

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 9:00 A.M. on February 1, 2007, in Room 514-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Roger Werholtz, Secretary, Department of Corrections (DOC)
Representative Kenny Wilk
Representative Tom Hawk
Charles H. Gregor, Jr., Executive Vice President, Leavenworth-Lansing Area Chamber of Commerce
Robyn M. Stewart, Assistant City Manager, City of Leavenworth
Bruce Snead, Mayor, City of Manhattan
Stuart Little, Little Government Relations
Annie Grevis, President of the Association of Community Corrections
Mark Masterson, Corrections Director, Sedgwick County
Keith Clark, Director of Community Corrections, 4th Judicial District
Michael B. Kearns, Chairman, Riley County Board of Commissioners
Clancy Holman, Riley County Counselor

Others attending:

See attached list.

- Attachment 1 Update on Prison Populations by Secretary Werholtz
- Attachment 2 Testimony on **HB 2303** by Charles H. Gregor, Jr.
- Attachment 3 Testimony on **HB 2303** by Robyn M. Stewart
- Attachment 4 Overview of Community Corrections by Stuart Little
- Attachment 5 Presentation on Community Corrections by Annie Grevis
- Attachment 6 Presentation on Community Corrections by Mark Masterson
- Attachment 7 Presentation on Community Corrections by Keith Clark
- Attachment 8 Presentation on Community Corrections by Michael Kearns
- Attachment 9 Presentation on Community Corrections by Clancy Holman

Representative Yoder moved to introduce legislation to create a civil expungement statute. The motion was seconded by Representative Lane. Motion carried.

Representative Yoder moved to introduce legislation amending K.S.A. 65-129a to allow for remote hearings for trials during emergency pandemic. The motion was seconded by Representative Lane. Motion carried.

Representative Yoder moved to introduce legislation to include falsely damaging the credit of a consumer in the consumer protection act. The motion was seconded by Representative Wolf. Motion carried.

Representative Yoder moved to introduce legislation to abolish statutory prohibition on costs of collection on residential real estate agreements in the Kansas Landlord Tenant Act. The motion was seconded by Representative Wolf. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 1, 2007 in Room 514-S of the Capitol.

Representative Yoder moved to introduce legislation to specify that actions brought under K.S.A. 66-176, are subject to the statutory rules of comparative fault. The motion was seconded by Representative Wolf. Motion carried.

Representative Holmes moved to introduce legislation for a conceptional bill concerning the make-up of the board of regents. The motion was seconded by Representative McLeland. Motion carried.

Representative McLeland offered follow-up information regarding Don Heiman's presentation on January 31, 2007, concerning technology installations at the Statehouse, stating that the strategic technology plan for a proposed XML system (a browser based language that allows for easy WEB like access to information) was used during a Committee meeting in which he participated during the interim. This upgrade would allow for testimony from remote locations to be heard as well as camera projection of the individual speaking. Representative McLeland reported that it was a very successful and interesting procedure.

Chair Schwartz recognized Roger Werholtz, Secretary, Department of Corrections (DOC), who presented an update on prison populations (Attachment 1). Secretary Werholtz was accompanied by Chuck Simmons, Deputy Secretary; Mike Gato, Chief Architect; and Dennis Williams, Fiscal Manager for the Department of Corrections. The Secretary stated that the Department has projected a prison population in 10 years of 11,231 beds based on current practices and current assumptions. Current physical capacity is 9,347 beds resulting in a projected need of 1,884 additional beds. The Department is reviewing a number of long-range options; however, feels confident that new prison construction will be necessary.

Secretary Werholtz noted that the Governor's FY 2008 budget includes bonding authority for the Department of Corrections in the amount of \$39 million plus. This bonding authority equates to the construction of 4 housing units or 512 maximum security beds at the El Dorado Correctional Facility.

The Secretary also included information regarding the Governor's proposed bond issue of \$21 million relating to life, safety or security improvements at the various correctional facilities. Routinely, these improvements would be funded from the repair and renovation fund; however, these items are too expensive to be funded from the repair and renovation fund. The Governor has recommended a bonding authority of \$19 million to cover these improvements with the balance of \$2 million funded from recovered construction liability settlement on the utility tunnels at El Dorado Correctional Facility. Because the Department has been reducing their level of debt service each year, Secretary Werholtz stated that the Department can maintain the present level of debt service with the additional \$19 million as proposed.

Hearing on HB 2303 - Creation of the Kansas national bio and agro defense facility interagency working group.

Amy VanHouse, Legislative Research Department, explained that **HB 2303** would create the Kansas national bio and agro defense facility interagency working group. The working group would support and assist the United States department of homeland security in the national environmental policy act process to conduct an environmental impact statement on any site in Kansas selected by the department of homeland security for the location of a national bio and agro defense facility. In addition, the working group would coordinate efforts among all affected state, county and local agencies to further the state's interest in the construction of a national bio and agro defense facility in Kansas. The legislation directs who will serve on the working group, who will serve as chairperson and identify their responsibilities. The Department of Health and Environment (KDHE) will coordinate the efforts of the State and serve as an information resource.

Representative Kenny Wilk appeared as a proponent of **HB 2303**, stating that the construction of the bio and agro defense facility in Kansas would have a huge impact on the State's economy as well as surrounding states. At this time, there are two proposed sites in Kansas - Leavenworth and Kansas State University at Manhattan. Representative Wilk stated that the State's plan has to be submitted to the federal government by February 16, 2007. If the plan is chosen as a possible site, site visits will be made in March-May, 2007. A final decision of a location for the facility is to be

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 1, 2007 in Room 514-S of the Capitol.

made by October 2008.

Representative Tom Hawk appeared as a proponent of **HB 2303**. Representative Hawk stated that it would be an economic boost for Kansas to be selected as the site for the facility.

Charles H. Gregor, Jr., Executive Vice President, Leavenworth-Lansing Area Chamber of Commerce, presented testimony in support of **HB 2303** ([Attachment 2](#)). Mr. Gregor stated that Leavenworth strongly supports the proposal.

Robyn M. Stewart, Assistant City Manager, City of Leavenworth, presented testimony in support of **HB 2303** ([Attachment 3](#)).

Bruce Snead, Mayor, City of Manhattan, appeared and spoke in support of **HB 2303**. Mr. Snead noted that Leavenworth and Manhattan are working together to support the State's plan.

The Committee discussed the possibility of amending the bill to include the adjutant general as a member of the working group. In response to a question from the Committee, Representative Wilk stated that there would need to be significant cost sharing by the State if a site within Kansas is selected.

The hearing on HB 2303 was closed.

The Chair recognized Stuart Little, Little Government Relations, who appeared on behalf of the Kansas Community Corrections Association (KCCA), and presented an overview of issues regarding community corrections ([Attachment 4](#)). Mr. Little stated that community corrections provide cost-effective community-based supervision instead of prison for adult and juvenile offenders with lower severity level offenses. Funding for community corrections is a serious and critical issue. Programs and services at the local level have been reduced or eliminated in order to maintain the core services. Because the Department of Corrections controls the funding for community corrections through grant funding, Riley County has sued the Department of Corrections on grounds that they have not dispersed the funding as set forth in the formula.

Chairwoman Schwartz recognized Annie Grevis, President of the Association of Community Corrections, who presented an overview of Community Corrections on behalf of the 28th Judicial District Community Corrections Association (KCCA) ([Attachment 5](#)).

Chairwoman Schwartz recognized Mark Masterson, Corrections Director, Sedgwick County, who presented testimony on the purpose of community corrections and funding issues ([Attachment 6](#)).

The Chair recognized Keith Clark, Director of Community Corrections, 4th Judicial District, who presented testimony on the core programming and funding with respect to the juvenile side of community corrections ([Attachment 7](#)). Mr. Clark requested funding in the amount of \$2.2 million outlined in the Juvenile Justice Authority's budget that was not funded by the Governor.

Chairwoman Schwartz recognized Michael B. Kearns, Chairman, Riley County Board of Commissioners, who presented testimony concerning the under funding for the Riley County Community Corrections ([Attachment 8](#)). Mr. Kearns noted that under funding of community corrections is a public safety issue.

Chairwoman Schwartz recognized Clancy Holman, Riley County Counselor, who presented testimony on the under funding of Community Corrections ([Attachment 9](#)).

Responses to Committee questions:

- With regard to the Riley County lawsuit, the court will not appropriate funding; however, could order the Department of Corrections to provide adequate funding.
- The increase at the Community Corrections level has been caused by the expansion of the criteria for who comes to the system at the community level. There are also more serious crimes being sent to community corrections.

CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 1, 2007 in Room 514-S of the Capitol.

- The funding in the Governor's budget is expected to maintain the current level of service for community corrections; however, did not address the issue of reducing revocation level by 50 percent.
- If passed by the Legislature, **HB 2141** will define what is expected from community corrections and possibly address adequate funding for community corrections.
- The Department of Corrections did not ask for more funding for Community Corrections because the funding mechanism has changed. Changes were made because of volatility in the amount of funding for certain programs, complaints from program managers, increases in parole population and community corrections population beyond the baseline.

The meeting was adjourned at 11:00 a.m. The next meeting of the Committee will be held at 9:00 a.m. on February 2, 2007.

Sharon Schwartz, Chair