

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on March 2, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Michael Steiner, Kansas Legislative Research Department  
Dylan Dear, Kansas Legislative Research Department  
Cody Gorges, Kansas Legislative Research Department  
Aaron Klaassen, Kansas Legislative Research Department  
Jarod Waltner, 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:

Senator Derek Schmidt  
Representative Lee Tafaelli

Others attending:

See attached list.

**Introduction of proposed legislation**

Senator Emler moved to introduce legislation concerning assessments for providers of certain home and community based services (9rs1946). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

**Hearing on HB 2442 - Kansas streamlining government act**

Daniel Yoza, Office of the Revisor of Statutes, provided an explanation of **HB 2442** (Attachment 1).

Senator Derek Schmidt presented testimony in support of **HB 2442** (Attachment 2). Senator D. Schmidt stated that the legislation is an attempt to have an orderly, independent process in place to review the structure of state government and to make recommendations for change to the new governor and to the legislature.

Representative Lee Tafaelli presented testimony in support of **HB 2442** (Attachment 3). Representative Tafaelli noted that the legislation would create an independent commission to carefully review and then recommend how, when and if state government programs or agencies should be consolidated, overhauled or even eliminated.

Responding to question from the Committee, Senator D. Schmidt and Representative Tafaelli noted the following:

- With regard to duplication of services in the legislation and those performed by Legislative Division of Post Audit (LPA), the authors of the legislation noted that LPA only addresses those issues requested by the Legislature. **HB 2442** would provide for a broader look at state government.
- With regard to whether a state legislator could serve on the commission, Senator Schmidt stated that it is the intent of the authors to not have legislators serve on the Commission.
- It is the intent of the authors for recommendations to be made as a package and not individual items.
- It is the intent of the authors for members of the commission to have expertise in state government and no outside experts would be brought forth.
- An amendment added by the House would exempt fee funded agencies from the process.
- The vote in the House to pass out **HB 2442** was 90-32.

◆ The Committee requested information on the cost and cost benefits of the Realignment and Closure

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CONTINUATION SHEET

Minutes of the Senate Ways and Means Committee at 10:30 a.m. on March 2, 2010, in Room 548-S of the Capitol.

Commission.

Written testimony in support of **HB 2442** was received from the following:

- Kent Eckles, The Kansas Chamber of Commerce (Attachment 4).
- Luke Bell, Vice President of Governmental Affairs, Kansas Association of Realtors (Attachment 5).
- Steve Sutton, Interim Executive Director, Board of Emergency Medical Services (Attachment 6).

There were no other proponents, neutrals or opponents to appear before the Committee.

**The hearing on HB 2442 was closed.**

**Subcommittee Report on Kansas Bureau of Investigation and Commission on Peace Officers Standards and Training (CPOST)**

Senator Teichman presented the Subcommittee report on the Governor's budget recommendation for the Kansas Bureau of Investigation (KBI) for FY 2011 and moved for the adoption of the Subcommittee report on the KBI for FY 2011 (Attachment 7). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

Senator Teichman presented the Subcommittee report on the Governor's budget recommendation for CPOST for FY 2011 and moved for the adoption of the Subcommittee report on CPOST for FY 2011 (Attachment 7). The motion was seconded by Senator Schodorf. Motion carried on a voice vote.

**Subcommittee Report on State Fire Marshal, Kansas Highway Patrol, Adjutant General**

Senator Masterson presented the Subcommittee report on the Governor's budget recommendation for the State Fire Marshal for FY 2011 and moved for the adoption of the Subcommittee report on the State Fire Marshal for FY 2011 (Attachment 8). The motion was seconded by Senator Schmidt. Motion carried on a voice vote.

Senator Masterson presented the Subcommittee report on the Governor's budget recommendation for the Kansas Highway Patrol for FY 2011 and moved for the adoption of the Subcommittee report on the Kansas Highway Patrol for FY 2011 (Attachment 8). The motion was seconded by Senator Schmidt. Motion carried on a voice vote

Senator Masterson presented the Subcommittee report on the Governor's budget recommendation for the Adjutant General for FY 2011 and moved for the adoption of the Subcommittee report on the Adjutant General for FY 2011 (Attachment 8). The motion was seconded by Senator Umbarger. Motion carried on a voice vote

**Subcommittee Report on the Kansas Sentencing Commission**

Senator Masterson moved to reopen the Subcommittee report on the Kansas Sentencing Commission for FY 2011. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

The Subcommittee on the Kansas Sentencing Commission stated that the agency has requested language be changed in the Subcommittee report to more accurately reflect the way the Kansas Sentencing Commission is utilizing federal funds they receive.

Senator Masterson moved to amend the Subcommittee report on the Kansas Sentencing Commission for FY 2011 by adding language on Page 2, Item No. 1 at the end of the sentence to read "and utilizing additional federal funds as appropriate, reducing reliance on State General Fund" (Attachment 9). The motion was seconded by Senator Kultala. Motion carried on a voice vote.

Senator Masterson moved to adopt the Subcommittee report on the Governor's recommendation for the Kansas Sentencing Commission for FY 2011 as amended. The motion was seconded by Senator Kultala. Motion carried on a voice vote.

CONTINUATION SHEET

Minutes of the Senate Ways and Means Committee at 10:30 a.m. on March 2, 2010, in Room 548-S of the Capitol.

**Adjournment**

The next meeting is scheduled for March 3, 2010.

The meeting was adjourned at 12:00 p.m.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE: March 2, 2010

NAME	REPRESENTING
Gary Reser	KAN. VETERINARY MED. ASSN.
TOM DAY	KCC
JOHN EICHKORN	KHP
SHERYL VELLER	KHP
Terry Maple	KHP
Marsha Pappan	KBI
Robert E. Blecha	KBI
DAVID HUTCHINGS	KBI
Pat Woods	SRS
Richard Shant	All. feder. with Dep. Dir.
Duane Goossen	DoFA
Dan McLaughlin	KSFMO
Becky Bahr	KSFMO
Dennis Phillips	KSCFF
ROB MENLY	KENNEY & Assoc.
Jenio Noble	KDHE
leigh Keck	Hein Law firm
COLE MEYER	Kansas Reporter
Aaron Isaacson	Adjutant General Department
Janice Harper	" " "
Sara Haworth	Sen Vicki Schmidt's Intern
Chip Wheelan	HCSF Board of Govs
Mari Broetscher	DoB

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE: March 2, 2010

NAME	REPRESENTING
<i>Julie Thomas</i>	DOB
<i>John [unclear]</i>	DOB
MARK BOZANYSK	CAPITOL STRATEGIES
Mike Reecht	James Braden
<i>Juni Rae</i>	KCSL
<i>Patricia [unclear]</i>	KBEM5
<i>John P. [unclear]</i>	KD CU
Ashley Dapta	Finger, Smith + Assoc.

Office of Revisor of Statutes  
300 S.W. 10<sup>th</sup> Avenue  
Suite 24-E, Statehouse  
Topeka, Kansas 66612-1592  
Telephone (785) 296-2416 FAX (785) 296-6668

MEMORANDUM

To: Senate Ways and Means  
From: Daniel Yoza, Assistant Revisor  
Date: March 1, 2010  
Subject: HB 2442

House Bill 2442 creates nine new sections and amends K.S.A. 75-2973 and 75-4319. The purpose of this bill is to create a streamlining government commission.

Section 1 sets out the purposes of the act which are generally to improve the performance, efficiency and effectiveness of the executive branch of the state government. This section also exempts fee funded agencies from the act, which are specifically named in section 2.

Section 2 contains definitions for the act.

Section 3 lays out the composition of the 7 member commission. Under this section members must not have held a paid position by a state agency within the last 3 years, or be a lobbyist, or have an ongoing contract with the state or be employed by an entity that has an ongoing contract with the state.

Section 4 allows the commission to take certain actions, including meeting in closed sessions, obtaining information from state agencies and reporting wrongdoing they discover.

Section 5 provides for the commission to use the assistance of the legislative agencies.

Sections 6 and 7 authorize the commission to investigate any executive state agency and to evaluate their programs and operations with the objective of cost savings.

Section 8 describes the kind of recommendations the commission may make, including reorganization, abolition or change of an agency. This section also requires the commission to make a report to the legislature.

Section 9 provides a sunset for the commission on December 31, 2011.

Section 10 amends K.S.A. 79-2973 to include the streamlining government commission as an auditing agency under the Kansas whistle blower act to allow state employees to speak to the commission without retaliation.

Section 11 amends K.S.A. 79-4319 to give the streamlining government commission an exemption from the open meetings act, allowing them to have closed or executive sessions.

This bill, if passed, would take effect on July 1, 2010.

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**Senator Derek Schmidt**  
**Majority Leader**

Committee Assignments

Chair: Confirmation Oversight  
Vice Chair: Assessment & Taxation  
Judiciary  
Organization Calendar & Rules  
Member: Legislative Post Audit  
Interstate Cooperation  
Message Only (800) 432-3924  
Fax: (785) 296-6718  
Email: Derek.Schmidt@senate.ks.gov

**Testimony in Support of House Bill 2442**  
**Presented to the Senate Ways & Means Committee**  
**by Senator Derek Schmidt**

March 2, 2010

Mr. Chairman, members of the committee, thank you for this opportunity to testify today.

For well over a year, Representative Tafanelli and I have been in discussion, along with others, about how we could encourage during these difficult budget times a more in-depth review of the state's bureaucratic structures. One need only walk the halls of the Statehouse to know that everybody has an idea about a state agency, department, office, position, program or other component that should be realigned, eliminated, consolidated, overhauled or otherwise changed.

There is near-universal agreement that there are ways to make our state bureaucracy more efficient, and in the process less costly and more effective.

The problem is that there is no consensus on what changes ought to rise to the top of the list.

That's an inherent problem in our representative democracy, where all 165 of us represent individual constituencies with different priorities, different interests and different needs.

The founders of our state foresaw the difficulty in the legislature dealing with questions about the organization of the state bureaucracy. That's why they wrote into our Kansas Constitution a special power for the governor to issue Executive Reorganization Orders (ERO). The ERO is a constitutional tool specifically designed to give a governor power, unless overridden by the legislature, to restructure the bureaucracy.

Almost every new governor tends to use the ERO power early in his or her administration to put his or her imprint on the structure of the bureaucracy. In my memory, Governor Sebelius did and so did Governor Graves.

It is likely that our next governor will do the same. Kansas will have a new governor in January 2011, one year from now. So the timing is right for all of us to begin laying the groundwork for bureaucratic changes that could be considered by the new governor in the early exercise of his or her ERO authority.

That's why this proposal is timely. Establishment of the Kansas Streamlining Government Commission at this time would put in place an orderly, independent process to review the structure of state government and to make recommendations for change to the new governor and to the legislature. The final decision whether to implement changes still would rest with the people's elected representatives, but I believe that the early process of developing consensus on recommended changes is likely to result in a more collaborative approach to the exercise of the ERO authority.

While the mechanics proposed in this bill may be unique to Kansas, the concept is not. This idea of using an independent commission to review politically difficult issues has its roots in the federal base-closing process adopted by Congress after the Cold War. It works, and I believe applying it in this case would be a benefit to Kansas taxpayers and to all Kansans who expect us to engage in periodic review of the state's bureaucratic structures rather than simply accepting the way things are because "we've always done it that way."

Thank you for your consideration, and I would be happy to stand for questions.

**Senate Ways & Means Cmte**

**Date** 3-02-2010

**Attachment** 2

State of Kansas  
Kansas House of Representatives



Representative Lee Tafarielli  
47<sup>th</sup> District

300 SW 10<sup>th</sup>, Room 50-S  
Topeka, KS 66612

785/296-7639  
[Lee.Tafarielli@house.ks.gov](mailto:Lee.Tafarielli@house.ks.gov)

**Testimony on HB 2442  
Before the Senate Ways and Means Committee  
By Rep. Lee Tafarielli  
January 28, 2010**

Chairman Emler and Honorable Committee Members,

Thank you for this opportunity to provide testimony in support of House Bill 2442. This legislation would create an independent commission to carefully review and then recommend how, when and if state government programs or agencies should be consolidated, overhauled or even eliminated. Funding for the commission would come from existing Legislative budgets.

As you are well aware, our state is in its fourth straight year of declining revenues. That, combined with recent spending decisions made by the Legislature and Governor, has created a budget crisis. Much has been done to try and reduce state spending in the last year. Still, there is a \$400 million budget gap.

Every session we lawmakers debate budgets, voting up or down ideas to fund our current system. There have been attempts to cut spending, eliminate programs, or redirect state resources. But more often than not, those ideas met with defeat. Why? Because there is too much politics defending the current system. Too much lobbying to protect special interest funding and programs. To change our state government for the better to meet current and future needs of Kansans, I believe we must attempt to remove some of the politics from the process.

Overhauling the state bureaucracy is just like realigning military bases after the Cold War — everybody knows it needs to be done, but nobody can agree where to start. As the federal BRAC process proved, this kind of independent commission proved to be a step in the right direction and a look to the future needs of the Department of Defense in meeting our future challenges for our National Security.

Members of the Kansas Government Streamlining Commission would be appointed by legislative leadership and the current governor. Any changes would be implemented by a gubernatorial executive order.

This bill prohibits anyone serving on the commission who has worked for the state government in the last three years or anyone who works as a lobbyist or special interest that would be served by this commission is the special inter

Senate Ways & Means Cmte  
Date 3-01-2010  
Attachment 3



If we do this right, the Kansas Legislature can restructure our state government – making it stronger, more efficient, and more responsive to the needs of future generations of Kansans. Thank you again for the opportunity to appear before you in support of HB 2442. As always, I stand ready for your questions.

**Written Testimony before the Senate Ways & Means Committee  
HB 2442 – Establishing the Kansas Streamlining Government Commission  
Submitted by J. Kent Eckles, Vice President of Government Affairs**

**achieve**  
*more*



**Tuesday, March 2<sup>nd</sup>, 2010**

The Kansas Chamber of Commerce appreciates the opportunity to present testimony in favor of HB 2442, which would establish the Kansas Streamlining Government Commission.

Our Annual CEO Poll and Membership Survey both indicated a strong desire of employers throughout Kansas to encourage the legislature to implement a host of government efficiency suggestions for all levels of government. With ever decreasing and precious tax dollars available, it is imperative those dollars are spent in the most efficient and transparent manner possible.

Kansas residents and businesses simply cannot afford our state government any longer so the state must begin to prepare for an impending "reset of state government." The Kansas Streamlining Government Commission is an idea whose time has come.

This coming state government reset will no doubt be extremely difficult considering the spending binge the state was on immediately preceding this recession. During the last decade, states increased their spending by an average of 6% per year, topping out at 8% during 2007-08 – Kansas included. Much of the government institutions built up in those years will now have to be dismantled.

States such as Indiana - which made the same tough choices years ago that Kansas faces now - are in a much better position to attract jobs and grow their tax base. Simply put, the cost of doing business is much lower when state government is streamlined.

Kansans are currently seeing first-hand the political impulse to protect government largess and how it leads many states to aggravate their dilemma. 29 states have raised taxes, often on businesses, serving only to chase them and their tax payments away and into the open arms of states like the aforementioned Indiana. If efficiencies are not found and the tax burden is increased on Kansas employers, many will surely close up shop and seek out low-cost, enterprise-friendly environments in other states.

We urge the Committee to pass favorably House Bill 2442 to make the state more efficient and effective with limited taxpayer dollars.

The Kansas Chamber, with headquarters in Topeka, Kansas, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to live and work. The Chamber represents small, medium, and large employers all across Kansas. Please contact me directly if you have any questions regarding this testimony.





Luke Bell  
Vice President of Governmental Affairs  
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785-633-6649 (Cell)  
Email: [lbell@kansasrealtor.com](mailto:lbell@kansasrealtor.com)

To: Senate Ways and Means Committee

Date: March 2, 2010

Subject: **HB 2442** -- Establishing the Kansas Streamlining Government Commission and Providing for an Independent Review of Executive Branch State Agencies

Chairman Emler and members of the Senate Ways and Means Committee, thank you for the opportunity to submit written comments on behalf of the Kansas Association of REALTORS® to in support of the provisions of **HB 2442**. Through the comments expressed herein, it is our hope to provide additional legal and public policy context to the discussion on this issue.

KAR has faithfully represented the interests of the nearly 9,000 real estate professionals and over 700,000 homeowners in Kansas for the last 90 years. In conjunction with other organizations involved in the housing industry, the association seeks to increase housing opportunities in this state by increasing the availability of affordable and adequate housing for Kansas families.

**HB 2442** would establish the Kansas Streamlining Government Commission that would seek to streamline the operations and improve the efficiency of state government by reviewing state agencies, boards and commissions. At the conclusion of the process outlined in **HB 2442**, the Commission would have the authority to recommend legislation to eliminate, combine, reorganize and downsize certain state agencies, boards and commissions.

KAR Strongly Supports the Intent Behind **HB 2442** to Help Prevent Future Budget and Spending Crises by Identifying Long-Term State General Fund Efficiencies and Savings

First, we would like to emphasize that we strongly support the intent behind the provisions of **HB 2442** to streamline the operations and improve the efficiency of state agencies. Given the current budget and spending crisis facing the Kansas Legislature, we believe it is vitally important for the Kansas Legislature to consider any legislation that would result in state general fund (SGF) savings over both the short and long horizon.

In the past five years, the Kansas Legislature has swept nearly \$700,000 from the real estate fee fund administered by the Kansas Real Estate Commission to pay for unrelated programs funded through the state general fund in other parts of the state budget. As a result, the Kansas Real Estate Commission has been forced to increase licensing fees on real estate professionals, which is an indirect tax increase on the individuals and small businesses that make up the real estate industry.

Unfortunately, it is clear the status quo in our budgeting process is not functioning properly when the state is forced to raid regulatory fee funds to pay for programs funded through the state general fund. If the Kansas Streamlining Government Commission is able to identify any efficiencies and savings from the agencies funded by the state general fund, we are hopeful that this will help end the Kansas Legislature's recent habit of raiding regulatory board fee funds for

Senate Ways & Means Cmte  
Date 3-02-2010  
Attachment 5



# KANSAS

DENNIS ALLIN, M.D., CHAIR  
STEVEN SUTTON, INTERIM EXEC. DIRECTOR

MARK PARKINSON, GOVERNOR

## BOARD OF EMERGENCY MEDICAL SERVICES

### Testimony

**Date:** February 24, 2010  
**To:** Senate Committee on Ways and Means  
**From:** Steven Sutton, Interim Executive Director  
**RE:** 2010 House Bill 2442

<b>Resides:</b>	Senate Committee on Ways and Means	<b>Agency Status:</b>	Opposition
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Chairman Emler and members of the Senate Committee on Ways and Means, thank you for the opportunity to provide testimony on the House Bill 2442, my name is Steven Sutton and I am the Interim Executive Director for the Kansas Board of Emergency Medical Services (KBEMS).

House Bill 2442 is an act that creates a Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government. The language of the bill in Section (c) states that the, "...act shall not apply to any fee-funded state agency" and that the "...commission shall have no authority to review or make recommendations regarding any fee funded agency."

In Section (g) of the bill, fee-funded state agencies are specifically identified, with the Kansas Board of Emergency Medical Services excluded from the list.

SB 312 was passed by the 2004 Kansas Legislature giving the Board of EMS permanent funding in the amount of .25% from Premiums from Fire Insurance Receipts. Along with this amount, the Board of EMS through 2008 SB 534, is allowed to keep all fees collected throughout the fiscal year.

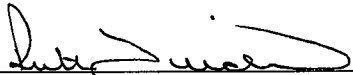
### Conclusion

KBEMS is opposed to this bill because the Agencies "fee-funded" status is not recognized in the bill language and, as a result, the Agency is erroneously subject to this act. Inclusion of the Board of EMS in section (g) would change our position to supporting the bill. Thank you for allowing me to testify on House Bill 2442.

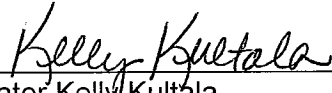
FY 2011

SENATE WAYS AND MEANS SUBCOMMITTEE

Kansas Bureau of Investigation  
Kansas Commission on Peace Officers' Standards and Training



\_\_\_\_\_  
Senator Ruth Teichman, Chair



\_\_\_\_\_  
Senator Kelly Kultala



\_\_\_\_\_  
Senator Vicki Schmidt

Senate Ways & Means Cmte

Date 3-02-2010

Attachment 7

## House Budget Committee Report

**Agency:** Kansas Bureau of Investigation

**Bill No.** HB 2706

**Bill Sec.** 91

**Analyst:** Klaassen

**Analysis Pg. No. - -**

**Budget Page No.** 403

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 17,855,183	\$ 15,589,562	\$ 0
Other Funds	11,150,846	11,150,846	0
Subtotal	<u>\$ 29,006,029</u>	<u>\$ 26,740,408</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 709,216	\$ 0	\$ 0
Other Funds	15,657	15,657	0
Subtotal	<u>\$ 724,873</u>	<u>\$ 15,657</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 29,730,902</u></u>	<u><u>\$ 26,756,065</u></u>	<u><u>\$ 0</u></u>
FTE positions	221.0	221.0	0.0
Non FTE Uncl. Perm. Pos.	115.0	115.0	0.0
<b>TOTAL</b>	<u><u>336.0</u></u>	<u><u>336.0</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests FY 2011 operating expenditures totaling \$29,006,029, which is an increase of \$1,699,060, or 6.2 percent, above the FY 2010 revised estimate. The request includes \$17,855,183 from the State General Fund, which is an increase of \$2,242,701, or 14.4 percent, above the FY 2010 revised estimate. This increase is due to the agency's enhancement requests.

The request includes four operating enhancements totaling \$2,583,112, all from the State General Fund, for: the data exchange project (\$525,000), Kansas Criminal Justice Information System (KCJIS) communication lines (\$464,823), filling 17.0 special agent positions (\$1,343,289), and Lab equipment replacement (\$250,000). Absent enhancements, the FY 2011 request totals \$26,422,917 from all funds, which is a decrease of \$884,052, or 3.2 percent, below the FY 2010 revised estimate. State General Fund expenditures absent enhancements total \$15,272,071, which is a decrease of \$340,411, or 2.2 percent, below the FY 2010 revised estimate. The FY 2011 request includes 221.0 FTE positions, the same as the FY 2010 revised estimate.

For FY 2011, the agency requests capital improvements enhancements totaling \$709,216, all from the State General Fund, and special revenue funded rehabilitation and repair totaling \$15,657.

## Governor's Recommendation

The **Governor** recommends FY 2011 expenditures of \$26,740,408, including \$15,589,562 from the State General Fund. The recommendation is an all funds increase of \$427,996, or 1.6 percent, above the FY 2010 recommendation, and a decrease of \$2,265,621, or 7.8 percent, below the FY 2011 request. The recommendation is a State General Fund increase of \$971,637, or 6.6 percent, above the FY 2010 recommendation and a decrease of \$2,265,621, or 12.7 percent, below the FY 2011 request. The Governor does not recommend any of the agency's enhancement requests (\$2,583,112 all from the State General Fund), and includes a 5.0 percent State General Fund reduction totaling \$763,139, by reducing: \$206,047 from the General Services Program; \$373,938 from the Investigations Program; and \$183,154 from the Laboratory Services Program. Additionally, the Governor recommends adding \$1,080,630, all from the State General Fund, to assist in the DNA backlog. The funds should allow for the outsourcing of samples, purchase of new equipment, purchase consumables, and for the purchase of computer and software licenses. The Governor concurs with the agency's FTE and all other funds expenditures request.

For FY 2011, the Governor does not recommend any State General Fund capital improvements enhancements or expenditures. The Governor concurs with the agency's request for special revenue funded rehabilitation and repair totaling \$15,657.

## House Budget Committee Recommendation

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

1. The Budget Committee notes the following bills that seek to address shortfalls in revenues collected by the KBI:
  - o **House Bill 2637** modifies current law (K.S.A. 2009 Supp. 75-724) requiring persons convicted of certain offenses to pay \$100 as a separate court cost to the KBI DNA database fee fund. Presently the court must determine if the individual has already paid this fee and not impose it a second time. The agency states that this appears to have placed a burden upon the court that has resulted in very few individuals actually having been ordered to pay the fee. This legislation relieves the court of the need to determine whether the fee has ever previously been paid and requires payment for any persons convicted of the listed offenses. The Kansas Bureau of Investigation (KBI) estimates that this legislation could increase revenue to the KBI DNA database fee fund by as much as \$1.3 million.
  - o **House Bill 2605** modifies current law (K.S.A. 2009 Supp. 28-176) that requires convicted persons to pay \$400 as a separate court cost for each misdemeanor and felony conviction when forensic laboratory service have been provided to support the convictions. This legislation clarifies the requirement to pay the fees and instructs the collection of the fee regardless of whether the services supported the ultimate conviction if the services were provided as part of the overall investigation, and adds forensic computer examinations as a service requiring the assessment of the court costs. The KBI estimates that this legislation would potentially increase annual revenue to the KBI DNA database fee fund by \$775,000.

### House Committee Recommendation

The **House Committee** concurs with the House Budget Committee.

### Senate Subcommittee Report

**Agency:** Kansas Bureau of Investigation

**Bill No.** 556

**Bill Sec.** 91

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 403

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Other Funds	15,657	15,657	0
Subtotal	<u>\$ 724,873</u>	<u>\$ 15,657</u>	<u>\$ 0</u>
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7-4



below the FY 2010 revised estimate. State General Fund expenditures absent enhancements total \$15,272,071, which is a decrease of \$340,411, or 2.2 percent, below the FY 2010 revised estimate. The FY 2011 request includes 221.0 FTE positions, the same as the FY 2010 revised estimate.

### **Governor's Recommendation**

The **Governor** recommends FY 2011 operating expenditures of \$26,740,408, including \$15,589,562 from the State General Fund. The recommendation is an all funds increase of \$427,996, or 1.6 percent, above the FY 2010 recommendation, and a decrease of \$2,265,621, or 7.8 percent, below the FY 2011 request. The recommendation is a State General Fund increase of \$971,637, or 6.6 percent, above the FY 2010 recommendation and a decrease of \$2,265,621, or 12.7 percent, below the FY 2011 request. The Governor does not recommend any of the agency's enhancement requests (\$2,583,112 all from the State General Fund), and includes a 5.0 percent State General Fund reduction totaling \$763,139, by reducing: \$206,047 from the General Services Program; \$373,938 from the Investigations Program; and \$183,154 from the Laboratory Services Program. Additionally, the Governor recommends adding \$1,080,630, all from the State General Fund, to assist in the DNA backlog. The funds should allow for the outsourcing of samples, purchase of new equipment, purchase consumables, and for the purchase of computer and software licenses. The Governor concurs with the agency's FTE and all other funds expenditures request.

### **Senate Subcommittee Recommendation**

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

1. Delete \$1,080,630, all from the State General Fund, that was added by the Governor to assist in the DNA backlog, and review at Omnibus. Funds were added to allow for the outsourcing of samples, purchase of new equipment, consumables, and computer and software licenses.
2. The Subcommittee notes and includes the following projections and information provided by the agency in relation to the DNA Databank:

"The request was made to make available certain statistics and projections with regard to the solution of crimes with the assistance of DNA evidence and its comparison to known samples in the KBI DNA Databank.

For clarification, the KBI Forensic Laboratory's efforts with regard to DNA are divided into Casework and the Databank. The Databank consists of known samples of DNA from arrestees. Casework accounts for items submitted for examination to determine if DNA is present and if it can be matched to a known individual or to an individual whose DNA may reside in the Databank.

During 2009, the KBI DNA Databank contributed to the solution (known as investigations aided) of 9 homicides, 16 rapes, and 87 burglaries. As of this date, 61,830 offender profiles (individual identities) are in the Kansas CODIS database (FBI's Combined DNA Index System used to integrate federal and state DNA databanks) and are available for comparison for identification of forensic samples from casework evidence. As of the second week of February, 38,658 offender profiles are believed to be CODIS eligible and account for the present backlog. Approximately 8,700 have been profiled and currently are in review, 2,000 remain at

the vendor, 5,400 are duplicate profiles, 2,100 are blood samples to be profiled. This leaves approximately 20,700 oral samples to be profiled.

The elimination of the DNA Databank backlog would increase the number of profiles useful for comparison by 62.0 percent. Arguably, this would allow for a 62.0 percent increase in the number of crimes for which the Databank could provide a suspect—five or more homicide suspects, ten more rapists, and 54 more burglars identified. These are also durable statistics; the increases would be realized every year that the submissions are available for comparison.

Beyond the benefit to Kansas, CODIS entries are available to other participating states that may identify suspects by making use of Kansas submissions. Crimes solved are crimes prevented. Rapists continue to rape or will escalate to murder until apprehended. Burglars continue to invade homes and businesses or escalate to rape until stopped. The DNA Databank allows law enforcement to identify suspects that often would never have otherwise been identified, thus reducing crime.”

In relation to the above, the Subcommittee notes that the following bills seek to address shortfalls in revenues collected by the KBI, and that would assist the DNA Databank:

- **House Bill 2637** modifies current law (K.S.A. 2009 Supp. 75-724) requiring persons convicted of certain offenses to pay \$100 as a separate court cost to the KBI DNA database fee fund. Presently the court must determine if the individual has already paid this fee and not impose it a second time. The agency states that this appears to have placed a burden upon the court that has resulted in very few individuals actually having been ordered to pay the fee. This legislation relieves the court of the need to determine whether the fee has ever previously been paid and requires payment for any persons convicted of the listed offenses. The Kansas Bureau of Investigation (KBI) estimates that this legislation could increase revenue to the KBI DNA database fee fund by as much as \$1.3 million.
- **House Bill 2605** modifies current law (K.S.A. 2009 Supp. 28-176) that requires convicted persons to pay \$400 as a separate court cost for each misdemeanor and felony conviction when forensic laboratory service have been provided to support the convictions. This legislation clarifies the requirement to pay the fees and instructs the collection of the fee regardless of whether the services supported the ultimate conviction if the services were provided as part of the overall investigation, and adds forensic computer examinations as a service requiring the assessment of the court costs. The KBI estimates that this legislation would potentially increase annual revenue to the KBI DNA database fee fund by \$775,000.

Additionally, the Subcommittee notes that both bills have passed the House with strong support (HB 2637 passing 119 Yeas, 3 Nays; and HB 2605 passing 122 Yeas, and 0 Nays), and that both have been referred to Senate Judiciary Committee.

3. The Subcommittee notes the agency's request for \$464,823, all from the State General Fund, for the Kansas Criminal Justice Information System (KCJIS) communications lines upgrades and replacement of network interface cards. The Subcommittee heard testimony explaining that the existing 56K lines will be discontinued December 31, 2010, and that, in consultation with Division of

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Information Systems and Communications (DISC), the KCJIS requires an increased bandwidth connection to 1.5 MB (T1) to each mandated site in order to continue service. The KCJIS provides year round access to vital criminal justice information and is utilized by over 9,000 criminal justice and law enforcement users in over 1,700 agencies across the state. The Subcommittee notes that this enhancement was requested last Session, and that by working with DISC and AT&T, the existing contract was extended for an additional year. The Subcommittee encourages the agency to seek further extension of the 56K communication lines in light of state budgeting constraints. The Subcommittee would like to review KCJIS needs and requests at Omnibus.

# House Budget Committee Report

**Agency:** Kansas Commission on Peace Officers' Standards and Training

**Bill No.** HB 2706

**Bill Sec.** 94

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 415

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	650,005	650,005	0
Subtotal	\$ 650,005	\$ 650,005	\$ 0
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
<b>TOTAL</b>	<b>\$ 650,005</b>	<b>\$ 650,005</b>	<b>\$ 0</b>
FTE positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<b>7.0</b>	<b>7.0</b>	<b>0.0</b>

## Agency Request

The **agency** requests FY 2011 operating expenditures totaling \$650,005, all from the Kansas Commission on Peace Officers' Standards and Training (KSCPOST) Fund, which is an increase of \$71,305, or 12.3 percent, above the FY 2010 revised estimate. The agency states that increases are primarily due general start-up costs, but also some expenditures are delayed in relation to budget reductions previously made to the FY 2010 budget. The request includes 7.0 FTE positions.

## Governor's Recommendation

The **Governor** concurs with the agency's request for FY 2011, and includes the transfer of \$200,000 from the agency's fee fund to the State General Fund.

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### **House Budget Committee Recommendation**

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

1. The Budget Committee requests that the agency create and provide performance measures for agency operations. Additionally the agency should document total case backlog, progress on cases, and number of new case filings to provide to the committee. The agency should continue to update and include this information as part of the agency's budget request next year.

### **House Committee Recommendation**

The **House Committee** concurs with the Budget Committee.

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## Senate Subcommittee Report

**Agency:** Kansas Commission on Peace  
Officers' Standards and Training

**Bill No.** 556

**Bill Sec.** 94

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 415

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	650,005	650,005	0
Subtotal	<u>\$ 650,005</u>	<u>\$ 650,005</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 650,005</u></u>	<u><u>\$ 650,005</u></u>	<u><u>\$ 0</u></u>
FTE positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
<b>TOTAL</b>	<u><u>7.0</u></u>	<u><u>7.0</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests FY 2011 operating expenditures totaling \$650,005, all from the Kansas Commission on Peace Officers' Standards and Training (KSCPOST) Fund, which is an increase of \$71,305, or 12.3 percent, above the FY 2010 revised estimate. The agency states that increases are primarily due to general start-up costs, but also some expenditures are delayed in relation to budget reductions previously made to the FY 2010 budget. The request includes 7.0 FTE positions.

### Governor's Recommendation

The **Governor** concurs with the agency's request for FY 2011, and includes the transfer of \$200,000 from the agency's fee fund to the State General Fund.

### Senate Subcommittee Recommendation

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

1. The Subcommittee notes the agency's current case backlog (the agency testified that it was around 500 cases), and encourages the agency to hire the remaining unfilled


investigator position in order to assist in not only decreasing the backlog but also to bring the agency up to its originally intended operating capacity. The Subcommittee would like to continue to monitor the agency's case backlog progress, and as such the agency should provide performance measures as well as an estimated time frame in which the backlog will be decreased and eventually eliminated.

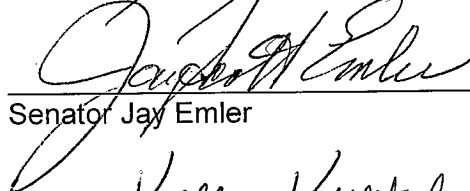
2. The Subcommittee notes the transfer of \$392,500 from the agency's fee fund to the State General Fund in FY 2009, and the Governor's recommended transfer of \$200,000 from the agency's fee fund to the State General Fund in FY 2011. The Subcommittee states that continued transfers could further inhibit the agency's progress on its case backlog, progress in acquiring the remaining investigator position, and the agency's purchase of the necessary equipment and software in order to provide statutorily required duties in a timely fashion.

FY 2011

SENATE WAYS AND MEANS SUBCOMMITTEE

State Fire Marshal  
Kansas Highway Patrol  
Adjutant General

  
\_\_\_\_\_  
Senator Ty Masterson, Chair

  
\_\_\_\_\_  
Senator Jay Emler

  
\_\_\_\_\_  
Senator Kelly Kultala

Senate Ways & Means Cmte  
Date 3-02-2010  
Attachment 8



# House Budget Committee Report

**Agency:** State Fire Marshal

**Bill No.** HB 2706

**Bill Sec.** 88

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 389

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	4,493,273	4,493,273	0
Subtotal	\$ 4,493,273	\$ 4,493,273	\$ 0
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
<b>TOTAL</b>	<b>\$ 4,493,273</b>	<b>\$ 4,493,273</b>	<b>\$ 0</b>
<b>FTE positions</b>			
FTE positions	53.0	53.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
<b>TOTAL</b>	<b>54.0</b>	<b>54.0</b>	<b>0.0</b>

## Agency Request

The **agency** requests FY 2011 operating expenditures of \$4,493,273, a decrease of \$391,501, or 8.0 percent, below the FY 2010 revised estimate. Of the FY 2011 expenditures, \$3,628,715 are financed by the Fire Marshal Fee Fund, a decrease of \$1, or less than 0.1 percent, below the 2010 revised estimate. The agency's request includes two enhancements: 1) increasing the levy on fire insurance premiums, and 2) adjusting the distribution of the fire insurance premium levy. The entire budget is funded from fee funds and federal funds. The request includes 53.0 FTE positions, the same as the FY 2010 revised estimate.

## Governor's Recommendation

The **Governor** concurs with the agency's request for FY 2011 operating expenditures, and recommends the enhancement to change the distribution of the fire insurance premium levy.

## House Budget Committee Recommendation

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

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1. The Budget Committee notes that Senate Bill 322 and House Bill 2387 would adjust the distribution of the 1.25 percent levy on fire insurance premiums in order to distribute the State General Fund administrative services fee across the three agencies it supports rather than being solely charged to the State Fire Marshal's portion. K.S.A. 75-1514 requires that 20.0 percent of the receipts received by the State Fire Marshal be remitted to the State General Fund with a cap of \$200,000 on such transfers. If noted legislation passes, it would assess the statutory fee to the pool of levy funds, and would distribute the \$200,000 across the three agencies by the proportion of the levy each agency receives, amounts would be charged as follows: \$128,000 from the State Fire Marshal, \$40,000 from the Emergency Medical Services Board, and \$32,000 from the University of Kansas Fire and Rescue Training Institute.

Currently, K.S.A. 75-1508 requires each fire insurance company doing business in Kansas to pay the Commissioner of Insurance, beginning in 1984, a levy imposed by the State Fire Marshal, not to exceed 1.25 percent of a sum equal to the gross cash receipts of such company on all fire business transacted by the company in the preceding calendar year. K.S.A. 75-1508 distributes the 1.25 percent levy to provide 0.8 percent to the Fire Marshal, 0.25 percent to EMS, and 0.2 percent to the Fire Services Training Institute at the University of Kansas.

2. The Budget Committee recommends the introduction of legislation that would move equipment and any statutory requirement for the bomb response unit from the State Fire Marshal to the Kansas Highway Patrol in FY 2011. The Kansas Highway Patrol also maintains a bomb response unit, and testimony provided indicated that both the State Fire Marshal's bomb response unit and the Kansas Highway Patrol's bomb unit respond in tandem to any incidents. This would consolidate the responsibility for this function within the Kansas Highway Patrol.

### **House Committee Recommendation**

The **Committee** concurs with the Budget Committee.

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## Senate Subcommittee Report

**Agency:** State Fire Marshal

**Bill No.** 556

**Bill Sec.** 88

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 389

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	4,493,273	4,493,273	0
Subtotal	\$ 4,493,273	\$ 4,493,273	\$ 0
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
<b>TOTAL</b>	<b>\$ 4,493,273</b>	<b>\$ 4,493,273</b>	<b>\$ 0</b>
FTE positions	53.0	53.0	0.0
Non FTE Uncl. Perm. Pos.	1.0	1.0	0.0
<b>TOTAL</b>	<b>54.0</b>	<b>54.0</b>	<b>0.0</b>

### Agency Request

The **agency** requests FY 2011 operating expenditures of \$4,493,273, a decrease of \$391,501, or 8.0 percent, below the FY 2010 revised estimate. Of the FY 2011 expenditures, \$3,628,715 are financed by the Fire Marshal Fee Fund, a decrease of \$1, or less than 0.1 percent, below the 2010 revised estimate. The agency's request includes two enhancements: 1) increasing the levy on fire insurance premiums, and 2) adjusting the distribution of the fire insurance premium levy. The entire budget is funded from fee funds and federal funds. The request includes 53.0 FTE positions, the same as the FY 2010 revised estimate.

### Governor's Recommendation

The **Governor** concurs with the agency's request for FY 2011 operating expenditures, and recommends the enhancement to change the distribution of the fire insurance premium levy.

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### Senate Subcommittee Recommendation

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

1. The Subcommittee notes that Senate Bill 322 and House Bill 2387 would adjust the distribution of the 1.25 percent levy on fire insurance premiums in order to distribute the State General Fund administrative services fee across the three agencies it supports rather than being solely charged to the State Fire Marshal's portion. K.S.A. 75-1514 requires that 20.0 percent of the receipts received by the State Fire Marshal be remitted to the State General Fund with a cap of \$200,000 on such transfers. If the noted legislation passes, it would assess the statutory fee to the pool of levy funds, and would distribute the \$200,000 across the three agencies by the proportion of the levy each agency receives, amounts would be charged as follows: \$128,000 from the State Fire Marshal, \$40,000 from the Emergency Medical Services Board, and \$32,000 from the University of Kansas Fire and Rescue Training Institute.
- Currently, K.S.A. 75-1508 requires each fire insurance company doing business in Kansas to pay the Commissioner of Insurance, beginning in 1984, a levy imposed by the State Fire Marshal, not to exceed 1.25 percent of a sum equal to the gross cash receipts of such company on all fire business transacted by the company in the preceding calendar year. K.S.A. 75-1508 distributes the 1.25 percent levy to provide 0.8 percent to the Fire Marshal, 0.25 percent to EMS, and 0.2 percent to the Fire Services Training Institute at the University of Kansas.

## House Budget Committee Report

**Agency:** Kansas Highway Patrol

**Bill No.** HB 2706

**Bill Sec.** 90

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 391

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 33,625,676	\$ 31,938,642	\$ 0
Other Funds	50,384,546	50,771,016	0
Subtotal	<u>\$ 84,010,222</u>	<u>\$ 82,709,658</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,158,477	451,560	0
Subtotal	<u>\$ 1,158,477</u>	<u>\$ 451,560</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 85,168,699</u></u>	<u><u>\$ 83,161,218</u></u>	<u><u>\$ 0</u></u>
FTE positions	859.0	859.0	0.0
Non FTE Uncl. Perm. Pos.	38.0	38.0	0.0
<b>TOTAL</b>	<u><u>897.0</u></u>	<u><u>897.0</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests an FY 2011 budget of \$84,010,222, which is a decrease of \$4,661,391, or 5.3 percent, below the FY 2010 revised estimate. The request includes State General Fund expenditures of \$33,625,676, which is an increase of \$479,881, or 1.4 percent, above the FY 2010 revised request. The request includes 859.0 FTE positions, the same as the FY 2010 revised estimate.

The request includes enhancement funding of \$712,296, including \$6,053 from the State General Fund. Absent enhancements, the agency request totals \$83,297,926, which is a decrease of \$5,373,687, or 6.1 percent, below the FY 2010 revised estimate. The State General Fund request totals \$33,619,623, which is an increase of \$473,828, or 1.4 percent, above the FY 2010 revised estimate. This increase primarily occurs in salaries and wages and is due to budgeting partial restoration of holiday pay for troopers working on state holidays, and increases in fringe benefits.

Major adjustments from all other funds include a decrease of approximately \$5.4 million in homeland security funds and federal funds. This reduction is due in part to ARRA funds utilized in FY 2010, and only part of this funding continues into FY 2011. Additionally, the agency states that it receives notice of awarded homeland security funds late in the fiscal year, and potential grant funds for federal fiscal year 2011 are not estimated in the budget.

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For FY 2011, the agency requests capital improvement expenditures of \$1,158,477, all from special revenue funds. The request includes debt service principal payments of \$305,000 on the Fleet Center and the Vehicle Identification Number Facility in Olathe. The request includes rehabilitation, repair, and scale replacement totaling \$273,560, and \$579,917 for labor, materials and equipment to replace four roofs and to replace a boiler at the Kansas Highway Patrol Training Academy in Salina.

### **Governor's Recommendation**

The **Governor** recommends FY 2011 operating expenditures of \$82,709,658, including \$31,938,642 from the State General Fund. The recommendation is an all funds decrease of \$5,166,165, or 5.9 percent, below the FY 2010 recommendation, and a decrease of \$1,300,564, or 1.5 percent, below the FY 2011 request. The recommendation is a State General Fund decrease of \$209,355, or 0.7 percent, below the FY 2010 recommendation and a decrease of \$1,687,034, or 5.0 percent, below the FY 2011 request. The Governor does not recommend any of the agency's enhancement requests (\$712,296, including \$6,053 from the State General Fund), and recommends part of the agency's reduced resources package totaling \$706,917, all from special revenue funds. The recommendation includes a reduction to State General Fund expenditures totaling \$1,680,981 (\$1,326,579 from salaries and wages and \$354,402 from other operating expenditures), and the shift of expenditures to special revenue funds (\$1,326,579 KHP Operations Fund, \$354,402 Highway Patrol Federal Fund).

The recommendation includes the following special revenue fund transfers to the KHP Operations fund to support the State General Fund reduction: \$921,856, from the Highway Patrol Training Center Fund; \$240,570 from the General Fees Fund; and \$37,153 from the Vehicle Identification Number Fee Fund.

The Governor recommends FY 2011 capital improvements expenditures totaling \$451,560, all from special revenue funds. The Governor's recommendation includes the following: 1) the Governor concurs with the agency's request for \$305,000 for debt service principal, 2) reduction and transfer of Academy roof and boiler replacement funds (\$579,917 from the Highway Patrol Training Center Fund) to the KHP Operations Fund to be used for salaries and wages as part of the reduced resources package, 3) reducing scale replacement and rehabilitation and repair expenditures by \$127,000 and leaving funds in the KHP Operations fund to be used for salaries and wages as part of the reduced resources package.

### **House Budget Committee Recommendation**

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

1. The Budget Committee notes its concern that the Governor's FY 2011 recommendation shifts State General Fund expenditures to special revenue funds, and in doing so leaves a number of funds with a low or zero ending balance. The Committee heard testimony from the agency regarding the disparity between the funds balance and the agency's estimated needs to cover the first 60 days of expenditures from respective funds in FY 2012. These funds include the: General Fees Fund, Vehicle Identification Number Fee Fund, KHP Training Center Fund, and KHP Federal Fund.
2. The Budget Committee notes that this is the 19<sup>th</sup> year that the agency has sought funding and authority to construct a new Troop F Headquarters building in Sedgwick County. In addition, the Budget Committee also notes that the agency is working

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together with the Adjutant General's Department toward the prospect of a readiness center in Wichita, that would be a joint use facility.

**House Committee Recommendation**

The **Committee** concurs with the Budget Committee.

**Senate Subcommittee Report**

**Agency:** Kansas Highway Patrol

**Bill No.** 556

**Bill Sec.** 90

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 391

<u>Expenditure Summary</u>	<u>Agency Request FY 2011</u>	<u>Governor Recommendation FY 2011</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 33,625,676	\$ 31,938,642	\$ 0
Other Funds	50,384,546	50,771,016	0
Subtotal	<u>\$ 84,010,222</u>	<u>\$ 82,709,658</u>	<u>\$ 0</u>
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	1,158,477	451,560	0
Subtotal	<u>\$ 1,158,477</u>	<u>\$ 451,560</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 85,168,699</u></u>	<u><u>\$ 83,161,218</u></u>	<u><u>\$ 0</u></u>
FTE positions	859.0	859.0	0.0
Non FTE Uncl. Perm. Pos.	38.0	38.0	0.0
<b>TOTAL</b>	<u><u>897.0</u></u>	<u><u>897.0</u></u>	<u><u>0.0</u></u>

**Agency Request**

The **agency** requests an FY 2011 budget of \$84,010,222, which is a decrease of \$4,661,391, or 5.3 percent, below the FY 2010 revised estimate. The request includes State General Fund expenditures of \$33,625,676, which is an increase of \$479,881, or 1.4 percent, above the FY 2010 revised request. The request includes 859.0 FTE positions, the same as the FY 2010 revised estimate.

8-8

The request includes enhancement funding of \$712,296, including \$6,053 from the State General Fund. Absent enhancements, the agency request totals \$83,297,926, which is a decrease of \$5,373,687, or 6.1 percent, below the FY 2010 revised estimate. The State General Fund request totals \$33,619,623, which is an increase of \$473,828, or 1.4 percent, above the FY 2010 revised estimate. This increase primarily occurs in salaries and wages and is due to budgeting partial restoration of holiday pay for troopers working on state holidays, and increases in fringe benefits.

### **Governor's Recommendation**

The **Governor** recommends FY 2011 operating expenditures of \$82,709,658, including \$31,938,642 from the State General Fund. The recommendation is an all funds decrease of \$5,166,165, or 5.9 percent, below the FY 2010 recommendation, and a decrease of \$1,300,564, or 1.5 percent, below the FY 2011 request. The recommendation is a State General Fund decrease of \$209,355, or 0.7 percent, below the FY 2010 recommendation and a decrease of \$1,687,034, or 5.0 percent, below the FY 2011 request. The Governor does not recommend any of the agency's enhancement requests (\$712,296, including \$6,053 from the State General Fund), and recommends part of the agency's reduced resources package totaling \$706,917, all from special revenue funds. The recommendation includes a reduction to State General Fund expenditures totaling \$1,680,981 (\$1,326,579 from salaries and wages and \$354,402 from other operating expenditures), and the shift of State General Fund expenditures to special revenue funds (\$1,326,579 KHP Operations Fund, \$354,402 Highway Patrol Federal Fund).

The recommendation includes the following special revenue fund transfers to the KHP Operations fund to support the State General Fund reduction: \$921,856, from the Highway Patrol Training Center Fund; \$240,570 from the General Fees Fund; and \$37,153 from the Vehicle Identification Number Fee Fund.

### **Senate Subcommittee Recommendation**

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

1. The Subcommittee notes that the Governor's FY 2011 recommendation shifts State General Fund expenditures to special revenue funds, and in doing so leaves a number of funds with a low or zero ending balance. The Subcommittee heard testimony from the agency regarding the disparity between the funds balance and the agency's estimated needs to cover the next 60 days of expenditures from respective funds. These funds include the: General Fees Fund, Vehicle Identification Number Fee Fund, KHP Training Center Fund, and KHP Federal Fund. The Subcommittee recommends Omnibus review of these fee funds and possible further impacts to the agency's operations.
2. The Subcommittee notes that this is the 19<sup>th</sup> year that the agency has sought funding and authority to construct a new Troop F Headquarters building in Sedgwick County. In addition, the Subcommittee notes that the agency stated it is working together with the Adjutant General's Department toward the prospect of a readiness center in Wichita, that would be a joint use facility.
3. The Subcommittee notes concern in relation to the significant cuts and associated impacts provided by the agency, and recommends that if additional funding is found, that the Highway Patrol and public safety should be a top priority. The Subcommittee includes the agency's testimony regarding budgetary cuts and impacts to the agency's operations as follows:



"The KHP has sustained a cumulative State General Fund reduction of 17.3 percent or \$6.5 million, and the spend down of fee funds in FY 2011 of nearly \$1.0 million below 60-day cash flow balances.

The KHP's goal throughout the reduction process has been, and continues to be, to attempt to fulfill our statutory mission to the best of our ability and to protect existing employees. Accordingly, the agency has taken actions in a certain order to meet ever-increasing reductions: (1) temporarily suspending purchases (uniforms, IT equipment); (2) spending down or sweeping available resources saved for future plans (disaster reserve) and from curtailing expenditures in advance (FY 2009); (3) seeking alternative funding (one-time ARRA funds, fees); (4) changing business practices with an impact on services and employees (mileage reduction, providing compensatory time in lieu of pay for certain holidays, reducing overtime for assistance to local law enforcement, eliminating out-of-state travel and training, closing port of entry); and (5) choosing permanent actions to reduce operations to available funding.

Through FY 2011, the KHP base State General Fund reduction is \$6.5 million (assuming the 3% FY 2010 allotment does not carry forward). At this point, this must be considered as a permanent reduction until economic recovery occurs, along with the possible restoration of core state government functions. All actions listed in FY 2010 to meet reductions must be continued, with a total depletion of most fund balances, and no funds for a Trooper Recruit class.

The need to spend funds in advance of FY 2011 (to meet the 3% FY 2010 allotment) will require continuation of the 10% fuel reduction and the providing of compensatory time in lieu of pay for certain holidays worked.

Additional Fuel details were provided as follows: (1) 14,004,516 miles driven agency-wide in FY 2009 (compared to 14,838,775 miles driven in FY 2007); (2) 898,438 gallons of fuel consumed agency-wide in FY 2009 (compared to 970,829 gallons in FY 2007); (3) Budget Indices project fuel price increases of 17.3% from FY 2009 to FY 2010 and another 7.7% from FY 2010 to FY 2011; (4) Enhancement requests for funding to meet this projected increase were not approved; and (5) Budgeted price per gallon for fuel, agency-wide: \$2.568 FY 2010; \$2.587 FY 2011).

The ARRA funds for Rural Law Enforcement and a reduction in the employer KP&F retirement rate will replace the one-time actions in FY 2010. ARRA funds allow recruits to become Troopers, but the funding period is only 24 months. At the end of the period, the KHP must return to its original workforce size and accumulate vacant positions accordingly. Thus, no funding is available for a Recruit class.

The statistics on the following page display the alarming impact retirements will have on the Trooper ranks in the next five years, with 88 eligible. Troopers can only be replaced through the 22-week Recruit training program, and only for those select candidates who meet the KHP's stringent eligibility.

Without restoration of funding, the KHP's ability to provide services will be severely curtailed and it will take years to restore to the former workforce strength. This will have the greatest impact on local law enforcement units that rely upon the strength and specialty resources in the KHP's statewide workforce.

The KHP has specialty resources not available in many local law enforcement units including: (1) statewide aircraft; (2) Special Response Team; (3) natural disaster and emergency response; (4) Troopers and canines specially trained for bomb and drug detection, and missing person searches; (5) accident reconstruction; (6) commercial motor vehicle inspection and

safety compliance enforcement; (7) specialty trainers (8) information technology system development, data sharing and support; and (9) pandemic illness, terrorism and drug interdiction expertise.

Although the KHP, on paper, appears to make it through FY 2011, this is not a responsible approach to managing the agency nor our employees. Thus, the KHP must begin taking action in FY 2011, with the goal of reducing the agency's expenditures to fit within the reduced base budget. If this cannot be achieved through attrition of staff and a hiring freeze, then the following actions will be necessary, in priority order: (1) providing compensatory time in lieu of holiday pay for additional holidays; (2) elimination of the annual payment for uniform cleaning allowance; (3) providing compensatory time in lieu of part, or all, of overtime pay. (Operationally funded overtime has been reduced to only that which cannot be avoided for work related to vehicle accidents, emergencies and arrests for offenses such as driving under the influence.); (4) furloughing of uniformed and civilian staff; and (5) staff layoffs.

The ability to meet shrinkage remains a concern, particularly when vacant position funding was given at the start of the fiscal year to meet budgetary reductions. For Trooper positions, the shrinkage rate is 6% and is 10% for Motor Carrier Inspection. Total shrinkage - \$2.7 million. As times become more trying for citizens, the need for law enforcement increases. As a premier statewide law enforcement agency, the KHP is relied upon to lead the State in response efforts.

Perhaps of most concern is the KHP's ability to respond to unpredictable events. When budgetary flexibility for payment of unbudgeted overtime, fuel, equipment, etc. is removed, response capability is threatened. The State must be able to fund its KHP workforce and treat them the way they deserve in exchange for their important work. We cannot expect employees to go without uniforms, not replace important technological equipment, eliminate training, not pay employees for hours worked, and reduce staffing levels that become a threat to officer safety, yet expect the same level of services be provided. The only way to do this in the current environment is to reduce the size of the workforce and reduce services, accordingly.

As a core function of state government, law enforcement is of critical importance. The impact of a reduction in the Trooper workforce will takes years to restore. It took years to get to where we are now and these reductions will unravel much of the past effort. The ability of the agency to perform its mission will be severely curtailed by these actions, with adverse impact on local law enforcement agencies and ultimately those living and traveling in Kansas."

## House Budget Committee Report

**Agency:** Adjutant General

**Bill No.** HB 2706

**Bill Sec.** 87

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 375

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	House Budget Committee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 18,483,180	\$ 11,688,906	\$ 24,787,015
Other Funds	139,074,886	100,737,136	222,179,661
Subtotal	<u>\$ 157,558,066</u>	<u>\$ 112,426,042</u>	<u>\$ 246,966,676</u>
<b>Capital Improvements</b>			
State General Fund	\$ 9,537,403	\$ 1,820,000	\$ 0
Other Funds	65,333,235	65,333,235	0
Subtotal	<u>\$ 74,870,638</u>	<u>\$ 67,153,235</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 232,428,704</u></u>	<u><u>\$ 179,579,277</u></u>	<u><u>\$ 246,966,676</u></u>
FTE positions	219.0	219.0	0.0
Non FTE Uncl. Perm. Pos.	256.2	256.2	0.0
<b>TOTAL</b>	<u><u>475.2</u></u>	<u><u>475.2</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests FY 2011 operating expenditures of \$157,558,066, which is a decrease of \$75,280,254, or 32.3 percent, below the FY 2010 revised estimate. The FY 2011 request includes State General Fund expenditures totaling \$18,483,180, which is a decrease of \$14,286,577, or 43.6 percent, below the revised estimate for FY 2010. This decrease is attributable to: \$26.3 million added during the 2009 Legislature as the State's portion of FY 2010 disaster relief to cover open disaster obligations and the State's portion of disaster expenditures related to electrical cooperatives and the December 2007 ice storm; offset by \$12.1 million in requested FY 2011 enhancements, of which \$10.7 million is for the State's portion of ongoing disaster relief payments. The request includes 219.0 FTE positions, no change from the FY 2010 revised estimate.

For FY 2011, the agency requests capital improvements expenditures totaling \$74,870,638. The request includes expenditures of \$9,537,403 from the State General Fund, \$1,820,000 for debt service principal payments, and \$7,717,403 in requested enhancements, which include: \$488,687 for the 35th Infantry Division addition to the Kansas National Guard Museum, \$6,847,425 for the creation of the Great Plains Regional Training Center Spoke 1, and \$381,291 for the Liberal Motor Vehicle Storage. The request also includes expenditures of \$65,333,235, from the federal Military Fee Fund.

## **Governor's Recommendation**

The **Governor** recommends FY 2011 operating expenditures totaling \$112,426,042, including \$11,688,906 from the State General Fund. The recommendation is an all funds decrease of \$119,649,527, or 51.6 percent, and a State General Fund decrease of \$20,798,100, or 64.0 percent, below the FY 2010 recommendation. The recommendation is an all funds decrease of \$45,132,024, or 28.6 percent, and a State General Fund decrease of \$6,794,274, or 36.8 percent, below the FY 2011 agency request. The Governor recommends three of the agency's enhancement requests, but only adds additional funding for the disaster assistance expenditures enhancement at half the requested amount totaling \$43,361,592, including \$5,173,836 from the State General Fund. The other two recommended enhancements, for Civil Air Patrol Operating Funds and Military Activation Bonus Payments, are recommended to be funded within the agency's existing resources. The Governor recommends the agency's reduced resources package for armories funding and the closing of up to 22 additional armories (\$264,217 State General Fund).

For FY 2011, the Governor recommends capital improvement expenditures totaling \$67,153,235, including \$1,820,000 from the State General Fund. The difference when compared to the agency request is due to State General Fund reductions of \$7,717,403, due to not recommending any enhanced funding for capital improvements (projects not recommended include: National Guard Museum Expansion (\$488,687) Great Plains Regional Training Center Site 1 (\$6.8 million), and Liberal Motor Vehicle Storage (\$381,291)). The Governor concurs with the agency's request for debt service principal (\$1.8 million) and special revenue funds expenditures.

## **House Budget Committee Recommendation**

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

1. The Budget Committee notes and concurs with the Governor's recommendation to approve issuance of the remaining \$3.0 million in armory renovation bonds in FY 2011. The 2005 Legislature approved the issuance of \$9.0 million in bonds for armory renovation, pending legislative approval each year, three bond issues of \$3.0 million each would be made in FY 2007, FY 2008, and FY 2009. The FY 2007 and FY 2008 bonds have been issued, however, the agency testified that due to a number of issues, were not able to request legislative approval to issue the third set of Armory Bonds before the 2009 Session closed. The Budget Committee concurs with the Governor's recommendation to approve issuance of these bonds, but adds that the agency should not use these bond proceeds on any armory that may be on the closure list.
2. Add \$247.0 million, including \$24.8 million from the State General Fund, for the State's portion of FY 2011 disaster assistance payments on twelve open disasters, most notably the December 2007 ice storm and approval of electrical cooperatives claims. The Budget Committee heard testimony from the agency that projects have progressed further and faster than originally anticipated under the agency's original request for FY 2011 disaster assistance payments. The Governor's recommendation included \$51.0 million, including \$5.2 million from the State General Fund, and this addition would provide a total of \$298.0 million, including \$30.0 million from the State General Fund, for FY 2011 disaster assistance obligations.

**House Committee Recommendation**

The **Committee** concurs with the Budget Committee.

**Senate Subcommittee Report**

**Agency:** Adjutant General

**Bill No.** 556

**Bill Sec.** 164

**Analyst:** Klaassen

**Analysis Pg. No.** - -

**Budget Page No.** 375

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 18,483,180	\$ 11,688,906	\$ 24,787,015
Other Funds	139,074,886	100,737,136	222,179,661
Subtotal	<u>\$ 157,558,066</u>	<u>\$ 112,426,042</u>	<u>\$ 246,966,676</u>
<b>Capital Improvements</b>			
State General Fund	\$ 9,537,403	\$ 1,820,000	\$ 0
Other Funds	65,333,235	65,333,235	0
Subtotal	<u>\$ 74,870,638</u>	<u>\$ 67,153,235</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 232,428,704</u></u>	<u><u>\$ 179,579,277</u></u>	<u><u>\$ 246,966,676</u></u>
FTE positions	219.0	219.0	0.0
Non FTE Uncl. Perm. Pos.	256.2	256.2	0.0
<b>TOTAL</b>	<u><u>475.2</u></u>	<u><u>475.2</u></u>	<u><u>0.0</u></u>

**Agency Request**

The **agency** requests FY 2011 operating expenditures of \$157,558,066, which is a decrease of \$75,280,254, or 32.3 percent, below the FY 2010 revised estimate. The FY 2011 request includes State General Fund expenditures totaling \$18,483,180, which is a decrease of \$14,286,577, or 43.6 percent, below the revised estimate for FY 2010. This decrease is attributable to: \$26.3 million added during the 2009 Legislature as the State's portion of FY 2010 disaster relief to cover open disaster obligations and the State's portion of disaster expenditures related to electrical cooperatives and the December 2007 ice storm; offset by \$12.1 million in requested FY 2011 enhancements, of which \$10.7 million is for the State's portion of ongoing disaster relief payments. The request includes 219.0 FTE positions, no change from the FY 2010 revised estimate.

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## **Governor's Recommendation**

The **Governor** recommends FY 2011 operating expenditures totaling \$112,426,042, including \$11,688,906 from the State General Fund. The recommendation is an all funds decrease of \$119,649,527, or 51.6 percent, and a State General Fund decrease of \$20,798,100, or 64.0 percent, below the FY 2010 recommendation. The recommendation is an all funds decrease of \$45,132,024, or 28.6 percent, and a State General Fund decrease of \$6,794,274, or 36.8 percent, below the FY 2011 agency request. The Governor recommends three of the agency's enhancement requests, but only adds additional funding for the disaster assistance expenditures enhancement at half the requested amount totaling \$43,361,592, including \$5,173,836 from the State General Fund. The other two recommended enhancements, for Civil Air Patrol Operating Funds and Military Activation Bonus Payments, are recommended to be funded within the agency's existing resources. The Governor recommends the agency's reduced resources package (\$264,217 State General Fund).

## **Senate Subcommittee Recommendation**

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

1. Add \$247.0 million, including \$24.8 million from the State General Fund, for the State's portion of FY 2011 disaster assistance payments on twelve open disasters, most notably the December 2007 ice storm and approval of electrical cooperatives claims. The Subcommittee heard testimony from the agency that projects have progressed further and faster than originally anticipated under the agency's original request for FY 2011 disaster assistance payments. The Governor's recommendation included \$51.0 million, including \$5.2 million from the State General Fund, and this addition would provide a total of \$298.0 million, including \$30.0 million from the State General Fund, for FY 2011 disaster assistance obligations. Additionally, the Subcommittee recommends reviewing new disaster estimates at Omnibus.
2. The Subcommittee notes that as part of the Governor's 2010 allotments the agency had to make tough budgetary decisions, which involved the closing of 18 armories

## Senate Subcommittee Report

**Agency:** Kansas Sentencing Commission

**Bill No.** SB 556

**Bill Sec.** 93

**Analyst:** Waltner

**Analysis Pg. No.** ---

**Budget Page No.** 417

Expenditure Summary	Agency Request FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
<b>Operating Expenditures:</b>			
State General Fund	\$ 8,444,163	\$ 7,359,555	\$ 0
Other Funds	541,723	1,204,123	0
Subtotal	<u>\$ 8,985,886</u>	<u>\$ 8,563,678</u>	<u>\$ 0</u>
<b>Capital Improvements</b>			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
<b>TOTAL</b>	<u><u>\$ 8,985,886</u></u>	<u><u>\$ 8,563,678</u></u>	<u><u>\$ 0</u></u>
FTE positions	10.0	10.0	0.0
Non FTE Uncl. Perm. Pos.	4.0	4.0	0.0
<b>TOTAL</b>	<u><u>14.0</u></u>	<u><u>14.0</u></u>	<u><u>0.0</u></u>

### Agency Request

The **agency** requests \$9.0 million, including \$8.4 million from the State General Fund in FY 2011. The FY 2011 request is an all funds decrease of \$443,494, or 4.7 percent, and a State General Fund decrease of \$869,324, or 9.3 percent, below the FY 2010 revised estimate. The FY 2011 request does not include any enhancement requests. The FY 2011 request would fund 10.0 FTE positions and 4.0 non-FTE unclassified positions, the same as the FY 2010 revised estimate.

### Governor's Recommendation

The **Governor** recommends \$8.6 million, including \$7.4 million from the State General Fund in FY 2011. The recommendation is an all funds decrease of \$422,208, or 4.7 percent, and a State General Fund decrease of \$1,084,608, or 12.8 percent, below the agency's FY 2011 request. The change is due to a decrease of 5.0 percent to the State General Fund request for SB 123 drug treatment (\$422,208) and the substitution of \$662,400 in fee funds to supplant a State General Fund appropriation.

The FY 2011 recommendation is an all funds increase of \$15,445, or 0.2 percent, above the FY 2010 recommendation, but it is a State General Fund reduction of \$10,845, or 10.0 percent, below the FY 2010 recommendation. The recommendation is for 10.0 FTE positions and 4.0 non-FTE unclassified positions, the same as the FY 2010 recommendation.

**Senate Ways & Means Cmte**  
**Date** 3-02-2010  
**Attachment** 9