

Approved 5/2/86 Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at  
Chairperson

11:00 a.m./~~noon~~ April 2, 19 86 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

J. Russell Mills, Jr., Legislative Research  
Emalene Correll, Legislative Research  
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee: None.

HB2821 - time limits for enforcement of open meetings law.

The Chairman called HB2821 to the Committee's attention. There was Committee discussion. One member commented that the open meetings law, although very popular with the press and some others, does have the effect of doing something that was not intended when the bill was passed. Another member said he thought a scenario had been created which was not intended and that it does hamper people from doing their jobs. Concern was expressed that members of various public bodies could not get together even socially or to ride to and from meetings together.

Senator Anderson moved conceptually that the various concerns addressed be taken care of by an amendment drafted by Staff, and which would be germane to this bill. 2d by Senator Morris. The Chairman asked if that were the consensus. The Chairman said that everyone seems to be in agreement and that Staff will work on this.

SB578 - concerning duties of chief physician at correctional institution.

The Chairman read the letter from Charles Simmons, Legal Counsel for the Department of Corrections. Copy is attached to these Minutes. (Attachment #1) Senator Ehrlich moved that SB578 be recommended to pass. 2d by Senator Arasmith. A substitute motion was made by Senator Martin, 2d by Senator Anderson, that the bill be tabled. Senator Martin withdrew his motion and Senator Anderson withdrew his second. Senator Martin renewed his motion. 2d by Senator Anderson. Motion carried.

SB701 - disposition of moneys recovered by crime victims reparations board.

The Chairman referred SB701 to the attention of the Committee. Senator Morris moved it be reported adversely. 2d by Senator Arasmith. Staff pointed out that for FY1987 the Governor has suggested that this agency go off the General Fund. Motion carried.

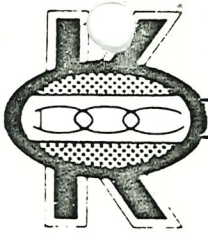
HB2316 - payment of costs of establishing corners and boundaries of land surveys.

Senator Arasmith moved that the word "occupants" be struck where it appears in HB2316. 2d by Senator Morris. (They asked that the language be moved so it conforms.) Motion carried.

It was moved by Senator Arasmith that in the absence of a county surveyor that the county commissioners be authorized to contact a survey firm. 2d by Senator Martin. Motion carried.

Senator Walker moved to recommend the bill favorably for passage as amended. 2d by Senator Anderson. Motion carried.

The meeting was adjourned.



# KANSAS DEPARTMENT OF CORRECTIONS

JOHN CARLIN — GOVERNOR

RICHARD A. MILLS — SECRETARY

JAYHAWK TOWERS • 700 JACKSON • TOPEKA, KANSAS • 66603-3798  
913-296-3317

4/2/86  
Attachment #1

TO: SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS  
FROM: CHIEF LEGAL COUNSEL  
RE: SENATE BILL NO. 578  
DATE: FEBRUARY 28, 1986

At the hearing on S.B. 578, February 27th, the Committee requested the Department of Corrections to provide additional information regarding the possibility of contracting for medical services for inmates. In providing that additional explanation, I believe it is important to understand the impact of S.B. 578 and to distinguish that impact from the overall issue of contracting for medical services for inmates.

## SENATE BILL 578:

Senate Bill No. 578 involves the possibility of contracting for a chief physician. It does not commit the Department to doing so. Senate Bill No. 578 does not address the possibility of contracting for all medical services. Thus, by approving this amendment the legislature will not be committing the Department of Corrections to contract for the delivery of medical services to inmates.

It was the Department's intent to amend K.S.A. 75-5249 to make it clear that the Secretary could either contract for or employ a chief physician. It was our belief that the word "appoint" as used in the statute could be interpreted to mean employment rather than a contractual situation. To address that possibility, the Department felt it would be appropriate to request the statute to be amended to make it clear that the services of a chief physician could be obtained either by employment or contract.

In addition, the proposed amendment removes the reference to the Department operating a "hospital" in any of our institutions. No institution's medical facilities qualify as hospitals and none are licensed as such. Therefore, the term should be removed from the statute.

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CONTRACTING FOR MEDICAL SERVICES:

With respect to this issue, I again want to stress that the Department has made no firm decision regarding such a contract. This issue has been discussed only as a possible option. No contractual negotiations have been held and no bid specifications written.

As for the authority to contract for medical services, the Department believes it already has such authority through an amendment to K.S.A. 75-5205(b) made in the 1985 Session. This amendment permits the Secretary to contract with various entities in carrying out the Secretary's responsibilities. One of those responsibilities is to provide medical services for inmates.

The Department requested the amendment during the 1985 Session so that it would have the authority to enter into contracts for various services, including medical, if it determined such contracts to be beneficial to the operational and fiscal interests of the Department. This provision has been in effect since July 1, 1985.

The actual decision on whether it is feasible to enter into such a contract will be made after an analysis of fiscal, operational, and legal considerations.

In that regard, it does not seem practical at this time to conduct actual negotiations with any potential medical services provider. The Department believes the better approach would be to determine the full parameters of its authority to contract, then consider specific proposals, determine if fiscal and operational interests warrant a contract, and finally to enter into negotiations for any desired services.

The Department of Corrections has no intention of contracting for any services if it would not be cost effective to do so or if it would impair the health and welfare of the inmate population.

  
CHARLES E. SIMMONS