

## MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 9:00 A.M. on February 20, 2006 in Room 514-S of the Capitol.

All members were present except:

Representative Bonnie Huy - excused  
Representative Tom Sawyer - excused

Committee staff present:

Alan Conroy, Legislative Research Department  
J. G. Scott, Legislative Research Department  
Becky Krahl, Legislative Research Department  
Matt Spurgin, Legislative Research Department  
Amy Deckard, Legislative Research Department  
Audrey Dunkel, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Administrative Assistant  
Shirley Jepson, Committee Secretary

Conferees appearing before the committee:

Gwen Martin, Sunflower Solutions  
Shelia Lampe, Sunflower Solutions  
Roger Werholtz, Secretary, Department of Corrections (KDOC)  
Kevin Graham, Attorney General's Office  
Representative Forrest Knox

Others attending:

See attached list.

- Attachment 1 Testimony on **HB 2688** by Gwen Martin, Woodson County
- Attachment 2 Testimony on **HB 2688** by Shelia Lampe, Sunflower Solutions
- Attachment 3 Testimony on **HB 2688** by Roger Werholtz, Secretary, KDOC
- Attachment 4 Testimony on **HB 2688** by Kevin Graham, Attorney General's Office
- Attachment 5 Testimony on **HB 2688** by Representative Knox
- Attachment 6 Written Testimony on **HB 2688** by Chris Kollman, Stockton, Kansas
- Attachment 7 Written Testimony on **HB 2688** by Sister Therese Bangert, Kansas Catholic Conference
- Attachment 8 Written Testimony on **HB 2688** by Mike Jennings, Legislative Chair, Kansas County and District Attorneys Association
- Attachment 9 Budget Committee reports on Kansas Commission on Veterans' Affairs; Department of Commerce; Kansas, Inc.; KTEC

### **Hearing on HB 2688 - Correctional facilities constructed by private companies.**

Becky Krahl, Legislative Research Department, provided an overview of **HB 2688**.

Chairman Neufeld recognized Gwen Martin, Woodson County Commissioner and a member of the Taskforce for Sunflower Solutions, who presented testimony in support of **HB 2688** (Attachment 1). A booklet compiled by the Taskforce was distributed to the Committee (copy available in Kansas Legislative Research Department). Responding to a question from the Committee, Ms. Martin indicated that the private prison is proposed to be centrally located within a five-county area and felt that staffing would not be a problem.

The Chairman recognized Shelia Lampe, Chairperson of the Sunflower Solutions Taskforce, who presented testimony in support of **HB 2688** (Attachment 2). Ms. Lampe stated that the facility would be built to accommodate from 200 - 500 beds with the decision on the number of beds to be determined by the Department of Corrections.

## CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 20, 2006 in Room 514-S of the Capitol.

Chairman Neufeld recognized Roger Werholtz, Secretary, Department of Corrections (KDOC), who provided written testimony, appeared in a neutral position on **HB 2688** and answered questions from the Committee (Attachment 3). Secretary Werholtz indicated that KDOC would discourage the construction of a 200-bed facility. He explained that staffing for a 500-bed facility would employ approximately 186-220 employees. The Secretary noted that the estimated cost of an addition of 512 medium-security beds at the El Dorado Correctional facility would cost approximately \$19.7 million as well as approximately \$900,000 one-time start-up costs with annual operating costs of approximately \$8.5 million. Additionally, the construction cost for a new 500-bed facility is estimated at \$51- \$53 million (specifically in Woodson and Rooks counties), \$2.6 million in start-up costs and an annual cost of approximately \$10.5 million. Secretary Werholtz indicated that **HB 2688** incorporates safeguards, oversights and cost guarantees that were not included in **SB 243**, similar legislation addressed during the 2005 Session. With regard to prison breaks, the Secretary indicated that KDOC would intervene and costs would be assessed against the private firm.

The Chair recognized Kevin Graham, Attorney General's Office, who presented testimony in support of **HB 2688** (Attachment 4). Mr. Graham indicated that the beds in the private prison would be available to the State of Kansas and the Department of Corrections should there be a need. Mr. Graham felt that the state has been adjusting the law to accommodate more prisoners as opposed to building more bed space. He indicated that if a capital crime is committed at the private prison facility, it would be prosecuted by the State of Kansas.

Chairman Neufeld recognized Representative Knox, who presented testimony in support of **HB 2688** with attached information received from Ray Allen, Texas House of Representatives (Attachment 5). Representative Knox indicated that a positive relationship with the Department of Corrections is important to the success of the private prison. Representative Knox felt that the private prison is important to Woodson County because of the economic impact to the county, positive outcomes and the impact to the State from the facility being placed on the tax rolls.

- With regard to additional amendments to the legislation, the Committee requested a review of the legislation to determine how prosecution costs are addressed if a crime is committed at the private prison.

Written testimony in support of **HB 2688** was provided by:

Chris Kollman, Stockton, Kansas (Attachment 6).

Sister Therese Banqert, Kansas Catholic Conference (Attachment 7).

Mike Jennings, Legislative Chair, Kansas County and District Attorneys Association (Attachment 8).

Chairman Neufeld closed the hearing on **HB 2688**.

Representative Pottorff, Chair of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Kansas Commission on Veterans' Affairs for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 9). The motion was seconded by Representative Yoder. Motion carried.

Representative Pottorff, Chair of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Kansas Commission on Veterans' Affairs for FY 2007 and moved for the adoption of the Budget Committee recommendation for FY 2007 (Attachment 9). The motion was seconded by Representative Yoder. Motion carried.

Responding to a question from the Committee concerning the employment agreement of the veteran's service organizations, Representative Tafanelli, Chairman of the Select Committee on Veterans' Affairs, indicated that Committee is reviewing the employment agreement and may propose legislation to work toward a grant program to be administered through the veteran's service organizations.

## CONTINUATION SHEET

MINUTES OF THE House Appropriations Committee at 9:00 A.M. on February 20, 2006 in Room 514-S of the Capitol.

Representative Yoder, member of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Department of Commerce for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 9). The motion was seconded by Representative Pottorff. Motion carried.

Representative Yoder, member of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for the Department of Commerce for FY 2007 and moved for the adoption of the Budget Committee recommendation for FY 2007 (Attachment 9). The motion was seconded by Representative Lane.

Representative Yoder moved to amend the Budget Committee report on the Department of Commerce for FY 2007 to request a review of vehicle purchases at Omnibus. The motion was seconded by Representative Lane. Motion carried.

Representative McLeLand moved to amend the Budget Committee report on the Department of Commerce for FY 2007 by removing the After School Grant Program funding of \$750,000 State General Fund (SGF) and \$1,250,000 All Funds for a review at Omnibus. The motion was seconded by Representative Hutchins. Motion carried.

Representative Yoder moved to adopt the Budget Committee report on the Department of Commerce for FY 2007 as amended. The motion was seconded by Representative Lane. Motion carried.

Representative Lane, member of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for Kansas, Inc. for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 9). The motion was seconded by Representative Yoder. Motion carried.

Representative Lane, member of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for Kansas, Inc. for FY 2007 and moved for the adoption of the Budget Committee recommendation for FY 2007 (Attachment 9). The motion was seconded by Representative Pottorff. Motion carried.

Representative Pottorff, Chair of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for KTEC for FY 2006 and moved for the adoption of the Budget Committee recommendation for FY 2006 (Attachment 9). The motion was seconded by Representative Yoder. Motion carried.

Representative Pottorff, Chair of the General Government and Commerce Budget Committee, presented the Budget Committee report on the Governor's budget recommendation for KTEC for FY 2007 and moved for the adoption of the Budget Committee recommendation for FY 2007 (Attachment 9). The motion was seconded by Representative Yoder. Motion carried.

The meeting was adjourned at 10:55 a.m. The next meeting of the Committee will be held at 9:00 a.m. on February 21, 2006.

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Melvin Neufeld, Chairman