

Approved: March 23, 2011

Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairperson John Vratil at 10:30 a.m. on March 2, 2011, in Room 548-S of the Capitol.

Senators McGinn and Emler were excused.

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
David Wiese, Office of the Revisor of Statutes
Alan Conroy, Director, Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Legislative Research Department
Aaron Klaassen, Senior Fiscal Analyst, Legislative Research Department
Dorothy Hughes, Fiscal Analyst, Legislative Research Department
Brea Short, Intern, Senator McGinn's Office
Jan Lunn, Committee Assistant
Josh Lewis, Chief of Staff

Others attending:

See attached list.

Bill Introductions

Senator Huntington moved introduction of a bill (#rs1043) concerning voter identification; Senator Masterson seconded the bill, which carried on voice vote.

Senator Schmidt introduced a bill (#rs1023) concerning ADA amendments. Senator Kelly seconded the motion, which carried on a voice vote.

Senator Vratil noted committee minutes had been distributed to committee members for review and consideration. Senator Teichman moved to approve the minutes of the Senate Ways and Means Committee meetings for: January 18, January 21, January 25, January 26, January 31, February 4, and February 10, 2011 as submitted. The motion was seconded by Senator Umbarger and carried on a voice vote.

Announcements

In Chairperson McGinn's absence, Senator Vratil indicated that final action on the subcommittee reports presented would occur at a subsequent meeting.

Subcommittee Report:

Senator Masterson, Chairperson of the Public Safety Committee, presented agency reports (Attachment 1).

Emergency Management Services

Senator Masterson reviewed the Subcommittee Report, which included the agency request as well as the Governor's recommendation. He reported the Subcommittee concurred with the Governor's recommendation with one adjustment:

- Add 1.0 FTE position, for a total of 14.0 FTE positions, which was the agency request.

Kansas Sentencing Commission

The Subcommittee concurred with the Governor's recommendation.

Fire Marshal

The Subcommittee concurred with the Governor's recommendation with a notation relating to introduced legislation which would eliminate the State Fire Marshal and transferring duties, responsibilities, and associated funding to other state agencies. Senator Masterson reported the Subcommittee recommendation included a 5.0 FTE reduction; those positions were vacant.

Highway Patrol

Senator Masterson reviewed the agency request and the Governor's recommendation. The

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections. 1

CONTINUATION SHEET

MINUTES OF THE WAYS AND MEANS COMMITTEE March 2, 2011, 10:30 a.m. 548-S

Subcommittee concurred with the Governor's recommendation with notations.

Adjutant General

The Subcommittee concurred with the Governor's recommendation in FY 2011 with a request and notation:

- Request that most recent disaster estimates be reviewed prior to final consideration of the FY 2012 appropriations bill by Ways and Means.

For FY 2012, the Subcommittee concurred with the Governor's recommendation with notations:

- The Governor's recommendation included \$50,000, from the State General Fund (SGF) for the Kansas Center for Safe and Prepared Schools (KC-SPS); the agency's actual yearly cost has been \$190,000. The agency is encouraged to pursue possible funds that could be shared between the Department of Education and the Adjutant General's Department.
- The Subcommittee recognized funding requests for the operations, maintenance and repair of state armories, State Defense Building, and obligations under the Federal Facilities Operations and Maintenance Cooperative Agreement (FOMA). It was noted that already limited funds for maintenance could be diverted to cover matching funds.
- The Subcommittee noted the legislation concerning the elimination of the State Fire Marshal agency.

Kansas Bureau of Investigation (KBI)

The subcommittee concurred with the Governor's recommendation with the following adjustments and notations:

- Add 12.0 FTE positions.
- Direct the agency to use up to \$1.75 million in state forfeiture and seizure monies to complete the 800 Mhz communications interoperability project.
- Request review of the agency's funding requests prior to final consideration of the Mega bill by the Committee.

In addition, the Subcommittee acknowledged the funding reductions all public safety agencies have experienced, noted the proposed State Fire Marshal legislation could impact KBI, and commended the agency for its reduction of the DNA backlog.

Discussion was heard and concerns voiced regarding funding for meth lab cleanup. Several letters were distributed from law enforcement (Attachment 2) describing the importance of allocating funds to replace grant monies that have been eliminated through the Drug Enforcement Agency (DEA). David Hutchins, Kansas Bureau of Investigation, clarified that as of February 22, 2011, there is no federal or state funding for disposing of or cleaning up this critical public health hazard. He described the agencies' (DEA, KBI and KDHE) roles and functions in meth lab clean-up operations. Mr. Hutchins reported:

- There were over 100 meth lab clean-up operations during the last calendar year at an expense of approximately \$365,000.
- Clean-up operations include evidence collection.
- A private entity is responsible for disposing of hazardous materials. The DEA was the agency involved with contract negotiation.
- KDHE has collaborated with involved agencies to streamline the clean-up process which has generated cost savings.

He requested consideration of funding for meth lab clean-up operations in the FY 2012 budget.

Chairperson Vratil suggested that additional information is required prior to finalization of the Subcommittee Report. Senator Masterson will work with staff to develop appropriate language for committee consideration on Friday, March 4.

Kansas Commission on Peace Officers' Standards and Training (CPOST)

Senator Masterson reported the Subcommittee concurred with the Governor's recommendation.

CONTINUATION SHEET
MINUTES OF THE WAYS AND MEANS COMMITTEE March 2, 2011, 10:30 a.m. 548-S

Senator Francisco requested that a notation be added that the Committee would like information on CPOST investigations: the number in progress, when investigations started, how many have been completed, etc. She requested this be distributed to Senate Ways and Means committee members.

The meeting was adjourned at 11:20 a.m.

**SENATE WAYS AND MEANS
GUEST LIST
March 2, 2011**

[illegible]

FY 2011
FY 2012

SENATE WAYS AND MEANS SUBCOMMITTEE

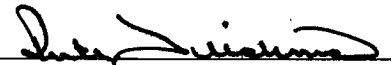
EMS
Sentencing Commission
Fire Marshal
Highway Patrol
Adjutant General
KBI
KCPOST



Senator Ty Masterson, Chair

Senator Jay Emler

Senator Marci Francisco

Senator Vicki Schmidt

Senator Ruth Teichman

Senate Ways and Means

Date:

03/02/11

Attachment:

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Senate Subcommittee Report

Agency: Emergency Medical Services Board

Bill No. --

Bill Sec. --

Analyst: Hughes

Analysis Pg. No. --

Budget Page No. 384

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	2,184,446	2,184,446	0
Subtotal	\$ 2,184,446	\$ 2,184,446	\$ 0
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
 TOTAL	 \$ 2,184,446	 \$ 2,184,446	 \$ 0
 FTE positions	 14.0	 13.0	 1.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	14.0	13.0	1.0

Agency Request

The **agency** requests \$2,184,446, all from special revenue funds, which is a decrease of \$71,097, or 3.2 percent, below the agency's revised FY 2011 estimate. The decrease is due to the expiration of federal grant funds coupled with smaller receipts in the EMS Operating Fund, partially offset by an increase in the Education Incentive Grant Fund.

Governor's Recommendation

The **Governor** concurs with the agency request with one exception. The Governor recommends 13.0 FTE, which is a reduction of 1.0 FTE position below the revised FY 2011 estimate.

Senate Subcommittee Recommendation

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

1. Add 1.0 FTE position, for a total of 14.0 FTE position, which is the same as the agency request.

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House Budget Committee Report

Agency: Kansas Sentencing Commission **Bill No. --**

Bill Sec. --

Analyst: Waltner

Analysis Pg. No. --

Budget Page No. 414

<u>Expenditure Summary</u>	<u>Agency Request FY 2012</u>	<u>Governor Recommendation FY 2012</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 7,372,447	\$ 7,003,825	\$ 0
Other Funds	912,287	912,287	0
Subtotal	\$ 8,284,734	\$ 7,916,112	\$ 0
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
TOTAL	\$ 8,284,734	\$ 7,916,112	\$ 0
FTE positions	10.0	8.0	0.0
Non FTE Uncl. Perm. Pos.	4.0	2.0	0.0
TOTAL	14.0	10.0	0.0

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$8.3 million, including \$7.4 million from the State General Fund. The request is an all funds decrease of \$289,085, or 3.4 percent, and a State General Fund decrease of \$6,822, or 0.1 percent, below the FY 2011 revised estimate. The decrease can be attributed to a decrease in the estimated 2003 SB 123 drug treatment payment being made by the Commission. In the past the Sentencing Commission has paid for 2003 SB 123 drug treatment services for offenders with Medicaid coverage. The commission then received a reimbursement from Medicaid for the drug treatment services. Starting in FY 2012, the Department of Social and Rehabilitation Services (SRS) will begin paying for SB 123 drug treatment services for offenders with Medicaid coverage. This change in the payer decreases the estimated SB 123 drug treatment payments for the Sentencing Commission. The request includes 10.0 FTE and 4.0 non-FTE unclassified permanent positions, the same as the revised FY 2011 estimate.

Governor's Recommendation

The **Governor** recommends FY 2012 operating expenditures of \$7.9 million, including \$7.0 million from the State General Fund. The recommendation is a decrease of \$368,622, or 4.4 percent, and a State General Fund reduction of the same amount, or 5.0 percent, below the agency's FY 2012 request. The Governor's recommendation included the reduced resources package that the agency submitted, which included a 5.0 percent State General Fund reduction 1-3

split proportionately between the two agency programs. The recommendation includes 8.0 FTE positions and 2.0 non-FTE unclassified permanent positions, a decrease of 2.0 FTE and 2.0 non-FTE unclassified positions. All four of the eliminated positions are vacant.

House Budget Committee Recommendation

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

1. The Budget Committee notes that the Sentencing Commission is improving efforts to collect the \$300 fee that is assessed to offenders who are sentenced to 2003 SB 123 drug treatment services and urges the Commission to continue to increase efforts to collect the fee from all 2003 SB 123 drug treatment offenders across the state.

The Budget Committee also notes that currently the Sentencing Commission has received fee payments from every judicial district across the state but that the 29th judicial district (Wyandotte County) and the 6th judicial district (Bourbon, Linn, and Miami counties) have been slower than other judicial districts to implement, collect, and remit to the Sentencing Commission the \$300 fee to offenders.

House Appropriations Committee Recommendation

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

Senate Subcommittee Report

Agency: Kansas Sentencing Commission

Bill No. --

Bill Sec. --

Analyst: Waltner

Analysis Pg. No. --

Budget Page No. 414

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 7,372,447	\$ 7,003,825	\$ 0
Other Funds	912,287	912,287	0
Subtotal	\$ 8,284,734	\$ 7,916,112	\$ 0
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
TOTAL	\$ 8,284,734	\$ 7,916,112	\$ 0
FTE positions	10.0	8.0	0.0
Non FTE Uncl. Perm. Pos.	4.0	2.0	0.0
TOTAL	14.0	10.0	0.0

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$8.3 million, including \$7.4 million from the State General Fund. The request is an all funds decrease of \$289,085, or 3.4 percent, and a State General Fund decrease of \$6,822, or 0.1 percent, below the FY 2011 revised estimate. The decrease can be attributed to a decrease in the estimated 2003 SB 123 drug treatment payment being made by the Commission. In the past the Sentencing Commission has paid for 2003 SB 123 drug treatment services for offenders with Medicaid coverage. The commission then received a reimbursement from Medicaid for the drug treatment services. Starting in FY 2012, the Department of Social and Rehabilitation Services (SRS) will begin paying for SB 123 drug treatment services for offenders with Medicaid coverage. This change in the payer decreases the estimated SB 123 drug treatment payments for the Sentencing Commission. The request includes 10.0 FTE and 4.0 non-FTE unclassified permanent positions, the same as the revised FY 2011 estimate.

Governor's Recommendation

The **Governor** recommends FY 2012 operating expenditures of \$7.9 million, including \$7.0 million from the State General Fund. The recommendation is a decrease of \$368,622, or 4.4 percent, and a State General Fund reduction of the same amount, or 5.0 percent, below the

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agency's FY 2012 request. The Governor's recommendation included the reduced resources package that the agency submitted, which included a 5.0 percent State General Fund reduction split proportionately between the two agency programs. The recommendation includes 8.0 FTE positions and 2.0 non-FTE unclassified permanent positions, a decrease of 2.0 FTE and 2.0 non-FTE unclassified positions. All four of the eliminated positions are vacant.

Senate Subcommittee Recommendation

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

Senate Subcommittee Report

Agency: Fire Marshal

Bill No. - -

Bill Sec. - -

Analyst: Klaassen

Analysis Pg. No. - -

Budget Page No. 386

<u>Expenditure Summary</u>	<u>Agency Request FY 2012</u>	<u>Governor Recommendation FY 2012</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	4,579,845	4,524,645	0
Subtotal	\$ 4,579,845	\$ 4,524,645	\$ 0
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
TOTAL	\$ 4,579,845	\$ 4,524,645	\$ 0
FTE positions	53.0	48.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	53.0	48.0	0.0

Agency Request

The **agency** requests FY 2012 operating expenditures of \$4,579,845, an increase of \$55,202, or 1.2 percent, above the FY 2011 revised estimate. Of the FY 2012 expenditures, \$3,681,827 are financed by the Fire Marshal Fee Fund, an increase of \$55,202, or 1.5 percent, above the FY 2011 revised estimate. This increase is due to the agency's enhancement request for four replacement vehicles (\$55,200). The entire budget is funded from fee funds and federal funds. The request includes 53.0 FTE positions, no change from the FY 2011 revised estimate.

Governor's Recommendation

The **Governor** recommends FY 2012 expenditures totaling \$4,524,645, which is a decrease of \$55,200, or 1.2 percent, below the agency's request. The decrease is due to the Governor not recommending any of the agency's enhancements. The Governor also recommends reducing the agency's FTE limitation by 5.0 FTE positions, from 53.0 to 48.0 FTE positions for FY 2012. The Governor's recommendation is an increase of \$2, or less than 0.1 percent, above the FY 2011 recommendation.

Senate Subcommittee Recommendation

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

1. The Subcommittee notes legislation introduced which would eliminate the State Fire Marshal and transfer statutory duties, responsibilities, and associated funding to other state agencies. The legislation would transfer functions and associated funding as follows: investigative duties to the Kansas Bureau of Investigation; inspection duties to the Division of Facilities Management within the Department of Administration; and hazardous mitigation duties to the Division of Emergency Management within the Adjutant General's Department.

Senate Subcommittee Report

Agency: Highway Patrol

Bill No. - -

Bill Sec. - -

Analyst: Klaassen

Analysis Pg. No. - -

Budget Page No. 388

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 34,644,339	\$ 31,122,379	\$ 0
Other Funds	39,459,269	39,327,366	0
Subtotal	\$ 74,103,608	\$ 70,449,745	\$ 0
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	594,330	594,330	0
Subtotal	\$ 594,330	\$ 594,330	\$ 0
TOTAL	\$ 74,697,938	\$ 71,044,075	\$ 0
FTE positions	861.0	851.0	0.0
Non FTE Uncl. Perm. Pos.	39.0	39.0	0.0
TOTAL	900.0	890.0	0.0

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$74,103,608, which is a decrease of \$8,839,866, or 10.7 percent, below the FY 2011 revised estimate. The request includes State General Fund expenditures of \$34,644,339, which is an increase of \$2,580,956, or 8.0 percent, above the FY 2011 revised request. The request includes enhancement funding of \$2,015,843, including \$1,883,940 from the State General Fund.

Major all other funds adjustments include a decrease of approximately \$11.2 million in homeland security funds and federal funds not anticipated to re-occur for FY 2012. Additionally, the agency states that it will receive notice of awarded homeland security funds late in the fiscal year, and potential grant funds for federal fiscal year 2012 are not estimated in the budget.

The request includes 861.0 FTE positions, an increase of 2.0 FTE positions as part of the agency's request for two Kansas Criminal Justice Information System (KCJIS) auditors.

Governor's Recommendation

The **Governor** recommends FY 2012 operating expenditures of \$70,449,745, including \$31,122,379 from the State General Fund. The recommendation is an all funds decrease of \$12,322,035, or 14.9 percent, below the FY 2011 recommendation, and a decrease of \$3,653,863, or 4.9 percent, below the FY 2012 request. The recommendation is a State General Fund decrease of \$769,310, or 2.4 percent, below the FY 2011 recommendation and a

decrease of \$3,521,960, or 10.2 percent, below the FY 2012 request. The Governor does not recommend any of the agency's enhancement requests totaling \$2,015,843, including \$1,883,940 from the State General Fund, and 2.0 FTE positions, and recommends the agency's reduced resources budget to transfer \$1,638,020 from the Motor Vehicle Fund to the State General Fund. The Governor recommends reducing the agency's FTE limitation by 8.0, from 859.0 to 851.0 FTE positions, and recommends increasing the agency's shrinkage \$1,638,020, all from the State General Fund, for FY 2012.

Senate Subcommittee Recommendation

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

1. The Subcommittee directs the agency to use up to \$1.75 million in state forfeiture and seizure monies to complete the 800 Mhz communications interoperability project in order to update existing communications towers and to allow for communications between various 800 Mhz and non-800 Mhz radio systems that are used by emergency responders and public safety agencies statewide. It is estimated that it will take \$3.5 million to complete the remaining 14 towers in Northwest and Southwest Kansas. The states five homeland security regions have offered up half or \$1.75 million in homeland security funds if the state matches these funds to complete the project. If a state match were to be made, it would need to be determined by the 3rd week of March. If a state match is not made by the 3rd week of March, regions would still have enough time to submit alternative project plans for use of regional homeland security funds. The Subcommittee encourages public safety agencies to identify any other funds that might be available in order to meet the state match. The Subcommittee further noted that if adequate funds cannot be found, that any funds provided to meet the state match should be returned to the respective agencies from which they came. The Subcommittee also requests review during final consideration of the 2012 appropriations bill by Ways and Means, of state agency's forfeiture and seizure monies and any other funds available.
2. The Subcommittee notes with concern that public safety agencies have taken cuts, and for this agency, that without proper funding to train and maintain the patrol, process vehicle inspections, and to provide security and law enforcement that public safety within the state may be jeopardized.
3. The Subcommittee notes House Bill 2173, which was amended and passed out of the House Transportation and Public Safety Budget Committee, that would allow for the agency to enter into contracts with private entities for events in order to receive reimbursement for costs incurred when providing security and traffic services at events sponsored by private entities. The Subcommittee noted that private entities should pay for these services and all additional costs, and that collaborative discussions between the agency and respective private entity should include The Unified Government.

Senate Subcommittee Report

Agency: Adjutant General

Bill No. - -

Bill Sec. - -

Analyst: Klaassen

Analysis Pg. No. - -

Budget Page No. 372

Expenditure Summary	Agency Estimate FY 2011	Governor Recommendation FY 2011	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 44,103,461	\$ 16,730,945	\$ 0
Other Funds	307,977,452	181,459,638	0
Subtotal	\$ 352,080,913	\$ 198,190,583	\$ 0
Capital Improvements			
State General Fund	\$ 1,820,000	\$ 1,820,000	\$ 0
Other Funds	41,459,463	41,459,463	0
Subtotal	\$ 43,279,463	\$ 43,279,463	\$ 0
TOTAL	\$ 395,360,376	\$ 241,470,046	\$ 0
FTE positions	219.0	219.0	0.0
Non FTE Uncl. Perm. Pos.	254.5	254.5	0.0
TOTAL	473.5	473.5	0.0

Agency Estimate

The **agency** requests a revised FY 2011 operating budget totaling \$352.1 million, including \$44.1 million from the State General Fund, which is an all funds increase of \$122.5 million, or 53.3 percent, and a State General Fund increase of \$25.5 million, or 137.7 percent, above the current approved amount for FY 2011. This increase is attributable to the agency's supplemental requests totaling \$230.4 million, including \$27.4 million from the State General Fund, for disaster match funding and Air Support Operations Squadron (ASOS) building funding at Smoky Hill Weapons Range. The FY 2011 revised estimate includes 219.0 FTE positions, the same as the current approved amount for FY 2011.

Governor's Recommendation

The **Governor** recommends FY 2011 expenditures totaling \$198.2 million, including \$16.7 million from the State General Fund. The recommendation is an all funds decrease of \$31.4 million, or 13.7 percent, and a State General Fund decrease of \$1.8 million, or 9.8 percent, below the amount approved by the 2010 Legislature. The FY 2011 recommendation is an all funds decrease of \$153.9 million, or 43.7 percent, and a State General Fund decrease of \$27.4 million, or 62.1 percent, below the agency's FY 2011 revised estimate. The difference is attributable to the Governor not recommending any of the agency's supplemental requests totaling \$230.4 million, including \$27.4 million from the State General Fund. The all funds reduction is partially offset by the addition of \$76.5 million, including \$9.0 million from the State

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Emergency Fund, that was approved by the State Finance Council for FY 2011 disaster relief expenditures.

Senate Subcommittee Recommendation

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

1. The Subcommittee requests that the most recent disaster estimates be reviewed before final consideration of the 2012 appropriations bill by Ways and Means. The Subcommittee notes that during the 2010 Interim, the agency requested \$10.0 million from the State Finance Council from the State Emergency Fund to provide for the state's portion of FY 2011 disaster match funding, and was authorized to transfer and expend of \$9.0 million, from the State Emergency Fund, in FY 2011 for the cost of weather-related disasters. This transfer provides for expenditures of \$90.0 million towards disaster relief (\$9.0 million state's share, \$13.5 million local share, \$67.5 million federal match).

Senate Subcommittee Report

Agency: Adjutant General

Bill No. - -

Bill Sec. - -

Analyst: Klaassen

Analysis Pg. No. - -

Budget Page No. 372

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 16,393,106	\$ 10,451,493	\$ 0
Other Funds	117,473,653	92,047,833	0
Subtotal	\$ 133,866,759	\$ 102,499,326	\$ 0
Capital Improvements			
State General Fund	\$ 9,667,546	\$ 2,020,000	\$ 0
Other Funds	26,485,691	26,485,691	0
Subtotal	\$ 36,153,237	\$ 28,505,691	\$ 0
TOTAL	<u>\$ 170,019,996</u>	<u>\$ 131,005,017</u>	<u>\$ 0</u>
FTE positions	219.0	199.0	0.0
Non FTE Uncl. Perm. Pos.	254.5	254.5	0.0
TOTAL	<u>473.5</u>	<u>453.5</u>	<u>0.0</u>

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$133.9 million, including \$16.4 million from the State General Fund, which is an all funds decrease of \$218.2 million, or 62.0 percent, and a State General Fund decrease of \$27.7 million, or 62.8 percent, below the FY 2011 revised estimate. This decrease is due to significant disaster funding included in FY 2011 that does not reoccur for FY 2012. The agency's FY 2012 request includes operating enhancements totaling \$71.0 million, including \$9.7 million from the State General Fund, which is a decrease of \$151.8 million, including \$10.0 million from the State General Fund, less than FY 2011 supplemental request. Additionally, the 2010 Legislature added \$101.0 million, including \$10.2 million from the State General Fund, for disaster match funding in FY 2011 that does not reoccur for FY 2012. The request includes 219.0 FTE positions, no change from the FY 2011 revised estimate.

Governor's Recommendation

The **Governor** recommends FY 2012 operating expenditures totaling \$102.5 million, including \$10.5 million from the State General Fund. The recommendation is an all funds decrease of \$95.7 million, or 48.3 percent, and a State General Fund decrease of \$6.3 million, or 37.5 percent, below the FY 2011 recommendation. The recommendation is an all funds decrease of \$31.4 million, or 23.4 percent, and a State General Fund decrease of \$5.9 million, or 36.2 percent, below the FY 2012 request. The Governor adds \$40.0 million, including \$4.0

million from the State General Fund, for disaster relief funding, \$50,000, all from the State General Fund, to finance Kansas Center for Safe and Prepared Schools (KC-SPS), and accepts the agency's reduced resources budget for a reduction of \$458,141, including \$254,141 from the State General Fund. The reduction from the agency's request is due to the net difference between the Governor's additions for disaster funds and KC-SPS, and the agency's non-recommended enhancements totaling \$71.0 million, including \$9.7 million from the State General Fund, for FY 2012. The Governor also recommends reducing the agency's FTE limitation by 20.0 FTE positions, from 219.0 to 199.0 FTE positions for FY 2012.

Senate Subcommittee Recommendation

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

1. The Subcommittee notes that the Governor's recommendation includes \$50,000, all from the State General Fund, to provide for the Kansas Center for Safe and Prepared Schools (KC-SPS) for FY 2012, and that the agency's actual cost for a year has been \$190,000. The Subcommittee notes that 25.0 percent of the state's population can be found in schools, and that the Adjutant General's Department has the expertise necessary for disaster preparation and planning, but does not have access to the types or levels of funding that the Department of Education does. The Subcommittee recommends that the agency pursue any possible funds that might be shared between the Department of Education and the Adjutant General's Department for this project. The KC-SPS seeks to continue the mission and vision of the Governor's Commission on Healthy and Prepared Schools endeavor started by Executive Order 06-12 in 2006, as it seeks to create and implement a school crisis resource center, establish and implement training and exercise programs, and coordinate expectations and standards for school safety and preparedness.
2. The Subcommittee notes the agency's continuing requests for additional funds to provide for the operations, maintenance, and repair of state armories, the State Defense Building, and obligations under the Federal Facilities Operations and Maintenance Cooperative Agreement (FOMA). In particular, the Air Support Operations Squadron (ASOS) building at Smoky Hill was noted, as the agency stated that funds for the ASOS building are matched 25.0 percent state to 75.0 percent federal, and that if additional funds were not provided for the states portion of the match, that already limited funds for base maintenance would be diverted in order to cover the match and capture federal dollars.
3. The Subcommittee notes legislation introduced which would eliminate the State Fire Marshal and transfer statutory duties, responsibilities, and associated funding to other state agencies. The legislation would transfer functions and associated funding as follows: investigative duties to the Kansas Bureau of Investigation; inspection duties to the Division of Facilities Management within the Department of Administration; and hazardous mitigation duties to the Division of Emergency Management within the Adjutant General's Department.

Senate Subcommittee Report

Agency: Kansas Bureau of Investigation

Bill No. - -

Bill Sec. - -

Analyst: Klaassen

Analysis Pg. No. - -

Budget Page No. 400

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 17,515,614	\$ 14,894,872	\$ 0
Other Funds	11,773,722	12,001,065	0
Subtotal	\$ 29,289,336	\$ 26,895,937	\$ 0
Capital Improvements			
State General Fund	\$ 710,952	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 710,952	\$ 0	\$ 0
TOTAL	\$ 30,000,288	\$ 26,895,937	\$ 0
FTE positions	229.5	197.0	12.0
Non FTE Uncl. Perm. Pos.	82.5	89.0	0.0
TOTAL	312.0	286.0	12.0

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$29,289,336, which is an increase of \$314,942, or 1.1 percent, above the FY 2011 revised estimate. The request includes \$17,515,614 from the State General Fund, which is an increase of \$2,158,934, or 14.1 percent, above the FY 2011 revised estimate. This increase is largely due to the agency's enhancement requests totaling \$1,836,801, all from the State General Fund. The significant all other funds decrease is due to a large number of one-time federal grants received and expended in FY 2011 that are not anticipated to re-occur for FY 2012. The FY 2012 request includes 229.5 FTE positions, an increase of 8.5 FTE positions from the FY 2011 revised estimate. This increase is part of the agency's enhancement requests for Southeast Kansas Drug Enforcement Task Force (SEKDETF) Funding and the retention of 1.5 forensic scientist positions, these positions are being requested to be converted from non-FTE unclassified permanent positions to FTE positions.

Governor's Recommendation

The **Governor** recommends FY 2012 operating expenditures totaling \$26,895,937, including \$14,894,872 from the State General Fund. The recommendation is an all funds decrease of \$2,078,457, or 7.2 percent, and a State General Fund decrease of \$461,808, or 3.0 percent, below the FY 2011 recommendation. The recommendation is an all funds decrease of \$2,393,399, or 8.2 percent, and a State General Fund decrease of \$2,620,742, or 15.0 percent,

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below the FY 2012 request. The reduction from the agency's request is due to the Governor's recommendation to not fund State General Fund enhancements totaling \$1,836,801, and the acceptance of a modified reduced resources package for FY 2012. The Governor accepts the agency's reduced resources package, but increases special revenue fund expenditures to replace funding for the Forensic's Laboratory portion of the package (\$227,343). The modified reduced resources package is an all funds reduction of \$556,598, and a State General Fund reduction of \$783,941. The Governor also recommends reducing the agency's FTE limitation by 24.0 vacant FTE positions, from 221.0 to 197.0 FTE positions for FY 2012.

Senate Subcommittee Recommendation

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

1. Add 12.0 FTE positions, to add back half of the FTE positions reduced under the Governor's FY 2012 recommendation. This would allow the agency to keep 3.0 newly hired FTE positions and increase the agency's FTE limitation from the Governor's recommended 197.0 FTE positions to 209.0 FTE positions for FY 2012. The Subcommittee notes that this will allow the agency some flexibility in light of increasing workloads, and that the agency should pursue grants and other sources of funding to provide funding for these positions.
2. The Subcommittee directs the agency to use up to \$1.75 million in state forfeiture and seizure monies to complete the 800 Mhz communications interoperability project in order to update existing communications towers and to allow for communications between various 800 Mhz and non-800 Mhz radio systems that are used by emergency responders and public safety agencies statewide. It is estimated that it will take \$3.5 million to complete the remaining 14 towers in Northwest and Southwest Kansas. The states five homeland security regions have offered up half or \$1.75 million in homeland security funds if the state matches these funds to complete the project. If a state match were to be made, it would need to be determined by the 3rd week of March. If a state match is not made by the 3rd week of March, regions would still have enough time to submit alternative project plans for use of regional homeland security funds. The Subcommittee encourages public safety agencies to identify any other funds that might be available in order to meet the state match. The Subcommittee further noted that if adequate funds cannot be found, that any funds provided to meet the state match should be returned to the respective agencies from which they came. The Subcommittee also requests review during final consideration of the 2012 appropriations bill by Ways and Means, of state agency's forfeiture and seizure monies and any other funds available.
3. The Subcommittee notes that the 2010 Legislature added \$1.1 million, all from the State General Fund, in FY 2011 for new equipment, consumables, and computer and software licenses to assist in reducing the DNA backlog. The Subcommittee notes and commends the agency's reported success in reducing it's backlog by more than 35,000 arrestee samples to no backlog at all. The Subcommittee further notes that success of public safety in the state is dependent upon adequate funding being provided.
4. The Subcommittee requests review of the agency's funding requests review during final consideration of the mega bill by the Committee. The Subcommittee noted some of the agency's requests to: Replacement of laboratory funding reduced as part of the Governor's recommendation for a five percent reduction (\$227,343) which the agency states would result in more than 9,000 arrestee DNA samples not being profiled; funding

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to retain a trained part-time DNA scientist (\$41,640) which the agency states processed 109 cases in CY 2010 and if not retained would result in a backlog increase of the same amount; and replacement of American Reinvestment and Recovery Justice Assistance Grant (ARRA/JAG) funds (\$326,670) that would provide for 3.0 special agent FTE positions for case investigations and 1.0 special investigator FTE position to do statutory gubernatorial and judicial background investigations.

5. The Subcommittee notes with concern that all public safety agencies have taken cuts, and for this agency, that without the proper funding to process investigations, samples, criminals, and cases, that public safety within the state may be jeopardized.
6. The Subcommittee notes legislation introduced which would eliminate the State Fire Marshal and transfer statutory duties, responsibilities, and associated funding to other state agencies. The legislation would transfer functions and associated funding as follows: investigative duties to the Kansas Bureau of Investigation; inspection duties to the Division of Facilities Management within the Department of Administration; and hazardous mitigation duties to the Division of Emergency Management within the Adjutant General's Department.

House Budget Committee Report

Agency: Kansas Commission on Peace
Officers' Standards and Training

Bill No. --

Bill Sec. --

Analyst: Klaassen

Analysis Pg. No. --

Budget Page No. 412

<u>Expenditure Summary</u>	<u>Agency Request FY 2012</u>	<u>Governor Recommendation FY 2012</u>	<u>House Budget Committee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	646,900	560,588	5,500
Subtotal	\$ 646,900	\$ 560,588	\$ 5,500
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
 TOTAL	 \$ 646,900	 \$ 560,588	 \$ 5,500
 FTE positions	 7.0	 7.0	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	7.0	7.0	0.0

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$646,900, all from the Kansas Commission on Peace Officers' Standards and Training (KCPOST) Fee Fund, which is an increase of \$7,022, or 1.1 percent, above the FY 2011 revised estimate. The agency states that increases are primarily due to bringing operations up to full functionality. The request includes 7.0 FTE positions, no change from the FY 2011 revised request.

Governor's Recommendation

The **Governor** recommends FY 2012 expenditures totaling \$560,588, all from the KCPOST Fee Fund, which is a decrease of \$86,312, or 13.3 percent, below the agency's FY 2012 request, and an increase of \$11,342, or 2.1 percent, above the FY 2011 recommendation. The Governor's recommendation includes reductions totaling \$86,312.

House Budget Committee Recommendation

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

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1. Add \$5,500, all from the KCPOST Fund, to partially restore operating expenditure reductions recommended as part of the Governor's FY 2012 recommendation. The Budget Committee recommended partial restorations of the following reductions:
 - o The Governor recommended reducing budgeted gasoline expenditures from \$10,000 to \$3,000. The Budget Committee recommended adding \$2,000, all from the KCPOST Fund, to provide a total of \$5,000 for gasoline expenditures for FY 2012;
 - o The Governor recommended reducing budgeted hospitality expenditures from \$1,000 to \$500. The Budget Committee recommended adding \$500, all from the KCPOST Fund, to provide a total of \$1,000 for hospitality expenditures for FY 2012;
 - o The Governor recommended reducing budgeted for out-of-state travel expenditures from \$3,000 to \$0. The Budget Committee recommended adding \$1,500, all from the KCPOST Fund, for out-of-state travel expenditures for FY 2012; and
 - o The Governor recommended reducing budgeted subsistence for out-of-state travel expenditures from \$3,000 to \$0. The Budget Committee recommended adding \$1,500, all from the KCPOST Fund, for subsistence for out-of-state travel expenditures for FY 2012.
2. The Budget Committee notes the significant transfers from the KCPOST Fund to the State General Fund since the creation of the agency in 2007. The 2009 Legislature transferred \$392,500 in FY 2009; the 2010 Legislature transferred \$200,000 in FY 2011; and the Governor's recommendation includes an additional transfer of \$500,000 in FY 2011. The Budget Committee discussed that the source of the agency's funding is from municipal court docket fees, and of the \$20 assessed for each case filed other than non-moving traffic violations, that \$2.50 is credited to the KCPOST Fund. The Budget Committee has requested the agency review this funding source and recommends reevaluating the agency's funding needs in FY 2013.
3. The Budget Committee notes that the agency presented information that legislation adding racial profiling duties and responsibilities to the Kansas Commission on Peace Officers' Standards and Training has been discussed, and that the agency may need to request additional funding and staff to fulfill any new responsibilities.
4. The Budget Committee notes that the Governor did not recommend \$20,812 for FY 2012 related to updating the agency's law enforcement officer tracking system, which was last updated in 1998. The agency provided testimony that it would work to produce a more detailed project plan outlining needs and expenditures before asking for additional funds for this project.

House Committee Recommendation

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

Senate Subcommittee Report

Agency: Kansas Commission on Peace Officers' Standards and Training

Bill No. - -

Bill Sec. - -

Analyst: Klaassen

Analysis Pg. No. - -

Budget Page No. 412

Expenditure Summary	Agency Request FY 2012	Governor Recommendation FY 2012	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	646,900	560,588	0
Subtotal	\$ 646,900	\$ 560,588	\$ 0
Capital Improvements			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal	\$ 0	\$ 0	\$ 0
 TOTAL	 \$ 646,900	 \$ 560,588	 \$ 0
 FTE positions	 7.0	 7.0	 0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	7.0	7.0	0.0

Agency Request

The **agency** requests FY 2012 operating expenditures totaling \$646,900, all from the Kansas Commission on Peace Officers' Standards and Training (KCPOST) Fund, which is an increase of \$7,022, or 1.1 percent, above the FY 2011 revised estimate. The agency states that increases are primarily due to bringing operations up to full functionality. The request includes 7.0 FTE positions, no change from the FY 2011 revised request.

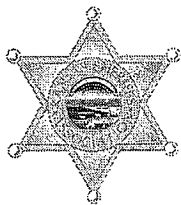
Governor's Recommendation

The **Governor** recommends FY 2012 expenditures totaling \$560,588, all from the KCPOST Fund, which is a decrease of \$86,312, or 13.3 percent, below the agency's FY 2012 request, and an increase of \$11,342, or 2.1 percent, above the FY 2011 recommendation. The Governor's recommendation includes reductions totaling \$86,312.

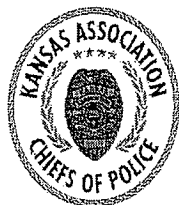
Senate Subcommittee Recommendation

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

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Kansas Sheriffs
Association



Kansas Association of
Chiefs of Police



Kansas County & District
Attorneys Association



Kansas Peace Officers
Association

March 1, 2011

To the Kansas Senate Ways and Means and House Appropriations Committee members,

The Kansas County and District Attorneys Association, the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association are growing increasingly concerned about the negative impact to local public safety of reduced funding proposals on the budget of the Kansas Bureau of Investigation. Specifically, we in public safety are concerned about the ability of the KBI to continue a long tradition of supporting local law enforcement. The Kansas Bureau of Investigation's primary law enforcement role is the support of local law enforcement. This is contained in the KBI Mission Statement: "The Kansas Bureau of Investigation is dedicated to providing professional investigative and laboratory services to criminal justice agencies, and the collection and dissemination of criminal justice information to public and private agencies, for the purpose of promoting public safety and the prevention of crime in Kansas." (Emphasis added.)

The KBI was established on July 1, 1939, by an act of the Kansas Legislature. It was clear from the beginning that local law enforcement agencies held the responsibility to investigate criminal activity. In fact, the KBI was born on the premise it would enter local crime investigations only by invitation of the local agencies. It was recognized that many law enforcement agencies in Kansas are not large enough to have the resources necessary to efficiently investigate some types of crimes. Complex crimes do not occur on a regular basis in every law enforcement jurisdiction in Kansas. The KBI has for years been the resource local law enforcement can call on when a criminal investigation requires expertise, personnel, and investigative support beyond local capacity.

Half of Kansas law enforcement agencies have 5 or fewer officers. Seventy-three percent of Kansas law enforcement agencies have ten or fewer officers. Those agencies lack the financial and personnel resources to conduct lengthy complicated investigations. Drug investigations, financial crime investigations, cyber crime investigations, and even some homicide cases, sex offenses, and organized criminal activity exceed the capacity of many local Kansas law enforcement agencies to investigate.

There are only two local law enforcement criminal forensics laboratories in Kansas. While the two largest metropolitan areas have the resources to build and staff their own criminal laboratory capabilities, the other 103 counties in Kansas do not. We must rely on the KBI, regardless of the lack of speed, for laboratory services. And if those services are not there, some criminals will go unpunished.

Senate Ways and Means
Date:
Attachment:

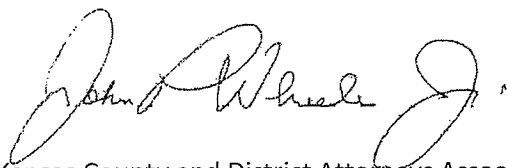
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Over the past several years we have watched as the capacity of the KBI to assist local law enforcement has dwindled to a near catastrophic level. A lack of sufficient field agents to respond quickly to assist in investigations and the lack of timely laboratory criminal forensic examinations and results are just two of the areas where we have seen diminished KBI support. Now we hear rumors of no longer offering local law enforcement the much needed polygraph assistance, cyber crime investigation assistance, and even assistance in drug trafficking investigations other than in task force areas. The backlog of laboratory analysis continues to be problematic. In some cases results are not available when a case is going to trial. Criminal cases must proceed to avoid a dismissal due to the lack of a speedy trial, with or without such evidence. Suspects remain at large awaiting their identification through forensic examination of evidence; free to victimize more Kansans before their eventual identification and arrest. DNA analysis of evidence is backlogged. Firearm forensic examinations are running behind. And latent print analysis results are slow.

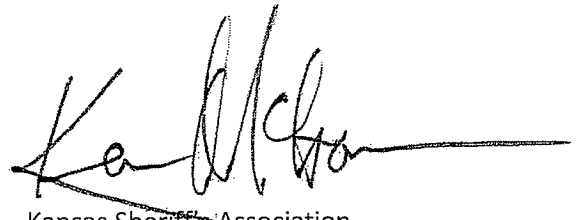
We are aware of the shortage of tax dollars and the never ending requests for what few dollars are available. However, public safety is one of the most primary priorities of government. We ask you to carefully consider funding the KBI at a level that will continue their long tradition of supporting local law enforcement. . . supporting the people of Kansas who live in the less urbanized areas of the state. . . helping local law enforcement respond to victimized Kansans from the areas many of you represent.

The ability of the KBI to support local law enforcement with timely laboratory services, support in complicated and technical investigations, and support in cases where additional resources are needed to stop a criminal from continued attacks on the people of Kansas is key to public safety in Kansas. We know they have to share some level of burden of the shrinking budgets. But we also know we cannot always provide timely and quality investigations Kansans expect in order to bring many of the criminals in Kansas to justice without adequate state law enforcement assistance.

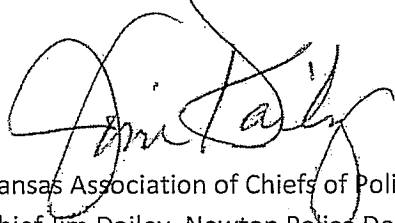
We appreciate your consideration in this matter as you face the monumental fiscal challenges of our state budget.



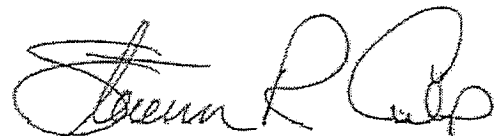
Kansas County and District Attorneys Association
Finney County Attorney John P. Wheeler, Jr.
President



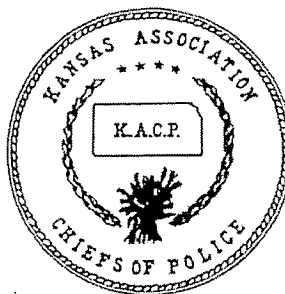
Kansas Sheriff's Association
Ken McGovern, Douglas County Sheriff
President



Kansas Association of Chiefs of Police
Chief Jim Dailey, Newton Police Department
President



Kansas Peace Officers Association
Steve Culp, Executive Director CPOST
President



March 2, 2011

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Kansas Senate Ways and Means Committee
Sen. Carolyn McGinn, Chair

REF: Meth Lab Cleanup Funds

Madam Chair and Committee Members,

We recently were informed by the Drug Enforcement Agency that COPS Grant funding they have been able to use for the past several years to pay for local meth lab cleanups is no longer available. Effective February 22 there is no federal or state funding for disposing of or cleaning up this critical public health hazard.

Years ago the state funded this cleanup. However, when the federal funding became available through the DEA and the COPS Grants it was possible shift this cost from the state budget. Now, we find ourselves in a position of needing state funding once again. While there is an effort to restore federal funding, we are told that is not likely to happen. As a result, your local agencies need state funding support for these cleanups. It is our intent to continue to assist in pursuing the restoration of federal funds. However, by the time we know if that is successful or not, we will likely be past the point state funds can be authorized.

We are asking for your consideration to provide budgetary authority and the allocation of funding for this purpose. It is our intent that these funds would not be used if we can access federal funding in the future. But we need your help now so we can have an alternative in the likely event the federal funding is not resorted. This means we need immediate funding for the remainder of FY2011 and additional funding for FY2012.

The DEA reports they cleaned up 100 labs in Kansas during the last fiscal year at an average cost of \$3640. Clearly this cost will be higher without the benefit of a negotiated contract. It is not reasonable to expect every law enforcement agency in Kansas to negotiate such a contract. About half the agencies can expect to require these services in a given year. The state is clearly in the best position to negotiate the contracts to provide this necessary public safety service. We also believe a statewide contract will reduce the cost much more than local contracts will achieve.

We are aware that this is a difficult time to ask for funding for this need. However, we believe this is clearly a public safety issue of high importance and directly relates to the public safety of all Kansans.

We respectfully request the committee consider support for these funds. The amount needed can best be addressed by the KBI and/or the KDHE. Both have experience in this area and have the data necessary to predict the needs.

Ed Klumpp
Legislative Committee Chair

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