

Approved: May 10, 2005
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Vice Chairman Jay Emler at 10:30 A.M. on March 7, 2005 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Norman Furse, Revisor of Statutes
Jill Wolters, Senior Assistant, Revisor of Statutes
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Leah Robinson, Kansas Legislative Research Department
Michelle Alishahi, 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:

Nancy Bryant, Chief of Staff, Secretary of State's Office

Others attending:

See attached list.

Bill Introduction

Senator Emler moved, with a second by Senator Barone, to introduce a bill concerning KPERS, increased employer contributions for death and disability benefit plan (5rs0699). Motion carried on a voice vote. Chairman Umbarger referred this bill to the KPERS Issues Subcommittee.

The Chairman called the Committee's attention to discussion of the scheduling the Omnibus Session. The Committee decided to begin the 2005 Omnibus Session on Thursday, April 21, 2005, continue on Friday, April 22, Monday, April 25 and Tuesday April 26, if needed.

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 Administration, including the Public Broadcasting Council (Attachment 1)

Subcommittee Chairwoman Ruth Teichman reported that the subcommittee on the Kansas Department of Administration, including the Public Broadcasting Council, concurs with the Governor's recommendation in FY 2005 with observation and concurs with the Governor's FY 2006 recommendations with adjustments and observations.

Senator Teichman moved, with a second by Senator Steineger, to adopt the subcommittee budget report on the Kansas Department of Administration, including the Public Broadcasting Council, in FY 2005 and FY 2006. Motion carried on a voice vote.

Chairman Umbarger opened the public hearing on:

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 7, 2005 in Room 123-S of the Capitol.

SB 275--Secretary of state fees for certain publications

Staff briefed the committee on the bill.

Nancy Bryant, Chief of Staff, Secretary of State's Office, testified in support of **SB 275** (Attachment 2). Ms. Bryant mentioned that the bill amends Kansas law relating to the receipts obtained from the sale and/or distribution of legal publications by the Secretary of State's Office. She explained that now they no longer receive a State General Fund appropriation and the Agency is fully fee-funded, they are asking the Committee's consideration in allowing them to keep the sales revenue from the books they produce and the shipping revenue from those they distribute. Ms. Bryant noted that this would have an average negative impact on the State General Fund of approximately \$151,718 per year. She presented an overview regarding the production and funding for each type of publication covered in the bill. Committee questions and discussion followed.

Copies of the report titled, Kansas Administrative Regulations, including Supplements; Session Laws; and Kansas Statutes Annotated, including Supplements, Revenue and Expenses, February 2005 were distributed to the committee (Attachment 3).

Overview of the Kansas Civil Commitment Program for Sexually Violent Predators (SVP): Dilemmas and Potential Solutions

Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services, introduced and Chairman Umbarger welcomed Kim English, Director of Office of Research and Statistics, Colorado Division of Criminal Justice, who gave a presentation on Community Management of Adult Sex Offenders (Attachment 4). Ms. English addressed the Kansas Civil Commitment Program for Sexually Violent Predators costs, dilemmas and potential solutions. She then presented a brief overview of Sex Offender Containment Approach and Risk Management prepared on behalf of the Kansas Department of Social and Rehabilitation Services.

Ms. English distributed copies of the *Seton Hall Law Review, The Containment Approach to Managing Sex Offenders, by Kim English, Volume Thirty-Four, 2005, Number Four*. Copies of this publication are on file with the Kansas Legislative Research Department.

The Chairman acknowledged J. G. Scott, Chief Fiscal Analyst, Kansas Legislative Research Department, who gave a staff overview of the Governor's motor vehicle replacement policy for FY 2006 (Attachment 5). Mr. Scott provided background information regarding the elimination of the motor pool, sale of cars, vehicle moratorium and the FY 2006 recommendations.

The meeting adjourned at 12:05 p.m. The next meeting is scheduled for March 8, 2005.

SENATE WAYS AND MEANS
GUEST LIST

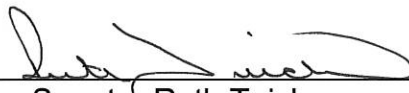
Date March 7, 2005

NAME	REPRESENTING
Jahia Thomas	DOB
Ken Baker	Public Broadcasting
Eugene Williams	Public Broadcasting
Jahnet Campbell	Public Broadcasting
MARIL MCCANN	PBC
Melissa Ness	Connections Unlimited, Inc.
Andrew Boska	Senate Minority Leader
Kenton Lodenweg	
Ken Seiber	Ken Law Firm
Paton	DISC
Marcy Sullivan	DISC
D. KEITH MEYERS	DEPT. OF ADMINISTRATION
M. Campbell	Dept of Admin
Gavin Young	DeFA
KEVIN GRAHAM	AG
Roger Haden	KDOC
Rick Fischli	KDOC
Stacey Mann	KRSDV
Kathy Seeler	State Long Term Care Ombudsman
Pat Higgins	D of A
Merilyn Jacobson	D of A
Nancy Bryant	SOS
Melissa Wangemann	Sec of State

SENATE SUBCOMMITTEE REPORTS

FY 2005 and FY 2006

**DEPARTMENT OF ADMINISTRATION
(Including Public Broadcasting Council)**



Senator Ruth Teichman
Subcommittee Chair



Senator Chris Steiner

Senator Mark Taddiken

Senate Ways and Means
3-7-05
Attachment 1

House Budget Committee Report

Agency: Department of Administration

Bill No. --

Bill Sec. --

Analyst: Robinson

Analysis Pg. No. Vol. 2-1283 **Budget Page No.** 13

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 16,145,854	\$ 16,145,854	\$ 0
Other Funds	8,259,814	8,259,814	0
Subtotal-Operating	\$ 24,405,668	\$ 24,405,668	\$ 0
Capital Improvements:			
State General Fund	\$ 4,607,119	\$ 4,607,119	\$ 0
Other Funds	142,746	142,746	0
Subtotal-Cap. Impr.	\$ 4,749,865	\$ 4,749,865	\$ 0
TOTAL	\$ 29,155,533	\$ 29,155,533	\$ 0
FTE Positions:			
Reportable	210.3	210.3	0.0
Nonreportable	594.3	594.3	0.0
Subtotal - FTE Positions	804.6	804.6	0.0
Non FTE Uncl. Perm. Pos.	28.1	28.1	0.0
TOTAL	832.7	832.7	0.0

Agency Estimate/Governor's Recommendation

The **agency's** current year estimate of **reportable** expenditures is \$24.4 million, a net reduction of \$2.1 million from the approved budget. The agency estimates FY 2005 State General Fund expenditures of \$16.1 million, or \$334,589 above the amount approved by the 2004 Legislature. The differences between the approved amount and the agency's revised estimate are:

- An **unlimited reappropriation** of FY 2004 State General Fund savings which exceeded the anticipated reappropriation by \$237,890 and is available for expenditure without any further legislative action; and
- Additional funding of \$96,699 under the **Kansas Savings Incentive Program**.
- Miscellaneous net adjustments in requested expenditures from other funds totaling a reduction of \$2.5 million. The reduction is largely the result of lower than budgeted expenditures from the Wireless Enhanced 911 grant fund.

The Governor concurs with the agency's revised FY 2005 reportable operating request.

Nonreportable Budget. The **agency** estimates current year nonreportable operating expenditures of \$94.8 million, a reduction of \$5.2 million from the amount approved by the 2004 Legislature. **The Governor concurs.**

House Budget Committee Recommendation

The House Budget Committee concurs with the recommendations of the Governor, with the following observation:

1. **Change from FY 2005 Approved.** The Budget Committee notes that the Governor's FY 2005 revised recommendation is a State General Fund increase of \$334,589 or 2.1 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature.

House Committee Recommendation

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

House Committee of the Whole Recommendation

The House has not yet considered this budget.

Senate Subcommittee Report

Agency: Department of Administration **Bill No. --**

Bill Sec. --

Analyst: Robinson **Analysis Pg. No.** Vol. 2 – 1283

Budget Page No. 13

Expenditure Summary	Agency Estimate FY 05	Governor's Recommendation FY 05	Senate Subcommittee Adjustments
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The Governor concurs with the agency's revised FY 2005 reportable operating request.

Nonreportable Budget. The **agency** estimates current year nonreportable operating expenditures of \$94.8 million, a reduction of \$5.2 million from the amount approved by the 2004 Legislature. **The Governor concurs.**

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following observation:

1. **Change from FY 2005 Approved.** The Subcommittee notes that the Governor's FY 2005 revised recommendation is a State General Fund increase of \$334,589 or 2.1 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature.

House Budget Committee Report

Agency: Department of Administration **Bill No.** HB 2482

Bill Sec. 41

Analyst: Robinson

Analysis Pg. No. Vol. 2-1283 **Budget Page No.** 13

Expenditure Summary	Agency Estimate FY 06	Governor's Recommendation FY 06	Budget Committee Adjustments*
Operating Expenditures:			
State General Fund	\$ 29,580,589	\$ 25,003,416	\$ (105,000)
Other Funds	<u>7,828,882</u>	<u>7,941,334</u>	<u>0</u>
Subtotal-Operating	\$ 37,409,471	\$ 32,944,750	\$ (105,000)
Capital Improvements:			
State General Fund	\$ 47,556,999	\$ 5,490,000	\$ 0
Other Funds	<u>167,732</u>	<u>147,732</u>	<u>0</u>
Subtotal-Cap. Impr.	\$ 47,724,731	\$ 5,637,732	\$ 0
 TOTAL	 <u>\$ 85,134,203</u>	 <u>\$ 38,582,482</u>	 <u>\$ (105,000)</u>
 FTE Positions:			
Reportable	210.3	172.3	(3.0)
Nonreportable	<u>594.3</u>	<u>633.3</u>	<u>0.0</u>
Subtotal - FTE Positions	804.6	805.6	(3.0)
Non FTE Uncl. Perm. Pos.	<u>27.1</u>	<u>27.1</u>	<u>0.0</u>
TOTAL	<u>831.7</u>	<u>832.7</u>	<u>(3.0)</u>

* Reportable budget adjustments only. The Budget Committee also recommends reductions totaling \$158,400 from the Governor's recommended FY 2006 nonreportable budget.

Agency Request/Governor's Recommendation

The agency requests an FY 2006 **reportable** operating budget of \$37.4 million, an increase of \$13.0 million (53.3 percent) from the revised current year estimate.

- The request includes operating enhancements totaling \$3.5 million from the State General Fund. The request also includes \$10.0 million from the State General Fund for the first year of debt service payments on the KPERs pension obligation bonds authorized by the 2003 Legislature. **Absent those requests**, the agency's request would be a reduction of \$0.5 million, or 2.1 percent, from the revised current year estimate.

The Governor recommends an FY 2006 reportable operating budget of \$32.9 million, an increase of \$8.5 million (35.0 percent) from the revised current year recommendation, and a reduction of \$4.5 million from the amount requested by the agency. The Governor's recommendations include the following:

- The transfer of \$1.9 million from the State General Fund and 2.0 FTE positions from the Department of Administration to the Kansas Highway Patrol. Currently, by contract, the **Capitol Area Security Patrol (CASP)** provides security for buildings operated by the Department of Administration. The Department of Administration pays the Highway Patrol for CASP services. To avoid double-counting of expenditures, the Department of Administration includes these expenditures in its budget, and they are considered nonreportable expenditures in the budget of the Highway Patrol. For FY 2006, the Governor recommends moving the funding and 2.0 FTE from the Department of Administration to the Highway Patrol. This would shift the funding from the Department of Administration's budget to the Highway Patrol's reportable budget.
- The addition of \$250,000 from the State General Fund for increased operating grants to the Public Broadcasting Council.
- The addition of \$0.2 million, including \$0.1 million from the State General Fund, and 3.0 new FTE positions for the **Long-Term Care Ombudsman's** office.
- The shift of \$0.5 million from the State General Fund and 17.0 FTE positions in the **Division of Accounts of Reports** to the Division's nonreportable budget.

(**Staff Note:** On January 12, 2005, the Governor issued Executive Reorganization Order (ERO) No. 33. Under the provisions of this ERO, the Governor reorganizes the state's major health care programs into a new division within the Department of Administration, the Division of Health Policy and Finance. Medical services including Medicaid, MediKan, and HealthWave will be transferred from the Department of Social and Rehabilitation Services to the Division of Health Policy and Finance. The Governor's FY 2006 recommendation for the Department of Administration does not include any funding to reflect the transfer of these programs. Should the ERO become effective, the transfer of funds would take place during the Omnibus session.)

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 \$2,722,854.**

The **agency** requests an FY 2006 **nonreportable** operating budget of \$98.9 million, an increase of \$4.0 million (4.3 percent) from the revised current year estimate.

- The agency's request includes **operating enhancements** totaling \$366,800. **Absent the requested enhancements**, the agency's request would be \$98.5 million, an increase of \$3.5 million, or 3.7 percent.

The Governor recommends a total of \$101.0 million in FY 2006, an increase of \$6.1 million from the revised FY 2005 recommendation. The Governor recommends the shift of \$0.5 million and 17.0 FTE from the reportable budget of the Division of Accounts and Reports to the Division's nonreportable budget. The Governor also recommends the transfer of 3.0 additional FTE positions from the reportable budget to the nonreportable budget (2.0 FTE in the Division of Facilities Management) and 1.0 FTE in the Division of Purchases.

House Budget Committee Recommendation

The Budget Committee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Change from FY 2005 Approved.** The Budget Committee notes that the Governor's FY 2006 State General Fund recommendation for the agency totals \$30.5 million, an increase of \$10.2 million, or 50.2 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent amounts recommended for the 2.5 percent base salary adjustment (\$125,147), the 27th payroll period (\$155,371), and the Kansas Public Employees Retirement System (KPERs) death and disability increase (\$20,301), the recommendation is an increase of \$9.9 million, or 48.8 percent above the approved amount.
2. **New Debt Service Payments.** The Budget Committee notes that the Governor's FY 2006 State General Fund recommendation for the agency includes a total of \$12.4 million in new debt service obligations for the Kansas Public Employees Retirement System (KPERs) pension obligation bonds authorized by the 2003 Legislature (\$10.0 million), and for phase 3 of the Statehouse renovation project (\$2.4 million). Excluding these amounts and the salary plan amounts listed above, the Governor's recommendation would be a net decrease of \$2.5 million, or 12.1 percent below the FY 2005 approved amount.
3. **Transfer of Capitol Area Security Patrol (CASP) Expenditures.** The Budget Committee notes that the FY 2006 Governor's recommendation transfers \$1.9 million from the State General Fund and 2.0 FTE positions from the Department of Administration to the Kansas Highway Patrol. Currently, by contract, CASP provides security for buildings operated by the Department of Administration. The Department of Administration pays the Highway Patrol for CASP services. To avoid double-counting of expenditures, the Department of Administration includes these expenditures in its budget, and they are considered nonreportable expenditures in the budget of the Highway Patrol. For FY 2006, the Governor recommends moving the funding and 2.0 FTE from the Department of Administration to the Highway Patrol. This would shift the funding from the Department of Administration's budget to the Highway Patrol's reportable budget.
4. Delete a total of \$210,000 (\$105,000 from the State General Fund in the reportable budget and \$105,000 from nonreportable federal funds) and 3.0 FTE positions recommended by the Governor in the office of the Long-Term Care Ombudsman for review at Omnibus.
5. Delete a total of \$53,400 from nonreportable funds of the Division of Information Systems and Communications recommended by the Governor for the purchase

of three new vehicles. The Budget Committee intends to reconsider the recommendation at Omnibus.

6. The Budget Committee notes that the Public Broadcasting Council has been offered a grant of \$1.4 million from the Corporation for Public Broadcasting to assist it with digital conversion of public radio. The grant requires a state match of \$1.2 million. Because of the timing of the notice regarding the availability of the grant, it is unclear whether the Governor was aware of the existence of the grant when making her recommendations. The Budget Committee recommends that the Council convey this information to the Governor and ask for consideration of a Governor's Budget Amendment for the matching funds which the Budget Committee could review at Omnibus.

House Committee Recommendation

The House Committee concurs with the recommendations of the Budget Committee.

House Committee of the Whole Recommendation

The House has not yet considered this budget.

Senate Subcommittee Report

Agency: Department of Administration

Bill No. SB 270

Bill Sec. 41

Analyst: Robinson

Analysis Pg. No. Vol. 2 – 1283

Budget Page No. 13

<u>Expenditure Summary</u>	<u>Agency Estimate FY 06</u>	<u>Governor's Recommendation FY 06</u>	<u>Senate Subcommittee Adjustments*</u>
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State General Fund	\$ 29,580,589	\$ 25,003,416	\$ (300,819)
Other Funds	7,828,882	7,941,334	(106,813)
Subtotal-Operating	\$ 37,409,471	\$ 32,944,750	\$ (407,632)
Capital Improvements:			
State General Fund	\$ 47,556,999	\$ 5,490,000	\$ 0
Other Funds	167,732	147,732	0
Subtotal-Cap. Impr.	\$ 47,724,731	\$ 5,637,732	\$ 0
TOTAL	<u>\$ 85,134,203</u>	<u>\$ 38,582,482</u>	<u>\$ (407,632)</u>
FTE Positions:			
Reportable	210.3	172.3	0.0
Nonreportable	594.3	633.3	0.0
Subtotal - FTE Positions	804.6	805.6	0.0
Non FTE Uncl. Perm. Pos.	27.1	27.1	0.0
TOTAL	<u>831.7</u>	<u>832.7</u>	<u>0.0</u>

* The entire adjustment reflects deletion of the Governor's recommended salary plan adjustments. An additional \$1,765,609 in nonreportable funding for recommended salary plan adjustments would also be deleted.

Agency Request/Governor's Recommendation

The agency requests an FY 2006 **reportable** operating budget of \$37.4 million, an increase of \$13.0 million (53.3 percent) from the revised current year estimate.

- The request includes operating enhancements totaling \$3.5 million from the State General Fund. The request also includes \$10.0 million from the State General Fund for the first year of debt service payments on the KPERs pension obligation bonds authorized by the 2003 Legislature. **Absent those requests**, the agency's request would be a reduction of \$0.5 million, or 2.1 percent, from the revised current year estimate.

The Governor recommends an FY 2006 reportable operating budget of \$32.9 million, an increase of \$8.5 million (35.0 percent) from the revised current year recommendation, and a reduction of \$4.5 million from the amount requested by the agency. The Governor's recommendations include the following:

- The transfer of \$1.9 million from the State General Fund and 2.0 FTE positions from the Department of Administration to the Kansas Highway Patrol. Currently, by contract, the **Capitol Area Security Patrol (CASP)** provides security for buildings operated by the Department of Administration. The Department of Administration pays the Highway Patrol for CASP services. To avoid double-counting of expenditures, the Department of Administration includes these expenditures in its budget, and they are considered nonreportable expenditures in the budget of the Highway Patrol. For FY 2006, the Governor recommends moving the funding and 2.0 FTE from the Department of Administration to the Highway Patrol. This would shift the funding from the Department of Administration's budget to the Highway Patrol's reportable budget.
- The addition of \$250,000 from the State General Fund for increased operating grants to the Public Broadcasting Council.
- The addition of \$0.2 million, including \$0.1 million from the State General Fund, and 3.0 new FTE positions for the **Long-Term Care Ombudsman's** office.
- The shift of \$0.5 million from the State General Fund and 17.0 FTE positions in the **Division of Accounts of Reports** to the Division's nonreportable budget.

(Staff Note: On January 12, 2005, the Governor issued Executive Reorganization Order (ERO) No. 33. Under the provisions of this ERO, the Governor reorganizes the state's major health care programs into a new division within the Department of Administration, the Division of Health Policy and Finance. Medical services including Medicaid, MediKan, and HealthWave will be transferred from the Department of Social and Rehabilitation Services to the Division of Health Policy and Finance. The Governor's FY 2006 recommendation for the Department of Administration does not include any funding to reflect the transfer of these programs. Should the ERO become effective, the transfer of funds would take place during the Omnibus session.)

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 \$2,722,854.**

The **agency** requests an FY 2006 **nonreportable** operating budget of \$98.9 million, an increase of \$4.0 million (4.3 percent) from the revised current year estimate.

- The agency's request includes **operating enhancements** totaling \$366,800. **Absent the requested enhancements**, the agency's request would be \$98.5 million, an increase of \$3.5 million, or 3.7 percent.

The Governor recommends a total of \$101.0 million in FY 2006, an increase of \$6.1 million from the revised FY 2005 recommendation. The Governor recommends the shift of \$0.5 million and 17.0 FTE from the reportable budget of the Division of Accounts and Reports to the Division's nonreportable budget. The Governor also recommends the transfer of 3.0 additional FTE positions from the reportable budget to the nonreportable budget (2.0 FTE in the Division of Facilities Management) and 1.0 FTE in the Division of Purchases.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. **Pay Plan Adjustment.** Delete \$163,894, including \$125,147 from the State General Fund, (as well as \$663,714 in nonreportable funding), 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 \$243,738, including \$175,672 from the State General Fund, (as well as \$1,101,895 in nonreportable funding) to remove funding recommended by the Governor for the 27th payroll period (\$1,225,496), and for the Kansas Public Employees Retirement System (KPERS) death and disability increase (\$120,137) 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 \$30.5 million or 50.2 percent above the FY 2005 State General Fund amount approved by the 2004 Legislature. Absent the above reportable pay plan and salary and wage adjustments, the recommendation is an increase of \$9.9 million, or 48.8 percent above the approved amount.
4. **New Debt Service Payments.** The Subcommittee notes that the Governor's FY 2006 State General Fund reportable recommendation for the agency includes a total of \$12.4 million in new debt service obligations for the Kansas Public Employees Retirement System (KPERS) pension obligation bonds authorized by the 2003 Legislature (\$10.0 million), and for phase 3 of the Statehouse renovation project (\$2.4 million). Excluding these amounts and the salary plan amounts listed above, the Governor's recommendation would be a net decrease of \$2.5 million, or 12.1 percent below the FY 2005 approved amount.
5. **Transfer of Capitol Area Security Patrol (CASP) Expenditures.** The Subcommittee notes that the FY 2006 Governor's recommendation transfers \$1.9 million from the State General Fund and 2.0 FTE positions from the Department of Administration to the Kansas Highway Patrol. Currently, by contract, CASP

provides security for buildings operated by the Department of Administration. The Department of Administration pays the Highway Patrol for CASP services. To avoid double-counting of expenditures, the Department of Administration includes these expenditures in its budget, and they are considered nonreportable expenditures in the budget of the Highway Patrol. For FY 2006, the Governor recommends moving the funding and 2.0 FTE from the Department of Administration to the Highway Patrol. This would shift the funding from the Department of Administration's budget to the Highway Patrol's reportable budget. The Subcommittee believes that the funding and responsibility for CASP is more properly located in the Highway Patrol's reportable budget and concurs with the Governor's recommendation.

6. The Subcommittee notes that the Governor's recommendation includes a total of \$53,400 from nonreportable funds of the Division of Information Systems and Communications for the purchase of three new vehicles. The Subcommittee recommends that for purposes of future vehicle purchase requests, the agency do a needs analysis to determine an internal rotation cycle that would allow for the most efficient use of all vehicles within the agency's fleet.
7. The Subcommittee notes that the Public Broadcasting Council has been offered a federal grant of \$1.4 million from the Corporation for Public Broadcasting to assist it with digital conversion of public radio. The grant requires a match of \$1.2 million. The Subcommittee recommends that the Council ask the Governor for consideration of a Governor's Budget Amendment for the matching funds which the Ways and Means Committee could review and consider at Omnibus.

RON THORNBURGH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785)296-4564

STATE OF KANSAS

TESTIMONY OF THE SECRETARY OF STATE TO THE SENATE WAYS AND MEANS COMMITTEE ON SB 275

MARCH 7, 2005

Chairman Umbarger and Members of the Committee:

Thank you for the opportunity to provide testimony regarding SB 275. This bill amends Kansas law relating to the receipts obtained from the sale and/or distribution of legal publications by the Secretary of State's office.

In recent years, our office was funded in approximately equal amounts by the SGF and agency special revenue funds. In 2003, the legislature approved the removal of one-half of our SGF for FY 2004 and determined that the office would receive no SGF in FY 2005 or after. As a result, this budget year the agency is fully fee-funded, except for FY 04/05 SGF money the agency received as a match to secure federal dollars for the Help America Vote Act of 2002 (HAVA).

In the past, a portion of the agency's SGF appropriation was used to pay costs associated with the production (including printing) and/or distribution of legal publications. Now that we no longer receive a SGF appropriation, we are asking your consideration in allowing us to keep the sales revenue from the books we produce and the shipping revenue from those we distribute. This would have an average negative impact on the SGF of approximately \$151,718 per year.

Following is an overview regarding the production and funding for each type of publication covered in this bill.

Section 1: **Session Laws**

- The Session Laws are produced by the Secretary of State.
- All receipts from the sale of these books go to the SGF.
- All expenses are paid from agency special revenue funds; the Secretary of State does not receive any SGF money to cover the costs.
- The agency charges an information and services fee, in addition to the selling price, to help recoup a portion of the expenses. This money is deposited in an agency special revenue fund.
- As required by law, copies of the Session Laws are provided free to various entities. The Secretary of State pays all expenses associated with the production of free books and receives no revenue to offset these expenses.

Presented by Nancy Bryant, Chief of Staff

Business Services: (785) 296-4564
FAX: (785) 296-4570

Web Site: www.kssos.org
E-mail: kssos@kssos.org

Elections: (785) 296-4561

FAX: (785) 291-3051
*Senate Ways and Means
3-7-05
Attachment 2*

Section 2: I would like to address this section near the end of my testimony.

Section 3: Kansas Administrative Regulations (KARs)

- The KARs are produced by the Secretary of State.
- All receipts from the sale of these books go to the SGF.
- All expenses are paid from agency special revenue funds; the Secretary of State does not receive any SGF money to cover the costs.
- The agency charges an information and services fee, in addition to the selling price, to help recoup a portion of the expenses. This money is deposited in an agency special revenue fund.
- As required by law, copies of the KARs are provided free to various entities. The Secretary of State pays all expenses associated with the production of free books and receives no revenue to offset these expenses.

Section 4: Supplements to the Kansas Administrative Regulations (KAR supps)

- The KAR supps are produced by the Secretary of State.
- All receipts from the sale of these books go to the SGF.
- All expenses are paid from agency special revenue funds; the Secretary of State does not receive any SGF money to cover the costs.
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Section 2: Session Laws; Kansas Statutes Annotated, including supplements; permanent journals; and Kansas Administrative Regulations, including supplements

- This section authorizes the Secretary of State to charge and collect fees to recover costs of delivery, including postage and handling.
- All shipping revenue collected is deposited in the SGF.
- All shipping costs are paid by the Secretary of State from agency special revenue funds.
- As required by law, copies of the above books are distributed free to various entities. The Secretary of State pays all distribution expenses and receives no revenue.

Fiscal Impact

The Secretary of State's office incurs an average annual expense of approximately \$321,217 to produce and/or distribute these books and recoups approximately \$165,084 through the information and services fee. This results in a difference of approximately \$156,133, most of which would be recouped by the passage of this bill.

Thank you for allowing us to present this information to you. We would appreciate your consideration in the passage of SB 275.

Presented by Nancy Bryant, Chief of Staff

Kansas Administrative Regulations, Including Supplements (KARs); Session Laws (SLs); and Kansas Statutes Annotated, Including Supplements (KSAs)		
Revenue and Expenses		
February 2005		
Secretary of State Expenses		
Includes costs associated with free distribution		
Book Type	Ave Annual Cost to SOS	Total Ave Annual Cost to SOS
KARs & SLs--includes costs associated with producing, printing, storing and distributing; KSAs--includes only the costs associated with distribution	\$ 321,217	
Total Expenditures		\$ 321,217
Secretary of State Information & Services Fee Revenue		
Book Type	Information & Services Fee Revenue	Total Information & Services Fee Revenue
KARs	\$ 31,531	
Session Laws	\$ 16,265	
KSAs	\$ 117,288	
Total Info & Services Fee Revenue		\$ 165,084
Net Loss to Secretary of State		\$ (156,133)
Potential Revenue to Secretary of State as a Result of SB 275		
The following revenue currently goes to the SGF.		
Book Type	Revenue from Sales &/or Shipping Goes to SGF	Total SGF Revenue
KAR sales & shipping revenue	\$ 73,132	
Session Law sales & shipping revenue	\$ 45,122	
KSA shipping revenue	\$ 33,464	
Total to SGF (per fiscal year average)		\$ 151,718

Kansas Civil Commitment Program for SVPs: Dilemmas and Potential Solutions

March 2005

Costs

- ▽ Cost of civil commitment: between \$90,000 and \$120,000 per year per SVP
- ▽ Cost of prison incarceration with intense treatment: approximately \$30,000 per year
- ▽ Cost of community supervision (parole) following incarceration from prison: approximately \$15,000 per year (including supervision, treatment, polygraph examinations to monitor behavior, electronic monitoring)

Dilemmas

- ▽ Few SVPs are being released, in Kansas and nationwide
- ▽ It is **easier to civilly commit sex offenders** than it is to release them from civil commitment
 - First it was required to show mental abnormality; then it is required to show progress and “cure” of mental abnormality
- ▽ It is **difficult to revoke SVPs** back into civil commitment when they fail to comply with community supervision and their risk level increases
- ▽ The SVP process **may not identify** certain very dangerous offenders
 - Offenders who know their victims, including incest perpetrators, are least likely to receive an SVP determination but most of these offenders are responsible for significant harm
- ▽ **Risk assessment tools are inadequate:** they measure risk at a point in time and are based on official record data; official record data are incomplete reflections of the actual number and types of sex crimes committed by this population (However, they do structure decision making ^{and} are significantly more accurate than a professional’s “expert opinion”)
- ▽ **Dangerousness is not linear** but our systems are set up as if it is (it increases and decreases over time, is often situational)
- ▽ The **Kansas SVP release decision process** is heavily based on “expert opinion” rather than a comprehensive, research-based set of release criteria
- ▽ The SVP population is different from other populations in the state hospitals
 - **Working with this population requires specific expertise**
 - Managing the ongoing risk of this population requires expertise from multiple disciplines.
 - Are SVPs prosecuted for sex crimes committed inside the institution? (this requires partnering with the police department and local prosecutor’s office)
 - Is the SVPs behavior constantly monitored and discussed at weekly staffings of professionals (medical staff, housing staff, mental health staff?)
 - Are all staff in the SVP facility trained on the management of this special population?
 - Is this training ongoing and delivered by experts?
- ▽ Many SVPs are **not adequately prepared to release** into the community
- ▽ **Treatment in the institution must be lengthy and intense** during the incarceration period; then it must be fully coordinated with treatment services outside the institution, and treatment must last the duration of long-term supervision
- ▽ **Recidivism is reduced** when sex offenders are required to participate in long-term specialized treatment.

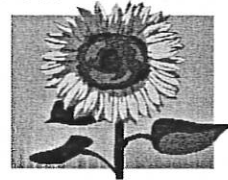
Potential Solutions

- ▽ **Change sentencing laws:** provide indeterminate sentences for specific categories of sex crimes.
 - Arizona has **lifetime probation** which many offenders are grateful to accept instead of very long prison sentences.
 - A study of over 1,000 lifetime parolees found a 40 percent revocation rate, a 7 percent new crime rate. The majority of new crimes were hands-off sex crimes; the majority of hands-on sex crimes resulted from families allowing the offender to have contact with children.
 - Colorado has **indeterminate sentences** for class 1 through 4 sex crimes (not classes 5 and 6 which are mostly “attempted” crimes)
 - Charge reductions, from lifetime crimes to non-lifetime crimes, increased for 3 years but then returned to earlier practices
 - Legislators mandated in statute that the state Sex Offender Management Board develop specific criteria for the release from prison ~~to~~ to lifetime parole
 - It is easier to revoke offenders back to prison
 - Participation in intense prison treatment is required; 70 percent of treatment participants drop out or are terminated for non-compliance with the structured treatment regime; half of these returned to treatment

Senate Ways and Means
3-7-05
Attachment 4

- The parole board receives ongoing training and information about sex offender research and risk assessment
- ▽ Create a statewide multidisciplinary **Sex Offender Management Board** that makes recommendations to the Legislature based on research and best practices
 - **Empower Board members** to visit other jurisdictions to learn about this process (Colorado, Illinois, New Mexico)
 - **Specify membership in the statute**
 - Including state housing administrators on the board
 - Include zoning commissioners
 - Include transportation officials
 - **Fund the Board**
 - Professional administrator/director with expertise in sex offender management, victim issues and policy development
 - Research analysts to provide information to the Board, to undertake studies of the SVP program participants, release process, risk assessment, housing issues, cost analyses
 - Pay for the travel of members from other parts of the state
 - Pay for lunch because board members will volunteer their time and take time away from their other jobs
 - Include a training budget: staff and members can travel to receive training on pressing, emerging issues; staff and members can offer training opportunities to develop and enhance expertise within the state
 - Mandate the participation of both line staff and decision makers
 - **Expect disagreement** from the professional mental health organizations
 - Decide the level of authority the board will exercise, weighing red tape against offering incentives for compliance with standards or guidelines
 - Locate the board in a place free from politics, inclusive in nature
- ▽ **Empower an ad-hoc statewide committee** with lesser authority
 - Co-locate in the departments of SRS and DOC
 - Provide funding for meetings
 - The Oregon DOC pays for all specialized sex offender probation and parole officers to meet for 2 days each quarter to discuss policy and practice in each county so that efforts will be consistent (sex offenders move to locations with the least restrictive supervision requirements)
 - Clarify level of authority
 - This type of arrangement will have a greater affect on practice and a lesser affect on policy and relies on good will for implementation
- ▽ **Create a Criminal Justice Commission** that will work on many issues, with a committee on sex offender policy and practice, as Pennsylvania has done
 - Fund an expert administrative staff that includes research analysts to conduct specialized studies on a variety of issues
 - Or fund legislative council to conduct studies for the CJC
 - This approach will address many concerns, sex offender management among them
 - This approach may not provide the focus that would allow for ongoing reform of current practices regarding sex offenders
- ▽ **Implement the Containment Approach** for managing sex offenders
 - Can be implemented along side other changes
 - Requires commitment to reform current practices
 - To focus on public safety and protection of past and potential victims
 - To use newly obtained information *on individual offenders* to prevent new sex crimes
 - To sincerely value the expertise of others in a multidisciplinary, systematic effort to institutionalize ongoing risk management
 - To develop housing and employment opportunities that are safe and supportive of offender change (these improve public safety), to ensure offender pays for therapy, polygraph examinations
 - To form multidisciplinary teams to develop individual treatment and supervision plans
 - To recognize that some offenders will still reoffend but that everything was done to prevent known offenders from harming again
 - Systematic approach to focusing on individual risk patterns
 - Can be applied by DOC and SRS

Brief Overview: Sex Offender Containment Approach and Risk Management



Prepared on behalf of the
Kansas Department of Social and Rehabilitative
Services

Kim English
Research Director
Colorado Division of Criminal Justice
Colorado Department of Public Safety
Denver, Colorado

March 7 and 8, 2005
Topeka, Kansas

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Kansas' Dilemma: Civil Commitment is Expensive and Community Transition Requires a Determination of Non- Dangerousness



- Civil Commitment has been enacted in 16 states at a cost of \$90,000 to \$120,000 per offender per year. SRS getting 3 SVPs per month.
- Civil Commitment requires that officials, professionals, and housing staff in SRS become experts in sex offender risk management.

Kansas' Dilemma: Civil Commitment is Expensive and Community Transition Requires a Determination of Non-Dangerousness



- Incarceration in prison costs about \$25,000 per year.
- Cost of containment in the community: Approximately \$11,350-\$15,000 per year.
- Risk instruments underestimate risk.
- And...

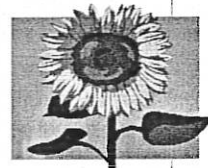
Treatment: \$5200 (100/wk)
Polygraph \$1500 (5 polygraph exams)
Supervision \$3650 (\$10/day)
GPS (\$10/day) x 100 days (\$1,000)



Kansas's Cost of Victimization

1106 victims x \$86,500 (2003)*

\$95,669,000

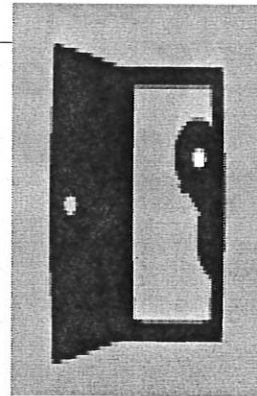


in costs to victims EACH YEAR

*KBI; National Institute of Justice calculated the victim cost of one sexual assault at \$86,500

These crimes occur in secret

**And
victims
don't
report.**

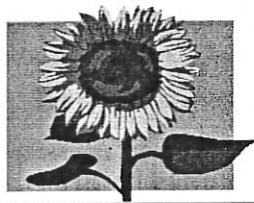


**Only 16%
of rape victims
report the crime.**

Kilpatrick, et al., 1992. Medical University of South Carolina. N=4008
Rape in America: A Report to the Nation.

Arrest Rates are Low

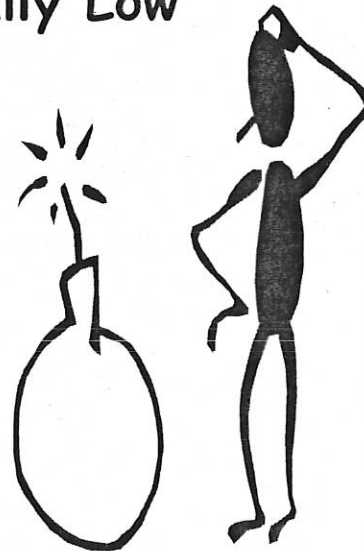
20% of reported
sex crimes in
Kansas result in
an arrest



In Colorado, between 1994-98, 54%-70% of those charged with a felony sex crime were convicted of a sex crime.

Sex Offender Recidivism Rates: Artificially Low

- Incest: 4-10%
- Rapists: 7-35%
- Child Molesters with female victims: 10-29%
- Child Molesters with male victims: 13-40%
- Exhibitionists: 41-71%

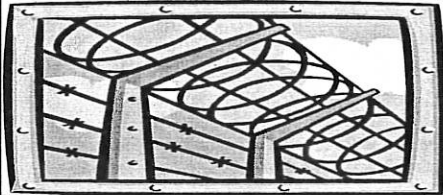


Marshall and Barbaree (1990)

Rapist = Child Molester

Polygraph Research at the Colorado DOC
Court information v. Polygraph

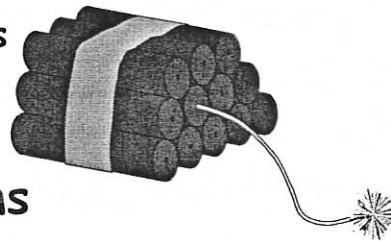
- ♀ Of the "Rapists"...50% had child victims
- ♀ Of the "Child Molesters" ...82% had adult victims
- ♀ Of those who abused non-relatives...62% had victims who were relatives.



Ahlmeyer, Heil, McKee and English,
Journal of Sexual Abuse, 2000

Sex Offenders Who Failed Supervision

- Sees self as no risk
- Diverse Victim Types
- Fewer months in the community
- Access to victims
- Sexual entitlement
- Poor social influences



Hanson and Harris, 1998

Info From Sex Offenders



Polygraph Research at the Colorado DOC
Comparing Court Information v. Polygraph

	<u># of victims</u>
Information at Sentencing	2 (1)
Treatment	83 (21)
1 st Polygraph	165 (24)
2 nd Polygraph	184 (26)

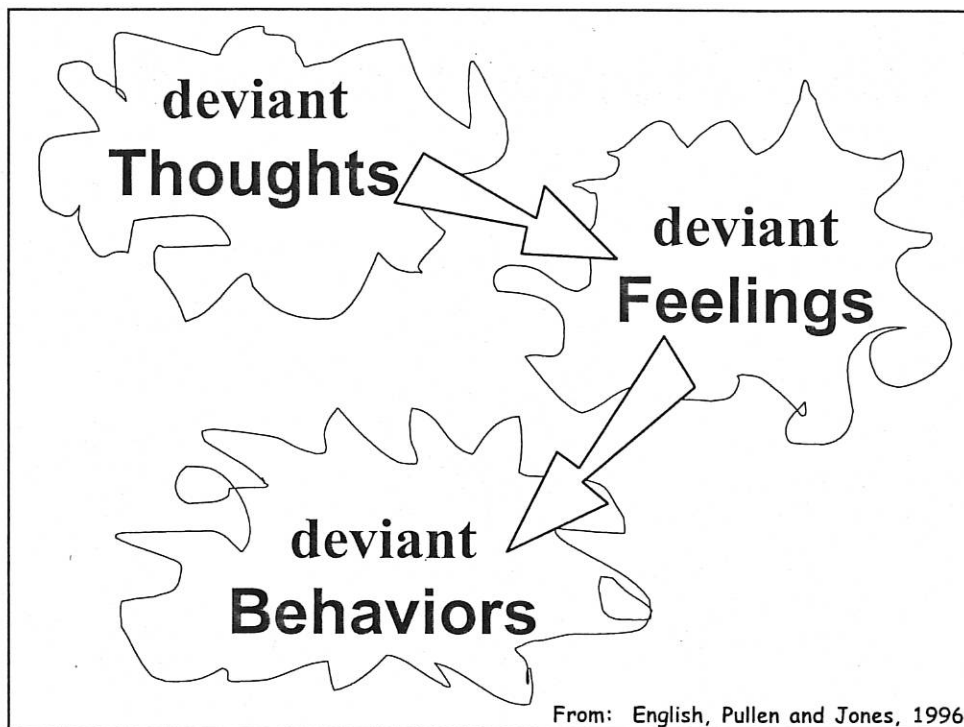


Alhmeyer, Heil, McKee and English (2000) studied 35 sex offenders in treatment and polygraph testing at the CO Dept. of Corrections. Average admissions (median) of contact & noncontact offenses

Conclusions drawn from 20 years of studies of victim and offenders

- Sexual assault is incredibly harmful.
- Victims don't report (they are too young, too ashamed)
- Sex offenders are busy
- 1:4 or 1:5 known sex offenders harm again
- How can the SYSTEM do a better job of protecting the public?





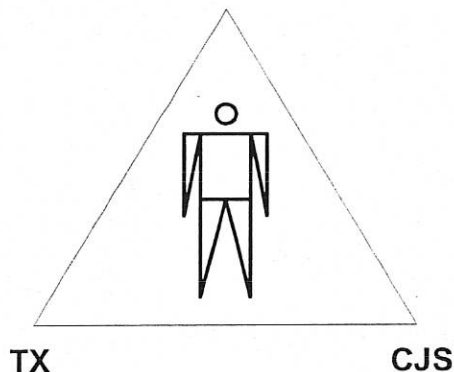
Mental Health and Criminal Justice Inexorably Linked

**Thoughts are the stuff of the mental
health world.**

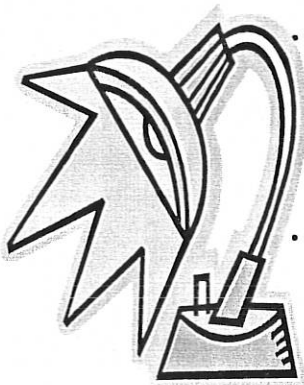
**Behaviors are the stuff of the criminal
world.**

The Containment Approach

POLYGRAPH



The Purposes of the Polygraph Exams Vary



- **Sex History:** Obtain information on past victims and past methods used to access those victims. Need to know age of onset, frequency, extent of crossover behavior.
- **Specific Issue:** Offender may be in denial about the crime...or may be facing a new accusation...or may have failed a recent examination...
- **Maintenance:** Check out assault patterns and behaviors regarding supervision conditions. *Looking for precursor behaviors!!!!*

"Fantasies are tantamount to planning sessions..."

William Pithers, 1990

Admitted # of Sex Crime Victims

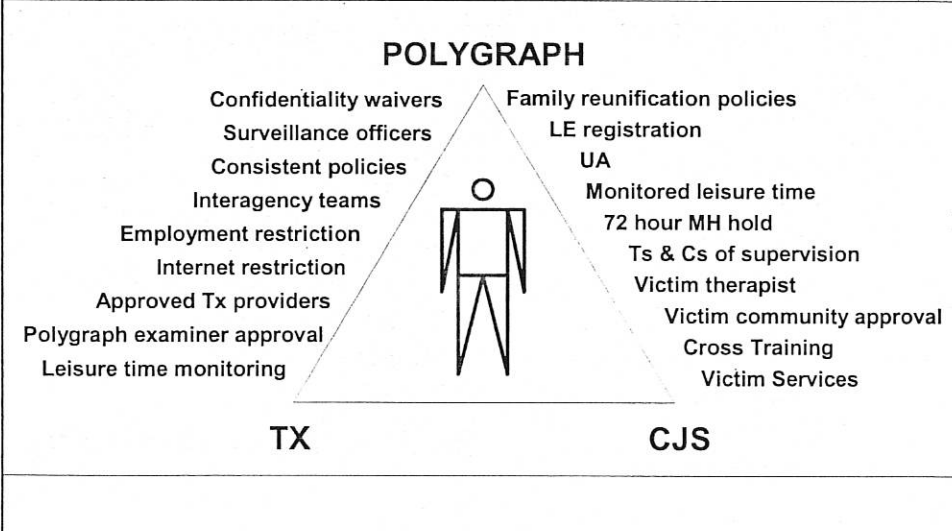
Source	Mean (Median)	
	Inmates (n=35)	Parolees* (n=25)
PSIR	2(1)	2(1) ^{*NO treatment}
Sexual History	83(21)	4(2)
1 st Poly	165(24)	6(3)
2 nd Poly	184(26)	7(3)

Includes victims of contact and non-contact sex offenses

Ahlmeyer, Heil, McKee and English et al., 2000



The Containment Approach Containment Policies



Sex Offender Management Board (Colorado, Illinois, New Mexico, Tennessee)

- Legislatively mandated; clearly defined goals.
- Develop/revise standards and guidelines:
 - Assessment
 - Treatment
 - Evaluation
 - Behavioral Monitoring
- Requires specific qualifications and training for service providers
 - Treatment providers
 - Polygraph examiners
 - Phallometric Testing
- Maintains LIST of approved providers; requires state agencies to use only approved providers



Colorado Sex Offender Management Board

21 Member Multi-disciplinary Board:

- CDPS, DCJ
- Department of Corrections
- Judicial Branch (Probation)
- Judges
- Juvenile Magistrate
- Community Corrections
- District Attorney
- Public Defender
- Law Enforcement
- Department of Human Services
- Div. of Youth Corrections
- Out of Home Provider
- Victim Representatives (3)
- Treatment Providers (4)
- Polygraph Examiners
- Education



Still Missing: Housing

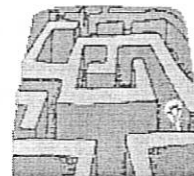
*Added when mandated to establish guidelines for juveniles.

RISK MANAGEMENT

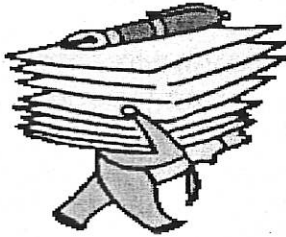
- Combination of treatment, polygraph and supervision/monitoring.
- Individualized supervision plan based on past victim types (gender, age, relationship to perpetrator), methods used to gain access, methods used to keep the secret, use of force.
- This information must be verified using the polygraph examination.
- Requires small caseloads, home/work visits, efforts to obtain corroborating information, safe living environment, lifestyle restrictions, urinalysis testing, GPS monitoring, leisure time monitoring.

Pressing Issues: Strategy, Policies and Written Protocols

- Selection criteria for treatment providers
- Selection criteria polygraph examiners
- Risk focused surveillance of sex offenders
- Family reunification assessment protocols
- Confidentiality waivers
- Management of offenders in denial
- Incorporating law enforcement
- Failure to progress in treatment
- Employment restrictions
- Child contact
- Payment for services (the offender must pay some portion)
- Policy versus legislation
- Community education
- Housing in the community
- Short and long term budget allocations



A goal of
The Containment Approach
is to obtain information about the
offender to improve public safety,
and to use research to
improve practice.
Then... train, train, train.



Questions?



Overview of Sex Offenders, the Containment Approach and Risk Management, Lessons Learned, and Pressing Issues

HANDOUT #2

Prepared on behalf of the
Kansas Department of Social and Rehabilitative
Services

Kim English
Research Director
Colorado Division of Criminal Justice
Colorado Department of Public Safety
Denver, Colorado

March 7 and 8, 2005
Topeka, Kansas

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in costs to victims EACH YEAR

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Personal and Social Costs Of Sexual Assault Are Very High

Victimization of girls and women

- More than half of victims have been raped more than once.
- 6x more likely to develop PTSD.
- 3x more likely to develop major depression.
- 13x more likely to attempt suicide.

Rape in American: Report to the Nation, 1992



Victimization of Boys

(Holmes & Slap, 1998 as cited in By The Numbers: Sexual Violence Statistics, Illinois Coalition Against Sexual Assault, April 2001)

As a result of sexual victimization as a child,
boys/men are:



- 4 times more likely to suffer a major depression
- 3 times more likely to have bulimia
- 2 times as likely to develop an antisocial personality disorder
- 2 times as likely to have behavioral problems



Even small reductions or
delays in recidivism
MATTER!!

The Extent of the Trauma is Linked to the Trust Violation

- Ronald Summit (1988) acknowledges the psychological damage inherent in the full scope of abusive behaviors:

"Sexual touching, so often trivialized by words such as fondling or molestation (annoyance), is only the physical expression of a climate of invasion, isolation and abandonment."

Sex Offender Management Board In Colorado

- Legislation passed in 1992.
- Appointed in 1993; Operational in 1994 (after Guiding Principles stated)
- Goal: Community safety, victim protection
- Objective: Systematic management and treatment of sex offenders via*....
 - Actuarial risk assessment scale
 - Standards for DD offenders
 - Standards for juvenile's with sexual behavior problems
 - Criteria for petitioning the court for release from Lifetime Supervision
- Subcommittees: Training, Poly, Treatment, Application Review

*Tasks mandated in statute

Colorado Sex Offender Management Board: GUIDING PRINCIPLES

Twelve Guiding Principles serve as the unifying philosophy for all of the Board's sex offender programs.

This principle specifically addressed the original problem:
Public Safety

Community Safety
is the primary guiding principle in all interventions with adult sex offenders.

Sex Offender Treatment Boards (Texas, Oklahoma)

- Identified stakeholders:
 - Make agreements
 - Work together with support of overarching agencies
 - Develop protocols, sometimes written
 - Recognize expertise and value of multi-disciplinary teams
- Limited authority

State-wide Ad-Hoc Committees (Oregon)

Self-appointed, self-governing entities

Identified stakeholders:

- Make agreements
- Work together with support of overarching agencies
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- Recognize expertise and value of multi-disciplinary teams
- Limited authority



Value of Accountability

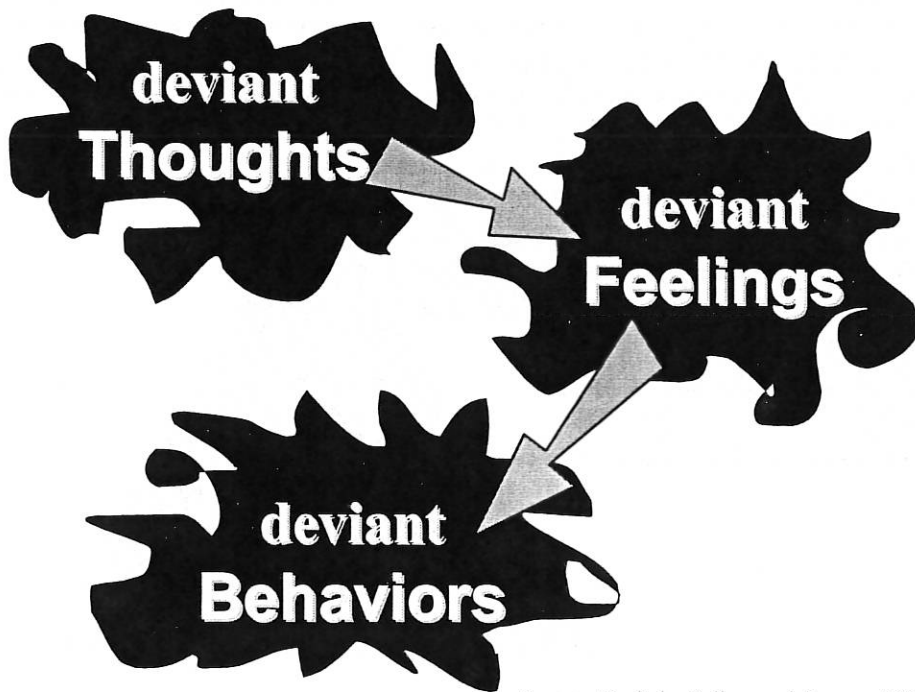
“Progress in treatment is not linear, incremental, static, nor reliable and must be consistently re-assessed. Progress is multi-dimensional; High risk can exist despite progress on many dimensions. Risk in any single dimension must be taken seriously. Concerns expressed by any individual member of the community supervision team must be taken seriously. Progress indicated by repetitive testing over extended periods of time may be invalid due to deception, habituation, and socially desirable responsiveness. Consequently, results of such tests should not stand alone and multiple measures should always be used to indicate risk.”

Veeder and Brake, Lifetime Colorado SOMB Standards, 1999

Our optimism about sex offender management has come from the notion that sex crimes follow a comprehensible process. If we understand the assault process, then it can be controlled or interrupted. Sex offending is a process occurring over time.



Hudson, Ward, McCormack,
Offense Pathways in Sexual Offenders,
Journal of Interpersonal Violence, V.1, No. 8, August 1999.



From: English, Pullen and Jones, 1996

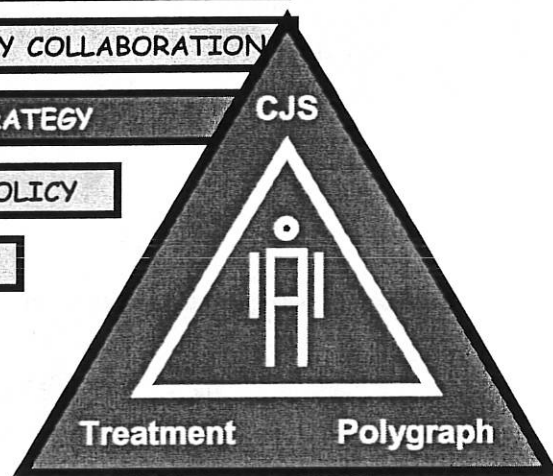
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Thoughts are the stuff of the mental health
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Behaviors are the stuff of the criminal world.

This Containment Approach has 5 Components

- 1 VICTIM ORIENTATION
- 2 MULTIDISCIPLINARY COLLABORATION
- 3 CONTAINMENT STRATEGY
- 4 RESEARCH BASED POLICY
- 5 QUALITY CONTROL



From: English, Pullen and Jones, 1996

Options for Processing Polygraph Information on Past Crimes

<u>No Immunity</u>	<u>Sentencing limitations</u>	<u>Limited Immunity</u>	<u>Full Immunity</u>
Specific information (i.e., date, place, name of victim) would not be collected on past crimes	Specific information on past crimes would be obtained and reported to the appropriate law enforcement agency	Specific information on past crimes would be obtained and reported to the appropriate law enforcement agency	Specific information on past crimes would be obtained and reported to the appropriate law enforcement agency.
Information on the range, type and pattern of sex offenses would be collected	If District Attorneys decide to prosecute they would utilize sentences which increase the length of supervision but still allow for the possibility of community supervision when the offender is complying with treatment and monitoring requirements	Offenders would sign a limited immunity agreement which would include provisions that they would not be prosecuted on the offense as long as they complied with recommended treatment and did not reoffend	Offenders would not be prosecuted for past crimes
Information on the range and types of past crimes would be reported in an M.O. database that could be queried by law enforcement	Sentence options could include: lifetime probation, sex offender's act (1 day to life) or deferred sentence		



(copyright, Peggy Heil, Canon City, CO 2000)

Accuracy of the Polygraph Test

National Academy of Sciences (2003) set median accuracy at **89%** with a range of 70 to 99%.

(Page 125)

Picture: www.vsp.state.va.us/bci_gid_polygraph.htm

SUMMARY: Value of Polygraph Testing in Risk Assessment

- Increase information on past offenses

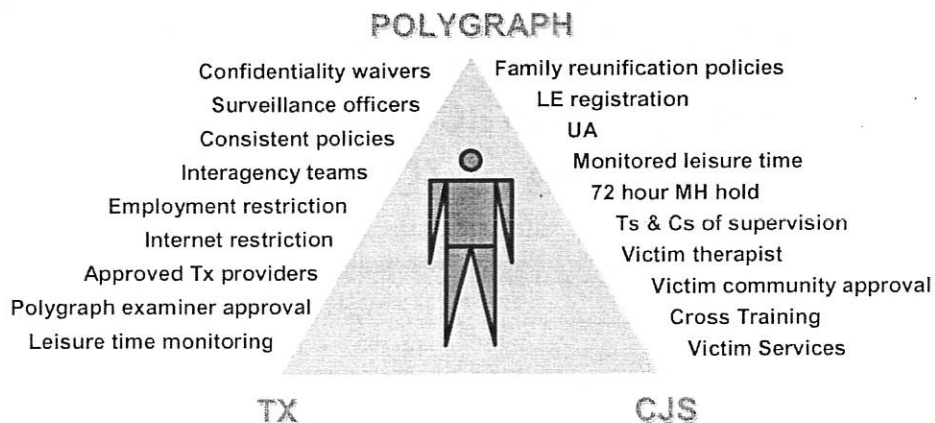
- Evaluate treatment effectiveness/compliance

- Evaluate risk of child contact



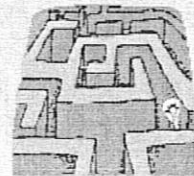
*Without the poly,
we're operating
blind*

The polygraph is one of many tools



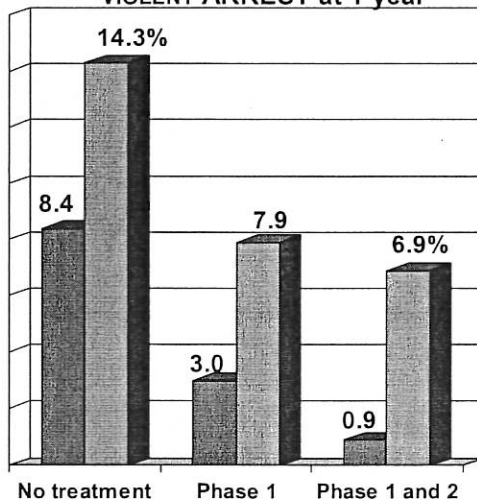
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- Policy versus legislation
- Community education
- Housing in the community
- Short and long term budget allocations



Prison Treatment *plus* Supervision in the community aids Public Safety

Parole Release v. Discharge
VIOLENT ARREST at 1 year



Treatment Participation
Phase 1 = 6 month treatment program
Phase 2 = Intense, long-term therapeutic community

■ Discharge from Parole
n=1003
■ Discharge from Prison
n=2040

Differences are significant.

Colorado Division of Criminal Justice (2003): Evaluation of Prison Sex Offender Treatment Program

Success is in the combination of prison and community containment

Twin Rivers Correctional Center in Washington

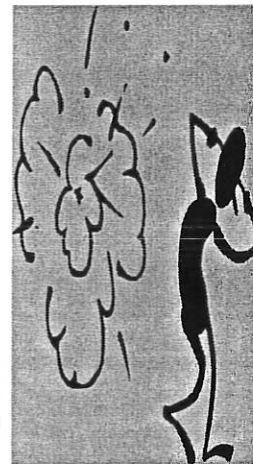
- After 2000 days, 40% of sex offenders receiving only prison treatment failed
- After 2000 days, 15% of sex offenders receiving prison treatment and community treatment and supervision failed

Gordon & Packard, 1999

Finkelhor (1984) discusses Four Preconditions

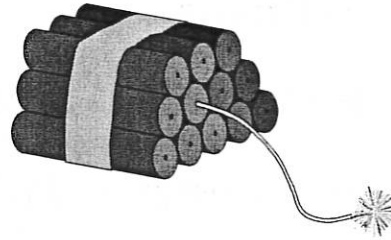
1. Motivated to Sexually Abuse a Child.
2. Overcomes Internal Inhibitions (alcohol/drugs).
3. Overcomes External Impediments
4. Undermines or Overcomes Child's Resistance

Child Sexual Abuse: New Theory and Research, The Free Press, 1984



Sex Offenders Who Failed Supervision

- Sees self as no risk
- Diverse Victim Types
- Fewer months in the community
- Access to victims !!!!!
- Sexual entitlement
- Poor social influences



Hanson and Harris, 1998

Clinical Judgment is Inadequate

- Final Nail in the Coffin: Grove and Meehl (1996) who concluded that empirical tools significantly and consistently surpassed clinical judgment.
- Grove and Meehl (1996) note that despite nearly seven decades of findings about the superiority of actuarial methods over clinical opinions, clinicians remain reluctant to replace their judgment with scientific tools.

Clinical Judgment is Inadequate

- Courts have concluded that expert testimony based on actuarial instruments is admissible in SVP cases.
- But it is only one piece of information.
- Heavily weighted on official record data.
- It is made at a single moment in time.

Actuarial Instruments=Vast Improvement

- Structured decision-making.
- Can document how a decision was made: increases transparency.
- Increases consistency and reliability across decision-makers.
- Less vulnerable to “arbitrary and capricious” charges.
- But still woefully inadequate.



Caution: Risk Assessment

- Several risk assessment tools have been statistically validated and are in use in many jurisdictions:
 - VRAG,
 - SORAG,
 - RRASOR and
 - Static-99
 - Statistically, we are more accurate with high risk predictions that we are with low risk predictions.
 - Is “Low Risk” really “unknown risk”?
 - Most of the risk factors in actuarial scales refer to the offender’s criminal history. The data are obtained from official records.
- (Dorin, 2002)

Actuarial Risk is Inadequate

- Actuarial risk assessment scales are developed based on offenders’ identified risk across a specified period of time, usually five or 10 years.
- Study of civilly committed SOs: 136 rapists and 115 child molesters who were discharged over a 25 year period.
- Average of 2-4 known sexual offenses prior to the crime for which they were civilly committed.
- Over a 25 year period, 74 percent of the rapists and 75 percent of the child molesters incurred new charges for any crime.
- 39 percent and 52 percent, respectively, for a new sex charge.
- If the group had been followed for only five years, more than half of the new sex charges would have been missed.
- Dennis Dorin (2002): Lifetime recidivism is not a statistically low event.
- **YET ONLY 10-20% OF RAPES ARE REPORTED, 20% OF THESE RESULT IN ARREST, AND 50-70% IN CONVICTION.**

Prentky, Lee, Knight and Cerce (1997)

Sex Offender Risk Assessment

Is ongoing

Again and again and again and again and again

Research Regarding Living Arrangements

- Sex offender probationers living with their families in Denver were more likely to have a criminal & technical violation than those living in other types of residences
- For high-risk offenders, those with no support and living with a family member or friends had the highest numbers of violations
- Living with a family member or friends does not necessarily mean that he or she is living in a supportive or healthy environment

Colorado Sex Offender Management Board, 2004

Research Regarding Living Arrangements

- Those who had support in their lives had significantly lower numbers of violations than those who had negative or no support
- Recommendation - Efforts should be made to ensure that the sex offender's support is positive in order to aid in his or her treatment

Colorado Sex Offender Management Board,
2004

Positive Support Defined

- Awareness of the cycle, offense patterns and early abuse signs.
- Familiarity with the offender's schedule and whereabouts.
- The ability to enhance and encourage application of the offender's treatment tools outside of the therapy setting.
- A working relationship with the treatment provider and criminal justice supervisor.
- The ability to acknowledge the seriousness of the offending behavior.
- The ability, skills and tools to hold the offender accountable early in the onset of risky behaviors.
- Willingness to report non-compliance to the containment team.



RISK MANAGEMENT

- Combination of treatment, polygraph and supervision/monitoring.
- Individualized supervision plan based on past victim types (gender, age, relationship to perpetrator), methods used to gain access, methods used to keep the secret, use of force.
- This information must be verified using the polygraph examination.
- Requires small caseloads, home/work visits, efforts to obtain corroborating information, safe living environment, lifestyle restrictions, urinalysis testing, GPS monitoring, leisure time monitoring.

February 24, 2005

STATE VEHICLES

Background

In November 2003, the Governor announced the elimination of the Central Motor Pool. As part of that decision, 700 vehicles were sold. In addition, the Governor imposed a moratorium on the purchase of new vehicles.

Elimination of the Motor Pool. The central motor pool, operated by the Department of Administration, consisted of a dispatch pool of 185 vehicles and a fleet of another 1,434 vehicles assigned to various state agencies on a long-term basis. The motor pool was eliminated, and the state entered into a contract with Enterprise Rent-a-Car to provide short-term vehicle rental options for state agencies. Responsibility for the long-term assigned vehicles was transferred to the agencies using those vehicles. In July 2004, \$5.1 million of motor pool special revenue fund balances were transferred to the State General Fund. Of that amount, \$3.3 million was transferred from the motor pool's operating fund, and \$1.8 million was transferred from the motor pool's service depreciation fund, which had previously been used for new vehicle purchases.

Sale of Cars. As the central motor pool was disbanded, newer cars that had been in the motor pool were exchanged for older, higher mileage cars owned by agencies. The older cars and other cars determined to be underutilized by agencies were then sold, initially through the state surplus property process, with the remaining vehicles sold at auction. Proceeds from the sale of the vehicles totaled approximately \$1.6 million, which also went to the State General Fund.

Vehicle Moratorium. The Governor imposed a two-year moratorium on new car and light truck purchases beginning in November 2003. Certain law enforcement vehicles, such as those for the Highway Patrol, were exempted. Because the moratorium was imposed in November of 2003, agencies had already budgeted for the purchase of new vehicles in FY 2005. In order to implement the moratorium and capture the savings, funds totaling \$3.1 million were removed from agency budget requests as part of the Governor's recommendation. Of that amount, \$0.4 million represented direct reductions to agencies' State General Fund appropriations, and \$2.7 million was reduced from special revenue funds and subsequently transferred to the State General Fund. According to *Volume 1 of the Governor's Budget Report*, in the first full year of the moratorium, one agency was permitted to add a vehicle for a new program initiated by the 2004 Legislature; two agencies were allowed to replace vehicles that had been involved in accidents; and the Commission on Veterans' Affairs was allowed to use federal money to purchase four vehicles in its fleet so that new veterans' cemeteries could be equipped.

Under the Governor's recommendation, the moratorium will begin to lift in November 2005. Agencies that wish to replace high-mileage vehicles after the moratorium is over made requests for new vehicle purchases as part of their FY 2006 budget submission. The Governor's recommendations reflect a replacement policy for passenger cars that have reached 100,000 miles and light trucks that have reached 140,000 miles.

Senate Ways and Means
3-7-05
Attachment 5

FY 2006 Recommendations. In total, \$6.1 million from all funding sources has been included in the Governor's recommended FY 2006 budget for the replacement of 334 high-mileage vehicles. The table below lists the number of vehicles recommended for replacement and the estimated cost, including State General Fund costs.

**FY 2006 Governor's Recommended Vehicle Replacements
For Agencies Included in the Moratorium**

Agency	Number	State General Fund	All Funds
Passenger Cars:			
Kansas Corporation Commission	7	\$ 0	\$ 99,400
Kansas Lottery	15	0	231,300
Racing and Gaming Commission	3	0	60,000
Department of Revenue	12	65,400	130,800
State Bank Commissioner	2	0	32,000
Board of Cosmetology	3	0	36,000
Department of Credit Unions	1	0	12,600
Real Estate Commission	3	0	31,200
Department of Social and Rehabilitation Services	30	191,866	408,225
Department of Health and Environment	15	0	187,500
Department of Education	6	0	79,800
Department of Corrections	2	0	30,000
Adjutant General	1	0	20,600
State Fire Marshal	4	0	58,000
Kansas Bureau of Investigation	18	205,783	333,000
Department of Agriculture	9	121,727	268,454
Department of Transportation	27	0	369,000
<i>Subtotal-Passenger Cars</i>	<u>158</u>	<u>\$ 584,776</u>	<u>\$ 2,387,879</u>
Pickup Trucks and Vans:			
Department of Administration	3	\$ 0	\$ 53,400
Department of Health and Environment	16	0	303,476
Commission on Veterans' Affairs	2	41,000	41,000
School for the Deaf	1	19,250	19,250
Animal Health Department	6	81,000	81,000
Department of Wildlife and Parks	38	0	799,500
Department of Transportation	110	0	2,400,000
<i>Subtotal-Pickups and Vans</i>	<u>176</u>	<u>\$ 141,250</u>	<u>\$ 3,697,626</u>
TOTAL	<u><u>334</u></u>	<u><u>\$ 726,026</u></u>	<u><u>\$ 6,085,505</u></u>