

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Steve Morris at 10:35 a.m. on January 9, 2001, in Room 123-S of the Capitol.

All members were present except: All present

Committee staff present:

Fiscal Staff of the Kansas Legislative Research Department:

Alan Conroy	Audrey Nogle
Robert Chapman	Carolyn Rampey
Rae Anne Davis	Leah Robinson
Julian Efird	Tom Severn
Debra Hollon	Kathie Sparks
Amy Kramer	Robert Waller
Stuart Little	Paul West
Amory Lovin	

Norman Furse, Revisor of Statutes

Michael Corrigan, Assistant Revisor of Statutes

Julie Weber, Administrative Assistant to the Chairman

Mary Shaw, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached guest list

The meeting opened with Chairman Morris congratulating all committee members present for being on Ways and Means and noted that a vast majority of time is spent in what is needing to be dealt with in the subcommittees. The Chairman mentioned that he felt that this is a great learning experience and that all remain on a steep learning curve.

Alan Conroy, Chief Fiscal Analyst, Kansas Legislative Research Department (KLRD), introduced the Fiscal Staff at the request of Chairman Morris and gave a brief history of each analyst including educational experience, length of time with KLRD and staff assignments. Copies of the Legislative Fiscal Analyst Assignments—FY 2002 were distributed to the Committee (Attachment 1). Mr. Conroy mentioned that the Fiscal Staff stands ready to help and hopefully provide information in a timely and appropriate manner. Mr. Conroy mentioned that KLRD Staff members Debra Hollon and Amory Lovin are assigned to the Ways and Means Committee. Chairman Morris noted that the research staff does an exceptional job and he looks forward to working with them. The Chairman introduced Julie Weber, Administrative Assistant to the Chairman, and Mary Shaw, Committee Secretary. Chairman Morris mentioned that Norman Furse, Revisor of Statutes and Mike Corrigan, Assistant Revisor of Statutes, will staff the committee. They are referred to almost daily and he is very happy to be working with them.

Chairman Morris noted some housekeeping items. The subcommittee assignments are not ready to go yet but the information will probably be released sometime the following week. There will be approximately 30 subcommittees. The Chairman mentioned that one change is that in the past there was a full SRS subcommittee, a Mental Health subcommittee and a Mental Retardation subcommittee and that this year those subcommittees will be folded into one large SRS subcommittee.

In regard to the Committee working bills, Chairman Morris explained that he does not anticipate change in operation of this committee very much from when Senator Kerr was Chair.

The Chairman noted the following information regarding the Committee:

CONTINUATION SHEET

- When the Committee votes on a subcommittee report, it will be done by voice vote.
- When the Committee works the whole bill, the big budget bill and all other bills, it will be a recorded roll call vote.
- All the other bills passed out of Committee will be recorded roll call votes.
- When members need to be absent for whatever reason, please call Mary or Deb that you will not be able to attend the meeting which would be very helpful.
- Due to the Committee time being short, please try to be on-time so the meetings can begin on-time.
- The Committee does have an hour and a half committee meeting this year which will help a lot, but may run over into the noon hour a number of times.
- Workload will be significant and all will serve on a number of subcommittees.

Chairman Morris welcomed Charles E. Simmons, Secretary, Kansas Department of Corrections, who gave an overview of the Department of Corrections, including inmate population, capacity issues and implementation of 2000 **SB 323** (Attachment 2). Senator Feleciano asked Secretary Simmons about the impact on prison population that was projected when 2000 **SB 323** was being debated compared to the actual impact based on numbers collected since the effective date of 2000 **SB 323**. Secretary Simmons noted that the Sentencing Commission projections provided to the Legislature during the 2000 session indicating that 800 prison beds would be freed up were based on the total impact on prison population, not on the total number of inmates impacted. Secretary Simmons noted as an example that it would take three conditional violators who are placed at an institution for 120 days to free up one prison bed for a year. Chairman Morris asked if Barbara S. Tombs, Kansas Sentencing Commission, would respond to the question. Ms. Tombs stated that the projected impact of 2000 **SB 323** on the prison population she submitted to the 2000 Legislature compared to the actual population was off by 48 inmates or 0.57 percent as of December 31, 2000. Information was distributed from the Kansas Sentencing Commission regarding Jail Time as a Condition of Probation and Jail Time Imposed for Condition Probation Violators (Attachment 3). Detailed Committee questions and discussion followed. Some discussion was in regard to the overall assessment on the management of KDOC because of 2000 **SB 323**, judging 2000 **SB 323** as a public safety issue. Chairman Morris thanked Secretary Simmons for his presentation before the Committee.

Norman Furse, Revisor of Statutes, presented a memorandum in regard to Appropriation Bill Items (Attachment 4). Mr. Furse explained applicable Kansas Constitutional provisions, items which may be included in appropriation bills, what appropriation bills may not include and bill drafting standards. In closing, Mr. Furse noted that he would be happy to visit with members of the Committee in regard to the memorandum.

An orientation session was scheduled for the new members on the Committee for Friday, January 12, 2001, Room 123-S upon adjournment of the Senate.

Copies of "The Governor's Budget, State of Kansas, Report Volume 1, Fiscal Year 2002" was distributed to the Committee.

The meeting was adjourned at 11:45 a.m. The next meeting was scheduled for January 10, 2001.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE January 9, 2001

NAME	REPRESENTATIVE
Duane Gossett	DOB
Dan Memmes	KS Alcohol + Drug Service Providers
Jeff Pfan	Division of the Budget
Aaron Dunkel	Div. of The Budget
Gwen Sims	Ombudsman for Corrections
Paul Jones	KSC
Joe Herold	KSC
Mark Gleason	OJA
Kathy Porter	OJA
Michael L. White	Kearney Law Office, PA
Gwen Mullen	Dankrou + Assoc
Karlene Smith	Emporia State Univ.
Greg W. Watt	Emporia State University
Jeff Bottenberg	Kansas Sheriffs Assoc.
MARTY VINES	KANSAS Assoc. of Public Employees
ANDY SANCHEZ	KANSAS Assoc. of Public Employees

ALAN CONROY (6-4407)

422 Legislative Coordinating Council
 425 Legislative Research Department
 428 Legislature
 540 Division of Post Audit
 579 Revisor of Statutes

ROBERT CHAPMAN (6-4429)

276 Department of Transportation
 046 Department of Agriculture
 709 Kansas Water Office
 055 Animal Health Department
 373 Kansas State Fair Board
 634 State Conservation Commission
 700 Board of Vet. Medical Examiners
 663 Board of Technical Professions

RAE ANNE DAVIS (6-4419)

264 Department of Health and Environment
 300 Department of Commerce and Housing
 360 Kansas Inc.
 371 Kansas Technology Enterprise Corp.
 Coordinator, Economic Development
 Initiatives Fund

Coordinator, Water Plan Fund

JULIAN EFIRD (6-3535)

565 Department of Revenue
 365 Kansas Public Employees Retirement
 System
 450 Kansas Lottery
 553 Racing and Gaming Commission

DEBRA HOLLON (6-4396)

350 Juvenile Justice Authority
 319 Topeka Juvenile Correctional Facility
 325 Beloit Juvenile Correctional Facility
 355 Atchison Juvenile Correctional Facility
 412 Larned Juvenile Correctional Facility
 622 Secretary of State
 247 Governmental Ethics Commission

AMY KRAMER (8-7191)

410 Larned State Hospital
 494 Osawatomie State Hospital
 555 Rainbow Mental Health Facility
 363 Kansas Neurological Institute
 507 Parsons State Hospital
 261 Kansas Guardianship Program
 434 State Library
 562 Board of Tax Appeals
 105 Board of Healing Arts
 167 Dental Board
 488 Optometry Board

STUART LITTLE (6-4418)

246 Fort Hays State University
 379 Emporia State University
 385 Pittsburg State University
 521 Department of Corrections
 177 Ellsworth Correctional Facility
 195 El Dorado Correctional Facility
 313 Hutchinson Correctional Facility
 400 Lansing Correctional Facility
 408 Larned Correctional Facility
 581 Norton Correctional Facility
 660 Topeka Correctional Facility
 712 Winfield Correctional Facility
 147 Ombudsman of Corrections

AMORY LOVIN (6-3184)

296 Department of Human Resources
 694 Comm. Veterans Affairs/Soldiers
 Home/Veterans Home
 604 School for the Blind
 610 School for the Deaf
 028 Accountancy Board
 266 Hearing Aid Examiners
 531 Board of Pharmacy
 102 Behavioral Sciences Regulatory Board

AUDREY NOGLE (6-3183)

710 Department of Wildlife and Parks
 288 State Historical Society
 359 Kansas Arts Commission
 058 Commission on Human Rights
 565 Homestead Property Tax Refunds
 100 Board of Barbering
 149 Board of Cosmetology
 482 Board of Nursing

CAROLYN RAMPEY (6-4404)

652 Department of Education
 082 Attorney General
 677 Judicial Branch
 349 Judicial Council
 328 Board of Indigents' Defense Services

LEAH ROBINSON (6-4447)

173 Department of Administration
 252 Governor
 446 Lieutenant Governor
 Budget Data Coordinator

TOM SEVERN (6-4138)

143 Kansas Corporation Commission
 122 Citizen Utility Ratepayer Board
 331 Insurance Department
 270 Health Care Stabilization Bd. of Gov.
 016 Abstracters Board
 094 Bank Commissioner
 159 Department of Credit Unions
 543 Real Estate Appraisal Board
 549 Real Estate Commission
 625 Securities Commissioner

KATHIE SPARKS (6-4405)

629 Dept. of Social and Rehabilitation Services
 039 Department on Aging

ROBERT WALLER (6-4181)

034 Adjutant General
 206 Emergency Medical Services Board
 234 Fire Marshal
 280 Highway Patrol
 523 Parole Board
 626 Sentencing Commission
 083 Attorney General-Kansas Bureau of Invest.
 204 Mortuary Arts Board

PAUL WEST (6-4409)

561 Board of Regents
 367 Kansas State University
 367 KSU-Veterinary Medical Center
 367 KSU-Agricultural Extension
 682 University of Kansas
 683 University of Kansas Medical Center
 715 Wichita State University
 176 Kansas Development Finance Authority
 670 State Treasurer
 Coordinator, Joint Committee on State
 Building Construction

AGENCY NUMBER LISTED
 NEXT TO AGENCY NAME

Kansas Legislative Research Department
 January 9, 2001

Senate Ways and Means
 1-9-01
 Attachment 1

LEGISLATIVE FISCAL ANALYST ASSIGNMENTS—FY 2002

Abstracters Board (Tom Severn/6-4138)
 Accountancy Board (Amory Lovin/6-3184)
 Adjutant General (Robert Waller/6-4181)
 Administration, Department of (Leah Robinson/6-4447)
 Aging, Department on (Kathie Sparks /6-4405)
 Agriculture, Department of (Robert Chapman/6-4429)
 Animal Health Department (Robert Chapman/6-4429)
 Atchison Juvenile Correctional Facility (Debra Hollon/6-4396)
 Attorney General (Carolyn Rampey/6-4404)
 Attorney General-Kansas Bureau of Invest. (Robert Waller/6-4181)

Bank Commissioner (Tom Severn/6-4138)
 Barbering, Board of (Audrey Nogle/6-3183)
 Behavioral Sciences Regulatory Board (Amory Lovin/6-3184)
 Beloit Juvenile Correctional Facility (Debra Hollon/6-4396)

Citizen Utility Ratepayer Board (Tom Severn/6-4138)
 Commerce and Housing, Department of (Rae Anne Davis/6-4419)
 Commission on Human Rights (Audrey Nogle/6-4418)
 Corrections, Department of (Stuart Little/6-4418)
 Cosmetology, Board of (Audrey Nogle/6-3183)
 Credit Unions, Department of (Tom Severn/6-4138)

Dental Board (Amy Kramer/8-7191)

Education, Department of (Carolyn Rampey/6-4404)
 El Dorado Correctional Facility (Stuart Little/6-4418)
 Ellsworth Correctional Facility (Stuart Little/6-4418)
 Emergency Medical Services Board (Robert Waller/6-4181)
 Emporia State University (Stuart Little/6-4418)

Fire Marshal (Robert Waller/6-4181)
 Fort Hays State University (Stuart Little/6-4418)

Governmental Ethics Commission (Debra Hollon/6-4396)
 Governor (Leah Robinson/6-4447)

Healing Arts, Board of (Amy Kramer/8-7191)
 Health and Environment, Department of (Rae Anne Davis/6-4419)
 Health Care Stabilization Bd. of Gov. (Tom Severn/6-4138)
 Hearing Aid Examiners (Amory Lovin/6-3184)
 Highway Patrol (Robert Waller/6-4181)
 Homestead Property Tax Refunds (Audrey Nogle/6-3183)
 Human Resources, Department of (Amory Lovin/6-3184)
 Hutchinson Correctional Facility (Stuart Little/6-4418)

Indigents' Defense Services, Board of (Carolyn Rampey/6-4404)
 Insurance Department (Tom Severn/6-4138)

Judicial Branch (Carolyn Rampey/6-4404)
 Judicial Council (Carolyn Rampey/6-4404)
 Juvenile Justice Authority (Debra Hollon/6-4396)

Kansas Arts Commission (Audrey Nogle/6-3183)
 Kansas Corporation Commission (Tom Severn/6-4138)
 Kansas Development Finance Authority (Paul West/6-4409)
 Kansas Guardianship Program (Amy Kramer/8-7191)
 Kansas Inc. (Rae Anne Davis/6-4419)
 Kansas Lottery (Julian Efird/6-3535)
 Kansas Neurological Institute (Amy Kramer/8-7191)
 Kansas Public Employees Retirement System (Julian Efird/6-3535)
 Kansas State Fair Board (Robert Chapman/6-4429)
 Kansas State University (Paul West/6-4409)
 Kansas Technology Enterprise Corp. (Rae Anne Davis/6-4419)
 Kansas Water Office (Robert Chapman/6-4429)
 KSU-Agricultural Extension (Paul West/6-4409)
 KSU-Veterinary Medical Center (Paul West/6-4409)

Lansing Correctional Facility (Stuart Little/6-4418)
 Larned Correctional Facility (Stuart Little/6-4418)
 Larned Juvenile Correctional Facility (Debra Hollon/6-4396)
 Larned State Hospital (Amy Kramer/8-7191)
 Legislative Coordinating Council (Alan Conroy/6-4407)
 Legislative Research Department (Alan Conroy/6-4407)
 Legislature (Alan Conroy/6-4407)
 Lieutenant Governor (Leah Robinson/6-4447)

Mortuary Arts Board (Robert Waller/6-4181)

Norton Correctional Facility (Stuart Little/6-4418)
 Nursing, Board of (Audrey Nogle/6-3183)

Ombudsman of Corrections (Stuart Little/6-4418)
 Optometry Board (Amy Kramer/8-7191)
 Osawatomie State Hospital (Amy Kramer/8-7191)

Parole Board (Robert Waller/6-4181)
 Parsons State Hospital (Amy Kramer/8-7191)
 Pharmacy, Board of (Amory Lovin/6-3184)
 Pittsburg State University (Stuart Little/6-4418)
 Post Audit, Division of (Alan Conroy/6-4407)

Racing and Gaming Commission (Julian Efird/6-3535)
 Rainbow Mental Health Facility (Amy Kramer/8-7191)
 Real Estate Appraisal Board (Tom Severn/6-4138)
 Real Estate Commission (Tom Severn/6-4138)
 Regents, Board of (Paul West/6-4409)
 Revenue, Department of (Julian Efird/6-3535)
 Revisor of Statutes (Alan Conroy/6-4407)

School for the Blind (Amory Lovin/6-3184)
 School for the Deaf (Amory Lovin/6-3184)
 Secretary of State (Debra Hollon/6-4396)
 Securities Commissioner (Tom Severn/6-4138)
 Sentencing Commission (Robert Waller/6-4181)
 Social and Rehabilitation Services, Department of (Kathie Sparks /6-4405)
 State Conservation Commission (Robert Chapman/6-4429)
 State Historical Society (Audrey Nogle/6-3183)
 State Library (Amy Kramer/8-7191)
 State Treasurer (Paul West/6-4409)

Tax Appeals, Board of (Amy Kramer/8-7191)
 Technical Professions, Board of (Robert Chapman/6-4429)
 Topeka Correctional Facility (Stuart Little/6-4418)
 Topeka Juvenile Correctional Facility (Debra Hollon/6-4396)
 Transportation, Department of (Robert Chapman/6-4429)

University of Kansas (Paul West/6-4409)
 University of Kansas Medical Center (Paul West/6-4409)

Veterans Affairs/Soldiers Home/Veterans
 Home, Comm. On (Amory Lovin/6-3184)
 Vet. Medical Examiners, Board of (Robert Chapman/6-4429)

Wichita State University (Paul West/6-4409)
 Wildlife and Parks, Department of (Audrey Nogle/6-3183)
 Winfield Correctional Facility (Stuart Little/6-4418)

Fiscal analyst and telephone
 extension in red

Kansas Legislative Research Department
 January 9, 2001

Senate Ways and Means Committee

Presentation by

Charles E. Simmons, Secretary of Corrections

January 9, 2001

Senate Ways and means
1-9-01
Attachment 2

SB 323

SB 323 was passed by the 2000 Kansas Legislature in response to the ongoing increases which were projected at that time to occur in the inmate population. The law made several policy changes impacting the number of offenders in all major segments of the Kansas criminal justice system, including probation, community corrections, correctional facilities, and post-incarceration supervision. The law also appropriated funds for prison expansion and community-based day reporting centers.

SB 323 has touched virtually every area of KDOC operations, resulting in significant changes in projected inmate population levels and an immediate reduction in post-incarceration supervision caseloads. Summarized below are some of the law's major provisions which impact offender population levels and KDOC capacity requirements.

ADJUSTMENTS IN POSTRELEASE SUPERVISION PERIODS

SB 323 reduced postrelease supervision periods for some groups of offenders, as indicated in the following table. The provisions applied retroactively to the existing offender population.

Severity Level (SL)	Prior Law	SB 323
SL 1-4; Drug SL 1 & 2	36 months, reducible to 24 months through good time earnings.	Unchanged.
SL 5-6; Drug SL 3	36 months, reducible to 24 months.	24 months, reducible to 12 months.
SL 7-10; Drug SL 4	24 months, reducible to 12 months.	12 months, reducible to 6 months.

ELIMINATION OF POSTRELEASE SUPERVISION FOR CERTAIN PROBATION VIOLATORS

SB 323 eliminated postrelease supervision for most offenders who are admitted to prison as probation condition violators. Some probation violators who are revoked and admitted to prison still have a postrelease supervision requirement, including: offenders convicted of sexually violent crimes; offenders convicted of crimes that do not have a presumption for probation (including offenses falling within a border box); and, offenders whose probation was revoked as a result of a new misdemeanor or felony conviction. The provisions applied retroactively to the existing offender population.

TARGET POPULATION FOR COMMUNITY CORRECTIONS

The new law establishes a target population for community corrections programs, including offenders who: have received a nonprison disposition as a departure to sentencing guidelines; fall within a "border box"; have been convicted of an offense requiring registration under KSA 22-4902 and have a severity level 7 or greater offense; have violated a condition of probation supervision; have been determined to be high risk or high needs under a standardized risk/needs assessment instrument; or, who have successfully completed a conservation camp program. The law also requires that probation violators must be assigned to community corrections before being revoked and sent to prison unless the violation includes a new conviction or the court makes a finding that the public safety or the offender's welfare would not be served by doing so.

SB 323 (cont)

JAIL SENTENCES

The law increases from 30 days to 60 days the length of a jail sentence which can be imposed as a condition of probation or suspended sentence; it also authorizes a jail sentence of up to 60 days for each revocation of a probation sentence.

ADJUSTMENTS IN PROBATION PERIODS FOR CERTAIN OFFENDERS

The law reduces probationary periods as follows: nondrug SL 8 and drug SL 3 to not more than 18 months; nondrug SL 9 and 10, and drug SL 4 to not more than 12 months. These probationary periods will be in effect unless the court finds that the public safety or welfare of the offender would not be served by the probationary period. The provisions applied retroactively to the existing probation population.

APPROPRIATIONS

Expansion at Ellsworth Correctional Facility (ECF)

\$6,177,517 was approved for construction of a new 100-cell maximum security housing unit, warehouse expansion, and training building at ECF. The new housing unit will be suitable for housing 100 maximum custody inmates or 200 medium custody inmates. The project is being financed with Violent Offender Incarceration/Truth-in-Sentencing (VOI/TIS) federal grant funds and state funds on a 90% federal-10% state matching basis. Construction is scheduled for completion in March 2002, with occupancy by inmates in April 2002.

Day Reporting Centers (DRCs)

\$1.9 million was approved for partial year funding in FY 2001 of three privatized day reporting centers for supervision of post-incarceration supervision condition violators. The DRCs will be located in Wichita, Kansas City, and Topeka and will have a combined capacity for supervising 220 offenders. The centers will be financed on a 90-10 match basis with federal VOI/TIS and state funds. The centers will open by April 1, 2001 under the current schedule. SB 323 also earmarked \$3.8 million in future VOI/TIS grant funds for continued operation of the DRCs in FY 2002.

Programs Building at Larned Correctional Mental Health Facility (LCMHF)

\$300,000 was appropriated from the Correctional Institutions Building Fund for construction of a new programs building at LCMHF. This, along with funding and positions authorized in a separate appropriations measure, was part of a plan to return to KDOC the 30 maximum security beds at LCMHF which had been used by SRS since 1995 to house civilly committed sex predators under SRS jurisdiction. In October 2000, KDOC regained the use of the 30 beds at LCMHF. The programs building is scheduled for completion by August 1, 2001. The Chemical Dependency Recovery Program—a program previously provided to KDOC inmates by Larned State Hospital and now a KDOC responsibility—is occupying temporary quarters until the new building is completed.

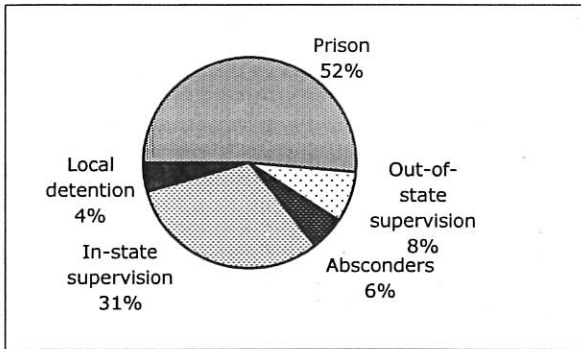
Bond Authorization

Authority was provided to issue \$4.4 million in bonds for renovation of J Cellhouse at Topeka Correctional Facility, construction of a new laundry and a new training building at TCF, and repair of the building at Lansing Correctional Facility which was damaged by fire in November 1999. The TCF projects are necessary for the department to cease operations at the former Topeka State Hospital so the state can dispose of this property. The 176-bed J Cellhouse renovation project will result in a 96-bed net increase in capacity for female inmates. The training building will be complete in September 2001, the laundry in December 2001, and the cellhouse renovation project, in March 2002.

SB 323 Implementation by KDOC

Of the changes made by SB 323, the Department of Corrections had responsibility for retroactive implementation of provisions in two major areas: reduced periods of postrelease supervision; and elimination of the requirement for postrelease supervision for certain offenders admitted to prison as probation condition violators. The law provided for a phased implementation of its retroactive provisions, with statutory deadlines ranging from September 1, 2000 to January 1, 2001—all of which were met by the department. The information below provides a brief summary of KDOC's implementation of its responsibilities under SB 323, as of December 31, 2000.

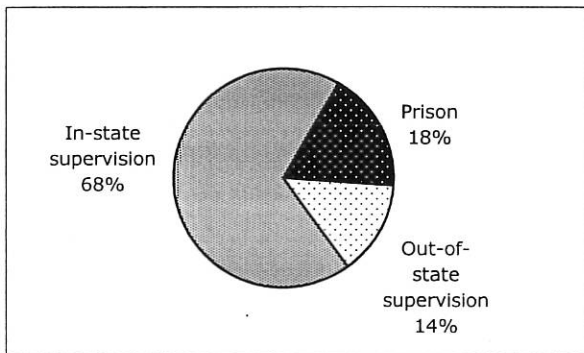
TOTAL NUMBER OF SB 323 CONVERSIONS: 8,459



Offender location at time of SB 323 conversion

Prison	4,344
In-state supervision	2,639
Out-of-state supervision	667
Absconder or warrant outstanding	444
Local detention	365
Total	8,459

SB 323 CONVERSIONS RESULTING IN IMMEDIATE DISCHARGE FROM KDOC JURISDICTION: 2,838



Offender location at time of immediate discharge

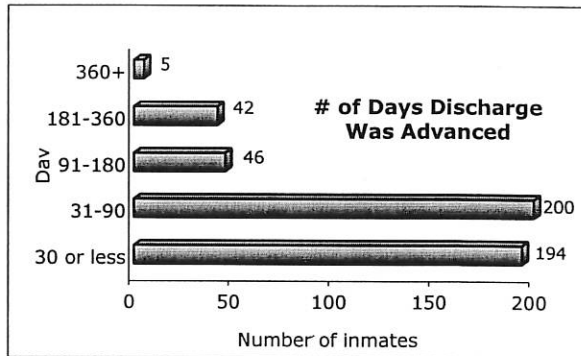
Prison	504
In-state supervision	1,937
Out-of-state supervision	397
Total	2,838

Additionally, 807 offenders who were not immediately eligible for discharge as a result of supervision length conversion have subsequently reached their discharge date. The total number of offenders discharged from KDOC jurisdiction through December 31, 2000 as a result of SB 323 is 3,645.

SB 323 Implementation by KDOC (cont)

**POSTRELEASE SUPERVISION CONDITION VIOLATORS DISCHARGED FROM PRISON
 WHOSE PRISON RELEASE DATE WAS AFFECTED BY SB 323**

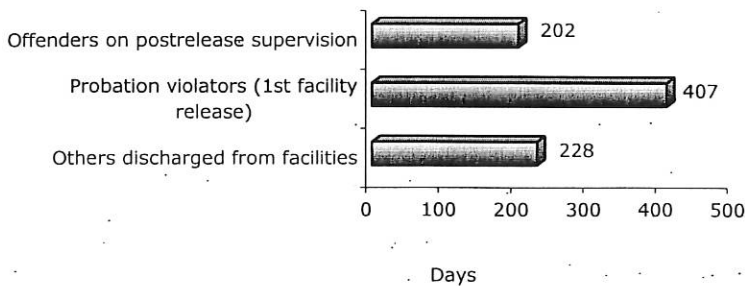
Number of Days Discharge Was Advanced (prison releases only)	
No. of Days	No. of Inmates
30 or less	194
31-90	200
91-180	46
181-360	42
360+	5
Total	487



Number of Inmates Released	Number of Days Release Was Advanced		
	Highest	Lowest	Average
423 Condition violators only	120 days	1 day	39 days
64 violators with a new misdemeanor conviction committed on postrelease supervision	730 days	121 days	268 days
487 Total	730 days	1 day	69 days

	Max	Med	Min	Total	<i>Change in the inmate population, by custody level, since June 30, 2000</i>
June 30, 2000	2247	3621	2916	8784	
Dec 31, 2000	2160	3510	2682	8352	
Difference	-87	-111	-234	-432	

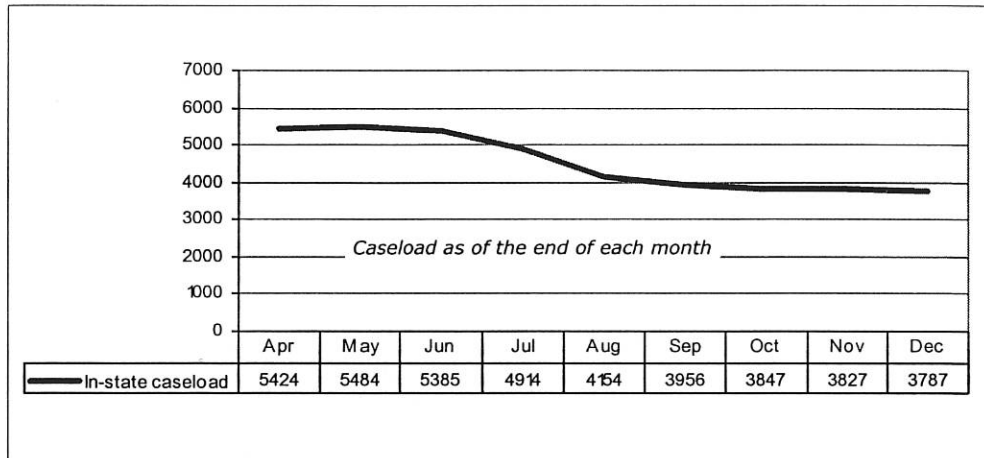
ALL SB 323 DISCHARGES FROM KDOC JURISDICTION THROUGH DECEMBER 31, 2000: 3,645
AVERAGE NUMBER OF DAYS THAT DISCHARGE DATE WAS ADVANCED, BY TYPE OF OFFENDER



The greatest impact has been on the probation violators covered by SB 323 who have completed their prison sentence and are being released from prison for the first time. These offenders are no longer required to serve any postrelease supervision period.

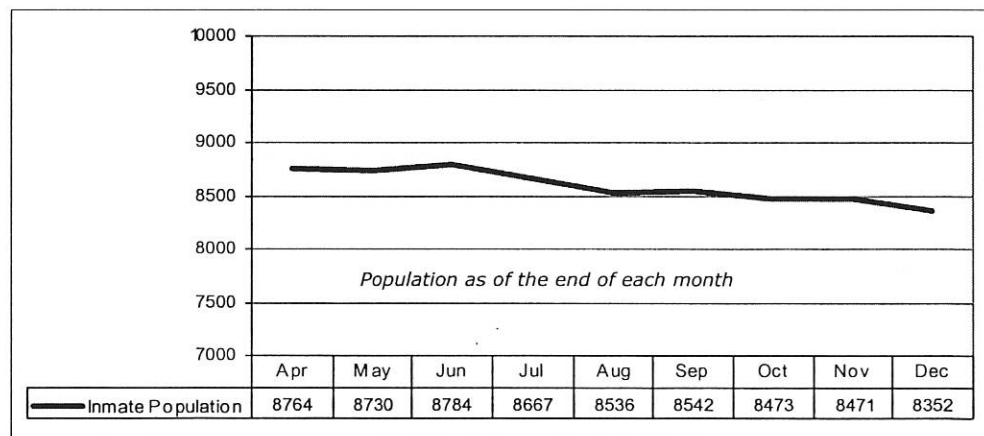
Offender Population Change: April 30—December 31, 2000

**POST-INCARCERATION SUPERVISION CASELOAD
(IN-STATE)**



Change since April 30..... -1,637

INMATE POPULATION

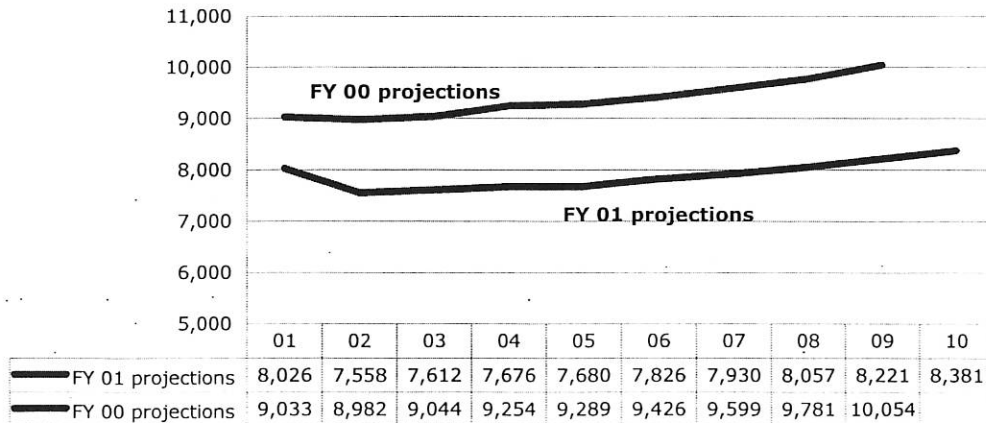


Change since April 30.... -412

Kansas Sentencing Commission FY 2001 Inmate Population Projections
Population as of June 30 each year

ID Group	fiscal year											Total Change	% Change
	Actual 00	01	02	03	04	05	06	07	08	09	10		
Off Grid	574	625	662	705	749	795	840	887	934	981	1029	455	79.3%
Non-Drug													
Level 1	576	607	636	652	679	680	692	709	723	738	748	172	29.9%
Level 2	533	550	576	594	611	621	641	664	678	689	704	171	32.1%
Level 3	1246	1260	1311	1337	1362	1392	1437	1455	1495	1521	1566	320	25.7%
Level 4	281	269	258	255	262	267	260	267	270	300	292	11	3.9%
Level 5	837	775	750	784	781	810	858	879	872	881	910	73	8.7%
Level 6	187	149	144	136	139	140	149	147	149	160	174	-13	-7.0%
Level 7	741	706	711	729	765	767	790	801	800	798	815	74	10.0%
Level 8	317	341	282	284	258	262	273	274	299	312	279	-38	-12.0%
Level 9	387	226	107	129	133	149	152	134	135	147	149	-238	-61.5%
Level 10	59	42	14	18	26	29	34	37	26	29	32	-27	-45.8%
Drug													
Level D1	67	89	103	117	132	144	156	169	182	187	195	128	191.0%
Level D2	267	292	304	320	343	344	333	336	359	357	351	84	31.5%
Level D3	502	406	323	324	318	328	361	381	378	384	403	-99	-19.7%
Level D4	439	343	236	267	297	302	268	245	272	287	284	-155	-35.3%
Parole CVs	1771	1346	1141	961	821	650	582	545	485	450	450	-1321	-74.6%
Total	8784	8026	7558	7612	7676	7680	7826	7930	8057	8221	8381	-403	-4.6%

As illustrated in the graph below, the FY 2001 population projections prepared by the Kansas Sentencing Commission represent a marked change from the FY 2000 projections—primarily because of the impact expected to result from passage of SB 323. Annual variance between the two projection series ranges from 1,007 for the June 30, 2001 population to 1,833 for the June 30, 2009 population.



Jail Time as A Condition of Probation

- In FY 2000, the Kansas Sentencing Commission received 6,316 probation sentences. Of those sentences, 966 probationers received jail time as a condition of their probation. Of the 966 probationers, 549 received 30 days or less and 417 received more than 30 days jail time.
- During the first six months of FY 20001 (July 1 to December 31, 2000), the Commission received 2,100 probation sentences. Of that number, 344 probationers received jail time as a condition of their probation. Of the 344 probationers, 142 received 30 days or less and 202 received more than 30 days jail time.

Jail Time as A Condition of Probation

Jail Time	FY 2000		FY 2001*	
	Number	Percent	Number	Percent
30 days or less	549	56.8%	142	41.3%
More than 30 days	417	43.2%	202	58.7%
Total Number	966	100.0%	344	100.0%

*. Data indicated in the table is half-year data from July 1 to December 31, 2000.

- The percentage of longer jail time used as a condition of probation in FY 2001 has changed when compared to FY 2000 data due to the Senate Bill 323.

Jail Time Imposed for Condition Probation Violators

- During FY 2000, there were a total of 3,135 condition probation violators reported to the Commission. Of that total, 1,691 violators were ordered to serve their prison sentence, 14 violators' dispositions were unknown, and 1,430 condition probation violators received continued or extended probation. Of the 1,430 violators, 130 condition violators received 30 days or less jail time and 46 received more than 30 days jail time as new condition of their extended or continued probation. Originally, 31 of the 1,430 probationers received 30 days or less and 6 of them received more than 30 days jail time as condition of probation.
- During the first six months of FY 2001, there were a total of 1,102 condition probation violators reported to the Commission. Of that total, 536 violators were ordered to serve their prison sentence, 23 violators' dispositions were unknown, and 543 condition probation violators received continued or extended probation. Of the 543 violators, 58 received 30 days or less and 31 received more than 30 days jail time as new condition of their continued or extended probation. Originally, only 2 received more than 30 days jail time as condition of their probation.

Jail Time Imposed for Condition Probation Violators

Jail Time	FY 2000		FY 2001*	
	New Condition	Original	New Condition	Original
30 days or less	130	31	58	0
More than 30 days	46	6	31	2
Total Number	176	37	89	2

*. Data indicated in the table is half-year data from July 1 to December 31, 2000.

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MEMORANDUM

RE: Appropriation Bill Items

FROM: Norman J. Furse, Revisor of Statutes

DATE: January 8, 2001

I. Applicable Kansas Constitutional Provisions.

- A. The authority of the governor to veto less than an entire act is limited by section 14(b) of article 2 of the Constitution of the State of Kansas to "items of appropriation of money" when a single bill contains several such items. (State ex rel. Stephan v. Carlin, 230 Kan. 252, syl. 2.)**
- B. The phrase "items of appropriation of money" as used in section 14(b) of article 2 of the Constitution of the State of Kansas means the designation of specific sums of money which the legislature authorizes may be spent for specific purposes. (State ex rel. Stephan v. Carlin, 230 Kan. 252, syl. 1.)**
- C. Section 16 of article 2 of the Constitution of the State of Kansas states, in part, that no bill may contain "more that one subject, except appropriation bills and bills for revision or codification of statutes."**

II. Items Which May Be Included In Appropriation Bills.

- A. Appropriation bills may:**
 - (1) Direct the amounts of money which may be spent and for what purposes;**
 - (2) express the legislature's direction as to expenditures;**
 - (3) transfer moneys from one account or fund to another;**
 - (4) direct that prior unexpended appropriations lapse;**
 - (5) establish expenditure limitations of state funds;**

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- (6) increase or decrease expenditure limitations;**
- (7) direct certain state officials to draw warrants;**
- (8) reappropriate unencumbered balances in certain funds.**

B. See State ex rel. Stephan v. Carlin, 230 Kan. 252, 257, 258.

III. What Appropriation Bills May Not Include.

- A. Appropriation bills may not include "subjects wholly foreign and unrelated to their primary purpose: authorizing the expenditure of specific sums of money for specific purposes." (State ex rel. Stephan v. Carlin, 230 Kan. 252, 258.) The legislature may not include in appropriation bills "measures wholly unrelated and not germane to the subject of the allocation and expenditure of moneys." (State ex rel. Stephan v. Carlin, 229 Kan. 665, 666.)**
- B. The legislature has no power to "include an amendment to the school district equalization act" in an appropriation bill. (State ex rel. Stephan v. Carlin, 229 Kan. 665, 666.)**

IV. Bill Drafting Standards.

- A. Appropriation bill provisions must relate to the allocation and expenditure of moneys. The test is whether the appropriation bill language satisfies any of the provisions of II,A, above. See State ex rel. Stephan v. Carlin, 230 Kan. 252, last paragraph on p. 257.**
- B. Appropriation bills may not include an amendment to the school district equalization act.**