



KANSAS BOARD OF REGENTS

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May 18, 2010

The Honorable Mark Parkinson
Governor, State of Kansas
Statehouse, Room 241-S
Topeka, KS 66612-1590

Dear Governor Parkinson:

I write to you regarding House Substitute for Senate Bill 572, the Fiscal Year 2011 budget bill that was recently approved by the Legislature. On behalf of the Kansas Board of Regents, I respectfully urge you to line-item veto section 94, subsection (j), which can be found on page 494, lines 14 through 36, of the bill.

Unfortunately, Legislative staff made an error in the drafting of a House Floor amendment offered by Representative Don Hill on Friday, May 7. Representative Hill intended to restore \$3.6 million to the Regents budget by reducing the \$5.9 million State General Fund (SGF) lapse by \$3.6 million for a total lapse of \$2.3 million. Instead, Legislative staff drafted an amendment that incorrectly added to the lapse (House Journal, May 7, page 1736). In other words, rather than restoring \$3.6 million to the budget as intended, it had the exact opposite effect and reduced the budget by an additional \$3.6 million. The *Legislative Comparison of Senate Substitute for House Bill 2631 and House Substitute for Senate Bill 572*, dated May 8, clearly describes the floor amendment as adding funding to the bill. The House approved Representative Hill's floor amendment by a 98-21 vote.

On Monday, May 10, Legislative staff confirmed the drafting error, but there was not an opportunity to correct the mistake because the Senate concurred with the House budget bill. Representative Hill, Secretary Duane Goossen, Legislative Research Director Alan Conroy, and others were made aware of the error as soon as it was discovered. It is important to note that Senate Substitute for House Bill 2631, the Senate's Fiscal Year 2011 budget bill, that was approved on May 5 by a 23-17 vote, did include the addition of this \$3.6 million.

Governor, if this section is not line-item vetoed, the Fiscal Year 2011 appropriation for higher education will fall below the federally-mandated Fiscal Year 2006 (\$747 million) State General Fund "floor" required for federal American Recovery and Reinvestment Act (ARRA) compliance. Although Board staff will need to reconcile the budget bill with your budget staff and legislative staff, it appears House Substitute for Senate Bill 572, as it currently stands, reduces your recommendation for higher education by \$13.3 million and puts the SGF

appropriation at \$743.7 million, \$3.3 million below the Fiscal Year 2006 required level for federal ARRA compliance.

After consulting with Representative Hill, Legislative Research Department staff, and the Revisor of Statutes Office, it appears the best course of action is to request that you line-item veto section 94, subsection (j), and recommend lapse language with the correct amount of approximately \$2.3 million in the 2011 Supplemental bill.

It is vitally important that this Legislative staff error not jeopardize the \$40 million in federal ARRA funds that the state's higher education system is to receive in Fiscal Year 2011. Thank you for your consideration of this request and for your continued support of higher education in Kansas.

Sincerely,

A handwritten signature in black ink, appearing to read "R. L. Robinson". The signature is written in a cursive, flowing style.

Reginald L. Robinson
President & CEO

cc: Duane Goossen, Director of the Budget & Secretary of Administration
Alan Conroy, Director, Legislative Research Department
Don Hill, State Representative