

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 9:00 A.M. on January 18, 2007, in Room 514-S of the Capitol.

All members were present except:
Representative Kevin Yoder - excused

Committee staff present:
Alan Conroy, Legislative Research Department
J. G. Scott, Legislative Research Department
Becky Krahl, Legislative Research Department
Aaron Klaassen, Legislative Research Department
Reagan Cussimano, Legislative Research Department
Matt Spurgin, Legislative Research Department
Jim Wilson, Revisor of Statutes
Nikki Feuerborn, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:
Patricia Scalia, Executive Director, Board of Indigents' Defense Services (BIDS)
Robert Hecht, District Attorney, Shawnee County
Helen Pedigo, Executive Director, Kansas Sentencing Commission
Roger Werholtz, Secretary, Department of Corrections (DOC)

Others attending:
See attached list.

- Attachment 1 Presentation by Patricia Scalia
- Attachment 2 Presentation by Helen Pedigo
- Attachment 3 Presentation by Roger Werholtz
- Attachment 4 Deadlines for Budget Committees

Representative Powell moved to introduce legislation concerning the establishment of an upper Arkansas River Conservation Reserve enhancement program. The motion was seconded by Representative Gatewood. Motion carried.

Representative Bethell moved to introduce legislation concerning the development of interpretive guidelines for the State Fire Marshal office. The motion was seconded by Representative Feuerborn. Motion carried.

Representative Bethell moved to introduce legislation concerning the State Fire Marshal office with regard to informal dispute resolution. The motion was seconded by Representative Feuerborn. Motion carried.

Representative Bethell moved to introduce legislation concerning continuing education requirements for the State Fire Marshal office. The motion was seconded by Representative Feuerborn. Motion carried.

Representative Pottorff moved to approve the minutes of January 9th and January 10th as written. The motion was seconded by Representative Bethell. Motion carried.

Chair Schwartz recognized Patricia Scalia, Executive Director, Board of Indigents' Defense Services (BIDS), who presented an update on the implementation of **HB 2576** (Jessica's Law) and the financial effect on the agency (Attachment 1). Ms. Scalia stated that the agency expects to see a sufficient increase in their caseload as a result of **HB 2576** with a cost estimate of an additional \$2.6 million needed to provide defense in these cases. At this time, a Governor's Budget Amendment has not been requested. Ms. Scalia indicated that the agency did not have any carry-over funds at the end of FY 2006.

The Chair recognized Robert Hecht, Shawnee County District Attorney, who presented testimony

CONTINUATION SHEET

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on increased caseloads as a result of **HB 2576**. With reference to earlier testimony about the cost of obtaining data for trial, Mr. Hecht noted that during preparation for trial, all state written reports are available to a defendant. Mr. Hecht stated that **HB 2576** removes the ability of a judge to deter or decrease a sentence on a conviction from the sentencing guidelines and felt that there should be no modifications to the law because of increased caseloads or costs to the State.

Chair Schwartz recognized Helen Pedigo, Executive Director, Kansas Sentencing Commission, who presented an update on Adult Inmate Prison Population Projections ([Attachment 2](#)). Ms. Pedigo reported that the total prison population has decreased since FY 2004 with a population on January 1, 2007, of 8,833. Available prison capacity is 9,397 at this time. She indicated that the implementation of **HB 2576** is expected to cause an increase in prison population, with a projected capacity usage of prison space in FY 2009.

- The Committee requested additional information on the number of non-citizens who are incarcerated in the prison system at this time.

Chair Schwartz recognized Roger Werholtz, Secretary, Department of Corrections (DOC), who presented additional testimony on the Prison Population - Actual and Projected ([Attachment 3](#)). Mr. Werholtz stated that there are three items that drive prison population and projections at this time:

- Change in how parole violators are treated.
- New convictions under **HB 2576**.
- Probate/Post Release violators.

Secretary Werholtz noted that one issue which needs to be addressed by the 2007 Legislature is the direction or expectations for community corrections. Secretary Werholtz agreed that DOC expects to run out of prison space in FY 2009. Because of the time element for construction, the Secretary felt it is important to address the prison space issue in the near future. Secretary Werholtz noted that there are a number of renovations of existing facilities under way at this time for women's prison space that will add sufficient capacity for women for the next ten years.

Secretary Werholtz stated that options available to delay or reduce construction needs might include the possibility of cutting parole, probations and community corrections violations by 50 percent. The Secretary also noted that substance abuse treatment programs are needed by community corrections. The State is faced with building additional traditional space into the present system. The bonding authority in the Governor's budget proposal is for 4 maximum security cell houses at the El Dorado Correctional Facility which would house up to an additional 500 individuals. Secretary Werholtz felt it is important to look long-term and move the prison system toward more secure facilities for maximum security inmates.

Becky Krahl, Legislative Research Department, distributed and explained the deadline dates for House Budget Committees to report to the full Appropriations Committee on the various agency budgets ([Attachment 4](#)).

The meeting was adjourned at 10:55 a.m. The next meeting of the Committee will be held at 8:00 a.m. on January 19, 2007.

Sharon Schwartz, Chair