

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Stephen Morris at 10:30 a.m. on January 15, 2003, in Room 123-S of the Capitol.

All members were present except: Senator David Adkins - excused
Senator Dave Kerr - excused

Committee staff present:

Alan Conroy, Director, Kansas Legislative Research Department
J. G. Scott, Chief Fiscal Analyst, Director, Kansas Legislative Research Department
Martha Dorsey, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Debra Hollon, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Michael Corrigan, Assistant Revisor, Revisor of Statutes Office
Judy Bromich, Administrative Analyst
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Pat Scalia, Executive Director, State Board of Indigents' Defense Services
Mike Hayden, Secretary, Kansas Department of Wildlife and Parks

Others attending: See attached list

Chairman Morris welcomed Pat Scalia, Executive Director, State Board of Indigents' Defense Services (SBIDS), who briefed the Committee on the need for emergency supplemental funding for FY 2003 (Attachment 1). Ms. Scalia introduced Mr. Ed Gillette, a private attorney from Johnson County and chairman of the transition team for their agency. Mr. Gillette was present for questions. She explained that SBIDS provides the right to Counsel for persons who cannot afford their own attorney required by the Sixth Amendment.

Ms. Scalia explained that the SBIDS budget was depleted by two causes, the unprecedented costs of recent death penalty cases, and the cuts made to their budget. She mentioned that Governor Graves has already recommended that the budget cut of \$550,000 from the death penalty funds be restored and that \$1 million of the \$1,244,000 cut from assigned counsel be restored. It is estimated that an additional \$400,000 is needed beyond the \$550,000 to pay death penalty costs. Ms. Scalia mentioned that in order to pay the costs on non-death cases, the entire \$1,244,000 that was cut must be restored.

In her testimony, Ms. Scalia explained that the transition team, chaired by Mr. Gillette, suggested that the Emergency Supplemental Bill include language to amend K.S.A. 2001 Supp. 22-4529 to allow for an application fee of \$100 unless the judge found hardship. Mr. Gillette confirmed that the transition team went through this time and time again and clearly there is a budget crisis with this agency. He noted that the costs for death penalty cases will now probably be \$1 million dollars and that can be assumed in every death penalty

CONTINUATION SHEET

case based upon the time and amount of effort involved.

Committee questions and discussion followed. Senator Barone requested information regarding a summary by week by attorney regarding the number of hours spent by the attorneys and Ms. Scalia responded that she could provide the information. Chairman Morris suggested that at some point very soon in the session that Ms. Scalia, Mr. Gillette and the transition team with their suggestions, be invited to do some brainstorming. In addition, the Chairman also mentioned that this whole area may justify an interim study in order to have enough time to address all of the issues.

Chairman Morris welcomed Mike Hayden, Secretary, Kansas Department of Wildlife and Parks, who provided an update on the budget status of the Department (Attachment 2). Secretary Hayden mentioned that the Department of Wildlife and Parks is faced with challenges to provide a quality service to the public with reduced resources as with most state agencies funded with State General Fund appropriations. Committee questions and discussion followed.

The meeting adjourned at 11:45 a.m. The next meeting is scheduled for January 16, 2003.