas Film Commission, which totals \$104,030, from the EDIF block grant.

Governor's Recommendation

The **Governor** recommends FY 2013 operating expenditures of \$147,087,824, including \$16.0 million from the State General Fund and \$15,368,584 from the EDIF. The recommendation is an all funds increase of \$13,393,997, or 10.0 percent, a State General Fund

increase of \$1.0 million, or 6.7 percent, and an EDIF decrease of \$1,815,287, or 10.6 percent, from the agency's FY 2013 request. The all funds increase is partially attributable to the Kan-Grow Engineering Grant initiative which provides additional funding for engineering programs at the University of Kansas, Kansas State University, and Wichita State University. Also included in the all funds increase is funding for the Air Service Incentive Fund. The State General Fund increase is attributable to a new program to provide incentives for companies to employ and train individuals with disabilities as well as a program to provide additional economic development initiatives in Southeast Kansas. The EDIF decrease is attributable to a 5.0 percent shrinkage reduction as well as the elimination of the Engineering Expansion Grants which were included in the Governor's FY 2012 budget proposal during the 2011 Legislative Session. The Governor recommended the deletion of 7.0 FTE positions and there was a decrease of 11.0 FTE as a result of the Voluntary Retirement Incentive Program. Additionally, the Governor did recommend 3.0 FTE to support new initiatives in the department.

Senate Subcommittee Recommendation

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

- 1. Delete \$500,000, all from the Economic Development Initiatives Fund, including \$250,000 from the Department of Commerce Operating Grant and \$250,000 from the Innovation Growth Fund for FY 2013.
- 2. Add \$500,000, all from the Economic Development Initiatives Fund, to the Creative Industries Commission Fund for FY 2013. This would add funding of \$500,000 for the arts.
- 3. Add language to SB 433, the Mega Appropriations Bill, to allow the Secretary of Commerce to transfer funds up to \$250,000 between the Department of Commerce Operating Grant Fund and the Innovation Growth Fund for FY 2013. This would allow the Secretary of Commerce the flexibility to move funding in order to accommodate the reductions taken in order to restore funding for the arts.
- 4. Adopt the proviso language provided by the Department of Commerce to allow the Secretary of Commerce to develop, implement, and administer a pilot program to increase employment opportunities among Kansans with disabilities. The proviso would also establish the Employment Incentive for Persons With a Disability Gifts, Grants, and Donations Fund as a no limit fund for FY 2013.
- 5. The Subcommittee would like to note Project 17, which is a collaboration between 17 counties in southeast Kansas. It is designed to improve health and economic development in southeast Kansas. Additionally, it also attempts to foster leadership among community leaders in the respective 17 counties. The Governor recommended \$500,000, all from the State General Fund, for FY 2013 to support Project 17. The Subcommittee would note that similar initiatives have proven successful.
- 6. The Subcommittee would like to note two new programs in the Department of Commerce. First, the University Engineering Initiative Act which was approved by the 2011 Legislature. The University Engineering Initiative Act provides additional funding for engineering programs at the University of Kansas, Kansas State University, and Wichita State University. The three universities will receive funding of \$3.5 million in an effort to increase the number of engineers in Kansas. The initiative will be funded

through the first \$10.5 million credited to the Expanded Lottery Act Revenues Fund and will require a \$1 to \$1 match by each university. Secondly, the the Job Creation Program Fund (JCPF) which was created by the 2011 Legislature in SB 196 which created a new expensing tax deduction to encourage capital investment. The JCPF was created as a deal closing fund and will replace the Investments in Major Projects and Comprehensive Training Program and Kansas Economic Opportunities Initiatives Fund Program as a the major recruitment and retention tool for the state.

7. The Subcommittee would like to note that Sales Tax Revenue Bonds, or STAR Bonds, need to be reauthorized by the 2012 Legislature. HB 2561, which is currently in House Commerce and Economic Development, would extend the sunset on STAR Bonds from FY 2012 to FY 2017. If the legislation were not enacted then no additional STAR Bond districts would be created.

House Budget Committee Report

Agency: Kansas Department of Revenue

Bill No. 2760

Bill Sec. 22

Analyst: Steiner

Analysis Pg. No. 363

Budget Page No. 98

Expenditure Summary	Agency Request FY 2013		Re	Governor ecommendation FY 2013	House Budget Committee Adjustments	
Operating Expenditures:						
State General Fund	\$	16,293,220	\$	16,282,106	\$	0
Other Funds		88,017,981		86,990,001		(450,000)
Subtotal	\$	104,311,201	\$	103,272,107	\$	(450,000)
Capital Improvements:						
State General Fund	\$	0	\$	0	\$	0
Other Funds		0		0		0
Subtotal	\$	0	\$	0	\$	0
TOTAL	\$	104,311,201	\$	103,272,107	\$	(450,000)
FTE positions		1,025.0		994.0		0.0
Non FTE Uncl. Perm. Pos.		13.0		13.0		0.0
TOTAL		1,038.0		1,007.0		0.0

Agency Request

The **agency** requests FY 2013 operating expenditures of \$104,311,201, including \$16,293,220 from the State General Fund. The request is an all funds decrease of \$5,563,040, or 5.1 percent, and a State General Fund increase of \$232,591, or 1.5 percent, above the FY 2012 estimate. The request includes one enhancement to replace 25 agency vehicles. The enhancement totals \$450,000 and is funded entirely through the Division of Vehicles Operating Fund. Without the enhancement, the request would be an all funds decrease of \$6,013,040, or 5.5 percent, below the agency's FY 2013 request. The all funds decrease is largely attributable to a reduction in the Division of Vehicles Modernization Fund as a result of the modernization project ending on December 31, 2012.

Governor's Recommendation

The **Governor** recommends FY 2013 operating expenditures of \$103,272,201, including \$16,282,106 from the State General Fund. The recommendation is an all funds decrease of \$1,039,094, or 1.0 percent, and a State General Fund reduction of \$11,114, or 0.1 percent, below the agency's FY 2013 request. The decrease is attributable to savings achieved through the Voluntary Retirement Incentive Program, which includes the reduction of 31.0 FTE positions.

Budget Committee Recommendation

The **Budget Committee** concurs with the Governor's recommendation for FY 2013 with the following adjustment and notations.

- 1. Delete \$450,000, all from the Division of Vehicles Operating Fund, for FY 2013 and consider adding the funding at Omnibus. The \$450,000 represents the agency's enhancement request to replace 25 vehicles.
- 2. The Budget Committee recommends the Department of Revenue examine the feasibility of moving all functions related to the titling of motor vehicles to local county treasurers. Furthermore, the Budget Committee instructs the Department of Revenue to submit the feasibility report to the House Committee on Appropriations and the House General Government Budget Committee on or before April 1, 2012.
- 3. The Budget Committee would note that the Department of Revenue has numerous fee funds which were created to support specific projects, such as the VIPS/CAMA Fee Fund and the Division of Vehicles Modernization Fund. The Budget Committee is concerned that fees associated with individual projects will continue to be assessed even though the project may be completed and the Budget Committee would note the following two fees:
 - Division of Vehicles Modernization Fund Under current law the \$4 surcharge on vehicle registration will continue after the Division of Vehicles Modernization Project has been completed. The surcharge will be transferred to the State Highway Fund in the Kansas Department of Transportation on January 1, 2013.
 - VIPS/CAMA Technology Hardware Fund Under current law the \$3 surcharge on the titling of vehicles is used to finance upgrades to the Computer Assisted Mass Appraisal (CAMA) System and operations in the agency's Property Valuation Division. According to the agency, of the the \$3 surcharge, \$1 is used to finance upgrades to the CAMA System and \$2 is used for agency operations. The 2004 Legislature removed the sunset date for the VIPS/CAMA Technology Hardware Fund. The Vehicle Information Processing System (VIPS), along with the Kansas Drivers License System, and the Kansas Vehicle Inventory System, is being merged into one system under the Division of Vehicles Modernization Project which is financed through the Division of Vehicles Modernization Fund.

Additionally, the Budget Committee requested Legislative Research compile a history of fee funds administered by the Department of Revenue for special projects, which are funded through the vehicle titling and registration process as well as the drivers license issuance process, over the last 10 years and report to the House Appropriations Committee at the time the Department of Revenue's budget is reviewed.

Committee Recommendation

The Committee concurs with the Budget Committee's recommendation.

Senate Subcommittee Report

Agency: Kansas Department of Revenue

Bill No. 433

Bill Sec. 22

Analyst: Steiner

Analysis Pg. No. 363

Budget Page No. 98

Expenditure Summary	Agency Request FY 2013		Re	Governor Recommendation FY 2013		Senate Subcommittee Adjustments	
Operating Expenditures:							
State General Fund	\$	16,293,220	\$	16,282,106	\$	0	
Other Funds		88,017,981		86,990,001		0	
Subtotal	\$	104,311,201	\$	103,272,107	\$	0	
Capital Improvements:							
State General Fund	\$	0	\$	0	\$	0	
Other Funds		0		0		0	
Subtotal	\$	0	\$	0	\$	0	
TOTAL	\$	104,311,201	\$	103,272,107	\$	0	
FTE positions		1,025.0		994.0		0.0	
Non FTE Uncl. Perm. Pos.		13.0		13.0		0.0	
TOTAL		1,038.0		1,007.0		0.0	

Agency Request

The **agency** requests FY 2013 operating expenditures of \$104,311,201, including \$16,293,220 from the State General Fund. The request is an all funds decrease of \$5,563,040, or 5.1 percent, and a State General Fund increase of \$232,591, or 1.5 percent, above the FY 2012 estimate. The request includes one enhancement to replace 25 agency vehicles. The enhancement totals \$450,000 and is funded entirely through the Division of Vehicles Operating Fund. Without the enhancement, the request would be an all funds decrease of \$6,013,040, or 5.5 percent, below the agency's FY 2013 request. The all funds decrease is largely attributable to a reduction in the Division of Vehicles Modernization Fund as a result of the modernization project ending on December 31, 2012.

Governor's Recommendation

The **Governor** recommends FY 2013 operating expenditures of \$103,272,201, including \$16,282,106 from the State General Fund. The recommendation is an all funds decrease of \$1,039,094, or 1.0 percent, and a State General Fund reduction of \$11,114, or 0.1 percent,

below the agency's FY 2013 request. The decrease is attributable to savings achieved through the Voluntary Retirement Incentive Program, which includes the reduction of 31.0 FTE positions.

Senate Subcommittee Recommendation

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

- 1. The Subcommittee would like to note that the \$4 surcharge on vehicle registration which has been used to fund the Division of Vehicles Modernization Project will continue to be collected after the project has ended and beginning on January 1, 2013 the \$4 surcharge will be deposited in the State Highway Fund in the Department of Transportation. The 2010 Legislature continued the \$4 surcharge as part of the 2010 Comprehensive Transportation Plan, or T-Works.
- 2. The Subcommittee would like to note that the Department of Revenue lost 69.0 FTE as a result of the Voluntary Retirement Incentive Program. Additionally, the Governor also deleted 31.0 FTE positions. Additionally, the Department indicated that future budget submissions may contain requests for additional FTE positions.
- 3. The Subcommittee would like to note that 80.0 percent of tax filers are using e-filing. As a result of so many using e-filing the Department has not needed to hire as many temporary employees to open tax returns. The Subcommittee would like to note the efficiency associated with e-file and the mandate to e-file has proven successful.
- 4. The Subcommittee would note the requirement to have state issued identification for voting will not have an impact on the budget for the Department of Revenue.
- 5. The Subcommittee would note that agency requested \$450,000, all from the Division of Vehicles Operating Fund to replace 25 agency vehicles. The Governor did concur with the agency's request to replace the agency's vehicles.
- 6. The Subcommittee would note that all counties will use the Computer Assisted Mass Appraisal (CAMA) system to produces 2012 values.