

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on January 27, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Michael Steiner, Kansas Legislative Research Department
Estelle Montgomery, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Ray Dalton, Deputy Secretary, Department of Social and Rehabilitation Services (SRS)
Kim Barnes, Legislative Chairman, Pawnee County Economic Development

Others attending:

See attached list.

Introduction of Legislation

Senator Terry Bruce appeared before the Committee to request the introduction of legislation pertaining to the Economic Revitalization and Reinvestment Act.

Senator McGinn moved to introduce legislation concerning the Economic Revitalization and Reinvestment Act. The motion was seconded by Senator Masterson. Motion carried.

Senator Lee moved to introduce legislation relating to traffic in contraband at a correctional institution. The motion was seconded by Senator Wysong. Motion carried.

Senator Lee moved to introduce legislation relating to a defendant's competency. The motion was seconded by Senator Kelly. Motion carried.

Current status of the Sexual Predator Treatment Program and Expansion

Ray Dalton, Deputy Secretary of Disability & Behavioral Health Services, Department of Social and Rehabilitation Services (SRS), presented an overview of the Sexual Predator Treatment Program and Expansion (Attachment 1). The Sexual Predator Treatment Program (SPTP) was established in 1994 to provide treatment for convicted sex offenders who have finished their prison sentences, and who have been civilly committed by the courts to the SPTP inpatient treatment program at Larned State Hospital (LSH).

Mr. Dalton noted that states are required to provide a minimally acceptable and appropriate level of professional treatment to those who are forcibly detained. The SPTP program is comprised of 7 phases of treatment. It has been steadily growing in numbers from its inception with 175 residents in the program at Larned and 8 residents in the transition program at Osawatomie State Hospital (OSH). Mr. Dalton stated it is difficult to predict the actual number of offenders who will enter the program each year.

Because of public concern about locating the sexual predators in the community, it has been difficult to find suitable placements for offenders who have been determined to no longer be a public safety threat due to their age and health condition.

Mr. Dalton stated that SRS has requested staffing funds for the increase in census based on a when-needed funding process, because of the unpredictability of the actual number of offenders who will enter the program from year to year. The request for additional funding is based on whether there is a need to open a new ward or a need for additional staff in an existing ward. The staffing ratio of total staff to residents for the SPTP is

CONTINUATION SHEET

Minutes of the Senate Ways And Means Committee at 10:30 a.m. on January 27, 2009, in Room 545-N of the Capitol.

1.55, as compared to a staff to patient ratio of 2.57 for the other programs provided at LSH. Mr. Dalton noted if current growth in the program is maintained, the program will be out of space at LSH during FY 2012 and out of space at OSH in FY 2010. In addition to the staffing requests, SRS is requesting the following funding for capital improvements:

- \$2,538,800 from the State Institutions Building Fund (SIBF) for planning a 90-bed expansion at LSH, and \$40,082,060 over FY 2011 and FY 2012 for the construction of the 90-bed expansion.
 - \$263,350 in FY 2010 from the SIBF to renovate an area adjacent to the existing Transitional House Services (THS) program to add 4 beds.
 - \$318,202 planning money for the construction of a 28-bed expansion at THS and requesting \$5,073,143 for construction of the 28-bed facility. This estimate does not include the cost of land, or any other additional cost of bringing roads and utilities to the site selected, plus increase in staffing to operate the facility.
- ◆ The Committee requested an overview of the Texas outpatient program.
 - ◆ The Committee requested that SRS work to develop a plan that would meet the constitutional requirements of the program at a lower cost to the state and present the plan to the Legislature for review with the FY 2010 budget.

Kim Barnes, Legislative Chairman, Pawnee County Economic Development, presented testimony on the Larned State Complex ([Attachment 2](#)). Mr. Barnes stated there are 3 psychiatric programs at LSH including the Psychiatric Service Program (PSP) providing psychiatric treatment to adults, adolescents and children; the State Security Program (SSP) serving male and female adult mentally ill criminal population from the entire state; and the SPTP program. Mr. Barnes noted the shortfalls in funding for the programs could cause a concern for public safety within the state.

Responding to a question from the Committee, Mr. Barnes felt the community adjacent to LSH of approximately 22 counties would be able to supply a workforce for an expansion at LSH.

Adjournment

The next meeting is scheduled for January 29, 2009.

The meeting was adjourned at 11:45 a.m.