

Approved 4-6-90
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

11:15 a.m./~~p.m.~~ on March 28, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Torrence, Revisor of Statutes Office
Mary Galligan, Legislative Research
Emalene Correll, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Elizabeth Taylor, Horton, Inc.

INFORMAL ACTION, March 27, 1990

Action on: HB 2714 - Concerning alcoholic liquor; amending K.S.A. 1989 Supp. 41-308a

Language was distributed to committee members on the Senate floor for their approval pertaining to Senator Vidricksen's amendment, as had been discussed in the March 20 meeting.

The language was approved, which also provided that the bill be recommended favorably.

REGULAR MEETING, March 28, 1990

Discussion on: SB 588- Prohibiting cities and counties from owning or operating certain correctional facilities

Elizabeth Taylor, Horton, Inc. presented a balloon amendment to SB 588. (Attachment 1) She said it establishes basic parameters for a regional prison authority and provides for a vote of the people to approve or disapprove of actions being planned.

A proposed substitute for SB 588 was suggested by Senator Bond. (Attachment 2) He will meet with staff and Secretary Davies to determine if the Department of Corrections wishes to make suggestions.

Discussion on: Substitute for HB 2223 - Qualifications of fire extinguisher businesses

A motion was made by Senator Walker and seconded by Senator Strick to recommend the bill favorably.

The meeting was adjourned at 12:00 noon.

SPECIAL MEETING, March 30, 1990

A special meeting was held outside the Senate doors on adjournment.

The Chairman requested introduction of the Governor's parental notification bill, HB 2779. There was no motion to introduce.

The meeting was adjourned.

SENATE BILL No. 588

By Committee on Federal and State Affairs

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AN ACT concerning cities and counties; relating to prohibition of owning or operating certain correctional facilities.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Cities and counties are prohibited from authorizing, constructing, owning or operating any type of correctional facility for the placement or confinement of inmates from one or more state or federal agencies until such time as the legislature has reviewed and provided a public policy regarding such activity. The provisions of this section shall not apply to regional, city or county jails used exclusively as such jails and as places of detention for inmates, prisoners or fugitives as authorized by K.S.A. 19-1917, 19-1930 or 75-5217, and amendments thereto.

: (1) Any prison authorized pursuant to this act; or (2)

Insert sections 2 to 6, attached

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

Senate F&SA
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Att. 1

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Sec. 2. (a) Any county, or group of counties by interlocal agreement, may create a regional prison authority as provided by this act. No regional prison authority may locate a prison less than three miles from the boundary of a Kansas county adjoining the county where the prison is to be located unless such adjoining county is a participant in the regional prison authority.

(b) A regional prison authority shall be created by resolution of the board of county commissioners of each county participating in the creation of the authority. No such resolution shall take effect until 60 days after its last publication pursuant to subsection (c). If a sufficient petition is filed pursuant to subsection (c), such resolution shall not take effect until approved at an election as provided by subsection (c).

(c) Upon passage of a resolution creating a regional prison authority, the board of county commissioners shall cause the resolution to be published once each week for two consecutive weeks in the official county newspaper. If, within 60 days after the last date of publication of the resolution, a sufficient petition in opposition to the resolution is filed with the county clerk of any county participating in the regional prison authority, the resolution shall not take effect unless it is approved at an election held as provided by this subsection. Such petition shall be signed by qualified voters of the county equal in number to not less than 5% of the qualified voters of the county at the time the petition is filed. If a sufficient petition is filed, an election on the resolution shall be called by the board of county commissioners.

Notice of such election shall be published once each week for three consecutive weeks in the official county newspaper, and the election shall be conducted in the manner provided by law for question submitted elections. The ballot proposition at the election shall be: "Shall resolution No. _____, entitled (title

of resolution), take effect?"

or counties

If the qualified voters of the county approve the proposition by a majority vote of those voting in such county, the resolution shall take effect.

Sec. 3. (a) Subject to making due provisions for payment and performance of its obligations, a regional prison authority may be dissolved by the county or counties comprising it. In such event, the properties of the regional prison authority shall be transferred to the county comprising it or, if comprised by more than one county, the counties comprising it, in such manner as agreed upon by such counties.

(b) Obligations of a regional prison authority shall not be obligations of the state of Kansas, nor of any county which creates the authority, unless the obligations are specifically approved by a majority vote of the qualified voters of the county voting at an election thereon. Notice of such election shall be given and such election shall be held in the manner provided by K.S.A. 10-120 and amendments thereto for elections on the issuance of bonds.

Sec. 4. A regional prison authority established pursuant to this act shall have the full power and authority to:

(a) Purchase, acquire, construct, reconstruct, improve, equip, furnish, maintain, repair, enlarge, remodel, own, sell, lease, market and operate a prison or correctional training facility within the territory of the county or counties creating the authority. consistent with the purpose of the regional prison authority, which purpose is hereby declared to be a public purpose;

(b) borrow money from either private financial institutions or any agency of the state of Kansas or the United States of America and issue therefor such notes or other evidence of indebtedness as may be required and mortgage, pledge or otherwise encumber the assets of the authority as security therefor;

(c) issue bonds as provided in K.S.A. 10-1201 et seq. and amendments thereto;

(d) apply for, receive and participate in grants from the state of Kansas, any other state of the United States, or from the United States of America;

(e) purchase, acquire, own, maintain, furnish, improve, repair, enlarge, remodel, construct, reconstruct, equip, hold, sell, lease or operate real or personal property for the authorized purposes of the regional prison authority, which exercise of such authority is hereby declared to be for a public purpose;

(f) operate, supervise and manage a prison;

(g) operate, lease, manage or conduct any correctional training facility;

(h) employ, terminate and fix the qualifications, duties and compensation of such employees and professional help as the authority may require;

(i) sue and be sued, subject to the limitations of the Kansas tort claims act;

(j) maintain such funds as it deems necessary;

(k) sell, lease or convey real and personal property not needed for the operation of the regional prison authority and grant easements of rights of way over property of the authority;

(l) promote, market and publicize the regional prison authority and its facilities to city, county, state, and federal correctional departments and officers when necessary in order to insure full utilization of its facilities; and

(m) contract with a private entity to construct, reconstruct, improve, equip, furnish, maintain, repair, enlarge, remodel, own, sell, lease, market and operate a prison or correctional training facility within the territory of the county or counties creating the authority, consistent with the purpose of the regional prison authority, which purpose is hereby declared to be a public purpose.

Sec. 5. (a) A regional prison authority shall prepare or cause to be prepared plans for any prison or correctional training facility, together with staffing, security, programming,

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marketing, emergency and other operational plans, as may be necessary to set forth the location, type, character and manner of operation of the facility to be constructed and operated by or under contract with the regional prison authority. Such plans shall be developed in conjunction with and upon full consultation with and approval of the secretary of corrections of the state of Kansas. Any facility to be constructed and operated by or under contract with any regional prison authority shall be operated in conformity with the standards of the American correctional association and shall be required to meet applicable American correctional association accreditation. Findings and recommendations of such accreditation shall be provided to the secretary of corrections within 30 days of receipt by the regional prison authority. No contract shall be entered into by the regional prison authority for the confinement or incarceration of any person unless that contract requires conformance with the American correctional association standards.

Sec. 6. No prison shall be constructed or operated in this state by a private entity unless such prison:

(a) Complies with all standards and requirements for a prison constructed or operated by a regional prison authority; and

(b) is approved by majority vote of a prison advisory council consisting of the secretary of corrections, the attorney general and one person designated by the governor.

PROPOSED Substitute for SENATE BILL NO. 588

By xx

AN ACT concerning certain correctional facilities; prohibiting use for certain purposes.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

(1) "Correctional facility or program" means any facility or program for placement, detention or confinement of offenders.

(2) "Offender" means any person convicted of a crime or adjudicated to be a juvenile offender.

(b) No correctional facility or program in this state shall be used for the placement, detention or confinement of any offender pursuant to a sentence or disposition imposed by a court of a jurisdiction other than this state or a political subdivision of this state unless such use is authorized by statute of this state or is agreed to by this state pursuant to an interstate compact to which this state is a party.

(c) Subsection (b) shall not apply to any correctional facility or program operated by this state or by the federal government.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.