

Approved: 14 June 1991
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Senator Wint Winter Jr. at
10:05 a.m. on March 29, 1991 in room 514-S of the Capitol.

All members were present.

Committee staff present:
Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:
Bill Beamgard, Atwood
Paul Monty, Washington
Richard Mills, Jr., Westridge Group of Associates, Inc.

Chairman Winter called the meeting to order by asking for the reports from Subcommittees.

Senator Moran presented the reports of the Subcommittee on Criminal Law and Consumer Protection.

HB 2365 - prohibiting possession of a firearm on school grounds.

Senator Moran reported the Subcommittee recommended amending HB 2365 to give blanket exemption to military personnel in the exercise of duty and to recommend favorable as amended.

Senator Moran moved to adopt the Subcommittee report to amend HB 2365 and to recommend HB 2365 favorable as amended. Senator Rock seconded the motion. The motion carried.

HB 2425 - defining and classifying the crimes of interference with the legislative process and possession of a loaded firearm within the state capitol building.

Senator Moran reported the Subcommittee recommended amending HB 2425 by striking all language except that which pertains to the firearms provision and changing the effective date to publication in the Kansas Register and to recommend favorable as amended.

Senator Moran moved to adopt the Subcommittee report to amend HB 2425 and to recommend HB 2425 favorable for passage as amended. Senator Gaines seconded the motion. The motion carried.

HB 2231 - redefining sodomy.

Senator Moran reported the Subcommittee recommended amending HB 2231 to exempt acts between two consenting adults age 18 or older and to recommend favorable for passage as amended.

Senator Parrish moved to amend HB 2231 by adopting the Judicial Council language out of SB 358, section 18, redefining sodomy. Senator Moran seconded the motion. The motion to amend carried.

SB 358 - amendments to Kansas criminal code.

Senator Moran moved to recommend HB 2231 favorable for passage as amended. Senator Oleen seconded the motion. The motion carried.

HB 2184 - evidence of previous sexual conduct in prosecutions for sex offenses.

Senator Moran reported the Subcommittee recommended HB 2184 favorable as written.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 29, 1991.

Senator Moran moved to recommend HB 2184 favorable for passage. Senator Gaines seconded the motion. The motion carried.

HB 2152 - when traffic violator required to be taken into custody.

Senator Moran reported the Subcommittee recommended amending HB 2152 by continuing the requirement that those under suspended licenses be brought before the magistrate judges and to recommend favorable for passage as amended.

Senator Moran moved to adopt the Subcommittee report to amend HB 2152. Senator Gaines seconded the motion.

Senator Feleciano made a substitute motion to amend HB 2152 by adopting the Subcommittee report to amend and to further amend by adding provisions of SB 354 into the bill. Senator Oleen seconded the motion. The motion to amend carried.

Senator Feleciano moved to recommend HB 2152 favorable for passage as amended. Senator Moran seconded the motion. The motion carried.

HB 2143 - procedure when mentally retarded person is a victim of crime.

Senator Moran reported the Subcommittee recommended amending HB 2143 to add a severability clause, and to recommend favorable as amended.

Senator Moran moved to adopt the Subcommittee report to amend HB 2143 and to recommend favorable for passage as amended. Senator Kerr seconded the motion.

Senator Parrish made a substitute motion to amend HB 2143 by striking "emotionally" on page 2, line 37 and inserting "mentally". Senator Petty seconded the motion. The motion carried.

Senator Petty moved to adopt the Subcommittee report to amend HB 2143 and to recommend favorable for passage as amended. Senator Feleciano seconded the motion. The motion failed.

The Committee expressed concerns regarding the constitutional questions in HB 2143. No further Committee action was taken as this time.

HB 2353 - blood alcohol content lowered to .08 for DUI.

Senator Moran reported the Subcommittee recommended amending HB 2353 by striking the language of HB 2353 and inserting the language of SB 195 and to forward to the full Committee without recommendation.

Senator Moran moved to adopt the Subcommittee report to amend HB 2353. Senator Kerr seconded the motion. The motion carried.

Senator Kerr moved to recommend HB 2353 favorable for passage as amended. Senator Yost seconded the motion.

Senator Bond made a substitute motion to table HB 2353 to date uncertain. Senator Morris seconded the motion. The motion to table carried.

The Committee returned their attention to HB 2143.

Senator Bond made a motion to request the expert advice of the Kansas Bar Association Criminal Law Committee on HB 2143, inviting them to review the bill and issues associated with it and to report back to the Committee with their recommendations. Senator Petty seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 29, 1991.

HB 2500 - juvenile felons considered adults when convicted of lesser included offenses.

Senator Moran reported the Subcommittee recommended technical amendments to HB 2500 and to recommend favorable as amended.

Following inconclusive discussion by the Committee, the Chairman suggested a Subcommittee of Senators Bond and Parrish discuss the topic further and report back on HB 2500 at a later date.

HB 2057 - extending the time limitations on the prosecution of juvenile offenders for certain crimes.

Senator Moran reported the Subcommittee recommended HB 2057 be passed as written.

Senator Moran moved to recommend HB 2057 favorable for passage. Senator Rock seconded the motion. The motion carried.

HB 2105 - drug forfeiture money in special prosecutor's trust fund also spent on drug prevention programs in counties.

Senator Moran reported the Subcommittee recommended HB 2105 be passed as written.

Senator Moran moved to recommend HB 2105 favorable for passage. Senator Feleciano seconded the motion. The motion carried.

HB 2374 - victims rights to make a statement in presentence report; address the court at the sentencing hearing; and be informed before plea bargaining occurs.

Senator Moran reported the Subcommittee recommended amending HB 2374 to require court must hear from victims or their family if they so desire; to amend to allow compensation to be awarded for children who are victims of certain crimes if filed with the Board within one year of the reporting and to recommend favorable as amended.

Senator Moran moved to adopt the Subcommittee report to amend HB 2374 and to recommend favorable for passage as amended. Senator Kerr seconded the motion.

Following Committee discussion on mandating courts to hear from victims and/or their families versus leaving discretion to the courts, Senator Moran withdrew his motion and Senator Kerr withdrew his second.

Senator Feleciano moved to amend HB 2374 by adopting the Subcommittee report to amend and make 1) change in victims compensation law to clearly allow payments to child victims of certain crimes; 2) provide for required sentence procedure to allow prosecutor and victim/family to be heard; 3) and conforming to Supreme Court rules concerning "hard-40" appeals. Senator Moran seconded the motion. The motion to amend carried.

Senator Moran moved to recommend HB 2374 favorable for passage as amended. Senator Feleciano seconded the motion.

Senator Gaines made a substitute motion to remove the mandate for requiring the judge to hear from the victim/family, allowing the judge discretion. Senator Morris seconded the motion. The motion to amend carried.

Senator Gaines moved to recommend HB 2374 favorable for passage as amended. Senator Moran seconded the motion. The motion carried.

This concluded the Subcommittee on Criminal Law and Consumer Protection reports. Senator Rock continued with the final reports from the Subcommittee on Civil Procedure.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 29, 1991.

SB 368 - use of federal employee identification number or SSN of debtor in UCC filings.

Senator Rock reported the Subcommittee recommended amending SB 368 to raise county UCC fee too\$6.00 in keeping with the state fee and to recommend favorable as amended.

Senator Rock moved to amend SB 368 on page 4 beginning on line 30 regarding continuation statements, allowing for exemption from usage of the required numbers for continuations of filings prior to the effective date of this bill when the numbers are not know. Senator Bond seconded the motion. The motion to amend carried.

Senator Rock moved to further amend SB 368 by adopting the Subcommittee recommendation to amend and to recommend SB 368 favorable for passage as amended. Senator Bond seconded the motion. The motion carried. Senator Feleciano requested his NO vote be recorded.

HB 2469 - release of taxes during bankruptcy.

Senator Rock returned the Committee attention to HB 2469 and reviewed the Subcommittee report to amend to provide that county's abatement authority be limited to those claims which are dischargeable in bankruptcy, that the county's action be subject to approval by the State Board of Tax Appeals and to recommend favorable as amended. Senator Rock concluded his report by recommending HB 2469 be further referred for additional study.

Chairman Winter concluded the Subcommittee reporting by deferring action on HB 2500, HB 2481 and HB 2469 to the following week.

The hearing was reopened on HB 2003 for the purpose of hearing additional testimony from opponents who were not in attendance at the previous hearing.

HB 2003 -prohibiting cities and counties from owning or operating certain prisons.

Chairman Winter reviewed the historical study on the topic of private prisons and restated the recommendation of the most recent interim study to institute a permanent moratorium. He added that in an effort to accommodate the opponents of the bill, although recommended favorable out of this Committee earlier by a unanimous vote, HB 2003 was pulled off of the Senate Calendar and referred back to this Committee at the request of the Chairman for the purpose of this date's hearing. (ATTACHMENT 1)

Bill Beamgard, Atwood Mayor, testified in opposition to HB 2003. He stated that with only agriculture to support their local economy they are desperately exploring additional avenues to improve their economic health, and paying for the efforts themselves. He added that the income from a private prison would allow the City of Atwood to remain viable while being profitable for the state as well.

Mr. Beamgard introduced other Atwood residents who were in attendance to show their opposition to HB 2003. Representing the City Council were Richard Kramer and Dave Brown. Atwood Chamber of Commerce representatives were Mr. Finley and Mike Braxmeyer.

Paul Monty, Washington, testified in opposition to HB 2003. He stated the City of Washington has been actively working on gaining a private prison for seven years with elections, contacts to other states with private prisons and numerous other activities. They have completed more study on the topic than most other entities due to the economic conditions in their area. He added that they are convinced guidelines and state procedures can be addressed to the legislature's satisfaction; tax payers liability can be eliminated. (ATTACHMENT 2)

Responding to questions, both conferees stated the opposition in their communities was in the minority. They both stated the expense of their activities had been covered by their local communities and they understood that major legislation would be required for their goals to be achieved.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 29, 1991.

Richard Mills, Jr., Westridge Group of Associates, Inc., testified in opposition to HB 2003. (ATTACHMENTS 3 and 4) He requested another year's extension to the moratorium to allow his group to address any questions or concerns the Committee might have.

Responding to questions from the Committee, Mr. Mills stated the private prison he perceives would not house Kansas prisoners or federal prisoners, but prisoners from other states. He also stated that he did not have specific proposed legislation at this time but would work on it if the Committee allowed him the time. Although he "sort of" appeared before the interim committee, he felt that information was kept from his association and insufficient time and study was directed to the policy question.

Chairman Winter suggested Mr. Mills review the 1990 Interim Committee Reports and the minutes of the 1990 Legislative Committees that addressed the issue, available as part of the public records kept by the Legislature, for the information he was lacking.

This concluded the hearing for HB 2003.

Senator Martin moved to recommend HB 2003 favorable for passage. Senator Gaines seconded the motion.

Following Committee discussion on the issue, it was decided to delay action on the bill to allow more time for consideration. Senator Martin withdrew his motion to recommend HB 2003 favorable for passage, and Senator Gaines withdrew his second.

The Committee recognized the distance conferees had traveled for addressing this body, and emphasized that although they are in sympathy to the problems facing small communities, the obligations to the entire state must not be ignored.

Chairman Winter reiterated that legislative activity required a bill in order to act; no legislation had been proposed or requested addressing the specific solutions necessary to institute private prisons. If or when such bills are brought to this Committee, the issues and decisions would be addressed. Until that time, leaving the question in HB 2003 unanswered only fosters false hope.

The Chairman turned to HB 2397.

HB 2397 - cap on damages in wrongful death actions; jury instructions.

Although HB 2397 was scheduled for a hearing on this date, due to lack of meeting time, the hearing was rescheduled to April 3, 1991 at 10:05 a.m. in Room 514-S.

The meeting was adjourned.

(No guest log was completed on this date.)

Issue is economics, says prison developer

Life or death? You decide.

Only the citizens of Washington County can decide whether or not their community will make it into the 21st century. And a decision is way overdue.

Here are the facts. Washington County has lost 69 percent of its population over the past 10 decades. This means only 31 percent of you are left. The county has lost 1,500 people within the past 10 years alone. Rural Kansas has lost nearly 70,000 people since 1980, and there is no indication of a turnaround. Kansas is rapidly urbanizing.

From 1980 to 1987, 40 Kansas counties (mostly rural) lost 22.2 percent of the manufacturing businesses. Many rural counties lost more than 22.2 percent, and some lost as many as 75 percent. Nationwide, there were 19 million manufacturing jobs in 1968, and in 1990 there were still only 19 million, resulting in zero growth.

Washington County's fate is not and never has been a prison issue. It is an economic issue that will always determine the life or death of another Kansas community. Like it or not.

A prison, as previously stated many times by Mr. Hays, is only one option. But so far, it is the only option. It offers a number of positive elements that traditional manufacturing obviously does not.

Correctional jobs (prison jobs) are currently the fastest-growing public jobs in this country, according to Parade magazine, Feb. 13, 1991. The nation has a severe shortage of prison bed space. Twenty states out of 25 have reported to us that they will need

Letter to the editor

approximately 65,000 beds by mid-1991. The verdict on how many beds the other 25 states will need is still out. In other words, it would take 130 correctional facilities (prisons), the same size as the one we are proposing in Washington County, to accommodate the current need of only 20 states. Since the country's inmate population has grown at 1,500 per week for the last two years, it would take an additional three facilities per week just to keep up.

Leavenworth County, which boasts about their more than 5,000 inmates, has the lowest crime rate of any county in Kansas with half Leavenworth's population or larger. Their biggest industry is the prison industry, and their community is safer to live in than any other in Kansas, anywhere near its size.

The correctional facility we are proposing in Washington County would produce approximately 690 jobs county-wide over a five-year period. The average salaries paid at this facility would be approximately \$5,000 to \$8,000 higher, per year, than the county's current average per capita income.

The City of Washington has spent \$20,000 to date with our firm. Over the past two years, this averages out to be a little more than \$800 per month. A rather small price for so much potential.

But this, then, is really the question.

How much is your community worth? How much value do you place on the assurance of a continued existence?

It takes no courage to acquiesce to death, as we all grow old and die. It takes no courage or special skills to criticize and tear down. Killing ideas, discouraging hope and scorning achievement is the work of we humans who allow fear to run our lives. People have always been afraid of the unknown and change. I suppose they will continue to be afraid for years to come.

Life and living take courage. Building takes knowledge and skills. Achievement is the realm of those who do not fear success or failure. The unknown is an element of life that exists only to become the known.

The Kansas Legislature has given absolutely no substantiated reason for blocking our corrections/economic development. One senator went so far as to suggest that Washington and Atwood, Kan., "pursue more traditional forms of economic development," such as "manufacturing." No opponent to this project has offered any substantiated, fact-based reasons or arguments for not pursuing this project. So far, all we have been given in opposition is emotional, fear-based, personal judgement. No alternative plans have been offered, either.

I have and continue to recommend that the Washington City Council file a legislative claim against the state for \$362 million. The city of Atwood, Kan., already has done so and is waiting for

Washington to participate.

The Special Committee for Claims Against the State has been established for this very purpose. To give the citizens a voice when they feel they need to be heard. The odds that Washington will be awarded any financial settlement is probably zero or less. But this is not the point.

The point is that the people of Washington and Atwood do not work for the Kansas Legislature, the Legislature works for them. And, if they are offended by your effort to remind them of this fact, then the reminder is long overdue and highly warranted.

The only argument I've heard so far for not filing this claim is that it may irritate someone in Topeka. Well, maybe it is time to irritate someone. What can Topeka do to you? What has Topeka done for you lately?

Yes, I have the audacity to recommend that the citizens of Washington choose life! I recommend that you stand up to be counted and that you let the Washington City Council know that you support them. It will take a small amount of courage for them to challenge the folks in Topeka. If you are waiting for some miracle that doesn't require your support, forget it.

The life of your community is not a trivial issue, and don't let anyone tell you otherwise. Death and obscurity will always be available, along with those who would lead you to that end.

Richard D. Mills Jr.,
Westridge Group
of Associates, Inc.,
Topeka

*Senate Judiciary Committee
3-29-91
Attachment 1*

July 6, 1989

y News

16 — Single Copy 40¢ Plus Tax — Sixteen Pages In Two Sections, Plus Supplements



Bernita Beikman

Council enters Phase II contract

by Amy Gauby

The Washington City Council at Monday's regular meeting voted to enter into a Phase II contract with Westridge Group of Associates Inc., Topeka, for the construction of a private prison south of Washington.

The City Council had voted at an adjourned session of a special meeting June 28 to sign a Phase II contract with Westridge Group when some revisions to the original Phase II contract were made.

Paul Monty, Washington City attorney, told the council he met with Dick Mills, Westridge president, twice about contract provisions the City Council had questions about. The provisions were changed to Monty's satisfaction, he said.

Three modifications were made to the original contract proposed by Westridge. The first change involved striking a paragraph from the contract that would have allowed Westridge to hire additional firms or companies, with the approval of the City Council, to assist Westridge in performing some duties during the planning and construction stages. These additional costs, according to the original contract, could have been charged to Washington city.

A second change involved the point in time when a payment of

\$90,000 would be made to Westridge from Washington city. According to the original Phase II contract, the payment would have been due at the beginning of preliminary planning and before the sale of bonds. The revised contract provides that the payment be due after bonds have been sold. At that time, Westridge will be paid the \$90,000, plus an additional \$200,000.

The third change involved a paragraph in the contract that detailed who would be liable for circumstances resulting from negligence during the construction and planning of the prison.

The contract was revised to state that Westridge will be responsible for its acts, but not for the acts of others or the failure of others to act, unless Westridge has authority or control over those parties. This project will be the same as any other city project, Monty said. The contractors or subcontracts will have a performance bond.

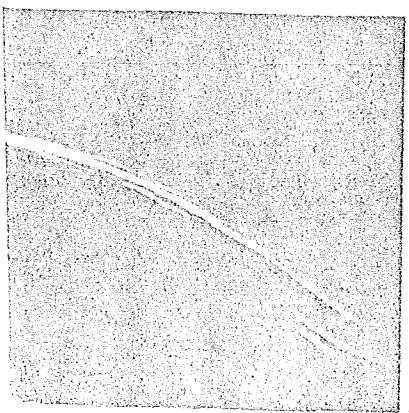
A performance bond is, in essence, a guarantee by the contractor or subcontractor that the work will be done as bid, Monty said.

The council also voted to authorize mayor Jim Smart and city clerk Janet Jones to sign the contract. (Continued on page 3A)

Friday

The winner of the county competition will advance to the Kansas Junior Miss competition Oct. 4-7 at Belleville.

Judges for the local competition will be Judith York, a Marysville chiropractor; Wally Carlson, director of admissions at Cloud County Community College; and Nancy Ryan, organizer of the Clay County Junior Miss program.



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Wheat almost cut good cut managers

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Attachment 2

(Continued from page 1A)
tract on behalf of the city.

The council voted to purchase a radar gun that could be used while the police car is moving. Smart told the Council the county also is interested in purchasing an identical radar gun. The manufacturer of the radar gun, Kustoms Electronics Inc, Lenexa, is offering two radar guns for the price of one. This will allow the city and county to share the cost of \$1,770.

Monty explained to the council the open meetings law. He said the law states that a majority of the quorum cannot meet at a pre-arranged meeting to discuss city council business.

The quorum for the Washington City Council is three, making the majority of a quorum two. Council member Lou Kern suggested increasing the Council's quorum from three to four. Kern will discuss the possibility of this change with Monty and report back to the Council.

The law also states that the council must notify anyone who requests notification of special council meetings, Monty said. The law does not provide how the notification is to be given.

The law also gives the public the right to appear, but does not give them the right to participate, be heard or take part in the meeting, Monty said. Anyone who wants to

take part in the council meeting must ask to be put on the agenda prior to the meeting.

A water tax was implemented by the council. The tax will be three cents per thousand gallons of water used. The tax went into effect July 1, however, the city will not enforce the tax until the August reading.

The City Council voted to increase the salary of city employees by four percent. This excludes the city superintendent and the city clerk.

The Council voted to increase the superintendent's salary to \$26,900 a year; the city clerk's salary to \$16,968; and the police chief's salary to \$16,000, plus the four percent increase.

Walter Brothers Construction, Washington, requested permission to repair a box culvert on 8th Street, while extending the culvert onto their land. The council voted to approve the request. The work will be done by Walter Brothers. The cost to the city will be about \$1,975.

Police chief Robert Garten requested one space in front of Major Entertainment be painted red and reserved for police parking. The council voted to paint the space and install a sign stating "No parking between the hours of 8 p.m. and 2 a.m."

Council member Janet Elliott told the City Council Jody Ouellette informed her that she will offer a first responder course Aug. 7-Sept. 30 and Oct. 2-Nov. 30 for three credit hours. Elliott said Ouellette recommended police and fire personnel take the course.

Smart told the Council Francis Nutsch, Mahaska, had offered an advertising space on the back of programs for his horse show that will welcome people on behalf of the city of Washington. This will be done free of charge for the city because the city is letting Nutsch use the fair buildings at no cost.

Garten was moved to full-time status by the council after a six-month period for evaluation. Garten was hired in December 1988 to replace Larry Lohrengel as chief of police.

The council approved an additional phone line for the city hall. The additional line will be placed on three phones and will cost about \$450 plus labor and monthly fees.

Washington will have a booth again this year at Manhattan Town Center mall Sept. 30. The booth will have the new city brochures received through the Southwestern Bell Telephone grant. The Council voted to have Smart share the time of running the booth with the Chamber of Commerce.

Council member Lou Kern proposed a new council member poli-

cy. The policy would enable new members to become better acquainted with their duties and responsibilities as council members. Kern will write up a proposal to be reviewed and discussed by the council at their August meeting.

Smart submitted five water samples taken from wells in the area. The Council is looking into possible future water sources. None of the wells were recommended for consumption, Smart said.

John Walker, city superintendent, reported the city would be in Hanover helping to reseal the streets during the fair. Hanover city employees will help Washington reseal its streets at a later date.

Cooperation between the two towns allows each to get about twice as much work done a day, Walker said.

Smart gave the Council members a map of zoning for the city. He asked members to study it so a decision could be made on the zoning ordinance at the August meeting.

The Council discussed the need for repairs on 4th street. Walker informed the Council repairs would be costly and an application for a grant should be made.

Council member Brad Owen will look into a grant to repair various streets in Washington.

PRA meeting

(Continued from page 1A)

— the investigative arm of Congress — study the Army's proposal to double the size of Fort Riley.

The article outlined six questions Kassebaum said she would like the GAO to examine:

•Does the Army have plans to acquire large amounts of land else-

and consistent procedures for documenting their needs, examining alternatives and establishing acquisition priorities?

•Are any improvements to the process needed?

•To what extent, if any, are the Army's acquisition plans affected by the recent work of the

reductions, including overseas troop reductions, affect the need for such land acquisitions?

•Would a decision not to expand Fort Riley make it more vulnerable to future closing?

Dawson urged people to write their senators and congressmen,

ly, really good help."

Preserve Rural America has post office boxes in Barnes and Riley where people can mail contributions. The Barnes address is: Preserve Rural America, P.O. Box 154, Barnes, KS, 66933.

The group will meet again at

2/2

THE TERMINATION OF RURAL AMERICA

Rural America is on its death bed. Once a proud bastion of "glamorous heritage" and the "dominating spirit" of a young nation, "Rural" has now been reduced to the status of a "non-urban" classification; a designation of status superceded only by by the 'emergence' of the more highly publicized (and recognized), "Third World Nations." Those who could come to the assistance of Rural America have failed to do so. Apathy abounds. The heritage, the lineage, the ancestral roots linked to America's infancy are now of 'another time,' 'another place.' Ignorance of Rural's rightful place in the development of a strong America has ironically ocured in the elected assemblies of our Plains' States. Rural is passe; centralization and urbanization are 'in.' And, unfortunately, self-initiated agrarian efforts to promote the continuance of Rural as a viable way of life have not succeeded. The leaders of Rural America continue to ignore the incessant cries of help from their own constituencies. Many innovative, creative agrarianists have conceptualized various and sundry methodologies for once again 'breathing life' into Rural America. The vast majority of these innovations go unheeded and unsupported. The reason for this lack of support within the power structures of Rural states is not readily answerable; nor is this lack of support readily understood. To deny the basis of one's heritage, of one's 'inherent' strength, is unthinkable in many cultures. Yet this denial of Rural as the 'root' from whence the 'tree' of agrarian-state prosperity sprang remains an enigma. This much is certain, however; Rural is much more than the simple pseudo-didactic definition of "non-urban." Rural people are, and shall continue to be, a viable minority. This minority exists throughout America much as the visible, viable minorities exist in the population centers of our nation's vast metropolitan areas. And, to deny that existence is an error of the greatest magnitude. If Rural ceases to exist, the very 'life fiber' of America will also cease existing. We will have denied our heritage. We will have denied our lineage. We will have denied the very core of our economic strength; a strength made possible by an adherence to the mores, the values, the customs and the cultural instincts which have permeated the United States' of America's 'very essence' for over two formulative centuries. And, to deny Rural America a chance for survival is to deny our very heritage; urban as well as rural. The minorities within agrarian America deserve the opportunity to be heard; to re-create an environment which has served this nation well since

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Attachment 3

its conception in an agrarian wilderness. In Kansas, today, that dream of rejuvenation, that hope of rebuilding Rural America is alive and well. Life-long agrarianists have stood to speak their hearts, their souls. Not at recapturing a "Field of Dreams" from a bygone era, but to be afforded the opportunity to exist as a creditable, viable minority within a nation of creditable, viable minorities.

These minority voices, these agrarian cries striving to be heard above the din of increased urbanization, have been likened to "voices crying in the wilderness." One of these voices, straining to be heard, has originated from Washington County in North Central Kansas. Once boasting more than 20,000 citizens at its population zenith, Washington County now has 7,000+ inhabitants. In thirty years, by the year 2020, that population is projected to stand at 5,500 inhabitants. (IPPBR, p. 32) In the last three decades Washington County has lost 33 percent of its population. (Profile, p. 1) Farms continue to be abandoned, and Washington County's youth (fed by the media/legislative premise that 'bigger' constitutes 'better'), continue to leave in droves. This 'brain drain' of Kansas' educated youth should be a major concern to policy makers, but thus far pleas for assistance, for help in retaining Kansas' rural youth has fallen on deaf ears. As previously stated the various mediums of news purveyance have fueled the "bigger is better" argument. In a 1979 study funded by the United States' Office of Education several significant findings were discovered which both document and annotate urban's attitude toward rural. (Baskerville, p. 115) Some of the more 'pointed' attitudes include the following:

- 1) Rural people are discriminated against by people in big cities;
- 2) rural people are discriminated against by those who make the laws;
- 3) rural people are a minority;
- 4) it is important for you to study the history of your [rural] community;
- 5) all city communities are basically the same; and
- 6) your [rural] community has a unique history.

The 1979 study concluded with the following assertion: "It is safe to conclude that [rural] students can successfully be taught a general knowledge of local history, and the realization of 'rural' philosophies which serve as the basis for 'localized' social/economic conditions; they can successfully develop an awareness of local career opportunities; and they can successfully and significantly increase their attitudes toward local career occupations, the local community, and education in general." If this is indeed the case, that agrarian youth can be taught a respect for and a realization of 'rural' as a viable career entity, then why cannot the same attitudinal 'adjustment' be imparted to, and upon, those who establish public policy in our rural states' legislative assemblies? 'Rural' is not simply 'non-

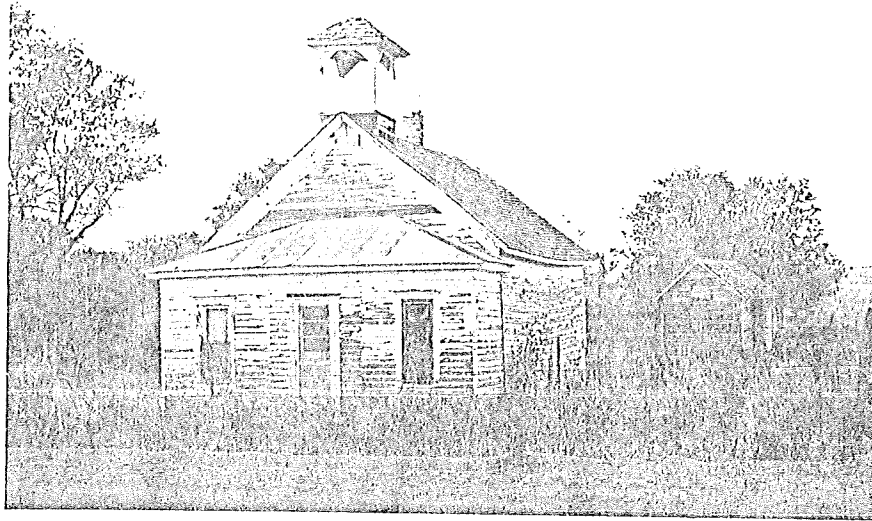
urban.' Rural is because it exists, albeit in smaller and smaller numbers. Suffice it to say, however, that any state whose primary economic indicator remains the vast proportions of agriculture and agribusiness productivity cannot afford to ignore that viable entity, that creditable quality known as rural.

The citizens of Washington County, Kansas (speaking for themselves and on the behalf of Kansas' agrarian minority), ask for a chance to survive. Much concentrated work and dedicated effort has gone into the quest of a majority of Washington Countians to acquire, nurture and develop a penal institution. Once again this agrarian "voice in the wilderness" has shouted, pleaded and cajoled for a chance at survival. This "voice" has been audible for the past decade. Without both empathy and assistance from the Legislative, law-making bodies of the Kansas' General Assembly this voice will once again be ignored. Kansas now has the opportunity, however, to be a leader in rural rejuvenation, in rural survival, and in agrarian pro-activism. To build our rural areas, with jobs, with people, with economic growth and prosperity, can only serve as a self-nurturing benefit for this entire rural-rooted State.

The scars of rural's demise continue to haunt America's heartland. These blemishes, these reminders of our State's lack of commitment to agrarian prosperity, can be viewed across the vast expanse of this "Land of Ahs." This is evidenced in our silent educational monuments of a forgotten (and hidden), bygone era; an era which produced the quality and essence of this land we call Kansas. These "monuments" are the aging, hulking shells of countless educational institutions; institutions which produced a 'quality' education for those who were "striving" to "reach the stars" through inherent "difficulties." Several of these 'silent monuments' to a populous and prosperous past have been included in this basic treatise. Washington County once housed Eleven (11) secondary institutions of post-elementary learning. Today Washington County maintains territory for all (or portions of), four high schools. Many of these old educational facilities have been razed; several remain, however, as monuments to what was, and what could continue to be in rural Washington County, if steps are not taken to recognize that Kansas' agrarian history is not inseparable from a productive and prosperous future.

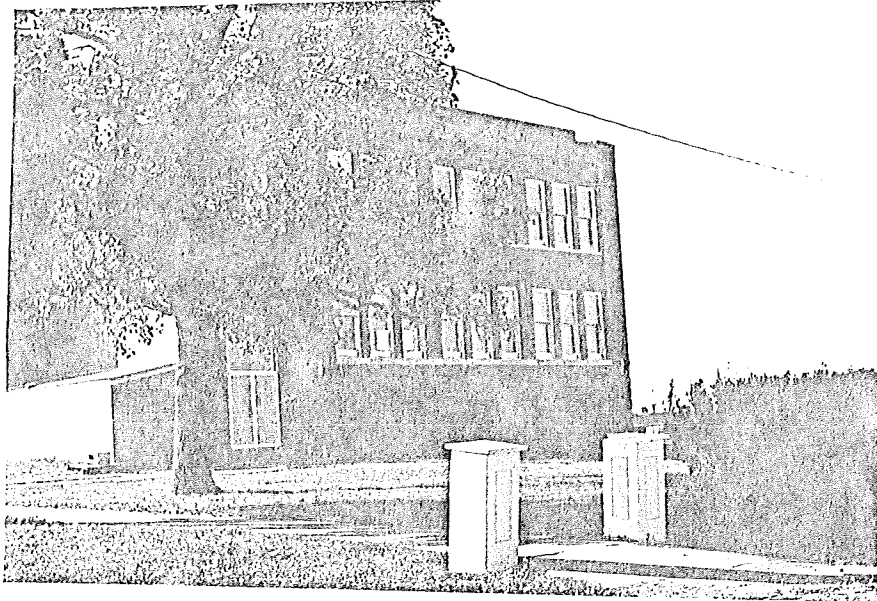
In 1930 the State of Kansas boasted 8,729 organized public school districts. In 1990 only 304 of those organized districts remain. (KSDE, p. 4) Washington County's blacktops and rural byways serve as long-forgotten "yellow-brick roads" now tarnished by the plight of 'rural,' and the accompanying indifference to a

proud lineage and heritage which once served as the very backbone of an agrarian-based America.

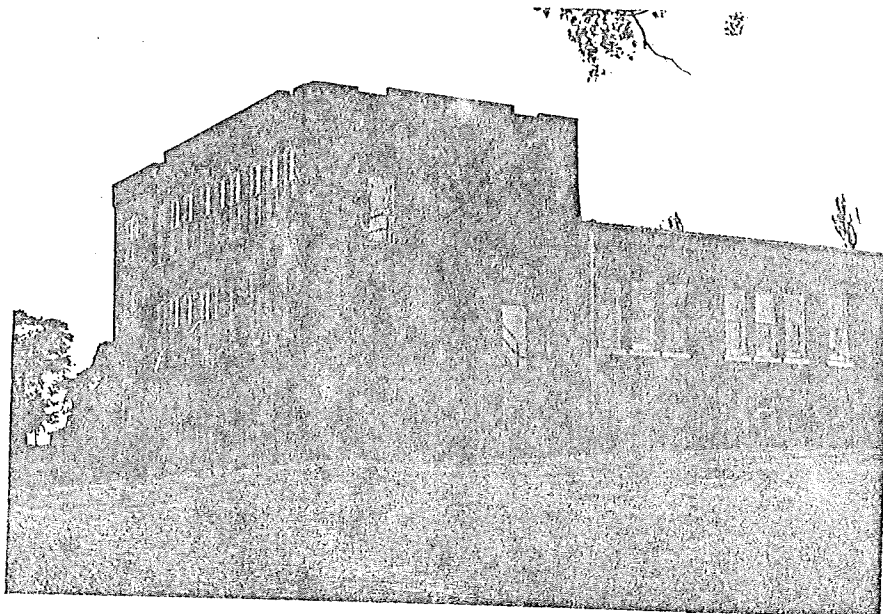


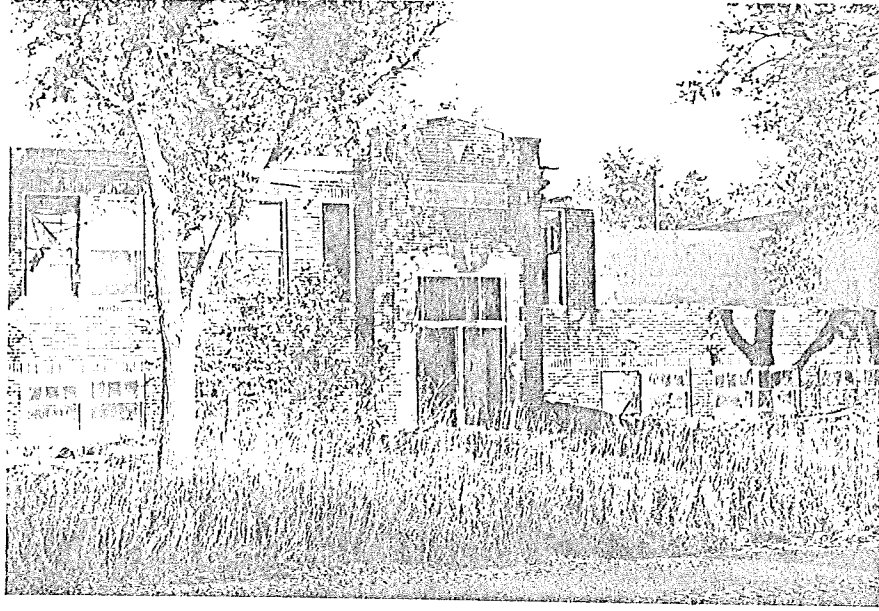
Their bells once rung. Standing east of Mahaska, Kansas and on "Old Route 36" between Washington and Hanover, Kansas are two reminders of Kansas' proud educational past. These one-room educational facilities are now discarded monuments to a proud past; a past based on the premise that all Kansans were guaranteed recognition of their educational needs and their educational heritage. Rural held a promise for the future. That promise has now been obscured by the pseudo-belief that agrarianism no longer exists as Kansas' 'foundational pillar' of past excellence, and as her 'fountain of hope' for a promising future.



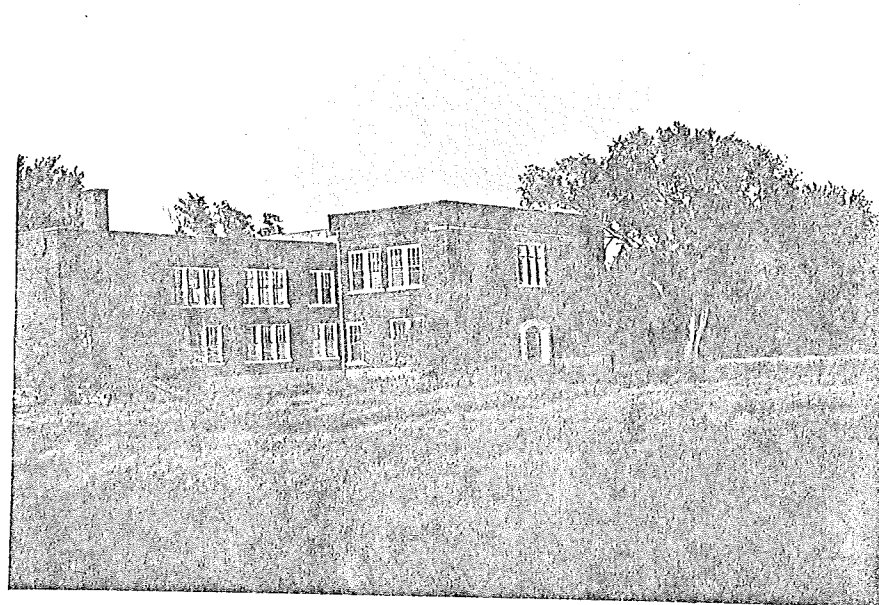


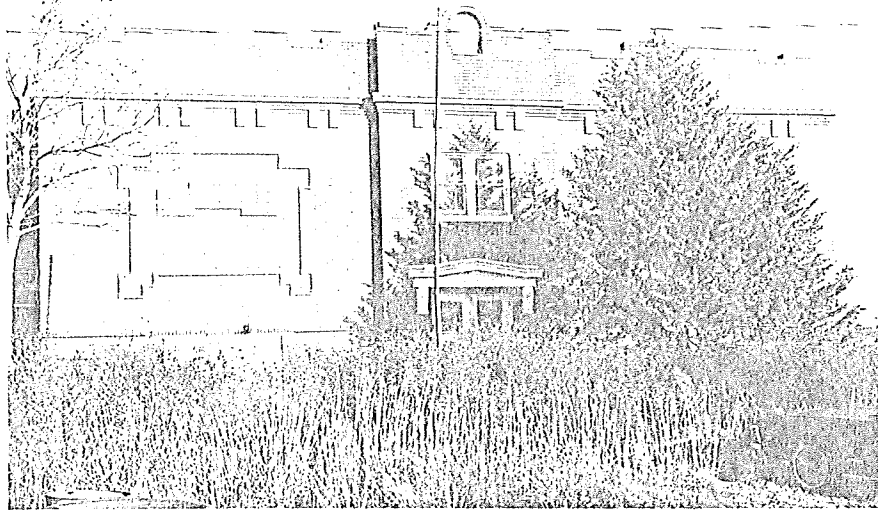
The discarded Barnes' High School of Barnes, Kansas. The 'black and gold' of Barnes High School once shouted proudly from this town in the southeast corner of Washington County. The Barnes Bullets, however, are no more. They have been 'unified' with Linn, Hanover and Palmer; USD 223. This reorganized district is also fighting for survival. Its student population continues to decline, and unless assistance is provided for rural Washington County the remainder of USD 223's buildings may join the increasing number of "educational monuments" in this agrarian county located in North Central Kansas.





The old Mahaska, Kansas grade and high school buildings. Thirty years ago the Mahaska Wildcats, the Morrowville Bulldogs and the Haddam Hounds were separate educational entities. With unification in the 1960s the Wildcats, Bulldogs and Hounds became the 'Cougars;' and the three separate districts joined together to form the North Central District of Morrowville, Kansas. The reborn and interbred 'Cougars' are now also faced with extinction. This endangered species now numbers only 150 students housed in two buildings; the Haddam elementary and the Morrowville high school. The buildings in Mahaska are no longer utilized as active centers for student learning.





The abandoned Hollenberg, Kansas K-12 educational facility. Perhaps the most interesting of Washington County's discarded "educational monuments" is the Hollenberg school. Located three (3) miles south of the Nebraska border, this tiny (yet proud), K-12 educational institution reorganized with Hanover, Kansas prior to the days of mandated unification. The Hollenberg Pirates became Hanover Wildcats, and Hanover-Hollenberg ultimately became part of USD 223; Barnes, Linn, Palmer, Hanover and Hollenberg. On the day these pictures of the abandoned Hollenberg edifice were taken various mental images of history manifested themselves in the mind of the picture-taker, as well as in the lens of the camera. Standing on a windswept hill on the south edge of Hollenberg one could sense the ghosts of the past rallying around their once proud institution. The wind became voices shouting at recess; it surrounded the now cobwebbed windows of a second floor classroom as students busied themselves with educational tasks in a long-ago time. Scholarly pursuits quickly changed (in the mind's eye), to the squealing exuberance of children at recess; of a fourth grader 'rounding third' and heading for home on an old ball diamond which now served as cover for wildlife. The 'taker' of these pictures also noted seasonal changes. Fall and spring heat turned to winter's snow-covered cold. Across from the school was the 'pride' of the Hollenberg Pirates; a quonset-style building which served as the Hollenberg gymnasium and community auditorium. The "Hollenberg City Auditorium" was abandoned long ago. The 'hoops' are no longer on the rotting backboards; the floor is warped and ruined. Hidden in the recesses of the mind, however, is a picture of 'winter excitement' which took place at Hollenberg, Kansas years and years ago. The crunching of boots in the snow as hundreds of spectators headed for the Hollenberg City Auditorium and a basketball game between the Pirates and a now non-existent 'rival' from Washington County. The yells and screams for the home team fade into the past. This image has been replaced by a hot, humid day. A spring day in Kansas when Hollenberg's last graduating class marched across the stage of the City Auditorium, and the Hollenberg school system joined the ranks of what 'could have been' in this land where the "stars" are reached

through extreme "difficulties." Hollenberg's abandoned buildings now serve as ghostly reminders of a promising past which gave way to an uncertain future in rural Washington County. The only sound now existing in reality on that wind-swept hill is the clanging of a chain against a flagless flagpole. Hollenberg is no more; her colors have been struck; the purple and gold are but tattered remnants blowing in the wind; the Hollenberg Pirates have now taken their place in the Halls of Washington County's educational antiquity.



Summarily, Washington County continues its population decline. With this outmigration of county students and a work-force seeking desperately needed jobs goes the hope for a bright and promising future. Unless positive support action is taken by Kansas' policy makers enabling Washington County to survive, the remaining businesses will join the previously described and depicted educational monuments as additional reminders of what could have been if those in positions of authority had granted a receptive audience to our documented plans for rural survival in this epitomized county of Kansas' agrarian dilemma. Washington County is not seeking alms; Washington County is not on 'the dole;' Washington County is not asking for a 'handout.' Washington County is asking, however, to be dealt with fairly. We (the majority of Washington County residents), have worked hard to attract a prison and its resultant population/economic benefits. We have not been 'reactive;' we have been 'proactive' in trying to solve our own problems. Unfortunately our decade of work is now in the position to be 'vetoed' by those who could care less about our sweat, our toil, our endless striving to survive and to grow through the reward of our own labors. We ask that you allow us to be the Kansans we are; rugged individuals working cooperatively to enhance our own future. To deny us this courtesy is to deny the heritage from whence we originated. And, we remind you that Kansas is a rural state, a rural entity upon which the future was built. To deny that basic truth is to continue in a state of identity-crisis; a crisis which can only plummet Kansas, a proud, agrarian land, into a continuing denial of a rural-based heritage.

Kansans are, indeed, rural-rooted. From these roots sprung the essence of Ad Astra Per Astra. And, as a rural citizenry, we are all a minority; a viable and creditable minority worthy of recognition and continuance in this world of confusion and uncertainty. We are not "non-urban." As stated in a previously cited study (Baskerville, p. 20) "Rural" is not a non-entity. It exists, it is tangible, it consists of 'real' people fighting to survive and to preserve their heritage. In essence, then, "Rural" has been defined as...

"Of, or relating to, a minority group of people who habitate in sparsely populated areas, and are identified by a unique persistence to retain their customs, culture and individuality in all aspects of a human, spiritual, social, economic and educational nature."

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Creative Enterprises, Inc.

Providing Real-World Inmate Work Opportunities

January, 1991

SUMMARY DATA - INMATE WORK PROGRAMS

	Zephyr Products Inc.	Heatron Inc.
Model	Production Workers 100% Inmate	Production Workers 50% Inmate/50% Non-Inmate
Date of Purchase	November 1978	June 1981
Move to Leavenworth, KS	Dec. 3, 1979	Jan. 7, 1985
Type of Manufacturing	Sheet Metal Fabrication	Fabrication of Electrical Heating Elements
Market Area	Greater Kansas City	National
State/Federal Subsidies	None	None
Private Investment		
In Company	\$519,000	\$ 50,000
In Facility	\$500,000	\$400,000
Total Inmate Employees	188	100
Current Inmate Employees	16	25
Taxes Paid by Inmate Employees* (From their wages)	\$279,710	\$118,230
Room & Board* (\$35/week per Inmate Employee) (Paid to State)	\$410,811	\$137,525
Victims Compensation* Paid by Inmate Employees (Since July 1, 1986)	\$ 22,255	\$ 26,278
Total Paid by Inmate Employees* (From gross wages)	\$712,777	\$282,033

*Through December 1990

411 N.4th, Leavenworth, Kansas 66048 • 913-651-7949

Senate Judiciary Committee
3-29-91
Attachment 4

Business

THE KANSAS CITY STAR

MONDAY, March 18, 1991

MADE IN MID-AMERICA

Kansas inmates learn job skills at work

Leavenworth firms hire prisoners to work as metal fabricators.

By RANDOLPH HEASTER
Staff Writer

To the casual observer, Zephyr Products Inc. in Leavenworth is similar to most other manufacturing plants that work with steel.

But the thing that sets Zephyr apart from virtually every other steel fabricator is its plant workers: They are prisoners at the Lansing Correctional Facility.

Zephyr, along with a sister plant adjacent to it known as Heatron Inc., is the experiment of Fred P. Braun Jr., a Kansas entrepreneur who formed Creative Enterprises Inc. in 1979 to operate Zephyr. The sheet metal fabricator makes a variety of products, such as lockers, commercial furniture parts and conveyer systems.

Braun, who has specialized in turning around troubled manufacturers, and a group of investors bought Zephyr and moved it from Downtown Kansas City to Leavenworth.

The motive for the relocation was to employ prisoners, a concept that has been tried in other parts of the country with relatively little success, according to Braun and others who have researched prison employment.

Braun said he came up with the idea while participating in a state-appointed committee examining why the turnover was so high among guards at state correction facilities.

When Braun took a tour of the Lansing prison, he discovered prisoners spent most of their time in their cells or watching television.

"I thought the inmates really worked," he said. "But there just isn't that much to do in a prison."

That got Braun more interested in the idea of using the private sector to make prisoners more productive.

After acquiring Zephyr and



DANIEL STARLING/The Star
An inmate of the Kansas Correctional Facilities in Lansing welds part of an outlet spout for a scale at Zephyr Products, Leavenworth.

getting it running in Leavenworth, Braun also bought Heatron, a maker of industrial electrical heating parts, and moved it to Leavenworth in 1985.

At both plants, inmates work alongside residents in the community. Zephyr now employs 17 inmates out of 30 total employees.

The inmates earn minimum wage, but part of their salary goes to pay taxes, room and board and victims' compensation. The inmates save the remainder, and in recent years they have been able to participate in an employee stock-option plan that can build their savings.

For instance, some Zephyr employees who have worked there several years have saved more than \$5,000 that will be theirs once they are released. Most inmates usually are given \$100 upon their release.

"That makes a big difference

within the correctional facility usually does little to help inmates prepare for jobs in society.

"When you throw them in the real world of work, they're lost," he said, referring to the situation of many former prisoners. "They can't keep up with the guy next to them because they're not used to real work. Zephyr understands that."

The company says it hopes that prisoners who learn good work skills will not return to prison and cost the state more money.

The social good isn't the only thing that these companies have brought, Braun said.

Since the two companies have operated under Creative Enterprises, the nearly 300 inmates who have worked there have paid about \$1 million to society in taxes, state room and board and victims' compensation. Neither company requires any sort of state funding, Braun said.

Braun, who said he does not profit from the two companies, said he would like to expand the plants but has had difficulty doing so because they are staffed by inmates. Some companies have complained the cheap labor pool provided by prisons undercuts their business. But Braun argued that studies show that is not the case.

"It's tougher to run a company like this than others," he said. "If you get too good or too big, you potentially can get complaints from competitors."