

Approved: March 18, 1998
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on March 16, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Phill Kline, Excused
Representative Bill Mason, Excused
Representative Doug Mays, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Jill Wolters, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Charles E. Simmons, Secretary Department of Corrections

Others attending: See attached list

The Chairperson opened the hearing on **SB 460 - Corrections; relating to the placement of offenders.**

Charles E. Simmons, Secretary of Corrections, testified as a proponent to **SB 460**, stating this would allow the Department to temporarily house pretrial detainees, misdemeanor offenders and other persons confined in local detention facilities or jails in the event the local facility cannot be used to house persons due to a natural disaster or other emergency. (Attachment 1)

The Chairperson closed the hearing on **SB 460**.

Representative Grant moved and Representative Gilbert seconded to move **SB 460** out favorably. The motion carried.

The Chairperson asked if the committee would like to take final action on **HB 2886**.

HB 2886 - Regulations and application of state and local laws, rules, regulations and ordinances to sport shooting ranges.

Representative Dahl moved and Representative Ruff seconded to amend page 1, line 37, strike "or" add a "comma" and also on line 37, after "manages" add "or uses". On page 2, line 1, after "operators" add "manages". The motion carried.

Representative Crow moved and Representative Samuelson seconded to amend on page 1, line 42 and page 2, lines 6 and 7 strike after "operation" "at the time of construction or initial operation of the range", strike Sections 3 and 5. The motion failed.

Representative Faber moved and Representative Dahl seconded a substitute motion to pass **HB 2886** out as amended. The Chairperson asked for a show of hands -- 5 yeas and 10 nays. The motion failed.

Representative Ballou moved and Representative Klein seconded a substitute motion on page 3, line 4, to strike everything after "inherent" in Section 5. The motion carried.

Representative Ruff moved and Representative Ballou seconded a substitute motion to add to the end of Section 5, "Nothing in this section shall otherwise prevent a determination of comparative negligence pursuant to K.S.A. 60-258a". The motion carried.

Representative Ruff moved and Representative Grant seconded a substitute motion to strike "Section 6" and add new Section 6 to read "No person or local unit of government may take title to property which has a permanently located sport shooting range which conforms with generally accepted operation practices, by condemnation, eminent domain or similar process when the proposed use of the land is for a shooting range, other recreational activity, or for private or commercial development." The motion failed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on March 16, 1998.

Representative Ballou moved and Representative Dahl seconded a substitute motion on page 1 line 33 to strike "military style". The motion carried.

Representative Ballou moved and Representative Ruff seconded to move **HB 2886** out as amended. The motion carried.

Representative Grant moved and Representative Gilbert seconded the approval of minutes of March 5, 10, 11, and 12. The motion carried.

The meeting adjourned at 2:30 p.m.

The next meeting is scheduled for March 17, 1998.

STATE OF KANSAS



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Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

DATE: March 12, 1998
TO: House Federal and State Affairs
FROM: Charles E. Simmons
Secretary of Corrections
RE: SB 460

SB 460 amends the restrictions imposed by K.S.A. 75-5206 which limit the use of Department facilities to persons convicted of felonies who have been sentenced to the custody of the secretary of corrections. SB 460 would allow the Department to temporarily house pretrial detainees, misdemeanor offenders and other persons confined in local detention facilities or jails in the event the local facility cannot be used to house persons due to a natural disaster or other emergency. As originally proposed, SB 460 would prohibit the housing of juvenile offenders in Department facilities. SB 460 was amended by the Senate Federal and State Affairs Committee to allow for interagency agreements for the temporary housing of juveniles 16 years of age and older.

The Department, in order to implement its emergency response plan, has entered into agreements with various law enforcement agencies to establish emergency housing options for inmates in the custody of the Department in the event one of the Department's facilities became uninhabitable. This process has caused other law enforcement agencies to develop their own emergency plans, thus raising the issue of what services the Department could provide to their agency in the event one of their facilities was rendered unusable due to an emergency. Under current law, the Department is not able to provide temporary emergency housing for persons housed in local detention facilities.

SB 460 would not require the Department to provide temporary emergency housing. As amended, SB 460 would always prohibit the Department's housing of juvenile offenders under the age of 16. Any agreement entered into between the Department and a local detention facility would provide for the reimbursement by the local agency of additional operational expenses incurred by the Department due to the emergency housing of persons in the custody of the local facility.

The Department urges favorable consideration of SB 460 as amended by the Senate.

CES/TGM/nd

cc: Legislation file