

Approved March 19, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:36 a.m./p.m. on MARCH 17, 1992 in room 521-S of the Capitol.

All members were present except:

Representative Nancy Brown, excused
Representative Gary Hayzlett, excused

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Representative Duane Goossen
Kip Wells, Chase County Commissioner
Larry Sifer, Chase County Sheriff

The Chair informed the committee that the hearing on HB 3166 - Countywide retailers' sales taxes; authorized for construction of law enforcement center by Saline County, would be cancelled at the request of Representative Eloise Lynch as it will be amended into another bill.

The Chair opened hearings on HB 3165 - County jails; maintenance of noncounty prisoners.

Representative Duane Goossen appeared before the committee and gave background of HB 3165. He said he requested the bill on behalf of the Chase County Commission who felt they have a situation that the change in the law of this nature would be appropriate.

Kip Wells, Chase County Commissioner, appeared in support of HB 3165 provided the committee with a proposed amendment to apply only to Chase county jail. (Attachment 1) He gave background and intent of HB 3165. He said they are building a facility which will house 32 prisoners and should be completed by the first of May. He said they had passed their own county resolution to create a jail administrator which the statute gives all jail control to the Sheriff. The sheriff, county attorney, and 3 county commissioners unanimously supported the jail from its inception and unanimously support this type of bill that they are proposing.

Larry Sifer, Chase Co. Sheriff, appeared before the committee to answer questions.

Chair asked staff if the only thing the bill does is prohibit future sheriffs from bringing in prisoners from other counties. Staff said it was designed to order a sheriff to take prisoners.

Representative Holmes asked if the county commissioners had the final budget authority on their budget each year and if they didn't like what they were doing they could cut their budget in half. Sheriff Sifer said the county commissioners have the budget authority on the budget but they cannot budget the error on expected income. Representative Holmes also wanted to know who was responsible for the bonds if it came out of the sheriff's department budget or the county budget. Sheriff Sifer said the Public Building Commission is responsible for the paying of the bonds which was created to do a lease-purchase package with the company. The county is leasing the jail from the Public Building Commission which is an entity of the county. With the research they had done they felt they could pay for it out of the revenues they received from leasing the jail for housing other people. Representative Holmes asked if it met the current statutory requirement and he felt

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S Statehouse, at 1:36 XX a.m./p.m. on MARCH 17, 1992.

there was an election required. He asked if it was built by the Public Building Administration because the county commission didn't want it approved by the vote of the people as a bond election. Mr. Wells said a petition was offered and it was done so that it brought it within the general obligation control and made their interest rate two points lower. He said they had an opportunity to vote but there was no protest vote.

Representative Watson wanted to know how it would affect federal prisons. Sheriff Sifer said they have entered a contract to house 15 federal arrestees at their facility from the Wichita Marshal's office.

Chair asked what it costs to provide health care for prisoners. Sheriff Wells said it varies and last year he spent around \$8,000 of some \$63,000 for health care. The actual cost of outside prisoners goes back to the county. The arresting agency is responsible for the payment of health care.

No further questions and the Chair called the committee's attention to a letter in opposition to HB 3165 from the Board of County Commissioners in Sedgwick Co. (Attachment 2)

There were no opponents to HB 3165 and the Chair closed the hearing.

Meeting was adjourned at 2:05 p.m.

PROPOSED AMENDMENT TO K.S.A. 19-1930 REQUIRING THE CHASE COUNTY SHERIFF TO USE EXCESS CAPACITY IN THE CHASE COUNTY JAIL WHEN DIRECTED TO DO SO BY THE CHASE COUNTY COMMISSION.

(g) THE CHASE COUNTY SHERIFF OR THE KEEPER OF THE CHASE COUNTY JAIL IN CHASE COUNTY OF THIS STATE HAVING EXCESS JAIL CAPACITY SHALL BE REQUIRED TO RECEIVE PRISONERS OF ANY CITY OR COUNTY WITHIN THE STATE OR UNDER THE AUTHORITY OF THE UNITED STATES WHEN SO DIRECTED BY THE BOARD OF CHASE COUNTY COMMISSIONERS OF SAID CHASE COUNTY WHERE SAID CHASE COUNTY JAIL IS LOCATED.

LS
3-17-92
Attach 1

SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS



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CHAIR
FIRST DISTRICT

MARK F. SCHROEDER
CHAIR PRO-TEM
FIFTH DISTRICT

BILL HANCOCK
COMMISSIONER
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COUNTY COURTHOUSE • 525 NORTH MAIN • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE: (316) 383-7411 • FAX (316) 383-7509

March 12, 1992

The Honorable Mary Jane Johnson
Chairperson, House Local Government
State Capitol Building
Room 426-S
Topeka, KS 66612-1103

Dear Ms. Johnson:

The Sedgwick County Commission wishes to express its concerns regarding House Bill 3165 (By Committee on Appropriations).

First, we believe that housing prisoners in detention facilities is the responsibility of the Sheriff. He or she best knows the facility, its capacity and utilization.

Second, this legislation appears to be based upon the interest of a single county. We would respectfully suggest that, if legislation is enacted, it be specifically written for that county alone without impacting 104 others.

Obviously, we are all concerned about usage of these very expensive facilities and the intent of mutual assistance is good. However, we believe that the Sheriff must have the responsibility of acceptance or transference of prisoners. We, therefore, oppose House Bill 3165 in its current form.

Your assistance with this matter is appreciated.


Sincerely,

BOARD OF COUNTY COMMISSIONERS
Sedgwick County, Kansas


BETSY GWIN
Chair

BG/jc

cc: Sedgwick County Delegation
Members - House Local Government Committee


3-17-92
attach. 2