

## MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 a.m. on January 29, 2004 in Room 514-S of the Capitol.

All members were present except:

Representative Dean Newton- excused

Committee staff present:

J. G. Scott, Legislative Research  
Amy VanHouse, Legislative Research  
Michele Alishahi, Legislative Research  
Becky Krahl, Legislative Research  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Administrative Analyst  
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Patricia Scalia, Executive Director, Board of Indigents Defense Services (BIDS)  
Roger Werholtz, Secretary, Department of Corrections (DOC)

Others attending:

See Attached List.

- Attachment 1 Overview of Board of Indigent's Defense Services (BIDS)
- Attachment 2 Overview of the Department of Corrections (DOC)
- Attachment 3 Risk Management, Department of Corrections (DOC)

The Chair recognized Patricia Scalia, Executive Director of the Board of Indigents Defense Services (BIDS), who presented an overview of the FY 2004 and FY 2005 budget needs of the Board (Attachment 1). Ms. Scalia addressed the issue of establishing a public defender's office in Independence because of the difficulty in staffing the public defender's office in Chanute requiring extra funding for assigned counsel for FY 2004. Requests for FY 2005 include an increase in the hourly rate paid to assigned counsel, funds to set up a death penalty conflicts office and an increase in public defender pay.

Because of the lack of attorneys in Independence, the Committee proposed that it might be feasible to combine the Independence and Chanute offices. Ms. Scalia indicated that there are attorneys who would close a private practice to work for the State; however, are not interested in doing assigned counsel work because of the pay rate. In response to a question from the Committee, Ms. Scalia stated that the cost of the Chanute office is approximately \$300,000. Ms. Scalia indicated that the State uses the federal poverty guidelines in determining eligibility for the services of an attorney; however, in some cases felt this is not being consistently practiced across the State. The Committee felt this might be an area that needs to be reviewed. The Committee noted that there were other questions to be answered, noting also that one reason the State might be having trouble obtaining the services of attorneys, could be professional liability and recommended this be an area to be addressed..

Chairman Neufeld thanked Ms. Scalia for her presentation.

Representative Feuerborn moved to introduce legislation as requested by the Department of Administration's Accounts and Reports Division. The motion was seconded by Representative Shultz. Motion carried.

Chairman Neufeld recognized Roger Werholtz, Secretary of the Department of Corrections, who presented an overview of the Department of Corrections and information on how the state of Kansas compared nationally in the context in which they are operating (Attachment 2). Secretary Werholtz stated that the National Crime Victimization Survey reveals that according to research, during the last thirty years, crime is declining. The study also shows that reported crime is increasing indicating that the public is now reporting crime more than in the past. In response to a question from the Committee, Secretary Werholtz stated that the

## CONTINUATION SHEET

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funding for the lease of out-of-state prison space is from federal government Violent Offender Incarceration/Truth in Sentencing (VOI/TIS) grant funds. This money was appropriated to the State for the federal years of 1996 thru 2001 in the amount of \$27 million. These funds can only be used for leasing private prison space, not prison space from another government entity. Secretary Werholtz stated that VOI/TIS funds will expire in FY 2005 and in all probability will be expended by the end of 2005. Responding to a question from the Committee, the Secretary indicated that he did not favor in-state private prisons.

Responding to questions from the Committee, Secretary Werholtz indicated that the type of offenders being contracted for in out-of-state prison space are primarily medium-security offenders. Because of the type of screening performed by these out-of-state prisons before acceptance of the offenders, the Secretary stated that DOC is planning to review Kansas' classification system. This review has not been done since 1986 and will take approximately nine months to complete. It is felt that the review of the classification system should be done before any building projects are proposed.

With regard to program reductions, the Secretary noted that, between FY 2000 and FY 2005, there has been a 51 percent reduction in funding for facility-based and community-based academic education and vocational programs. The Secretary noted that the Department is working with the education contractor to restructure how this service is delivered. Secretary Werholtz stated that the new medical contract will probably have a significant cost increase. The Department will also be challenged to replace the federal funds from the VOI/TIS and RSAT programs.

Secretary Werholtz also presented a report on Risk Management showing a comparison between risk containment and risk reduction (Attachment 3). It is felt that risk containment limits the environment in which negative offender behavior can occur as compared to risk reduction which reduces the likelihood of negative offender behavior regardless of the environment. The Department of Corrections is implementing the risk management program with the belief that the number of offenders returning to Kansas prisons will decrease as they are better prepared prior to release to return to society.

The Chair thanked Secretary Werholtz for his presentation.

Representative Pottorff introduced her intern, Brett Skaugstad, a student from the University of Kansas.

The meeting was adjourned at 10:55 a.m. The next meeting will be held on February 3, 2004, with a tour of the Juvenile Justice Authority facilities in Topeka.

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Melvin Neufeld, Chairman