

Approved: _____

Date

UPW 9/5

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by _____ Chairperson Senator Wint Winter Jr. at _____
12:40 p.m. on April 9, 1992 in room 527-S of the Capitol.

All members were present except:
Senators Feleciano, Gaines and Petty who were excused.

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:
Ben Coates, Kansas Sentencing Commission
Secretary Gary Stotts, Kansas Department of Corrections
Representative George Dean
Paul Shelby, Office of Judicial Administration
Matt Lynch, Kansas Judicial Council
Senator Norma Daniels
Terry Humphrey, Kansas Manufactured Housing Association
Noelle St. Clair, Housing and Credit Counseling, Inc.
Sherrie Harvey, Topeka
Ed Dutton, Lawrence
Betty Miller, AARP and park tenant
Penny Johnson, Kansas Coalition
George Gable, AARP Coordinator of Capital City Task Force

Chairman Winter called the meeting to order by opening the hearing for HB 3143.

HB 3143 - Sub for HB 3143: task force on criminal justice information, recommendations for a uniform database of offender information.

Ben Coates, Kansas Sentencing Commission, testified in support of HB 3143. (ATTACHMENT 1)

Secretary Gary Stotts, Kansas Department of Corrections, addressed HB 3143 by suggesting it be amended to establish a Kansas Criminal Justice Coordinating Council to expand on the work of the Kansas Sentencing Commission. He stated that would allow the KSC to continue but as a sub-unit of the new KCJCC. He further suggested that the newly formed KCJCC be assigned the task of compiling the uniform database of offender information. He added that, in support of KCJCC, the varied issues of community corrections, data gathering, juvenile justice and other correctional topics could be addressed by a single entity, thereby providing an orderly and efficient system of study and suggestions. (ATTACHMENT 7)

Representative George Dean spoke in support of HB 3143 as suggested by Secretary Stotts and suggested that a representative from the Division of Information Systems and Communications (DISC) be included.

Senator Parrish stressed that it would be beneficial to include data on juveniles but expressed her concern with violating the confidentiality strictures.

Paul Shelby, Office of Judicial Administration, rose to express their support of HB 3143 either in its form as referred to the Committee or with the suggested amendments of Secretary Stotts.

This concluded the hearing for HB 3143.

Chairman Winter suggested the Committee take every opportunity to promote HB 3143. He suggested the possibility of amending the bill in Committee and recommending it, or preparing a floor amendment, including Secretary Stotts' suggested amendments, to incorporate in a bill already on General Orders.

Senator Bond moved to record in the Minutes that the Judiciary Committee recommends a floor amendment including HB 3143, the Criminal Justice Coordinating Council amendments as suggested by Secretary Stotts, including CINC and juvenile offenders, to amend into a bill on the Senate Calendar. He made this motion so the Chairman could recommend the amendment as endorsed by the Senate Judiciary Committee. Senator Kerr seconded the motion. The motion carried.

Chairman Winter noted HB 3143 would be held in Committee for possible future action.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 527-S, Statehouse, at 12:40 p.m. on April 9, 1992.

The hearing was opened for HB 2547.

HB 2547 - Sub for HB 2547: mobile home parks residential landlord tenant act.

Matt Lynch, Kansas Judicial Council, explained the provisions of HB 2547. He stated that the bill intended to conform with the residential landlord tenant act when appropriate and was drafted to follow the Kansas statute. He stated that the Judicial Council supported the concept of a separate landlord-tenant act for mobile home residents and felt the House amendments did not create a major departure from the original bill they requested.

Senator Norma Daniels offered an amendment to HB 2547 to provide for written notification of the availability and location of storm shelters. She presented her amendment as a life-saving matter. (ATTACHMENT 2) Senator Daniels responded to questions by suggesting that Emergency Preparedness could provide a listing of the shelters they are required to maintain to fulfill the provisions of her amendment. She reiterated the purpose of requiring the shelter information was to help save lives, regardless of whether it caused the landlords to expend a bit more resource.

Senator Bond suggested alternate language (conceptual) that the emergency preparedness agency prepare a list of locations of shelters they believe are safe and to require mobile home owners, or their representatives, to supply that information at the time a lease agreement is signed.

Terry Humphrey, Kansas Manufactured Housing Association, testified in support of HB 2547 with an amendment. (ATTACHMENT 3)

Noelle St. Clair, Housing and Credit Counseling, Inc., testified in support of HB 2547 with the amendment offered by Ms. Humphrey. (ATTACHMENT 4)

Sherrie Harvey, Topeka, spoke on behalf of mobile home park tenants in opposition to HB 2547. (ATTACHMENT 5) Ms. Harvey also provided the Committee with copies of the Iowa Mobile Home Parks Residential Landlord and Tenant Law, The California Mobile Home Residency Law - 1990, and the Supreme Court decision on Yee et al. v. City of Escondido, California.

Ed Dutton, Lawrence, testified in support of HB 2547 with amendments. (ATTACHMENT 6)

Betty Miller, AARP and park tenant, rose to express her support of the comments presented by Ms. Harvey.

Penny Johnson, Kansas Coalition, spoke in support of requiring landlord accountability. She stated that although she had not specifically dealt with mobile homes, she could envision the problems with accountability and the forfeiture of property.

George Gable, AARP Coordinator of Capital City Task Force, rose to state the AARP had no formal position on the topic being heard. However, he wished to support Sherrie Harvey and her comments as he had investigated some of the specifics presented by Ms. Harvey. He projected the AARP would address the topic some time within the next year.

This concluded the hearing for HB 2547.

The meeting was adjourned at 1:55 p.m.

HB - 3143

An act concerning criminal procedure; relating to the development of a uniform database of offender information.

This bill would require all Kansas field services agencies (Community Corrections, Court Services and Parole) to develop a common, uniform database of offender information for each offender placed in a nonincarcerative sanction.

The Task Force's data collection effort highlighted the fact that uniform data does not exist. This lack of standard data makes efficient planning and resource allocation difficult, if not impossible. Approximately 29 million dollars are allocated from a variety of sources without any firm idea of caseload, workload, or services needed statewide for over 27,000 offenders (over 32,000 with children in need of care and diversion clients).

For more information contact:

Kansas Sentencing Commission
(913) 296-0923

Ben Coates, Director
Blaine Carter, Management Analyst

Senate Judiciary Committee
April 9, 1992 (12:40)
Attachment 1 1/2

**Individuals Supervised by Type of Agency
May 31, 1991**

	<u>Court Services</u>	<u>Community Corrections</u>	<u>Parole</u>	<u>Total</u>
Adult Felons	6,481	2,185	5,499	14,165
Adult Misdemeanants	8,803	157	0	8,960
Juvenile Felons	1,587	49	0	1,636
Juvenile Misdemeanants	2,870	98	0	2,968
CINC	2,783	0	0	2,783
Domestic Cases	146	0	0	146
Adult Diversions	524	460	0	984
Juvenile Diversions	<u>758</u>	<u>59</u>	<u>0</u>	<u>817</u>
Total	23,952	3,008	5,499	32,459

This summary highlights the overlap of Court Services and Social and Rehabilitative Services in the juvenile offender and CINC areas. Court Services provide domestic services in some judicial districts.

Sen. Daniels

FAH2547j2

STATE OF KANSAS



SENATE CHAMBER

MR. PRESIDENT:

I move to amend House Bill No. 2547, As Amended by House Committee of the Whole, as follows:

On page 6, following line 24, by inserting the following:

"(g) The landlord or any person authorized to enter into a rental agreement on the landlord's behalf shall provide written notification of the availability and location of storm shelters, or facilities available which afford protection during severe weather conditions, which are within the mobile home park. Written notification also shall be provided of the availability of storm shelters, or facilities available which afford protection during severe weather conditions, which are not located within the mobile home park which are immediately available to tenants. Such notice shall give the exact location of the storm shelter and the distance from the mobile home park. The information required by this subsection shall be included as a specific term of any rental agreement entered into on or after the effective date of this act."

Senator _____

*Senate Judiciary Committee
April 9 (12:40)
Attachment 2*

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY BEFORE THE
SENATE JUDICIARY COMMITTEE

TO: Senator Wint Winter, Chairman and
Members of the Committee

FROM: Terry Humphrey, Executive Director

DATE: April 9, 1992

RE: Substitute for House Bill 2547

Mr. Chairman and members of the committee, the Kansas Manufactured Housing Association supports Substitute for HB 2547 a landlord-tenant act for mobile home parks. KMHA has worked on this proposal with interested people and organizations for the last two years. The Act balances the concerns of both landlords and tenants and is similar, by design, to the Kansas Residential Landlord Tenant Act.

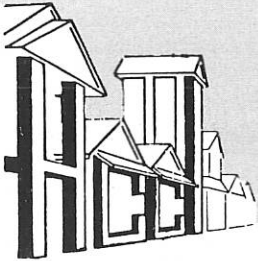
However, we do recommend one amendment that was suggested by the Kansas Bankers Association in order to make the abandon home provision of the bill clearer. This amendment is technical and not a policy change. Amendment follows:

"On page 11, in line 33, by striking "and" and inserting in lieu thereof "or"; in line 34, by striking "that"; in line 35, by striking "person" where it first appears in said line and inserting in lieu thereof "the legal owner or lienholder"; in line 37, by striking "person" and inserting in lieu thereof "legal owner or lienholder"; in line 43, by inserting "without" after "or";

On page 12, in line 1, by inserting "or lienholder" after "owner";"

In closing, please adopt this amendment and support HB 2547. Thank you.

Senate Judiciary Committee
April 9 (12:40)
Attachment 3



Housing & Credit Counseling Inc

1195 SW Buchanan Suite 203
Topeka, Kansas 66604-1183
(913) 234-0217 FAX (913) 234-0237
Consumer Credit Counseling Service (Lawrence)
(913) 749-4224

TESTIMONY
NOELLE ST. CLAIR
SUBSTITUTE HOUSE BILL 2547
SENATE JUDICIARY
APRIL 9, 1992

Mr. Chairman and members of the committee:

Housing and Credit Counseling is an agency that counsels landlords, tenants, homeowners, and homebuyers of their rights and responsibilities under Kansas Law. Our housing staff counsels between 3000 and 4000 tenants and landlords per year.

Kansas currently does not have any laws that protect consumers that own Mobilehomes and rent space, or landlords who lease space to mobile home owners. Due to this void in protection HCCI urges you to support the Mobile Home Parks Residential Landlord And Tenant Act.

Our daily contact with this population and the lack of laws to protect them have lead us to actively participate in the drafting of Substitute House Bill 2547. Great effort has been made to insure that the Mobile Home Parks Residential Landlord Tenant Act coincides with the Kansas Residential Landlord Tenant Act where possible. It was clear to all parties that a seperate act was needed due to the unique relationship between the homeowner and landlord.

Housing and Credit Counseling has worked very closely with the Kansas Manufactured Housing Association, the Sponsor of the bill Representative Bill Roy, the Judicial Council, the House Judiciary Committee and Sub Committee to insure that the language of the bill provides protection for both tenants and landlords. We are pleased with the changes that have been made and support the minor technical recommendations being made today by the Kansas Manufactured Housing Association.

*Senate Judiciary Committee
April 9, 1992 (12:40)
Attachment 4*



HUD Comprehensive
Counseling Agency



Consumer Credit
Counseling Service



United Ways of
Greater Topeka and
Douglas County

Well two months later and two subcommittee meetings later that I sat in on. Here we are with a bill with words in it as "forfeited", "two similar", and oh don't forget "two acts of god." What is this a law to play monopoly by?

This law as we understand it is to be in the absence of a written agreement. Which almost all mobile home courts do not have, because landlords don't want them.

We the tenants strongly feel in order to write this act, you must do your homework and address the problems that mobile home owners in these courts face.

The question has been asked don't your people want this act? I took the question to my people. This was the consensus. Things are bad enough, these landlords don't need a legal hammer to use on us.

We are in agreement that a law needs to be passed to protect us.

As for U.S. Supreme Court ruling as of April 1, 1992. The first in the court's history that addresses mobile home courts. It will have to be adapted to this act, because it has direct impact.

I sided California Mobile Home Residency Law as having precedent over Iowa's or any other state for that matter. Not just because its enactment was in 1978, but it addresses the many different problems that occur in mobile home courts.

We ask that over the summer a special committee be appointed to pull all city regulations through out Kansas.

And see on the city level what is addressed.

Hold public hearings throughout Kansas as was done before the Kansas Residential Landlord and Tenant Act was made law.

Once there is a Landlord-Tenant Act passed a special board to address on a regular basis the problems in these courts and see to it the act is enforced.

There are hundreds of tenants to every one landlord. We asked to be heard.

With two failed storm shelter bills and this act, we thought just by chance maybe we weren't going to continue to be the forgotten people. In the eyes of our legislatures.

AARP is working with us, every step of the way.

Thank-you

Sherrie J. Harvey

Sherrie Harvey

1441 N. Taylor Lot 906
Topeka, KS 66608

Jay Miller

Deana K. Lincotte
1441 N. Taylor
Lot #1006
Topeka, KS. 66608

P.S. Here are some letters from mobile home owners.

And the corrections on bill 2547 we want to see.

Markem Robinson

1441 N. Taylor
Topeka, KS. 66608

Georgia Cule Landine
1004 N.W. St. John
Topeka, KS 66608

Sheryl J. Allen
1441 N. Taylor 41003
Topeka, KS 66608

Senate Judiciary Committee
April 9 (12:40) Attachment 5 1/8

Section 4 Part H

Landlord has to have a city license within 30 days of purchase of mobile home court, and proof of liability insurance.

Section 6 Part D

Rental agreement shall be for ~~three~~ months tenancy.

Section 6 Part F

This had been in the bill
A landlord shall not cancel a rental agreement solely for purpose of making the tenants mobile home space available for another mobile home.

Section 6 Part G

This personally appeared to me. A 78 day notice was given. B. J. H.
Tenant be given 4 months notice if the landlord wants the lot for another purpose or to renovate the lot.

Section 9 Part E

Strike the phrase (the security deposit shall be forfeited),
You given the landlord an easy \$250.00 plus dollars.
Tenants will not allow this phrase.

Section 10 Part G

That a copy of this act be posted in all common areas and up grade law changes. That a copy of the act be given to all new tenants when the court rules are given.

Section 10 Part H

The tenant has 72 hours to refuse a written agreement.

Section 12

Strike all of A, except the landlord shall. These landlords do not need any excuses, on Section 14 it reads:
"the tenant shall:

Section 17

Strike "only as a dwelling unit." Landlords use this phrase to keep tenants from even doing day care or selling Avon. You are violating the tenants freedom of choice and all areas where mobile home courts are zoned light industrial.

Section 18 Part 1

Strike the word similar. This is a judgment call similar is not the same.

Section 21 Part A

Strike the word similar. Again this is a judgment call
Similar is not the same.

Section 22

Strike the phrase "is considered to have", a lot of
retirement people travel or maybe are in the hospital.
Only if rent is passed due. Again this is a judgment call.

Section 26 Part C

Strike all of this section. In the California and Iowa
act no such section exists. This section is in direct
contradiction of Section 26 A. These landlords need no
loop holes.

To Senators:

We are writing this letter to you concerning what we feel is a problem between mobile home park owners and lot renters (or tenants of the mobile home parks). A tenant of a mobile home park is very different from a tenant of an apartment complex or condominium. We, as tenants of a mobile home parks here in town, own our homes, just like you do. The only thing different in our situation is that the land, our homes are sitting on is a rented lot. Therefore, we feel that we should be free to live as we choose within our homes as long as we don't harm the land or equipment on the rented lot or break the law in anyway. We should be able to live independently as a home owner, and come together more closely as a community. We feel this situation is not the case, at least not in our mobile home park.

There is one major reason for this and that is because the mobile home park owners are controlling peoples lives like a dictatorship. They infringe on peoples rights and even their personal and religious beliefs. We feel they have shown no concern for their tenants and have made little or no repairs or additions in keeping with city codes as needed. They are not flexible and have been known to harass their tenants. Attached are examples of rules and regulations for one mobile home park which will remain unmentioned. This mobile home park owner's regulations are not the exception but the rule. He owns at least 2 other mobile home parks. This man also is not licensed to own this particular park. This mobile home park is not even up to city code standards.

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If you think this is an exceptional case. We can assure you this is not the only mobile home park with owner problems, similar to this.

We also feel there ^{are a few} ~~several~~ myths about the tenants of a mobile home parks. Well, let us set the record straight! The majority of people who live in mobile home parks today, are people who are college students living off campus, single-parent families, retired couples, disabled or elderly people, and families that can't afford a house. We are not wealthy people, but good people. Most of us are on a fixed income. We are not drug addicts, nomads, prostitutes, low-life bums who have given up on life, or criminals. Another myth we feel is out of character is that if you don't like where you live you can just hitch your trailer to the back of your car and move. HA! HA! First of all, a licensed diesel rig is the only truck that can safely move a mobile home. For a truck like that to move you, even if its only a block, and reset your trailer up will cost you anywhere from \$1,000.00 to \$2,000.00. That doesn't cover the extra cost of other moving expenses and a deposit on the new rented lot you move to. We, like most people, usually don't have that kind of money saved for those kinds of rainy days. It usually takes about 2-3 days ^{or even weeks} to move and set your trailer up, and thats depending on the weather. Another words, this can't be done in a matter of a couple of hours.

We realize not everyone lives our lifestyle, and we know that it is very hard to relate to us if you've never dealt with this type of situation before. However, we feel we deserve people who

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are compassionate enough to hear our concerns and try to walk in our shoes in order to understand and help us to have a better living agreement with the mobile home park owners. We feel this will bring our community closer together and that we will be able to live more independently. We know this situation may not affect each of you personally, at first, but it may affect you or people you know in the future.

Sincerely,

Sheryl J. Allen

Dana Hawkins-Fry

Sheryl Allen
Dana Hawkins-Fry

These are One Set of Rules
from A Trailer Park Here
IN Topeka, Kansas.

1. Deposits. There is a \$100.00 lot deposit, payable before move in.
2. Rents. Lot rent will be \$115.00 per month. Rents are due on the 1st of each month. Rents not received in our office by the 6th will be assessed a late fee of \$25.00. Rents late a third time during any twelve (12) month period are subject to eviction.
3. Skirting. Tenants are responsible for set up of homes under management supervision. All homes must be skirted within thirty (30) days of move in.
4. Storage. No storage is permitted except under the home or in storage sheds. Inoperative vehicles are not permitted. Storage sheds no wider than the home are permitted but must have prior management approval. Sheds must also be painted to blend or contrast with the home.
5. Fences. No fences are permitted without prior approval of management.
6. Auto Repairs. No auto repairs are permitted. *Some of us can't afford to pay others to work on our cars.*
7. Mowing. Tenants are responsible for mowing their lots and fence lines, if any.
8. Pets. No pets may be brought to the park without prior written management approval. Approved pets must be kept inside at all times and you must pick up its litter daily. No outside pets permitted. *Pets living here from previous owner's approval (who are outside pets) It is cruel to MAKE these pets stay in all the time.*
9. Heat Tapes. Tenants are required to have heat tapes tested and in operation by October 15th. Damage to underground lines as a result of this violation or improper installation must be paid by the tenant.
10. Guests. Guests staying longer than one (1) week must register by calling the office.
11. Rental Homes. Rental homes are not permitted.

(See reverse side)

12. Children. The number of children permitted in the park will be limited.
13. Sewer. The sewer is open at move in time. If it plugs up after you move in, you are responsible for the cost of opening it.
14. Clotheslines. Only umbrella type are permitted. Clothes must not be left outside overnite.
15. Parking. Parking is permitted only on roads or driveways. No parking on grassy areas or sidewalks.
16. Additions. No additions such as porches, rooms or other structures are permitted without written management approval.
17. Digging. Do not dig without consulting management. Damage to utilities may result.
18. Noise. It is our intent to have a peaceful, quiet community. Being loud and offensive is cause for eviction.
19. Litter. You may use two (2) trash cans with lids. They are to be kept out of sight until trash pickup day. There will be no acceptable excuse for littering.
20. Refunds. If all lot rents are paid to date of moving and if lot is left clean, refund checks will be mailed within ten (10) working days of moving.

We are sure this rule would up-set the pro-life and/or catholic community.

(what if you have more trash than that.)

STATEMENT MADE BEFORE KANSAS STATE SENATE JUDICIARY COMMITTEE IN
SUPPORT OF HOUSE BILL NO. 2547 -- April 9, 1992

My name is Ed Dutton, and I reside in Lawrence. Although I have not lived in a mobile trailer park, I worked for over a year with mobile park tenants who had a major problem with the landlord over unsafe and inadequate water. Susan Kennard, who was President of the Green Acres Tenants Association and a past resident of Green Acres Mobile Trailer Park in Lawrence, is in school today and is unable to testify. She deserves the credit for having fought a hard battle with other tenants for over two years regarding landlord - tenant relationships.

I support the Substitute for HOUSE BILL No. 2547, an ACT enacting the mobile home parks residential landlord and tenant act. It sets groundrules for both parties to approach each other in their housing relationships.

I request that you amend the Bill in two areas.

1) Section 26, (c), p. 13, lines 4-¹⁴12. I ask that the entire section be deleted. The meaning of this part is too ambiguous and could allow a landlord to find a rationalization for retaliating against the tenants.

2) An addition: A landlord must provide a copy of the ACT to tenants when new tenants move into a mobile trailer park. That is, tenants should be made aware of their rights.

Thank you.

*Senate Judiciary Committee
April 9, 1992 (12:40)
Attachment 6*



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Joan Finney
Governor

Gary Stotts
Secretary

MEMORANDUM

DATE: February 25, 1992

TO: Senator Wint Winter, Chairperson
Senate Committee on Judiciary

Representative John Solbach, Chairperson
House Committee on Judiciary

FROM: Gary Stotts, Secretary of Corrections

SUBJECT: Criminal Justice Council/Sentencing Commission

In my testimony to the joint judiciary committees concerning SB 479, Sentencing Guidelines, I expressed my opinion that the Sentencing Commission should not be assigned general criminal justice policy issues for review and recommendation. In my view the scope of the various issues to be reviewed is such that a state coordinating council representing all areas of the criminal justice system is required. Such a council would enhance commitment and broaden participation. The council should be charged to appoint working groups of representatives from functional areas and others familiar with the topic or issue to be studied. Provision must also be made for a standing Sentencing Commission should guidelines pass. Attached is a proposal that I believe will allow for study of criminal justice issues, better coordination of initiatives, representation from all aspects of particular subjects of consideration, and a standing Sentencing Commission should guidelines pass.

I would appreciate the opportunity to discuss the proposal with you at your convenience.

GS:dja
Enclosure

Senate Judiciary Committee
April 9, 1992 (12:40)
Attachment 7 1/4

SENATE BILL 479

Substitute for Section 284 (p. 207-209)

- (a) There is hereby established the Kansas criminal justice coordinating council.
- (b) The council shall consist of the following members: chief justice of the supreme court, attorney general, secretary of corrections, secretary of social and rehabilitation services, chairperson of the Kansas parole board, director of the Kansas bureau of investigation, and superintendent of the Kansas highway patrol.
- (c) The council shall employ a director who shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council. The director shall be in the unclassified service and shall receive compensation fixed by the council and approved by the governor. The director shall appoint other staff as necessary to carry out the duties of the council, subject to available appropriations. All employees of the council other than the director shall be in the classified service. On the effective date of the act, all existing employees of the Kansas sentencing commission shall be transferred to the Kansas criminal justice coordinating council.
- (d) The council shall elect a chairperson and vice-chairperson from among members of the council.
- (e) The council shall:
 - (1) define and analyze issues and processes in the criminal justice system, identify alternative solutions, and make recommendations for improvements.
 - (2) perform such criminal justice studies or tasks as the council determines beneficial or as may be requested by the governor or legislature.
- (f) When analyzing criminal justice issues and performing criminal justice studies, the council shall form such task groups as necessary and shall appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied. A member of the council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council. Individuals appointed by the council to

task groups shall be eligible to receive travel and per diem expenses as provided by law.

(g) The council shall review reports submitted by each task group named by the council and shall submit the report with the council's recommendations pertaining thereto to the governor and legislature for consideration and action.

(h) In the event sentencing guidelines are enacted, the sentencing commission established pursuant to K.S.A. 74-9101 is hereby established as a standing task group of the council and shall assume the duties and responsibilities provided in this subsection. Each member serving on the sentencing commission on the effective date of this act shall continue to serve until the term of appointment for that individual expires. Any vacancies in positions on the sentencing commission, including those resulting from the expiration of terms existing on the effective date of this act, shall be filled by appointments made by the council. Members shall be appointed to represent and balance the interests of law enforcement, prosecution, defense, the judiciary, corrections, crime victims, and the public. The chief justice of the supreme court, the attorney general, chairperson of the Kansas parole board, the secretary of corrections shall serve on the sentencing commission and one of these officials shall serve as chairperson as determined by the council. The sentencing commission shall:

- (1) consult with and advise the legislature with reference to implementation, management, monitoring, maintenance and operations of the sentencing guidelines system;
- (2) direct implementation of the sentencing guidelines system;
- (3) assist in the training of judges, county and district attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups. For these purposes, the sentencing commission shall develop an implementation policy and shall construct an implementation manual for use in its training activities;
- (4) receive presentence reports and journal entries for all persons who are sentenced for crimes committed on or after the effective date of sentencing guidelines legislation to develop post-implementation monitoring procedures and reporting methods to evaluate guideline sentences. In developing the evaluative criteria, the sentencing commission shall take into consideration rational and consistent sentencing standards which reduce sentence disparity to include, but not limited to, racial and regional biases;

- (5) advise and consult with the secretary of the department of corrections concerning the relationship of sentencing guidelines with correctional resources and policies;
- (6) make recommendations to the governor and the legislature regarding the philosophy and principles underlying the state's sentencing policies and practices.