

Approved: April 20, 2006
Date

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on February 20, 2006 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Michael Corrigan, Revisor of Statutes Office
Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Becky Krahl, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Judy Bromich, Chief of Staff
Mary Shaw, Committee Secretary

Conferees appearing before the committee: none

Others attending:

See attached list.

Bill Introductions

Senator Kelly moved, with a second by Senator Emler, to introduce a bill concerning the transfer of certain land in Shawnee county to helping hands humane society, amending land description (5rs2182). Motion carried on a voice vote.

Senator Morris moved, with a second by Senator Emler, to introduce a bill concerning the gas gathering facilities, regulation of (5rs2183). Motion carried on a voice vote.

A motion was made by Senator Schmidt, with a second by Senator Schodorf, to approve the minutes of the meetings of January 19 and January 24, 2006. Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2006 and FY 2007 were made available to the Committee.

Subcommittee budget reports on:

Board of Emergency Medical Services
Kansas Sentencing Commission
State Fire Marshal (Attachment 1)

Subcommittee Chairwoman Carolyn McGinn reported that the budget subcommittee on the Board of Emergency Medical Services concurs with the Governor's recommendations in FY 2006 and FY 2007 with notations.

Subcommittee Chairwoman Carolyn McGinn reported that the budget subcommittee on the Kansas Sentencing Commission concurs with the Governor's recommendations in FY 2006 and FY 2007 with notations. Senator McGinn explained that after the budget subcommittee was approved it was noted that the agency needs to rent additional office space in the amount of approximately \$11,000 in FY 2007 and was excluded from the budget.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on February 20, 2006 in Room 123-S of the Capitol.

Subcommittee Chairwoman Carolyn McGinn reported that the budget subcommittee on the State Fire Marshal concurs with the Governor's recommendations in FY 2006 and FY 2007.

Senator McGinn moved, with a second by Senator Wysong, to amend the budget subcommittee report on the Kansas Sentencing Commission to add \$11,400 from the State General Fund for increased rental space in FY 2007. Motion carried on a voice vote.

Senator McGinn moved, with a second by Senator Emler, to adopt the budget subcommittee reports on the Board of Emergency Medical Services, Kansas Sentencing Commission as amended and the State Fire Marshal in FY 2006 and FY 2007. Motion carried on a voice vote.

Subcommittee budget reports on:

**Kansas Highway Patrol
Adjutant General's Department (Attachment 2)**

Subcommittee Chairwoman Vicki Schmidt reported that the budget subcommittee on the Kansas Highway Patrol concurs with the Governor's recommendations in FY 2006 and FY 2007 with notations.

Subcommittee Chairwoman Vicki Schmidt reported that the budget subcommittee on the Adjutant General's Department concurs with the Governor's recommendations in FY 2006 and FY 2007 with notations.

Senator Schmidt moved, with a second by Senator Kelly, to adopt the budget subcommittee reports on the Kansas Highway Patrol and the Adjutant General's Department in FY 2006 and FY 2007. Motion carried on a voice vote.

Subcommittee budget report on:

**Kansas Bureau of Investigation
Kansas Parole Board (Attachment 3)**

Subcommittee Chairwoman Ruth Teichman reported that the budget subcommittee on the Kansas Bureau of Investigation concurs with the Governor's recommendations in FY 2006 and FY 2007 with notations.

Subcommittee Chairwoman Ruth Teichman reported that the budget subcommittee on the Kansas Parole Board concurs with the Governor's recommendations in FY 2006 and FY 2007 with observations.

Senator Teichman moved, with a second by Senator Barone, to amend the budget subcommittee report on the Kansas Bureau of Investigation, regarding Item No. 4, FY 2007, to urge the Joint Committee on State Building Construction to look at Item No. 4 and report back to the Senate Ways and Means Committee and to review this item at Omnibus. Motion carried on a voice vote.

Senator Schmidt moved, with a second by Senator Teichman, to amend the budget subcommittee report on the Kansas Bureau of Investigation, regarding Item No. 5, FY 2007, to be sure that the whole item is included with the two lots directly north of the IMA building and if the Joint Committee on State Building Construction does not act, consider this item at Omnibus. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Barone, to adopt the budget subcommittee report on the Kansas Bureau of Investigation in FY 2006 and FY 2007 as amended. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Barone, to adopt the budget subcommittee report on the Kansas Parole Board in FY 2006 and FY 2007. Motion carried on a voice vote. Copies of the Proposed Changes to Decrease Admissions for Parole Violations from the Kansas Parole Board were distributed (Attachment 4).

The meeting adjourned at 11:30 a.m. The next meeting is scheduled for February 21, 2006.

SENATE WAYS AND MEANS
GUEST LIST

Date February 20, 2006

NAME	REPRESENTING
Trey Cocking	DOB
Cheri Froetschne	DOB
Jeff Arpin	DOB
Robert Walker	KBEMS
Steve Sutton	KBEMS
May E. Muligan	KBEMS
George Carter	KSFM
Karl McMoran	KSFM
Mark Alexander	KSFM
ERIC RUCKER	A.G.
Ron Seebert	Ken Law Firm
P. Briggs	KS Sent. Comm
J. Bedsker	KS Sent Comm
KIRK THOMPSON	KBI
Kyle Smith	KBI
WALT DARLING	HIGHWAY PATROL
Col. William R. Seck	HIGHWAY PATROL
Janice Harper	Adjutant General's Dept.
Andy Shaw	Kearney & Associates
Bob Harder	UMC - KS
Marshall Kennedy	A.G.
Ethan Erickson	KDOT
Robert Sanders	KPB

SENATE WAYS AND MEANS
GUEST LIST

Date February 20, 2006

NAME	REPRESENTING
Colene Fischli	DOC / KPB
Marilyn Sate	KPB

FY 2006 and FY 2007

SENATE WAYS AND MEANS SUBCOMMITTEE

Board of Emergency Medical Services
Sentencing Commission
Fire Marshal



Senator Carolyn McGinn, Chair



Senator Vicki Schmidt



Senator Chris Steineger

Senate Ways and Means
2-20-06
Attachment 1

Senate Subcommittee Report

Agency: Board of Emergency Medical Services **Bill No. --**

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-275

Budget Page No. 161

Expenditure Summary	Agency Estimate FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 1,061,513	\$ 1,028,539	\$ 0
Aid to Local Units	351,199	351,199	0
Other Assistance	177,225	177,225	0
Subtotal - Operating	<u>\$ 1,589,937</u>	<u>\$ 1,556,963</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 1,589,937</u></u>	<u><u>\$ 1,556,963</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>
FTE Positions	14.0	14.0	0.0
Non FTE Uncl. Perm. Pos.	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>14.0</u></u>	<u><u>14.0</u></u>	<u><u>0.0</u></u>

Agency Estimate

For FY 2006, the **agency** estimates expenditures of \$1,589,937, which is an increase of \$298,078 or 23.1 percent above the amount approved by the 2005 Legislature. The estimate includes expenditures of \$1,342,922 from the EMS Operating Fund.

Governor's Recommendation

For FY 2006, the **Governor** recommends expenditures of \$1,556,963, which is an increase of \$265,104 or 20.5 percent above the amount approved by the 2005 Legislature. The recommendation includes \$1,309,948 from the EMS Operating Fund.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Board of Emergency Medical Services **Bill No. --**

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-275

Budget Page No. 161

Expenditure Summary	Agency Request FY 07	Governor's Recommendation FY 07	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 1,175,609	\$ 1,190,889	\$ 0
Aid to Local Units	200,000	200,000	0
Other Assistance	116,250	116,250	0
Subtotal - Operating	<u>\$ 1,491,859</u>	<u>\$ 1,507,139</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 1,491,859</u></u>	<u><u>\$ 1,507,139</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>
FTE Positions	14.0	14.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	<u><u>14.0</u></u>	<u><u>14.0</u></u>	<u><u>0.0</u></u>

Agency Request

For FY 2007, the **agency** requests expenditures of \$1,491,859, which is a decrease of \$98,078 or 6.2 percent below the agency's FY 2006 estimate. The entire request is financed from the EMS Operating Fund.

Governor's Recommendation

For FY 2007, the **Governor** recommends expenditures of \$1,507,139, which is a decrease of \$49,824 or 3.2 percent below the FY 2006 recommendation. The recommendation is an increase of \$15,280 above the agency's request. The entire recommendation is financed from the EMS Operating Fund.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following notations.

1. **Rent.** The Subcommittee notes that the agency was forced to move from the Thacher Building to the Landon State Office Building (LSOB) in 2002. The agency reports that this has resulted in an increase in rent from \$31,350 in FY 2002 to \$50,857 in FY 2007. At the Thacher building, the rental cost was \$10.00 per square foot of office space and \$5.00 per square foot of storage space. The FY 2007 rental cost at the LSOB is reported at \$15.93 per square foot of office space and \$5.00 per square foot of storage space.
2. **Fee Fund Sweeps.** The Subcommittee notes that in recent years fee funds have been swept to cover shortfalls in the budget. For this agency, \$1,000,000 was swept in FY 2005. The agency is now facing cash flow problems due to insufficient balances in the fee fund.

Senate Subcommittee Report

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

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-334 **Budget Page No.** 365

Expenditure Summary	Agency Estimate FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 762,461	\$ 762,461	\$ 0
Aid to Local Units	0	0	0
Other Assistance	9,620,000	8,592,900	0
Subtotal - Operating	\$ 10,382,461	\$ 9,355,361	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 10,382,461	\$ 9,355,361	\$ 0
State General Fund:			
State Operations	\$ 575,802	\$ 575,802	\$ 0
Aid to Local Units	0	0	0
Other Assistance	9,493,391	8,466,291	0
Subtotal - Operating	\$ 10,069,193	\$ 9,042,093	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 10,069,193	\$ 9,042,093	\$ 0
FTE Positions	7.0	7.0	0.0
Non FTE Uncl. Perm. Pos.	4.0	4.0	0.0
TOTAL	11.0	11.0	0.0

Agency Estimate

For FY 2006, the agency estimates expenditures of \$10,382,461, which is an increase of \$3,476,364 or 50.3 percent above the amount approved by the 2005 Legislature. The estimate includes \$10,069,193 from the State General Fund and \$313,268 from all other funds. The agency requests a supplemental totaling \$3,871,113 from the State General Fund for substance abuse treatment programs under the provisions of 2003 SB 123.

Governor's Recommendation

For FY 2006, the Governor recommends expenditures of \$9,355,361, which is an increase of \$2,449,264 or 35.5 percent above the amount approved by the 2005 Legislature. The recommendation includes \$9,042,093 from the State General Fund and \$313,268 from all other funds. The Governor recommends supplemental funding of \$2,844,013 from the State General Fund for substance abuse treatment programs under the provisions of 2003 SB 123.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

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

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-334 **Budget Page No.** 365

Expenditure Summary	Agency Request FY 07	Governor's Recommendation FY 07	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 832,243	\$ 791,934	\$ 0
Aid to Local Units	0	0	0
Other Assistance	11,364,000	9,000,000	0
Subtotal - Operating	\$ 12,196,243	\$ 9,791,934	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 12,196,243</u>	<u>\$ 9,791,934</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 618,707	\$ 602,189	\$ 0
Aid to Local Units	0	0	0
Other Assistance	11,364,000	8,850,000	0
Subtotal - Operating	\$ 11,982,707	\$ 9,452,189	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 11,982,707</u>	<u>\$ 9,452,189</u>	<u>\$ 0</u>
FTE Positions	8.0	8.0	0.0
Non FTE Uncl. Perm. Pos.	5.0	4.0	0.0
TOTAL	<u>13.0</u>	<u>12.0</u>	<u>0.0</u>

Agency Request

For FY 2007, the agency requests expenditures of \$12,196,243, which is an increase of \$1,813,782 or 17.5 percent above the FY 2006 estimate. The request includes \$11,982,707 from the State General Fund and \$213,536 from all other funds. The agency requests three enhancements totaling \$5,417,541 for a Non-FTE position for program administration of 2003 SB 123, restoration of an office assistant position, and for substance abuse treatment programs under the provision of 2003 SB 123.

Governor's Recommendation

For FY 2007, the Governor recommends expenditures of \$9,791,934, which is an increase of \$436,573 or 4.7 percent above the FY 2006 recommendation. The recommendation includes \$9,452,189 from the State General Fund and \$339,745 from all other funds. The Governor recommends an enhancement of \$760,000, including \$610,000 from the State General Fund, for substance abuse treatment programs under the provision of 2003 SB 123. The Governor also

recommends the addition of 1.0 FTE positions and \$33,476 from the State General Fund to restore an office assistant position.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following notation.

1. The Subcommittee requested information on the effectiveness of the 2003 SB 123 substance abuse treatment program. The agency reported that not enough times has lapsed in the program to present statistically reliable information on the program. The Subcommittee directs the agency to report back on the results of the alternative sentencing program during the 2007 Legislative Session.

Senate Subcommittee Report

Agency: Fire Marshal

Bill No. --

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-348

Budget Page No. 167

Expenditure Summary	Agency Estimate FY 06	Governor's Recommendation FY 06	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 4,810,044	\$ 4,755,864	\$ 0
Aid to Local Units	0	0	0
Other Assistance	257,649	257,649	0
Subtotal - Operating	<u>\$ 5,067,693</u>	<u>\$ 5,013,513</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 5,067,693</u></u>	<u><u>\$ 5,013,513</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>
FTE Positions	51.0	51.0	0.0
Non FTE Uncl. Perm. Pos.	<u>3.0</u>	<u>3.0</u>	<u>0.0</u>
TOTAL	<u><u>54.0</u></u>	<u><u>54.0</u></u>	<u><u>0.0</u></u>

Agency Estimate

For FY 2006, the **State Fire Marshal** estimates expenditures of \$5,067,693, which is an increase of \$840,978 or 19.9 percent above the amount approved by the 2005 Legislature. The estimate includes a supplemental package of \$633,890 for two explosives program investigators and an administrative specialist.

Governor's Recommendation

For FY 2006, the **Governor** recommends expenditures of \$5,013,513, which is an increase of \$786,798 or 18.6 percent above the amount approved by the 2005 Legislature. The recommendation includes supplemental funding of \$579,710 from federal funds for the explosives program.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Fire Marshal

Bill No. --

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-348

Budget Page No. 167

<u>Expenditure Summary</u>	<u>Agency Request FY 07</u>	<u>Governor's Recommendation FY 07</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 4,247,180	\$ 4,183,675	\$ 0
Aid to Local Units	0	0	0
Other Assistance	250,000	208,519	0
Subtotal - Operating	<u>\$ 4,497,180</u>	<u>\$ 4,392,194</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 4,497,180</u></u>	<u><u>\$ 4,392,194</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>
FTE Positions	51.0	51.0	0.0
Non FTE Uncl. Perm. Pos.	3.0	3.0	0.0
TOTAL	<u><u>54.0</u></u>	<u><u>54.0</u></u>	<u><u>0.0</u></u>

Agency Request

For FY 2007, the **State Fire Marshal** requests expenditures of \$4,497,180, which is a decrease of \$570,513 or 11.3 percent below the FY 2006 estimate. The request includes enhancement requests of \$400,012.

Governor's Recommendation

For FY 2007, the **Governor** recommends expenditures of \$4,392,194, which is a decrease of \$621,319 or 12.4 percent below the Governor's FY 2006 recommendation. The recommendation includes enhancements of \$274,825.

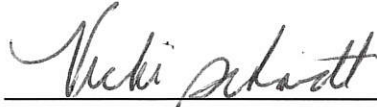
Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

FY 2006 and FY 2007

SENATE WAYS AND MEANS SUBCOMMITTEE

Kansas Highway Patrol
Adjutant General



Senator Vicki Schmidt, Chair



Senator Carolyn McGinn



Senator Chris Steineger

Senate Ways and Means
2-20-06
Attachment 2

Senate Subcommittee Report

Agency: Kansas Highway Patrol **Bill No. --** **Bill Sec. --**

Analyst: VanHouse **Analysis Pg. No.** Vol. I - 303 **Budget Page No.** 189

Expenditure Summary	Agency Estimate FY 06	Gov. Rec. FY 06	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 72,755,202	\$ 71,340,194	\$ 0
Aid to Local Units	31,642,141	31,642,141	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 104,397,343</u>	<u>\$ 102,982,335</u>	<u>\$ 0</u>
Capital Improvements	2,528,326	2,486,509	0
TOTAL	<u><u>\$ 106,925,669</u></u>	<u><u>\$ 105,468,844</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 35,294,183	\$ 34,641,983	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 35,294,183</u>	<u>\$ 34,641,983</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 35,294,183</u></u>	<u><u>\$ 34,641,983</u></u>	<u><u>\$ 0</u></u>
FTE Positions	856.0	856.0	0.0
Non FTE Uncl. Perm. Pos.	30.0	30.0	0.0
TOTAL	<u><u>886.0</u></u>	<u><u>886.0</u></u>	<u><u>0.0</u></u>

Agency Estimate

For FY 2006, the **Kansas Highway Patrol** estimates operating expenditures of \$104,397,343, which is an increase of \$18,732,234 or 21.9 percent above the FY 2005 actual amount. The estimate includes \$35,294,183 from the State General Fund. The agency requests a supplemental package of \$1,194,996 for FY 2006. The agency's capital improvement expenditure estimate for FY 2006 is \$2,528,326.

Governor's Recommendation

For FY 2006, the **Governor** recommends operating expenditures of \$102,982,335, which is an increase of \$17,317,226 or 20.2 percent above the FY 2005 actual amount. The recommendation includes \$34,641,983 from the State General Fund. The Governor recommends

a supplemental package of \$501,234 for FY 2006. Recommended capital improvements expenditures total \$2,486,509.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Kansas Highway Patrol **Bill No. --** **Bill Sec. --**

Analyst: VanHouse **Analysis Pg. No.** Vol. I - 303 **Budget Page No.** 189

Expenditure Summary	Agency Request FY 07	Gov. Rec. FY 07	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 72,673,997	\$ 72,362,466	\$ 0
Aid to Local Units	30,112,765	30,332,061	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 102,786,762</u>	<u>\$ 102,694,527</u>	<u>\$ 0</u>
Capital Improvements	1,020,190	1,020,190	0
TOTAL	<u><u>\$ 103,806,952</u></u>	<u><u>\$ 103,714,717</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 0	\$ 34,558,672	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 0</u>	<u>\$ 34,558,672</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 0</u></u>	<u><u>\$ 34,558,672</u></u>	<u><u>\$ 0</u></u>
FTE Positions	856.0	859.0	0.0
Non FTE Uncl. Perm. Pos.	30.0	30.0	0.0
TOTAL	<u><u>886.0</u></u>	<u><u>889.0</u></u>	<u><u>0.0</u></u>

Agency Request

For FY 2007, the **Kansas Highway Patrol** requests operating expenditures of \$102,786,762, which is a decrease of \$1,610,581 or 1.5 percent below the FY 2006 revised request. The request does not include funding from the State General Fund, but includes an increase in funding from the KHP Operations Fund financed through the State Highway Fund. The agency requests an enhancement package totaling \$1,209,896 for FY 2007. The agency's capital improvement expenditure request for FY 2007 totals \$1,020,190.

Governor's Recommendation

For FY 2007, the **Governor** recommends operating expenditures of \$102,694,527, which is a decrease of \$287,808 or 0.3 percent below the FY 2006 recommendation. The

recommendation includes \$34,558,672 from the State General Fund. The Governor recommends enhancements totaling \$435,661 for FY 2007. The Governor recommends capital improvements expenditures of \$1,020,190.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following notations.

1. **Future expenditure needs.** The Subcommittee notes that the agency anticipates the need for additional funding in future years for the following items of equipment:
 - Video cameras due to the transition from analog to digital technology;
 - Mobile data computers to place in officer's cars;
 - Service revolver replacement;
 - Stun guns allowing officers to respond to the use of threat of force without the need to use their service revolver; and
 - Mobile Communications and Command Center for use in locations where floods or storms have destroyed buildings, communications towers, or access to electrical power.

2. **SB 569.** The Subcommittee supports SB 569 which would allow the agency to pay claims in an amount up to \$2,500 where damage is unintentionally caused on another person's property.

Senate Subcommittee Report

Agency: Adjutant General's Department **Bill No. --**

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-255

Budget Page No. 1

<u>Expenditure Summary</u>	<u>Agency Estimate FY 06</u>	<u>Governor's Recommendation FY 06</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 30,272,385	\$ 30,180,809	\$ 0
Aid to Local Units	15,789,226	14,560,262	0
Other Assistance	15,981,348	14,752,384	0
Subtotal - Operating	\$ 62,042,959	\$ 59,493,455	\$ 0
Capital Improvements	1,850,000	1,850,000	0
TOTAL	<u>\$ 63,892,959</u>	<u>\$ 61,343,455</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 5,235,519	\$ 5,053,519	\$ 0
Aid to Local Units	1,867,394	1,722,810	0
Other Assistance	2,617,393	2,522,809	0
Subtotal - Operating	\$ 9,720,306	\$ 9,299,138	\$ 0
Capital Improvements	850,000	850,000	0
TOTAL	<u>\$ 10,570,306</u>	<u>\$ 10,149,138</u>	<u>\$ 0</u>
FTE Positions	217.0	217.0	0.0
Non FTE Uncl. Perm. Pos.	240.2	240.2	0.0
TOTAL	<u>457.2</u>	<u>457.2</u>	<u>0.0</u>

Agency Estimate

For FY 2006, the agency's revised operating request of \$62,042,959 is a decrease of \$12,543,179 or 16.8 percent below the amount approved by the 2005 Legislature. The estimate includes \$9,720,306 from the State General Fund and \$52,332,653 from all other funds. The agency requests a supplemental package of \$3,085,538 for FY 2006, including \$571,168 from the State General Fund. The agency estimates expenditures of \$1,850,000 for capital improvements in FY 2006.

Governor's Recommendation

For FY 2006, the Governor recommends operating expenditures of \$59,493,455, which is a decrease of \$15,092,683 or 20.2 percent below the amount approved by the 2005 Legislature. The recommendation includes expenditures of \$9,299,138 from the State General Fund and \$50,194,317 from all other funds. The Governor recommends a supplemental package of \$536,034, including \$150,000 from the State General Fund. The capital improvements recommendation for FY 2006 totals \$1,850,000, including \$850,000 from the State General Fund.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Adjutant General's Department **Bill No. --**

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I-255

Budget Page No. 1

Expenditure Summary	Agency Request FY 07	Governor's Recommendation FY 07	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 31,879,627	\$ 31,767,704	\$ 0
Aid to Local Units	30,263,438	17,344,100	0
Other Assistance	27,737,538	14,818,200	0
Subtotal - Operating	<u>\$ 89,880,603</u>	<u>\$ 63,930,004</u>	<u>\$ 0</u>
Capital Improvements	2,160,000	2,160,000	0
TOTAL	<u><u>\$ 92,040,603</u></u>	<u><u>\$ 66,090,004</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 5,638,288	\$ 5,719,670	\$ 0
Aid to Local Units	3,034,628	1,500,000	0
Other Assistance	3,034,628	1,550,000	0
Subtotal - Operating	<u>\$ 11,707,544</u>	<u>\$ 8,769,670</u>	<u>\$ 0</u>
Capital Improvements	1,160,000	1,160,000	0
TOTAL	<u><u>\$ 12,867,544</u></u>	<u><u>\$ 9,929,670</u></u>	<u><u>\$ 0</u></u>
FTE Positions	217.0	217.0	0.0
Non FTE Uncl. Perm. Pos.	273.2	269.2	0.0
TOTAL	<u><u>490.2</u></u>	<u><u>486.2</u></u>	<u><u>0.0</u></u>

Agency Request

For FY 2007, the agency requests operating expenditures of \$89,880,603, which is an increase of \$27,837,644 or 44.9 percent above the FY 2006 revised request. The request includes expenditures of \$11,707,544 from the State General Fund and \$78,173,059 from all other funds. The agency request includes an enhancement package of \$53,200,846 for FY 2007, including \$6,589,599 from the State General Fund. The agency requests expenditures of \$2,160,000 for capital improvements in FY 2007.

Governor's Recommendation

For FY 2007, the Governor recommends operating expenditures of \$63,930,004, which is an increase of \$4,436,549 or 7.5 percent above the FY 2006 recommendation. The recommendation includes expenditures of \$8,769,670 from the State General Fund and \$55,160,334 from all other funds. The Governor recommends enhancements of \$26,812,684, including \$3,601,075 from the State General Fund. The capital improvements recommendation for FY 2007 totals \$2,160,000, including \$1,160,000 from the State General Fund.

Senate Subcommittee Recommendation

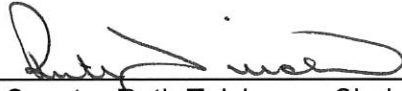
The Subcommittee concurs with the Governor's recommendation with the following notations.

1. **Disaster Response.** The Subcommittee received information on the match funding necessary for disaster response. This funding fluctuates from year-to-year depending on the number and size of disasters which require a response by the agency. The agency reported that additional funding may be necessary at a later point in time. The Subcommittee recommends review of this item during Omnibus.
2. **Utilities.** The agency reported that utility bills for the Armories and Air National Guard Bases are 16 percent higher than last year's bills. If this continues, utility expenditures could be under funding by up to \$65,000 for the Armories and \$69,000 for the Air National Guard Bases. The Subcommittee recommends that this item be reviewed during Omnibus.

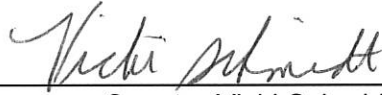
FY 2006 and FY 2007

SENATE WAYS AND MEANS SUBCOMMITTEE

Kansas Bureau of Investigation
Parole Board



Senator Ruth Teichman, Chair



Senator Vicki Schmidt



Senator Jim Barone

Senate Ways and Means
2-20-06
Attachment 3

Senate Subcommittee Report

Agency: Kansas Bureau of Investigation **Bill No. --**

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I - 285 **Budget Page No.** 239

Expenditure Summary	Agency Estimate FY 06	Gov. Rec. FY 06	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 23,116,379	\$ 22,841,047	\$ 0
Aid to Local Units	1,455,004	1,455,004	0
Other Assistance	400	400	0
Subtotal - Operating	<u>\$ 24,571,783</u>	<u>\$ 24,296,451</u>	<u>\$ 0</u>
Capital Improvements	245,000	245,000	0
TOTAL	<u><u>\$ 24,816,783</u></u>	<u><u>\$ 24,541,451</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 14,043,595	\$ 13,768,263	\$ 0
Aid to Local Units	0	0	0
Other Assistance	400	400	0
Subtotal - Operating	<u>\$ 14,043,995</u>	<u>\$ 13,768,663</u>	<u>\$ 0</u>
Capital Improvements	245,000	245,000	0
TOTAL	<u><u>\$ 14,288,995</u></u>	<u><u>\$ 14,013,663</u></u>	<u><u>\$ 0</u></u>
FTE Positions	207.0	207.0	0.0
Non FTE Uncl. Perm. Pos.	104.7	104.7	0.0
TOTAL	<u><u>311.7</u></u>	<u><u>311.7</u></u>	<u><u>0.0</u></u>

Agency Estimate

The Kansas Bureau of Investigation estimates operating expenditures of \$24,571,783, including \$14,043,995 from the State General Fund. The estimate is an increase of \$957,871 or 4.1 percent above the amount approved by the 2005 Legislature. The KBI estimates expenditures of \$245,000 from the State General Fund for capital improvements.

Governor's Recommendation

The Governor recommends operating expenditures of \$24,296,451, including \$13,768,663 from the State General Fund. The recommendation is an increase of \$682,539 or 2.9 percent above the amount approved by the 2005 Legislature. The capital improvements expenditure recommendation totals \$245,000 from the State General Fund.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Kansas Bureau of Investigation **Bill No. --**

Bill Sec. --

Analyst: VanHouse

Analysis Pg. No. Vol. I - 285 **Budget Page No.** 239

Expenditure Summary	Agency Request FY 07	Gov. Rec. FY 07	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 26,461,530	\$ 23,669,215	\$ 263,212
Aid to Local Units	1,328,018	1,328,018	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 27,789,548</u>	<u>\$ 24,997,233</u>	<u>\$ 263,212</u>
Capital Improvements	875,295	488,075	811,925
TOTAL	<u><u>\$ 28,664,843</u></u>	<u><u>\$ 25,485,308</u></u>	<u><u>\$ 1,075,137</u></u>
State General Fund:			
State Operations	\$ 18,344,687	\$ 15,553,754	\$ 263,212
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 18,344,687</u>	<u>\$ 15,553,754</u>	<u>\$ 263,212</u>
Capital Improvements	875,295	350,000	950,000
TOTAL	<u><u>\$ 19,219,980</u></u>	<u><u>\$ 15,903,754</u></u>	<u><u>\$ 1,213,212</u></u>
FTE Positions	234.0	213.0	0.0
Non FTE Uncl. Perm. Pos.	92.2	102.2	0.0
TOTAL	<u><u>326.2</u></u>	<u><u>315.2</u></u>	<u><u>0.0</u></u>

Agency Estimate

For FY 2007, the Kansas Bureau of Investigation requests operating expenditures of \$27,789,548, including \$18,344,687 from the State General Fund. The request is an increase of \$3,217,765 or 13.1 percent from the FY 2006 estimate. The agency's FY 2007 capital improvement request totals \$875,295 from the State General Fund. Included in the request is \$4,545,760 for operating enhancements and \$625,295 for capital improvement enhancements.

Governor's Recommendation

For FY 2007, the Governor recommends operating expenditures of \$24,997,233, including \$15,553,754 from the State General Fund. The recommendation is an increase of \$700,782 or 2.9 percent above the FY 2006 recommendation. The capital improvements expenditure recommendation totals \$350,000 from the State General Fund. Included in the recommendation is \$1,441,797 for operating enhancements and \$100,000 for capital improvement enhancements.

Senate Subcommittee Recommendation

The Subcommittee concurs with the Governor's recommendation with the following notations.

1. **7.5 Percent Salary Increase.** Add \$263,212 from the State General Fund, for an additional 7.5 percent salary increase for agents. The agency reported that a 2002 Central States Survey reported that the pay of the Special Agent class was 26.0 percent below the average pay of their peers within the study group. The 2005 Legislature funded half, or 7.5 percent, of the total request. The agency reported that the completion of this plan is the agency's top priority.
2. **Special Agent Positions.** The Subcommittee notes the agency's request of \$979,533 from the State General Fund for nine Special Agents. The agency reports that it has been short on criminal investigative staff for several years. The nine vacancies represent over ten percent of the KBI agent workforce. The Subcommittee recommends consideration of this item at Omnibus.
3. **Staffing for Offender Registration Unit.** The Subcommittee recommends consideration at Omnibus of \$166,151 from the State General Fund and three additional FTE in the existing Offender Registration Unit. The Governor's recommended two of the five positions requested by the agency. The unit is responsible for implementing the KBI responsibilities of the Kansas Offender Registration Act. The agency reports that an internal staffing/process review was conducted in conjunction with an audit requested by the Attorney General. The review indicated that optimal unit staffing is nine, with the current staffing level at four.
4. **Great Bend Laboratory.** Add \$950,000 from the State General Fund to finish the existing second floor of the Great Bend Laboratory. The renovation would result in an additional 4,300 square feet for the forensic laboratory. The Subcommittee recommends a total reduction of \$763,011 from the Forensic Laboratory and Materials Fee Fund approved by the 2005 Legislature for this project for FY 2006, FY 2007, FY 2008, and FY 2009. The agency reports that balances in the fee fund are not sufficient to complete the project.
5. **IMA Building.** The Subcommittee encourages the Joint Committee on State Building Construction to consider the purchase of the IMA Building, including the two lots directly north of the IMA and KBI Headquarters buildings. The agency reported that the IMA insurance company recently approached the agency about the possibility of purchasing their Topeka office. The IMA building is located next door to the KBI Headquarters building. IMA is consolidating their Topeka and Kansas City office and are planning to vacate the building. The agency is actively exploring this possibility. The building was constructed in 1986 and has approximately 13,000 square feet, with eight offices, 42 Herman Miller style cubicles, two conference rooms, a large training room, a computer training room, and almost 60 parking spaces. The agency reports that IMA would leave the furnishings, leaving the building in "move-in" condition, with the exception of some communication and security upgrades. The agency reported that some administrative offices, the Registered Offenders sections, and the agent offices would be relocated to the IMA building, creating additional space in the existing Headquarters building for the laboratory. The agency also reported that purchase

of the two lots directly north of the IMA property would assist the agency in planning for future building needs.

Senate Subcommittee Report

Agency: Kansas Parole Board **Bill No. --**

Bill Sec. --

Analyst: Krahl

Analysis Pg. No. Vol. 1- 324

Budget Page No. 317

Expenditure Summary	Agency Estimate FY 2006	Governor's Recommendation FY 2006	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 457,714	\$ 457,714	\$ 0
Other Funds	0	0	0
Subtotal - Operating	\$ 457,714	\$ 457,714	\$ 0
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	\$ 0	\$ 0	\$ 0
TOTAL	\$ 457,714	\$ 457,714	\$ 0
FTE Positions	3.0	3.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	3.0	3.0	0.0

Agency Estimate

The Kansas Parole Board estimates FY 2006 operating expenditures of \$457,714 from the State General Fund, an increase of \$4,726 (1.0 percent) above the approved amount. The increase is the result of an unlimited State General Fund reappropriation from FY 2005.

Governor's Recommendation

The Governor concurs with the agency's estimate.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation.

Senate Subcommittee Report

Agency: Kansas Parole Board **Bill No. --**

Bill Sec. --

Analyst: Krahl

Analysis Pg. No. Vol. 1 - 324

Budget Page No. 317

Expenditure Summary	Agency Request FY 2007	Governor's Recommendation FY 2007	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 444,488	\$ 453,659	\$ 0
Other Funds	0	0	0
Subtotal - Operating	\$ 444,488	\$ 453,659	\$ 0
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0
Subtotal - Capital Improvements	\$ 0	\$ 0	\$ 0
TOTAL	\$ 444,488	\$ 453,659	\$ 0
FTE Positions	3.0	3.0	0.0
Non FTE Uncl. Perm. Pos.	0.0	0.0	0.0
TOTAL	3.0	3.0	0.0

Agency Request

The Kansas Parole Board requests FY 2007 operating expenditures of \$444,488 from the State General Fund, a decrease of \$13,226 (2.9 percent) below the FY 2006 estimate. The operating expenditures include \$385,726 for salaries and wages for 3.0 FTE positions, \$54,862 for contractual services and \$3,900 for commodities.

Governor's Recommendation

The Governor recommends FY 2007 operating expenditures of \$453,659, a decrease of \$4,055 (0.9 percent) below the FY 2006 recommendation and an increase of \$9,171 (2.1 percent) above the Parole Board request. The recommendation includes \$9,171 from the State General Fund for a 2.5 percent base salary increase.

Senate Subcommittee Recommendation

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

1. The Senate Subcommittee requests the Parole Board provide to the Senate Ways and Means Committee by March 13, 2006, specific recommendations for allowing it discretion in decision making for post release violators. Currently, the

penalty imposed for parole revocation is 90 days. Some offenders serve their 90 days, get released, violate soon thereafter, serve another 90 days, and the cycle continues until they reach their sentence discharge date. The Parole Board would like the option to require certain post release violators to serve more than 90 days which would give the Board the opportunity to work with these violators and ensure they receive the proper treatment so they do not return as a violator in the future. The Board also recommends eliminating the final hearing waiver which presently allows an offender to waive the right to see the Parole Board and start the revocation penalty immediately. Allowing a post release violator to waive their hearing has meant fewer obstacles for parole officers to prove violations or find alternatives. There are other strategies that can be reviewed which may require changes in policy or statute. One strategy is reviewing the procedure for withholding good time for absconders and another would be to utilize hearing officers to work with the Parole Board which would allow for the planning and development of more neutral alternatives and resources in the community which can be used to direct violators to alternatives other than revocation.

2. The Senate Subcommittee encourages the Parole Board to examine the possibility of either offering video conferencing or traveling to Western Kansas to hold Public Comment Sessions to better serve the citizens of that area of Kansas. The Subcommittee notes that people from Western Kansas must travel to either Wichita, Topeka or Kansas City to attend and participate in Public Comment Sessions.

KANSAS

KANSAS PAROLE BOARD

Marilyn Scafe, Chairperson
Paul Feleciano, Member
Robert Sanders, Member

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

TO: Senate Ways and Means Committee

FROM: Kansas Parole Board

DATE: February 20, 2006

RE: Proposed Changes to Decrease Admissions for Parole Violations

In the past, the Kansas Parole Board has been involved in a number of initiatives in collaboration with the Department of Corrections to address a pattern of increasing admissions for condition violators. Consultants and professionals with the National Institute of Corrections, the Center for Effective Public Policy, the Center for Sex Offender Management, and the Council for State Governments have assisted with the projects. Technical assistance grants were given for condition violators, sex offender management, mental health and the implementation of the new risk and needs assessment instrument. The board has also been a partner from the beginning with the SVORI re-entry grant. All of this work has contributed to the current ongoing decrease in condition violators. However, as the board problem-solves individual cases, additional possibilities to impact the number of violators have become apparent.

The above initiatives are all directed to the principles of risk reduction. Not only is this work important for the safety of the community, but it also leads to an effective way to manage our decisions regarding which offenders are returned to prison. The board proposes the following options to further reduce the number of admissions for violators. All can be managed by risk principles.

1. Give the board discretion over sentence guidelines violators

Post release periods of supervision are designated by statute with very limited discretion for the board to make decisions based on individual situations and circumstances. When an offender is returned for violations, there is no consideration for risk and need factors for determining the suitability for release. If the board were given discretion, violators could be assessed for appropriate programming needs relating to their risk factors. This would also reduce the possibility of future violations. The time to complete facility based programming related to the violation, especially for sex offender and substance abuse issues, would be available. Policy would need to be developed using risk and needs to guide decision-making regarding which violators would be sent back to the board, and which would be dealt with in the community.

Some condition violators may spend more than the current average of 107 days after revocation. However, some will spend less. Offenders tell the board that they choose to return for the 90 day penalty rather than comply with more difficult interventions or conditions in the community. It is believed that the possibility of a longer stay after revocation to complete board recommendations will motivate some offenders to change this thinking.

900 SW Jackson-4th Floor, Topeka, KS 66612-1220

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Senate Ways and Means
2-20-06
Attachment 4

to further motivate offenders in the community, the board could consider offenders by risk and compliance criteria for early discharge from community supervision. Leaving the post release periods the same, but giving the board this type of discretion, would offer more flexibility for parole officers. They would be able to develop case management with early discharge as an incentive. Those offenders who have reached maximum benefit from supervision would be totally removed from the caseload, thus allowing more time and resources for higher risk level offenders. There would no longer be good time earned on supervision. This removes the burden of tracking good time, thereby freeing more of the parole officer's time for more quality case management.

2. Rescind waivers of final hearings

The 1999 legislature revised K.S.A. 75-5217 to allow an offender with a determinate sentence who commits a violation of the conditions of post release supervision to waive the right to a final hearing before the Kansas Parole Board under such terms and conditions as promulgated by the board. Further, in the event that an offender does waive, the offender will begin accruing time served on the revocation effective as of the date of the waiver. Amended/new regulations took effect in November of 1999 and are found under K.A.R. 45-9-4. This means the penalty time starts while the offender is still in the county jail waiting for transportation back to the DOC. This was designed to be an incentive to the offender to sign the waiver, as it can take several weeks to be returned and perhaps up to a month to be heard by the board. Without the waiver, the time does not start until the offender is seen by the board. The original outcome for this change was to move the violators through the system in a timelier manner, and thereby open up more bed space. However, several negative outcomes developed which could be contributing to some of the increase in admissions for violators.

One of the negative outcomes is the attitude of offenders who have violated. They express that it is easier to sign the waiver, serve the 90 days immediately, and proceed to the next release. Violators are more likely to sign the waiver and do their 90 days than agree to alternative plans in the community which may take more accountability and more time to complete. This procedure also has made fewer obstacles for parole officers to prove the violations and/or find alternatives. Since the board never interviews these violators, there is not the same level of review for violations among all offenders. The result is that waivers have provided the path of least resistance, and offenders are passing through the prison system without the root causes of their violations being addressed. Because it is the easier way, more violators are waiving their final hearings as opposed to have a hearing by the board.

3. Withholding absconder time

If an offender absconds from supervision, a warrant is issued and time on the sentence is suspended until the offender is arrested. Currently, the time suspended can not be withheld and added on to the maximum date unless the offender is sent back to DOC and a decision for revocation is rendered by the board. If a hearing could be held in the county jail and the offender continued on supervision, a possible sanction to be determined by the hearing officer could be to withhold the suspended time. This would avoid sending the offender back to DOC in order to accomplish this penalty. There are a number of absconders who do not report because they are engaging in substance use/abuse. Treatment in the community is a much better option for some of these cases. Use of this option should be according to a policy regarding risk and needs, and assessment for treatment levels.

4. Hearing Officers assigned to the KPB

Currently, hearing officers are DOC parole staff assigned to conduct preliminary hearings as required by *Morrissey v Brewer*. This probable cause hearing is a step in the due process for violations. It is required that the hearings are held near the vicinity where the violation occurred. This usually means the hearing is conducted in the county jail where the offender is being held on the parole violation warrant. This is the setting which is most appropriate for the offender's representation by an attorney, and to hear witness testimony.

In the present structure, the hearing officers are also performing duties as parole staff. Our assistant attorney general views this as a conflict of interest because the hearing is not conducted by impartial staff. DOC legal has concurred. All concerned are in agreement that assigning hearing officers to the board's staff would address this conflict. The DOC staff position of parole board administrator would be the appropriate supervisor for hearing officers. Board member decisions regarding all violations and special conditions are processed by this position. The board administrator is accountable to the Director of Release Planning, which is a position not under parole. Within this organizational structure, the board would have more direct access to the hearing officers and more efficient communication and implementation of board expectations. Improving the quality of the due process of the violation procedure is just one benefit. Hearing officers can free time for parole supervisors, assist in training, expand the ability of DOC to develop local resources, and upgrade the reentry planning process by developing a system for more informed decisions regarding special conditions.

Proposed Duties:

- Preliminary hearings for violators (Due process)
- Hearings to determine absconder time withheld
- Pre revocation hearings for alternative sanctions such as day report center, structured living, treatment
- Work with local reentry panels to establish local resources for violation sanctions and develop community input regarding the risk the individual offender may pose to the community and a specific neighborhood
- Investigate determinate sentence offenders to establish recommended conditions for release.
- Train parole officers and local reentry accountability panels regarding the violation process
- Investigate Interstate Compact violators to determine who is appropriate for extradition.

If there is agreement that these proposals are worth pursuing, there would need to be further research regarding the necessary statute, regulation, and policy changes. An impact statement by the Sentencing Commission would also be needed. Further refinement of the proposals would be done by the appropriate staff from DOC to make certain that all factors and consequences are considered. Finally, a cost analysis is necessary. Personnel costs can be weighed against the savings from the decrease of admissions for violators.