

February 22, 2011

The Honorable Vicki Schmidt, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 552-S
Topeka, Kansas 66612

Dear Senator Schmidt:

SUBJECT: Fiscal Note for SB 29 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 29 is respectfully submitted to your committee.

SB 29 would amend the Kansas Controlled Substances Act to add various drugs to the controlled substances lists. The Board of Pharmacy indicates that the United States Drug Enforcement Administration maintains lists of controlled substances classifying illicit drugs and makes amendments to the lists each year after reviewing a drug's pharmacology, chemistry, trafficking, actual abuse, pattern of abuse, and relative potential for abuse. This bill revises the controlled substances lists in state law to match federal law.

The Kansas Sentencing Commission estimates that passage of SB 29 would result in an increase of two to seven adult prison beds in FY 2012 and an increase of six to 17 adult prison beds by FY 2021. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

Any capacity needed beyond the options outlined above could require additional contract or construction costs. The actual construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capita

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health care costs, and other cost factors applicable at the time the additional capacity is occupied. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised.

Based on these estimates, the Commission projects increased costs to the agency of \$7,612 to \$46,672 for the 2003 SB 123 Alternative Drug Treatment Program in FY 2012, of which \$7,462 to \$45,772 would be from the State General Fund. The Commission estimates these costs would increase to \$11,989 to \$55,948 in FY 2021, of which \$10,790 to \$50,353 would be from the State General Fund. The agency anticipates the bill would also increase revenue to its General Fees Fee Fund in FY 2012 by \$150 to \$900 from offender reimbursements.

The State Board of Indigents Defense Services indicates that SB 29 would increase its caseload by 26 to 126 cases in FY 2012 and 32-156 cases in FY 2021. The Board estimates that the increased caseload would require an additional 0.50 FTE Public Defender position at a cost of \$30,000 per year. The Board of Pharmacy indicates that it would not incur any costs with the passage of SB 29. Any fiscal effect associated with SB 29 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Debra Billingsley, Pharmacy