

Approved 6-7-89
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by SENATOR AUGUST "GUS" BOGINA at
Chairperson

8:10 a.m.~~p.m.~~ on MARCH 30, 1989 in room 123-S of the Capitol.

All members were present except:

Senators Doyen, Feleciano and Gaines who were excused

Committee staff present:

Research Department: Kathy Porter

Revisor: Norman Furse

Committee Staff: Judy Bromich

Conferees appearing before the committee:

HB 2421 - Bill by Joint Comm. on Special Claims Against the State

Mr. Wolff reviewed HB 2421 stating that it contains only the claims that were recommended favorably for Senate Ways and Means' consideration by the Joint Committee on Special Claims in this fiscal year.

Senator Winter moved, Senator Johnston seconded to delete Section 6, Subsection (d) from HB 2421. The motion carried.

Senator Hayden moved, Senator Winter seconded to amend the address of Ray and Bea Romig in HB 2421, Section 7(a), line 98, to Box 418, Haven, Kansas 67543. The motion carried.

Upon information provided by Mr. Wolff regarding the claim of damages to a claimant's motor vehicle and portable crane at Osawatomie State Hospital, Senator Salisbury moved, Senator Parrish seconded that Section 12 (b) be deleted from HB 2421. Following discussion, the motion carried on a show of hands; 5 voting yes, 3 voting no.

There was discussion concerning the claim of Norton County, Kansas in the amount of \$12,175 which was deleted by the House Committee of the Whole. (Attachment 1) Senator Hayden moved, Senator Johnston seconded, to reinsert the Norton County Sheriff's Department claim and renumber the sections accordingly. During discussion, Senator Lee stated it was felt the inmates were brought to the institution before staff, guards and fences were in place and there was no means of lock-up at that time on the grounds. That is the reason this is a one time request. Concern was expressed that to pay this claim would set an unwise precedent for any kind of unusual event occurring at any of the correctional facilities. Following discussion, the motion failed on a show of hands three to four.

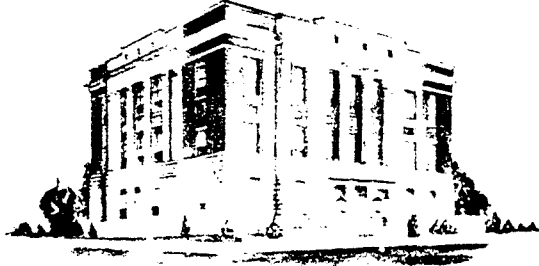
Mr. Wolff introduced Mr. David Wirth (claimant in Section 17 of HB 2421) to the Committee and provided background for his claim against the State. The Wirths had reached an agreement with the Department of Wildlife and Parks to extend the Statute of Limitations pending Legislative action. Mr. Wirth stated that had the project never been built, his land would not have been flooded in 1987. He stated that the reason for the late filing of this claim was due to the fact that they were promised easements by Wildlife and Parks through the Attorney General's office which originally had litigated the first suit. The Committee took no action at this time.

Senator Johnston moved, Senator Kerr seconded, to amend HB 2421, Line 186 on page 10 to pay the original request of \$37,285.73 as requested by Kansas City Power and Light Company plus the interest on the amount owed at the same rate the utility pays its subscribers for utility deposits. The motion carried.

Senator Johnston moved, Senator Allen seconded, HB 2421 be reported favorably as amended. The motion carried on a roll call vote.

The meeting was adjourned.

NORTON COUNTY, KANSAS



NORTON, KANSAS

March 15, 1989

Senator Michael Johnston
Senate Minority Leader
State Capitol Building
Topeka, KS 66612

Re: House Bill 2421
Claim of Norton County, KS

Dear Senator Johnston:

I am writing you to request that an amendment be made to House Bill 2421 in the Senate to include the claim of Norton County, Kansas in the amount of \$12,175.00, which was previously in the bill as submitted to the House Appropriations Committee by the Joint Committee on Special Claims Against the State. It is my understanding that the House voted to eliminate our claim from the bill, despite its approval by the House Appropriations Committee.

The claim of Norton County is based on the care and services provided to Department of Corrections inmates whom are under prosecution for offenses committed while inmates at Norton Correctional Facility during a time period from October 31, 1987 to November 1, 1988. The Norton County Sheriff charges \$25.00 per day per inmate, regardless of whether they are inmates committed to the Secretary of Corrections. That time period was selected for the claim for the reason that our County experienced an extraordinary increase in the cost of operating our jail facility which is directly related to the transition of Norton State Hospital to Norton Correctional Facility. The Correctional Facility became fully in charge of the grounds during October, 1987. During the time period upon which the claim is based, nineteen (19) felony cases have been prosecuted, fourteen (14) of which were escapes from the facility.

ATTACHMENT 1
SWAM 3-30-89
(8:00 AM)

Senator Michael Johnston
House Bill #2421
March 15, 1989
Page 2

There is no question but that the cause of the high number of escapes is directly related to the need to convert Norton State Hospital to a minimum security prison to relieve overcrowding. During that period of time, there was not sufficient staff nor the required organization and perimeter fencing to adequately secure the grounds. In the jurisdiction where a minimum security facility is located, local law enforcement must bear the brunt of handling the custody of the apprehended inmate once the escape has been resolved.

I want to strongly emphasize that this is only a one time request for State assistance of this nature. The task of dealing with those persons committed to the Secretary of Corrections is a State function, and therefore, it appears only reasonable for State tax dollars to be utilized to address the problem. State law presently provides for State funds to cover jury trial costs in cases involving inmates, as well as the cost of housing apprehended parole violators. I am not advocating a change in the law, I am simply requesting that this claim be allowed to alleviate the devastating impact this situation has had on the budget of the Norton County Sheriff.

I greatly appreciate your kind consideration of the above.

Respectfully,



R. Douglas Sebelius
Norton County Attorney

RDS:mms