

MINUTES OF THE SENATE WAYS & MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on January 18, 1999 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Rae Anne Davis, KS Legislative Research Department
Debra Hollon, KS Legislative Research Department
Judy Bromich, Administrative Assistant

Conferees appearing before the committee:

Secretary Charles E. Simmons, Department of Corrections
Barbara Tombs, Executive Director, KS Sentencing Commission

Others attending: See Attached List

Chairman Kerr introduced the Secretary of Corrections, Charles Simmons, who appeared before the Committee to brief members on the inmate population increase and the proposed inmate capacity expansion. He reviewed the charts contained in his written testimony. (Attachment 1) In discussing Chart 7, he noted that 26% of the inmates are maximum security, 40% are medium security and the balance is minimum security. In answer to a question regarding the information in this chart, he stated that the 43 minimum security beds at Larned State Security Hospital are for substance abuse inmates and the 47 beds in maximum security are in the mental illness section.

In discussing Chart 8, (KDOC Population versus Capacity), the Secretary noted that Hutchinson Correctional Facility is running above capacity. He stated that Hutchinson has multi-purpose cells which are housing 5 medium security inmates though they are designed to house 3. The Court capped the number at 3 in 1989 and the order is now closed. He noted that plaintiffs would have to show constitutional violation before the caps can be revisited.

The Secretary told Committee members that the number of return admissions for condition violations has increased partly because the Department is doing more drug testing. There was Committee discussion regarding the number of community residential and substance abuse beds. In answer to a question, Secretary Simmons stated that a great portion of the money appropriated by the Legislature for community substance abuse and work release programs has not been expended (because no one bid on the community project, and the work release program on TSH grounds wasn't done because of neighborhood objections) and is in the balance of the Federal Crime Bill Fund. He informed members that the Federal Crime Bill Fund could be used for community transitional programs only if the programs would free up beds. Secretary Simmons stated that he would make the substance abuse program evaluation document available to members.

Reviewing the Governor's FY 2001 capacity-related recommendations, Secretary Simmons noted that the Department expects an additional federal grant award this year, but the amount is unknown. He said that they're writing the grants so that the Dept. can use the monies at El Dorado or for maximum security juvenile unit programs without getting into a supplanting issue. In response to requests, the Secretary stated that he would provide the following information:

- the annual operating costs and debt service at TCF and El Dorado
- current debt service on existing bonds
- comparison of available beds, capacity expansion costs, and operational costs of the proposed expansion at the Hutchinson Correctional Facility and the El Dorado Correctional Facility

Senator Kerr told the Secretary that some legislators may say that no more prison beds should be provided

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and other ways should be found to deal with the problem. He asked the Secretary to provide a response as to what his recommendation would be if that were to be the new policy of the Legislature.

Ms. Barbara Tombs, Executive Director of the Kansas Sentencing Commission, presented an overview of the impact of Sentencing Guidelines on prison population. (Attachment 2) She cited particularly admission rates and length of stay as primary factors that alter prison population. She explained how legislative mandates had affected those two factors and the “stacking effect” that has increased prison population as a result.

A document outlining the violations which lead to the incarceration of conditional parole/postrelease violators was requested.

The Chairman apologized for not having time to adequately review the Director’s written testimony in Committee. He asked that members read the testimony as the Committee might want to consider addressing issues that would impact prison population.

The meeting was adjourned at 12:10 p.m. The next meeting will be January 19, 2000.