

## MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on March 13, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Ty Masterson - excused

Committee staff present:

Alan Conroy, Kansas Legislative Research Department  
J. G. Scott, Kansas Legislative Research Department  
Michael Steiner, Kansas Legislative Research Department  
Estelle Montgomery, Kansas Legislative Research Department  
Reagan Cussimano, Kansas Legislative Research Department  
Cody Gorges, Kansas Legislative Research Department  
Jonathan Tang, 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:

Senator Pat Apple  
Ray Dalton, Deputy Secretary, Department of Social and Rehabilitation Services (SRS)

Others attending:

See attached list.

### **Introduction of proposed legislation**

Senator Kultala moved to introduce legislation concerning abolishing Kansas Technology Enterprise Corporation and transferring their powers and duties to the Department of Commerce and Board of Regents (9rs0670). The motion was seconded by Senator Lee. Motion carried on a voice vote. Senator McGinn requested to be recorded as voting "no".

Senator Schmidt moved to introduce legislation regarding fees for Board of Healing Arts (9rs0973). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Schmidt moved to introduce legislation regarding pensions and retirement for the Kansas fire and police retirement system (HB 2107). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

### **Referral of legislation**

The Chairman referred **SB 221** to the Joint Committee on Kansas Security for review.

### **Discussion and Action on SB 205 - Prohibiting the development finance authority from refunding any bonds for any state agency unless specifically approved by an act of the legislature.**

Chairman Emler reminded the Committee that Senator Vratil had offered an amendment during discussion of **SB 205** on March 5, 2009. The Vratil amendment would allow the State Finance Council to act as a matter of legislative delegation when the Legislature is not in session. The Chairman noted that the Committee recommended adding language to the Vratil amendment after the word "thereto" stating "except that such approval may be given while the Legislature is in session".

Senator Kelly presented an amendment to **SB 205** (Attachment 1). The amendment would add language to allow for the refunding of bonds only if such refunding resulted in a lower interest rate and allow for approval by the State Finance Council even if the Legislature is in session.

Senator Vratil moved to amend **SB 205** with the proposed Vratil amendment and further add language to the

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amendment after the word “thereto” stating “except that such approval may be given while the Legislature is in session”. The motion was seconded by Senator Wysong. Motion carried on a vote of 6-4.

Senator Vratil moved to recommend **SB 205** favorable for passage as amended. The motion was seconded by Senator Taddiken. Motion carried on a voice vote.

### **Correction on Subcommittee Report on Kansas Historical Society**

Senator Wysong moved to amend the Subcommittee report on the Kansas Historical Society by deleting an additional \$119,484 State General Fund, to achieve the target reduction of 10.0 percent below the Governor’s FY 2009 recommendation. The motion was seconded by Senator Kultala. Motion carried on a voice vote.

Senator Wysong noted that a revised reduction priority list has been added to the Subcommittee report.

### **Subcommittee Report on Social and Rehabilitation Services (SRS) Hospitals**

Senator McGinn, Chair of the Subcommittee, presented the Subcommittee report on the Governor’s budget recommendations for the SRS Hospitals for FY 2010 with notations and adjustments (Attachment 2).

Senator McGinn moved to amend the Subcommittee report on the Larned State Hospital by adding language to Item No. 4 indicating that legislation has been introduced. The motion was seconded by Senator Wysong. Motion carried on a voice vote.

Senator McGinn presented a minority report regarding the Subcommittee report on the FY 2010 Larned State Hospital and FY 2010 Parsons State Hospital and Training Center (Attachment 3).

Senator McGinn moved to adopt the Subcommittee Report on the Governor’s budget recommendations for the SRS Hospitals for FY 2010 with notations and adjustments as amended. The motion was seconded by Senator Lee. Motion carried on a voice vote. Senator Wysong requested to be recorded as voting “no”.

### **Subcommittee Report on State Department of Education**

Senator Emler, Chair of the Subcommittee, presented the Subcommittee report on the Governor’s budget recommendations for the State Department of Education for FY 2010 with notations and adjustments (Attachment 4).

Senator Vratil presented a minority report on the Subcommittee report on the State Department of Education (Attachment 5).

Senator Schodorf moved to amend the Subcommittee report on the State Department of Education by adding language to request a review of the funding for the Kansas Career Pipeline at Omnibus. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator Emler moved for the adoption of the Subcommittee report on the Governor’s budget recommendations for the State Department of Education for FY 2010 with notations and adjustments as amended. The motion was seconded by Senator Kelly. Motion carried on a voice vote.

### **Hearing on SB 294 - Amendments to the Kansas whistleblowers act; employee suggestion program.**

Jill Wolters, Revisor, explained that **SB 294** amends the whistleblowers act to include other types of action which is disciplinary action (Attachment 6). The bill reinstates the state employee suggestion program which sunset on July 30, 2006. There is no sunset included in **SB 294**.

There were no proponents, neutrals or opponents to come before the Committee.

**The hearing on SB 294 was closed.**

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Senator Kelly moved to table **SB 294** and take no action. The motion was seconded by Senator Kultala. Motion carried on a voice vote.

### **Hearing on SB 310 - SRS prohibited from placing more than six sexually violent predators in any one county on transitional release or conditional release.**

Jill Wolters, Revisor, explained that **SB 310** would limit the number of predators, to no more than 6, who could be placed in a county on transitional release or conditional release (Attachment 7). This limitation would take effect on January 1, 2009. Current statute directs that persons who are sexually violent predators are committed to the custody of SRS for treatment. Following treatment in custody, a person may reach transitional release or conditional release.

Senator Pat Apple appeared before the Committee in support of **SB 310** (Attachment 8). The Senator stated that the Legislature's original intent was to locate transition houses in communities across the state. Currently, all level 6 and 7 predators are in one location on the campus of Osawatomie State Hospital. The number of predators in these levels is growing. The Community feels it is unfair and unsafe to locate all in one location. Additionally, there is a school on the grounds of the Osawatomie State Hospital and families living in close proximity to the State Hospital. A number of letters from interested parties was attached to Senator Apple's testimony. Senator Apple stated that, although the community leaders have contacted the Governor's office and SRS, it has been difficult to get answers from anyone about the program.

Ray Dalton, Deputy Secretary, Department of Social and Rehabilitation Services (SRS), presented testimony as neutral on **SB 310** (Attachment 9). Mr. Dalton noted that the Sexual Predator Treatment Program (SPTP) is a seven-phase program with offenders moving through the various phases. Offenders in the 6 and 7 phase of the program are on the grounds of the Osawatomie State Hospital. Some of the offenders who are sent to Osawatomie State Hospital, are returned to Larned State Hospital because of unsuccessful adjustment. A total of 19 residents have been referred from Larned State Hospital to the transitional program at Osawatomie State Hospital. Of those, 7 have been returned to the Larned campus. Two residents have completed the program and achieved final release. Mr. Dalton felt that the participants in the program are chaperoned and closely supervised wherever they go.

Responding to questions from the Committee, Mr. Dalton stated that the \$850,000 for another facility as noted in the fiscal note on **SB 310** is the same amount as budgeted for the Osawatomie State Hospital and includes staff and related items only. Housing costs are not included in this amount.

The Committee voiced concerns with possible conflicts between this legislation and 2006 **SB 506**. Other concerns include the cost of finding another provider, required zoning changes and start-up costs for another location. The Committee also voiced concern that locating the current SPTP program on the grounds of the Osawatomie State Hospital, could be out-of-compliance with the law as to where such facilities could be located.

There were no other conferees to come before the Committee.

**The hearing on SB 310 was closed.**

Chairman Emler appointed a Subcommittee consisting of Senator Umbarger, Chair and Senators Lee, Wysong and Apple to review the conditions of 2006 **SB 506** and **SB 310** and provide a report of their findings to the Committee at a later date.

### **Adjournment**

The next meeting is scheduled for March 16, 2009.

The meeting was adjourned at 12:15 p.m.