

Approved 2-19-90
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

11:10 a.m./p.m. on February 15, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Emalene Correll, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Senator Mike Johnston
Helen Jones, Chairperson, Community Corrections Advisory Board
Judge Charles Sell, Eleventh Judicial District
Roger Werholtz, Department of Corrections
Chuck Simmons, Department of Corrections
Senator Ross Doyen

Hearing on: SB 596 - concerning the establishment and operation of a community correctional conservation camp in Labette County

Senator Mike Johnston said that this is one of three bills that would facilitate Labette County and the Department of Corrections in establishing a conservation camp. It would give financing authority.

Helen Jones, Chairperson, Community Corrections Advisory Board, thanked the committee for the opportunity to share. She said they are looking forward to having a conservation camp in Labette County. It would house 100 inmates and would stress rehabilitation in a six-month program. The community has been supportive of the issue.

Judge Charles Sell, Eleventh District Court, said the legislature has authorized funds in the last two years, but they were a line item veto, likely because the details have not been worked through. This bill would allow K DFA as the financing vehicle. He said he believes the conservation camp will play a significant role in addressing prison overcrowding and juvenile drug offenders. He said the plan enjoys favorable support from the judiciary as it would provide a sentencing option.

Other discussion brought out that there have been many public forums, and there is support from every sector. It is seen as an economic development opportunity. There will be a private operator and about 25 other positions, 90% of them above minimum wage. It would be located in the industrial park in Oswego on 15 acres at a cost of \$1.4 million. Contingency plans have been discussed in the event of a disaster.

There at no time has been a vote of the people; a resolution was approved by the county commissioners. This will be furnished to committee members.

Roger Werholtz, Deputy Secretary, Department of Corrections, said the Department supports this bill. They have worked closely with the Labette County committee and believe this bill will aid in implementing a successful camp. He said they would hold the county responsible for the operation of the camp; a private contractor would be responsible to the county.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:10 a.m./~~p.m.~~ on February 15, 1990.

Continued hearing on: SB 588 - concerning cities and counties; relating to prohibition of owning or operating certain correctional facilities

Chuck Simmons, Chief Legal Counsel, Department of Corrections, gave a position statement in support of SB 588. (Attachment 1) He believes SB 588 restricts SB 596 and that an exception should be set out for the Labette County program to remove potential for the issue being raised in the future.

Senator Ross Doyen said he has been concerned about privatization of prisons. He supports SB 588 as there are a lot of unanswered questions. Small communities can't afford a disaster. There needs to be some state control.

SB 609 was referred to the standing bingo subcommittee.

A subcommittee dealing with abortion issues was appointed: Senator Vidricksen, Chairman; Senators Anderson, Daniels, Ehrlich, and Reilly, members. SB 557 and SB 627 were referred to this subcommittee.

The minutes of the February 13 meeting were approved.

The meeting was adjourned at 12:00 noon.

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

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Mike Hayden
Governor

Steven J. Davies, Ph.D.
Secretary

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

RE: SENATE BILL 588

Secretary of Corrections Davies supports the concept of S.B. 588 that the State should have a public policy regarding the operation of correctional facilities by municipalities or other entities. The Secretary is also aware that H.B. 2835 has been introduced and is scheduled for hearing on Thursday in the House Committee on Local Government.

H.B. 2835 could be the vehicle to establish the state's public policy in this area. However, in its current form, H.B. 2835 leaves a number of questions unanswered and, as such, fails to adequately establish such a policy. The Secretary has been informed that a number of significant amendments to H.B. 2835 will be offered at the hearing tomorrow. If these amendments are offered and adopted, many of the concerns of Secretary Davies will have been addressed.

By way of background, Secretary Davies has tried to cooperate with and assist those communities which have an interest in constructing correctional facilities. Discussions have been held with representatives of both Horton and Washington. The Secretary's position with both communities has been:

- A. The Kansas Department of Corrections will not place inmates in a facility operated by either community unless the facility meets standards of the American Correctional Association.
- B. The Kansas Department of Corrections will not at this time sign a contract to place inmates in a facility operated by either community due to uncertainty about the Department's population needs in the future.

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- C. In the event that the Department does need additional space in the future the Department will look first to Kansas facilities for that space. Whether that space will be utilized depends on whether acceptable financial and other terms can be negotiated.
 - D. Both communities have been told that the Department's policies and procedures, general orders, post orders, and emergency procedures will be made available for use in developing procedures for their facilities. In addition, representatives of those groups planning the facilities may tour any DOC facility and utilize any operational procedures which may be of assistance to them. The Secretary has also offered to have department personnel train the community facility's trainers and to make available the department's lesson plans and training procedures.
 - E. The Secretary has stated that he will review the plans for a facility. However, he has not had an opportunity to go into depth in reviewing those plans. The Secretary understands that Horton is modeling its facility after one in Cameron, Missouri. The Secretary has toured the Cameron facility and has advised the Horton representatives of problems he sees if that facility will be operated as a maximum security facility. Suggestions for change have been made but no changes have been demanded. Some changes which were suggested have been made in the plans for the Horton facility.
 - F. At this time the Secretary has no jurisdiction with respect to the proposed Horton and Washington facilities. As such, the Secretary does not believe it to be appropriate to make demands upon either community.
- H.B. 2835, with the amendments we understand will be offered tomorrow, appears to address many of the concerns of the Secretary regarding operation of these facilities and better defines the role of the Department of Corrections in relationship with them.