

## SENATE BILL No. 521

By Committee on Judiciary

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9 AN ACT concerning the secretary of corrections; relating to qualifica-  
10 tions; amending K.S.A. 2009 Supp. 75-5203 and repealing the existing  
11 section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2009 Supp. 75-5203 is hereby amended to read as  
15 follows: 75-5203. (a) There is hereby established the department of cor-  
16 rections, the chief executive officer of which shall be the secretary of  
17 corrections. The secretary shall be appointed by the governor, subject to  
18 confirmation by the senate as provided in K.S.A. 75-4315b, and amend-  
19 ments thereto, and shall serve at the pleasure of the governor. Except as  
20 provided by K.S.A. 46-2601, and amendments thereto, no person ap-  
21 pointed as secretary shall exercise any power, duty or function as secretary  
22 until confirmed by the senate. In case of a vacancy in the office of sec-  
23 retary, the governor shall appoint a successor in the manner that the  
24 original appointment was made. The secretary shall receive an annual  
25 salary fixed by the governor, which shall be payable in equal monthly  
26 installments. In addition, the secretary shall be entitled to receive actual  
27 and necessary traveling and subsistence expenses incurred in the per-  
28 formance of the secretary's official duties.

29 (b) Except as provided by subsection (c), no person shall be eligible  
30 for appointment to, or hold the position of, secretary of corrections unless  
31 such person:

32 (1) Has had at least five years' experience in the field of corrections  
33 or as an executive officer in the administration of federal or state penal  
34 or correctional institutions; or

35 (2) (A) has had at least three years' experience in the field of correc-  
36 tions or as an executive officer in the administration of federal or state  
37 penal or correctional institutions; and (B) has a degree from an accredited  
38 college or university, which degree is based on penology or a related field  
39 as a major of study; or

40 (3) (A) has had at least five years' experience as a federal, appellate  
41 or district judge or federal, district or county prosecutor, *five years' ex-*  
42 *perience as a member of the senate or house of representatives which*  
43 *included membership on the standing senate or house judiciary commit-*

1 *tee, the standing house corrections and juvenile justice committee or the*  
2 *joint committee on corrections and juvenile justice oversight, five years'*  
3 *experience in military administration or administration of a criminal jus-*  
4 *justice agency or five years' administrative experience treating criminal of-*  
5 *fenders through programs involving penal custody, parole, probation and*  
6 *sentencing; (B) has a degree from an accredited college or university,*  
7 *which degree is in a social or behavioral science, penology, corrections,*  
8 *criminal justice, police science, criminology, public administration, local*  
9 *corrections programs or a related field; and (C) has demonstrated ad-*  
10 *ministrative ability and leadership.*

11 (c) If the governor is unable to appoint a person as secretary who  
12 possesses the qualifications required by subsection (b), the governor may  
13 appoint a person without such qualifications as acting secretary, who shall  
14 be subject to confirmation by the senate as provided in K.S.A. 75-4315b,  
15 and amendments thereto, and shall serve at the pleasure of the governor.  
16 Except as provided by K.S.A. 46-2601, and amendments thereto, no per-  
17 son appointed as acting secretary shall exercise any power, duty or func-  
18 tion as acting secretary until confirmed by the senate.

19 (d) Before entering upon the duties of the office, the secretary shall  
20 take and subscribe an oath to faithfully and honestly discharge the duties  
21 of the office to the best of the secretary's knowledge and ability.

22 (e) The provisions of the Kansas governmental operations accounta-  
23 bility law apply to the department of corrections, and the department is  
24 subject to audit, review and evaluation under such law.

25 Sec. 2. K.S.A. 2009 Supp. 75-5203 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its  
27 publication in the statute book.