

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on February 8, 2005 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Senator Roger Reitz
Randall Allen, Executive Director, Kansas Association of Counties
Michael B. Kearns, Riley County Board of Commissioners
Kevin A. Graham, Assistant Attorney General, Office of the Attorney General (written)

Others attending:

See attached list.

Bill Introductions

Chairman Umbarger explained that Attorney General Phill Kline and the Disability Rights Center of Kansas have partnered in the drafting of three bills: Senator Schmidt moved, with a second by Senator Schodorf, to introduce first, a bill regarding limiting the powers of a guardian to withhold or withdraw medical treatment; and, prohibiting conflicts of interest of guardians. Also, prevent conflict of interest with guardians/conservators (5rs0821); second, a bill establishing the protection and advocacy for Kansans with disabilities fund (5rs0812); and third, establishment on limits on use of seclusion rooms and restraints in public schools; and the establishment of a parent education training fund (5rs0899). Motion carried on a voice vote.

Copies of the following sets of minutes were distributed to the committee for review for the meetings of January 18, January 20, January 21, January 24, January 25 and January 26, 2005. The Chairman mentioned that if there are any corrections, additions or deletions to the minutes, please call his office. These sets of minutes are scheduled for approval by the committee at the February 10, 2005 meeting.

Chairman Umbarger opened the public hearing on:

SB 90--Payment of costs of litigation in civil commitment of sex predator cases

Staff briefed the committee on the bill.

The Chairman welcomed the following conferees on the bill:

Senator Roger Reitz testified before the Committee as one of the sponsors of **SB 90 (Attachment 1)**. Senator Reitz explained that the bill attempts to specifically authorize the State to pay for the cost of litigation involving civil action establishing whether a person is a sexual predator. He mentioned that these cases are initiated by the Attorney General and the sum total of all the court costs currently are paid by counties where the offender was originally tried in a criminal trial. Senator Reitz expressed concern that this is a financial burden that can be overwhelming for the county involved and should be borne by the State because

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on February 8, 2005 in Room 123-S of the Capitol.

prosecution is the responsibility of the Attorney General.

Randall Allen, Executive Director, Kansas Association of Counties, spoke in support of **SB 90** (Attachment 2). Mr. Allen mentioned that at their annual conference held in November 2004, their membership unanimously adopted a position supporting legislation requiring the State to pay the costs of cases filed under the Act. He also explained that county resources are very scarce and although they support the goals of the Act, all Kansas residents through their state taxes should share the cost of enforcement.

Michael B. Kearns, Riley County Board of Commissioners, testified in support of **SB 90** (Attachment 3). He noted that in 2003 alone, Riley County had two sexual predator cases that cost the county \$20,049.78. Mr. Kearns urged the Committee to amend the Act to require the State to pay the cost of cases filed under this Act.

Kevin A. Graham, Assistant Attorney General, Office of the Attorney General, provided written testimony on **SB 90** (Attachment 4). Mr. Graham was available for questions.

Following discussion, the Committee requested information from Mr. Allen regarding how much money the counties have spent in these cases that have been prosecuted by the Attorney General's Office. Mr. Allen responded that he would be able to provide this information to the Committee.

There being no further conferees to come before the committee, the Chairman closed the public hearing on **SB 90**.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2005 and FY 2006 were available to the committee.

Subcommittee budget report on:

Kansas Department of Health and Environment (Attachment 5)

Subcommittee Chairwoman Vicki Schmidt reported that the subcommittee on the Kansas Department of Health and Environment concurs with the Governor's recommendation in FY 2005 with comment and concurs with the Governor's FY 2006 recommendations with exception and comments.

Senator Morris moved, with a second by Senator Barone, to amend the subcommittee report to add language regarding that the Committee notes its appreciation for the efforts of people involved in the Kansas Mission of Mercy (KMOM) due to the Committee's belief in the valuable role oral healthcare plays in improving the public's health, and to include more detail about the mission. Motion carried on a voice vote.

Senator Betts moved, with a second by Senator Teichman, to adopt the subcommittee budget report as amended on the Kansas Department of Health and Environment in FY 2005 and FY 2006. Motion carried on a voice vote.

The meeting adjourned at 11:35 a.m. The next meeting is scheduled for February 9, 2005.

Good Morning,

SB 90 attempts to specifically authorize the state to pay for the cost of litigation involving civil action establishing whether a person is a sexual predator. These cases are initiated by the Attorney General and the sum total of all the court costs currently are paid by the county where the purported offender was originally tried in a criminal trial. The financial burden of the civil action can be overwhelming for the county involved and it is our position that they should be borne by the state since the prosecution is the responsibility of the Attorney General.

The possible sequence of event:

1. A person accused of rape is tried in a Kansas county and is convicted and sentenced to say 5 years at Lansing State Penitentiary in a criminal trial.
2. After serving the sentence and before discharge from prison the Attorney General convenes a committee to evaluate the felon's previous and present record as to his sexual offenses. The committees opinion is tendered to the Attorney General who then may decide to bring civil action to the person as to whether a sexual predator situation exists.
3. The person can bring all manner of support as listed in the bill to his status, and all of those costs belong to the county according to current law.
4. Each year thereafter another such evaluation occurs with more costs entailed.
5. This bill places the costs for such legal activities in the states financial responsibility.

R. P. Reitz

Senator Roger Reitz

*Senate Ways and Means
2-08-05
Attachment 1*

February 19, 2004

The Honorable Ward Loyd, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 427-S
Topeka, Kansas 66612

Dear Representative Loyd:

SUBJECT: Fiscal Note for HB 2595 by Representative Reitz

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2595 is respectfully submitted to your committee.

Under HB 2595, all costs incurred to determine whether a person is a sexually violent predator are the responsibility of and would be paid by the state. The bill states that these costs would be paid "from any funds which are available for such purposes."

Currently, the counties provide the defense for these cases. The Kansas Association of Counties indicates that passage of the bill would create savings for counties. However, the amounts saved would vary by county and an estimate of statewide savings was not provided.

The Attorney General estimates additional annual expenditures of \$325,000 and the need for 4.0 additional FTE positions, if the agency would be required to provide the defense and cover related expenditures for these cases.

Sincerely,

Duane A. Goossen
Director of the Budget

cc: Pat Scalia, Indigents' Defense Services
Brandy Wheeler, Judiciary
Kim Gulley, League of KS Municipalities
Derrick Sontag, Attorney General's Office



KANSAS
ASSOCIATION OF
COUNTIES

Testimony on SB 90
Senate Ways and Means Committee
Randall Allen, Executive Director
Kansas Association of Counties
February 8, 2005

Chairman Umbarger, I am Randall Allen, Executive Director of the Kansas Association of Counties. I am here today to express strong support for SB 90, a bill amending K.S.A. 2004 Supp. 59-29a04, the Sexually Violent Predators Act.

At our annual conference held last November, our membership unanimously adopted a position supporting legislation requiring the state to pay the costs of cases filed under the Act. The Association has no disagreement with the intent of the Act; however, we view the financial impact of the Act as an unfunded mandate on county government. The Act provides that the Attorney General has the exclusive authority to initiate the procedure to legally determine whether a person is a sexually violent predator. However, currently all of the costs associated with these proceedings are placed upon the county where the criminal conviction was made. This process is time consuming and expensive. As you will hear from Riley County Commissioner Mike Kearns, Riley County paid over \$20,000 in 2003 in just two cases.

County resources are very scarce and although we support the goals of the Act, all Kansas residents through their state taxes should share the cost of enforcement. The KAC urges the committee to report SB 90 favorably for passage. Thank you.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. For more information, please contact Randall Allen or Judy Moler at (785) 272-2585.

300 SW 8th Avenue
3rd Floor
Topeka, KS 66603-3912
785•272•2585
Fax 785•272•3585

Senate Ways and Means
2-08-05
Attachment 2

**Testimony before the Ways and Means Committee
Regarding Senate Bill 90
February 8, 2005
Michael B. Kearns
Riley County Board of Commissioners**

Chairman Umbarger and distinguished members of this Committee. My name is Michael B. Kearns and I am a Riley County Commissioner.

Riley County is requesting an amendment to K.S.A. 59-29a04. The issue we are addressing is the unreasonable financial burden placed on counties by the Commitment of Sexually Violent Predators Act, K.S.A. 59-29a01 *et seq.* (The "Act"). As you know, under the Act if someone is convicted in a county as a sex offender, the Kansas Attorney General has the sole discretion to determine whether to file proceedings to designate the individual a "sexual predator." Even though the Attorney General in his or her sole discretion brings the actions, the county must pay the cost of the actions. These proceedings can be very expensive. Since 1998 Riley County has had six sexual predator cases brought in our District Court. The total expenses to Riley County for these cases have been \$56,648.38. In 2003 alone, we had two cases that cost the county \$20,049.78.

Because cases under authority of the Act are civil cases brought to protect all Kansans from these transitory predators, and since these cases are Attorney General driven from start to finish, we believe it is only appropriate that the State be the responsible party for payment of all costs in these cases. We respectfully urge that the Act be amended to require the state to pay the cost of cases filed under this Act.

Thank you for considering Senate Bill 90.

Senate Ways and Means
2-08-05
Attachment 3



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

BEFORE THE SENATE WAYS & MEANS COMMITTEE
SENATE BILL NO. 90

Testimony of
Kevin A. Graham
Assistant Attorney General
February 8, 2005

Umbarger

Chairman ~~Neufeld~~ and Members of the Ways & Means Committee:

Thank you for allowing me to appear today on behalf of Kansas Attorney General Phill Kline regarding SB 90. SB 90 amends KSA 2004 Supp. 59-29a04 to require that all costs incurred during the litigation of a sexually violent predator civil commitment case be borne solely by the State of Kansas. This bill would impose a change in current law such that the counties from which the affected sexually violent predators were originally convicted of their crimes and sentenced to Kansas prisons would no longer share in the costs of the litigation of the civil commitment of the alleged predators.

Under current law the State of Kansas (through the Attorney General) bears the costs for the prosecution of cases filed seeking the civil commitment of alleged sexually violent predators under the Kansas Act for the Civil Commitment of Sexually Violent Predators, KSA 59-29a01, *et seq.* Likewise, the State of Kansas already is responsible for the costs of the mental examinations of alleged sexually violent predators conducted at Larned State Hospital and the State of Kansas bears the expense of the care and treatment of all the individuals ultimately civilly committed to the state hospital as sexually violent predators. In cases where a sexually violent predator civil commitment action has been filed and a determination has been made by the court that the defendant is indigent, the county where the defendant was originally convicted of his/her felony crime that resulted in the defendant being sentenced to the Kansas Department of Corrections takes on the responsibility for the costs of the defense of the indigent individual in the civil commitment litigation. The costs incurred by the county of origin of the defendant include attorney fees, witness fees, the costs of an independent psychological examination of the defendant and related expenses. Similarly, as provided for under the Act, all sexually violent predator committees are entitled to an annual review of their case before the court, and the State continues to be responsible for the costs of prosecution while the county maintains the costs of the defense of indigent individuals. Essentially, under current law, the costs of the civil commitment of sexually violent predators are shared between the State and the counties.

At present it does not appear that a comprehensive record has been maintained detailing the costs incurred by the counties throughout the State of Kansas where sexually violent predator civil commitments have taken place. The Office of the Attorney General maintains documentation concerning the number of individuals whose cases were reviewed by the authorized panel of prosecutors, the number of convicted offenders upon whom petitions were filed to have a determination made as to whether they met the definition of a sexually violent predator under the Act and the number of individuals who were ultimately committed as sexually violent predators. Those numbers follow:

2000	63 petitions filed;	15 individuals committed.
2001	45 petitions filed;	24 individuals committed.
2002	47 petitions filed;	28 individuals committed.
2003	39 petitions filed;	22 individuals committed.
2004	37 petitions filed;	28 individuals committed.

However, those statistics do not provide adequate information upon which to base a calculation of the costs incurred in each case. In some of the cases the defendant may have stipulated to the civil commitment shortly after the filing of the original petition. In other cases defendants have insisted upon a probable cause hearing and psychological evaluation, then stipulated before a trial took place. Other defendants have opted to fully exhaust their procedural rights and availed themselves of the right to counsel, independent psychological testing and a full jury trial that resulted in their being civilly committed. In many of those cases the counties incurred the costs of the defense, but it should be noted that some defendants have paid for their own attorneys and expert witnesses.

In order to accurately assess the costs involved in the defense of cases under the Act, it would be necessary to contact each district court where a sexually violent predator civil commitment case has been litigated and obtain from the court an accounting of all costs that the court ordered to be paid by the county in each case. At present, the Office of the Attorney General is unaware of any authority or organization that has compiled this cost data.

In the end, in every case where the State of Kansas files a petition seeking the civil commitment of an alleged sexually violent predator, the defendant is entitled to be afforded competent counsel, access to qualified witnesses necessary to his/her case, and to exercise the rights afforded to defendants under the Act. If the defendant in any of these cases is determined by the court to be indigent, the costs of the defense will be born by the government. Under current law the costs of the litigation of sexually violent predator civil commitment cases is shared by the State and the counties. If the legislature chooses to enact SB 90 into law, and transfer all costs of the litigation of sexually violent predator civil commitment cases solely to the State, a detailed audit of the costs of defending these cases must be conducted and an appropriate fund of money allocated to cover those costs.

Respectfully submitted,

OFFICE OF THE ATTORNEY GENERAL
PHILL KLINE



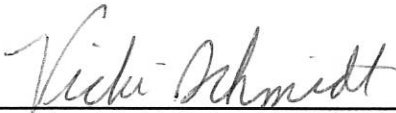
Kevin A. Graham
Assistant Attorney General

Senate Ways and Means

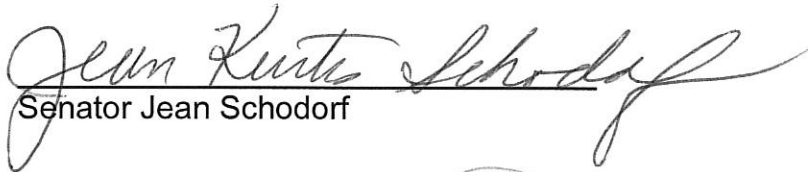
Subcommittee Report

Kansas Department of Health and Environment

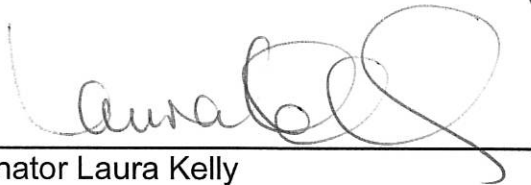
FY 2005 and FY 2006



Senator Vicki Schmidt, Chair



Senator Jean Schodorf



Senator Laura Kelly

Senate Subcommittee Report

Agency: Kansas Department of Health and Environment **Bill No. --**

Bill Sec. --

Analyst: Kannarr

Analysis Pg. No. --

Budget Page No. 175

Expenditure Summary	Agency Estimate FY 2005	Governor's Recommendation FY 2005	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 26,718,740	\$ 26,653,847	\$ 0
Other Funds	167,171,572	167,265,772	0
TOTAL	\$ 193,890,312	\$ 193,919,619	\$ 0
FTE Positions	885.0	885.0	0.0
Non FTE Uncl. Perm. Pos.	141.3	141.3	0.0
TOTAL	1,026.3	1,026.3	0.0

Agency Estimate/Governor's Recommendation

The **agency** estimates FY 2005 expenditures of \$193,890,312, an increase of \$4,920,953 or 2.6 percent above the amount approved by the 2004 Legislature. The agency estimates **Health Function** expenditures of \$129,846,880 including \$16,545,276 from the State General Fund. **Environment Function** expenditures are estimated to be \$64,043,432 including \$10,173,464 from the State General Fund. The estimate includes: State General Fund expenditures of \$26,718,740, the same as the approved amount; State Water Plan expenditures of \$3,192,666, the same as the approved amount; Children's Initiatives Fund expenditures of \$1,550,000, the same as the approved amount; and an increase in Other Assistance of \$6,460,000 in federal Women, Infants and Children's (WIC) expenditures due to increased demand for services.

The **Governor** recommends FY 2005 operating expenditures of \$193,919,619, an all funds increase of \$4,950,260 or 2.6 percent and a State General Fund decrease of \$64,893 or 0.2 percent from the amount approved by the 2004 Legislature. The recommendation is an increase of \$29,307 above the agency estimate.

Senate Subcommittee Recommendation

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

1. The Subcommittee notes that the FY 2005 Governor's recommendation is a State General Fund decrease of \$64,893 or 0.2 percent below the amount approved by the 2004 Legislature.

Senate Subcommittee Report

Agency: Kansas Department of Health and Environment

Bill No. --

Bill Sec. --

Analyst: Kannarr

Analysis Pg. No. --

Budget Page No. 175

<u>Expenditure Summary</u>	<u>Agency Request FY 2006</u>	<u>Governor's Recommendation FY 2006</u>	<u>Senate Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 28,057,007	\$ 27,141,078	\$ (726,650)
Other Funds	169,051,018	169,331,925	(2,487,371)
TOTAL	<u>\$ 197,108,025</u>	<u>\$ 196,473,003</u>	<u>\$ (3,214,021)</u>
FTE Positions	885.0	883.0	0.0
Non FTE Uncl. Perm. Pos.	141.3	141.3	0.0
TOTAL	<u>1,026.3</u>	<u>1,024.3</u>	<u>0.0</u>

Agency Request/Governor's Recommendation

The **agency** requests FY 2006 operating expenditures of \$197,108,025, an increase of \$3,217,713 or 1.7 percent above the FY 2005 estimate. The request includes: State General Fund expenditures of \$28,057,007, an increase of \$1,338,267 or 5.0 percent; State Water Plan expenditures of \$3,995,917, an increase of \$803,251 or 25.2 percent; Children's Initiatives Fund (CIF) expenditures of \$1,550,000, the same as in FY 2005; and an Enhancement Package of \$5,578,861, including \$1,746,381 from the State General Fund. Of the requested expenditures, \$4,614,705 (\$1,197,425 SGF) is requested for the Health Function and \$964,156 (548,956 SGF) is requested for the Environment Function. Absent the enhancement package, the agency request is an all funds decrease of \$2,361,148 or 1.2 percent and a State General Fund decrease of \$408,114 or 1.5 percent below the revised FY 2005 estimate.

The **Governor** recommends FY 2006 operating expenditures of \$196,473,003, an all funds decrease of \$635,022 and 2.0 FTE above the agency request. The recommendation includes: State General Fund expenditures of \$27,141,078, a decrease of \$915,929 or 3.3 percent below the agency request; State Water Plan expenditures of \$3,995,917, the same as the agency request; and Children's Initiatives Fund (CIF) expenditures of \$1,550,000, the same as the agency request. The Governor recommends a total of \$1,530,681, including \$322,425 from the State General Fund, for enhancements requested by the agency. The Governor reduces State General Fund expenditures by \$535,417. The reductions include \$371,953 from the agency's reduced resources package and \$163,464 for decreased telecommunications expenses. The Governor adds \$677,000, including \$450,000 to the Child Care Licensure program to address issues raised in an October 2004 Legislative Post Audit. The Governor adds \$3,214,021, including \$726,650 from the State General Fund, for the recommended statewide salary plan.

Statutory Budget Submission

K.S.A. 75-6701 requires that the budget submitted by the Governor and the budget ultimately approved by the Legislature provide for a State General Fund ending balance of at least 7.5 percent of expenditures for FY 2006. To comply with this provision, Volume 1 of the *Governor's Budget Report* includes a "statutory budget" designed to provide for a 7.5 ending balance. In general, this requires a 8.9 percent reduction to the FY 2006 State General Fund executive branch budget recommendations submitted by the Governor. That reduction has not been applied to school finance funding in the Department of Education, to the Board of Regents and its institutions, or to the judicial or legislative branches. **For this agency, the reduction to the Governor's recommended FY 2006 State General Fund budget would total \$2,423,513 including \$1,538,534 from the Health Function and \$884,979 from the Environment Function.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following exception and comments:

1. **Pay Plan Adjustment.** Delete \$1,195,889, including \$264,352 from the State General Fund, to remove pay plan funding recommended by the Governor (a 2.5 percent base salary adjustment for all state employees) for consideration in a separate bill.
2. **Other Salary and Wage Adjustments.** Delete \$2,018,132, including \$462,298 from the State General Fund, to remove funding recommended by the Governor for the 27th payroll period (\$1,849,416), and for the Kansas Public Employees Retirement System (KPERS) death and disability increase (\$168,716) for later Committee consideration.
3. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2006 recommendation is a State General Fund increase of \$422,338 or 1.6 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above pay plan and salary and wage adjustments, the recommendation is an decrease of \$304,312, or 1.1 percent below the approved amount.
4. **Infant-Toddler Programs.** The Subcommittee recommends a proviso be added to the appropriations bill to direct Smart Start to allocate \$200,000 in discretionary grants (from the Children's Initiative Fund) to the Infant-Toddler (Tiny K) program at KDHE. This proviso is identical to a provision in the FY 2005 budget added by the 2004 Legislature. The Subcommittee recognizes the importance of early childhood education and service programs. Under the Infant-Toddler (Tiny-K) program (Part C of the Individuals with Disabilities Education Act), the state is federally mandated to provide early intervention services to children aged birth to three years with or at risk of developmental disabilities/delays. Kansas delivers services through a public-private partnership with 36 local networks that coordinate services locally. Services are provided at no cost to the family. Proponents of the program testified that these services save the state money in the long term because 26 percent of the children leaving Tiny-K services are not eligible for school-based special

education services, providing a savings of \$2.7 million each year. The Subcommittee received testimony requesting that Tiny-K services be funded on a per-child formula basis as is used in school special education and foster care systems.

5. **SB 84.** The Subcommittee notes that it will consider S.B. 84 regarding prescription support for primary care clinics outside of the budget review process.
6. **Low-Birthweight Babies.** The Subcommittee reviewed an October 2004 Legislative Post Audit report on low-birthweight and premature babies. The Subcommittee notes that the number of these babies has financial impact on the state through the Medicaid program that pays for one-third of all births. According to the report, Medicaid eligible, low-birthweight (weighing less than 5 pounds, 8 ounces) and premature babies were approximately five times more expensive during the first year of life than normal weight babies. Of the \$54.1 million spent for babies born in 2000, approximately \$19.5 million (26 percent) was spent for these babies although they represented only 10 percent of all births. The report made a number of recommendations aimed at reducing the number of low-birthweight and premature babies. The Subcommittee requests the agency return at Omnibus and present additional information on the agency's activities related to the audit recommendations.
7. **S.B. 51.** The Subcommittee encourages the passage of S.B. 51 which would close a loophole in the state's master settlement agreement and bring additional tobacco revenue into the state. The Subcommittee recommends considering the allocation of these funds at Omnibus. Testimony requesting that any additional funds be allocated to youth anti-smoking efforts was received by the Subcommittee.
8. **Child Care Regulation.** The Subcommittee reviewed an October 2004 Legislative Post Audit report regarding the regulation of child care facilities and foster homes. Among other recommendations, the report suggested that KDHE and SRS prepare a plan for addressing several areas of duplication and submit it to the Legislature at the beginning of the 2005 Session. The audit report pointed out that the duplication, although potentially inefficient, was not particularly easy to solve. KDHE reported that it and SRS have been working on the plan but were encountering some difficulties. The Subcommittee requests the agency report at Omnibus on the status of the planning process.
9. **Transfer of Food Safety Functions.** The Subcommittee reviewed an October 2003 Legislative Post Audit report on food safety programs in Kansas. One of the recommendations was to combine all functions into a single agency. The Subcommittee notes that the 2004 Legislature endorsed Executive Reorganization Order 32 which transferred all food safety functions, excluding restaurant inspections, to the Department of Agriculture effective October 1, 2004. The Subcommittee received no testimony expressing concern about this transfer and it appears the transfer has been successful.
10. **Child Care Enhancement.** The Subcommittee notes that the Governor recommended the addition of \$677,000, including \$450,000 from the State

General Fund, to the Child Care Licensure program to address issues raised in the Legislative Post Audit report discussed in Item 7 above. According to the agency, the funds will be divided between child care and foster care programs to help the program meet statutory requirements for timely inspections and to access additional federal dollars. Funding for the Foster Care Program (\$241,825 SGF and \$468,825 all funds) will be used to fund 8.0 currently vacant and unfunded FTE positions. This funding will ensure that the Department meets all timeliness and thoroughness guidelines in statute and regulation and will directly contribute to the state's overall ability to place foster children in the most timely and accurate manner. Funding for the Child Day Care Program (\$208,175 SGF) will be targeted at strengthening regulatory services and inspection capability at the local level. These funds go directly to local health departments, to fund increased levels of responsiveness in initial inspections and complaint investigations.

11. **Clandestine Drug Laboratories.** The Subcommittee received the agency's FY 2004 annual report on the Clandestine Drug Laboratory program and expresses its support for the activities. This program conducts cleanups of illegal methamphetamine labs, remediates environmental damage, receives required notifications of suspicious transactions, and provides education to law enforcement, first responders, chance-encounter occupation personnel, retail stores and the general public. The Retailer Meth Watch program encourages cooperation with law enforcement, placement of Meth Watch signage, employee education and proper product placement. Kansas was a leader in the development of this program which has been implemented in a number of other states and some foreign countries. The agency reported that KDHE cleanup costs are about half the cost of those done by the federal Drug Enforcement Agency (DEA). Cleanup services are provided free of charge to counties but some of the more populous counties choose to do their own. A unique feature of the Kansas program is to provide re-entry standards for people to re-inhabit the former lab sites. The Governor recommends funding of \$538,818, including \$476,303 from the State General Fund, to support this program in FY 2006.
12. **Dental Director.** The Subcommittee notes that the 2004 Legislature appropriated \$50,000 State General Fund and 1.0 FTE position to hire a state dental director. The agency reported that it is continuing the recruitment process, but has not found the appropriate person to fill the position. The Office of Oral Health at KDHE is currently headed by a registered dental hygienist until the dental director is hired.