

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 5:00P.M. on March 16, 2006 in Room 519-S of the Capitol.

All members were present except:

Representative Broderick Henderson- excused  
Representative Kenny Wilk- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Carol Doel, Committee Secretary

Conferees:

Randy Mettner, Office of the Adjutant General  
Judy Moler, Association of Counties  
Stephen Crumpler, Capitol Police

Others attending:

See attached list

Chairman Edmonds opened the floor for the introduction of bills. There were none.

The Chairman opened the floor for public hearing on **HB 2966** - ordering out militia in local, state or federal disaster.

Speaking on behalf of the Adjutant General was Randy Mettner, Executive Officer. Mr. Mettner spoke in support of **HB 2966** stating that this proposed legislation is to clarify the use of State active duty and to formalize the operations that have been used over the years. It would give clear authority to the Adjutant General to make use of all his troops both active and retired. (Attachment 1)

No other person wished to address the bill and Chairman Edmonds closed the public hearing on **HB 2966**.

The Chairman directed the committees attention to **HB 2982** and opened the meeting for public hearing on **HB 2982**.

Randy Mettner, Executive Officer for the Adjutant General, delivered testimony in support of **HB 2982**. Mr. Mettner stated that this bill provides a framework for an intrastate mutual aid for all political subdivision's of the state who are involved in disaster planning, training, exercising then responding to an emergency. (Attachment 2)

Judy Moler, General Counsel/Legislative Services Director, Kansas Association of Counties addressed the committee supporting **HB 2982**. In her testimony, Ms. Moler gave the opinion that this bill would create a system of intrastate mutual aid agreements among participating local governments in case of declared disasters as well as in preparation for these disasters. (Attachment 3)

No other persons wished to speak to **HB 2982**, and the Chairman closed the public hearing.

Written testimony in support of **HB 2982** was submitted by Lougene Marsh, Executive Director of Flint Hills Community Health Center/Lyon County Health Department (Attachment 4), Gary Curmode, Fire Chief of Sedgwick County (Attachment 5), Mike Selves, Director of Emergency Management and Homeland Security for Johnson County (KEMA) (Attachment 6), and Randall Duncan, Department of Emergency Management, Wichita, Kansas (Attachment 7).

Chairman Edmonds opened the public hearing on **HB 2961** - security officers appointed by adjutant general; law enforcement training and powers.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 5:00 P.M. on March 16, 2006 in Room 519-S of the Capitol.

Randy Mettner, Executive Officer for the Adjutant General, was recognized and spoke in favor of **HB 2961**. He explained that this bill allows the Adjutant General's Department Security Forces and Resource protection officers to be certified Law enforcement officers with all the powers of a law enforcement officer including the powers of arrest. (Attachment 8)

No other person wished to address **HB 2961** and the Chairman closed the public hearing.

Chairman Edmonds requested a copy of the SOP (Standard Operating Procedure).

Chairman Edmonds opened the floor for hearing on **HB 2329** - change the name of the "capitol area security patrol" to "capitol police".

Stephen Crumpler has worked for the Capitol Area Security Patrol for 22 years and urges the committee to consider favorable passage of **HB 2329** which would truly reflect who they are and their job. He related their growth over the years and this bill would clean up the books to show the growth that has been achieved. (Attachment 9)

There were no other people wishing to address **HB 2329** and the Chair closed the public hearing.

Chairman Edmonds directed committee attention to **HB 2966** - ordering out militia in local, state or federal disaster.

*Representative Everett Johnson made a motion to pass out **HB 2966** to the consent calendar. Representative Kelsey seconded the motion. Motion passed.*

The Chairman next asked the committee to consider **HB 2329** - change the name of the "capitol area security patrol" to "capitol police".

*Representative Brunk made a motion to pass out **HB 2329** to the consent calendar. Representative Merrick seconded the motion. Motion passed.*

The next bill for consideration was **HB 2982** - Kansas interstate emergency mutual aid act.

*Representative Loganbill made a motion to amend **HB 2982** by striking the words "at least biannually" from line 28, page 2, and to delete Section 8 entirely. Representative Burroughs seconded the motion. Bill was amended.*

*Representative Dillmore made a motion that **HB 2982** be moved out favorable for passage as amended. The motion was seconded by Representative Miller. Motion passed.*

Chairman Edmonds advised the committee that before action was taken on **HB 2961**, they would await the information regarding the SOP (Standard Operating Procedure) as requested from Randy Mettner of the Adjutant General's Office.

Representative Siegfried distributed and explained the draft from the subcommittee of Substitute for **HB 2724** - an act concerning juveniles; relating to the reduction of racial, geographic and other biases in the juvenile justice system. (Attachment 10)

Don Jordan, Acting Commissioner of the Juvenile Justice Authority stood before the committee to encourage the passage of Substitute for **HB 2724**. (Attachment 11)

*Representative Burroughs moved that the language from **SB 47** be removed and replaced with the language suggested by the Substitute for **HB 2724**. Representative Miller seconded the motion. Motion passed, bill amended.*

*Representative Miller made a motion that **House Substitute 2724** for **SB 47** is recommended for passage.*

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 5:00 P.M. on March 16, 2006 in Room 519-S of the Capitol.

*The motion was seconded by Judy Loganbill. Motion passed.*

Mary Torrence of the Revisor's Office was not present when action was taken on **HB 2329** and she spoke to the Chairman and the committee relating that this was a carry over from last session and there are references to the 2004 supplement and she did not know if any of the sections in the bill may have been amended last year. In that case they would need to be stricken and reinserted. She further wanted to search that statute to ensure all statutes that need to be amended are reflected in the bill.

With no objection, Chairman Edmonds stated that they would not send **HB 2329** to the consent calendar and would allow the revisor to make the necessary technical adjustments.

With no further business before the committee, the meeting was adjourned.





# KANSAS

ADJUTANT GENERAL'S DEPARTMENT  
Major General Tod M Bunting

KATHLEEN SEBELIUS, GOVERNOR

## Testimony on House Bill 2966

**Major General Tod Bunting**  
The Adjutant General of Kansas

**Before the House Federal and State Affairs Committee**  
Thursday, March 16, 2006

Mr. Chairman and members of the committee:

I am Randy Mettner the Executive Officer for the Adjutant General and speaking on his behalf. Thank you for allowing me to testify and support HB 2966 which allows the Adjutant Generals Department by with the Governor's consent to call to state military duty active or retired members of the National Guard to work for the Adjutant General's Department during a local, state or federal disaster or other missions.

This proposed legislation is to clarify the use of State active duty and to formalize the operations that have been used over the years.

The Kansas National Guard members are generally not in state active duty. They are in a training status of title 32 United States Code (USC) for drill weekends, annual training, schools and other training missions. When they are mobilized for the active duty Army or the Air Force and are deployed they move to title 10 USC. All federally funded and with all the federal benefits.

It has been the experience that the National Guard is put on State Active Duty (SAD) for disaster relief from floods, Tornados, blizzards, inaugurals,

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funerals, ceremonies and other missions. The majority of time it is when the Guard supports a local community during the response to a disaster with troops for security, military equipment, and humanitarian assistance. This is usually for a short period of time. This duty is paid by state funds and if it becomes a federal disaster, is partially reimbursed by FEMA.

We have for a number of years been using retired National Guard personnel for assistance in homeland security, Wolf Creek preparation and response and to operate the Public Assistants Plan in conjunction with FEMA.

The Public Assistants Program (PA) is a federal assistance program under the Stafford Act that provides funds to states, counties, local governments, townships and non profit organizations like universities, hospitals and tribal groups for damages from a presidential declared disaster. To date we have eight presidential declared disasters on going in the state with each disaster being qualified for a PA. The Adjutant General by using experienced retired guard personnel has resulted in an outstanding program that has been mention around the country as an excellent method of operating the PA program in a state. These retirees assess damages, inform local communities about the program, write the proposal to repair the damages and then to follow up with communities and assure they completed the work. This requires good people skills and well trained personnel. Our use of experienced people has made sure that Kansas has received every bit of the federal funds that it has needed and deserved under the Stafford Act. This program has also strengthened the states relationship with the regional office of FEMA.

This legislation would give clear authority to Adjutant General to make use of all his troops both active and retired.

Thank you and I would be glad to answer questions.



# KANSAS

ADJUTANT GENERAL'S DEPARTMENT  
Major General Tod M Bunting

KATHLEEN SEBELIUS, GOVERNOR

## Testimony on House Bill 2982

**Major General Tod Bunting**  
The Adjutant General of Kansas

**Before the House Federal and State Affairs Committee**

Thursday, March 16, 2006

Mr. Chairman and members of the committee:

I am Randy Mettner the Executive Officer for the Adjutant General and speaking on his behalf. Thank you for allowing me to testify and support HB 2982 which provides a framework for a intrastate mutual aid for all political subdivision of the state who are involved in disaster planning, training, exercising then responding to a emergency.

This proposed legislation began with Homeland Security Presidential Directive 8 requiring the implementing by states the use of the National Incident Management System (NIMS) as the system in dealing with all aspects of Homeland Security including all disasters. NIMS by standardizing the emergency management response system establishes the framework to respond rapidly and efficiently with the necessary resources, people, equipment and technology across all jurisdictional boundaries as disasters don't recognize boundaries. Governor Sebelius by executive order in 2005 requires the use of NIMS as the Kansas standard of disaster response.

To adequately preplan for any disaster/emergency/threat that overwhelms the resource capability of a jurisdiction, legislation is needed to streamline the sharing of assistance during a disaster/emergency. One of NIMS stated goal is the use of mutual aid compacts and agreements to expedite this sharing.

In 2003 as part of a grant that was provided The National Emergency Management Association (NEMA) by the Federal Emergency Management Agency (FEMA), NEMA agreed to develop a model intrastate Mutual Aid agreement that was completed and presented to the NEMA mid year conference in February 2004. The legislation before you is the modification of that model agreement.

Some of the key parts are the broad application allowing for all political subdivision to fall under this umbrella agreement. It covers all upon enactment unless an agency or municipality would pass a resolution that takes them out from under this umbrella agreement. This agreement covers all important issues that would be between unities assisting one another such as liability and workers benefits, inventorying equipment and resources, conducting planning, training and exercises and requires identification of potential hazards. Some of this occurs today but on a hit and miss basis but this legislation gives clear requirements for these actions.

We have consulted a number of groups and organizations and received good feedback concerning this legislation. A couple of changes will be proposed and we will let these groups speak to them, however the Adjutant General and the Division of Emergency management have no objections to the proposed changes.

Thank you for this opportunity to testify on this subject and would be glad to answer any questions.





TESTIMONY ON HB 2982  
Before the House Federal and State Affairs  
March 16, 2006

By Judy Moler, General Counsel/Legislative Services Director

Thank you for allowing the Kansas Association of Counties to speak in favor of HB 2982. This bill as presented would create a system of intrastate mutual aid agreements among participating local governments in case of declared disasters as well as in preparation for these disasters. These local governments will thus be able to have in place these agreements in order to ensure their eligibility for state and federal disaster funding.

Currently, there are such agreements in place across the state. However, these agreements are in many cases outdated and have not been "revisited" for many years. Many of the agreements do not include public health as a participant.....and with the specter of pandemic flu and other medical concerns.....this is a participant that should be included.

During the past several years the "face" of disasters has changed and this bill reflects the advent of Homeland Security.

The language of the bill is permissive not mandatory so local governments have a choice as to whether to be apart of the agreement or not.

For these reasons, the Kansas Association of Counties urges you to vote to pass HB 2982.

The Kansas Association of Counties, an instrumentality of member counties under KSA 19-2690, provides legislative representation, educational and technical services, and a wide range of informational services to its member counties. For information contact Randall Allen or Judy Moler (785) 272-2585.

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Attachment 3

**HB 2982**  
**House Federal and State Affairs Committee**  
**March 16, 2006**

Chairman Edmonds and Distinguished Members of the Committee:

My name is Lougene Marsh, and I serve as the Executive Director of Flint Hills Community Health Center / Lyon County Health Department, which is both a community health center and a public health department. My organization is a member of the Kansas Association of Local Health Departments (KALHD), the membership of which includes all county health departments in Kansas. It is my pleasure to be representing that organization today.

I appreciate the opportunity to speak to you in support of H.B. 2982, which will establish a system of intrastate emergency mutual aid.

Mutual aid agreements are in widespread use across our state currently, but they are truly a hodgepodge. They do not cover all services, frequently not addressing public health services, and they do not recognize existing regionalization efforts, such as the public health regions established by county public health departments through the encouragement and support of Kansas Department of Health and Environment, the hospital regions, or the newly-formed Homeland Security Regions.

HB 2982 will essentially update all existing mutual aid agreements through a statewide approach that establishes consistency and uniformity. HB 2982 also broadens the participants by specifically including public health.

Current guidance from the Federal Emergency Management Agency recognizes and encourages a statewide approach to mutual aid.

Local entities are in favor of this approach although the bill does include the ability for any political subdivision to choose not to participate.

I request the favorable action of this committee as it considers HB 2982.

Thank you.

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Attachment 4



# SEDGWICK COUNTY, KANSAS

## FIRE DISTRICT #1

Fire Chief Gary E. Curmode

Fire Marshal  
Tim Millsbaugh

Deputy Chief of Operations  
Rick A. Brazill

4343 N. WOODLAWN ★ WICHITA, KANSAS 67220 ★ TELEPHONE: (316) 660-3473 ★ FAX: (316) 744-0944

**Testimony to the  
House Federal and State Affairs Committee  
HB 2982**

**Presented by Gary Curmode, Fire Chief of Sedgwick County  
For the Kansas Fire Service Alliance  
March 16, 2006**

Thank you, Mister Chairman\* and members of the committee. I am Gary Curmode, Fire Chief of Sedgwick County and I represent The Kansas Fire Service Alliance. The Alliance is made up of the Kansas State Firefighters Association, the Kansas State Fire Chiefs Association, and the Kansas Professional Fire Chiefs Association. On behalf of the Alliance, I am speaking in favor of HB 2982.

(\*Chairperson John Edmonds, Vice-Chairperson Arlen H. Siegfried, Ranking Minority Member Tom Burroughs)

As president of the Kansas Professional Chiefs, we support the bill with the following considerations in mind:

1. House Bill 2982, with the modifications listed below is a good bill.
2. The first modification we want is to delete the words "at least biannually;" from line 28 of page 2, which is contained within Section 4 (b). This would remove the requirement to jointly plan, share information and exercise. The language retained still encourages this and states it is a good thing, but no longer makes it mandatory (unfunded mandate).
3. Delete Section 8 of the bill in its entirety. This is the section dealing with reimbursement for mutual aid. This would make HB 2982 silent with respect to this issue, which is exactly the way the law is right now. Essentially, there would be no change.

Also -- the provisions of HB 2982 would only kick in when a disaster is declared under the terms of K.S.A. 48-9 et. seq. So, this bill doesn't influence automatic mutual aid on a day-to-day basis.

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Attachment 5



**Testimony before the Kansas House Committee on State and Local Affairs  
(Regarding HB 2982, March 16, 2006)**

Mr. Chairman, Members of the Committee:

My name is Mike Selves, Director of Emergency Management and Homeland Security for Johnson County. I'm here today representing the Kansas Emergency Management Association (KEMA). KEMA represents the interests of County Emergency Management Director of Kansas and currently over 75% of them are members of KEMA. My testimony is in regard to HB 2982, establishing an intrastate emergency mutual aid system for the State.

In general, KEMA supports the provisions of this bill. We certainly recognize that our system of emergency mutual aid within the State needs strengthening and this bill does that - primarily by making the system applicable to all jurisdictions unless they "opt out". This provision ensures that no local jurisdiction will be left out of the mutual aid system simply through oversight. Our current mutual aid statute, K.S.A. 12-16, 117 requires municipalities to pass resolutions and "opt-in" in order to take advantage of the system. In this regard HB 2982 is a great improvement.

KEMA does have two concerns regarding HB 2982. First, we believe that Section 4 (b) as currently written represents a significant, unfunded burden on local jurisdictions by mandating that each political subdivision conduct biannual training with all contiguous subdivisions. We feel this provision is unworkable and unenforceable and request that the words "at least biannually" be stricken.

Second, we believe that the provisions of Section 8 regarding reimbursement, by implying that reimbursement is the norm when implementing mutual aid, may complicate the providing of assistance under a Federal disaster declaration and also make requesting jurisdictions less likely to call for help when it is needed. While we recognize that the issue of reimbursement is a matter to be agreed upon between requesting and responding jurisdictions, it is clear that the issue must be resolved whether the state legislation mentions it or not. Therefore, we believe that Section 8 potentially creates more problems than it solves and should be removed.

In summary, with these two exceptions as stated above, we would be able to wholeheartedly endorse the rest of the bill. Thank you.

*Contact: KEMA President:*

*Bill Guy, Reno County Emergency Management, (316) 694-2974*

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Attachment 6



**SEDGWICK COUNTY, KANSAS**  
**DEPARTMENT OF EMERGENCY MANAGEMENT**



535 North Main, Suite B-10  
Wichita, KS 67203-3702  
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March 16, 2006

Randall C. Duncan, CEM  
*Director*  
[rduncan@sedgwick.gov](mailto:rduncan@sedgwick.gov)

Testimony on House Bill 2982

Jackie L. Kegley, KCEM  
*Deputy Director*  
[jkegley@sedgwick.gov](mailto:jkegley@sedgwick.gov)

Chairman Edmonds, Vice Chairman Siegfried, and Ranking Member Burroughs – thank you for this opportunity to submit testimony on behalf of a modified House Bill 2982. The modifications we would support would include the elimination of section 8 of the bill relating to issues of reimbursement, and deletion of the language “at least biannually;” found on line 28 of page 2 in section 4 (b).

John F. Crosby, KCEM  
*Operations Officer*  
[jfcrosby@sedgwick.gov](mailto:jfcrosby@sedgwick.gov)

Ricky L. Shellenbarger, KCEM  
*Regional Hazardous  
Materials Planner*  
[rshellen@sedgwick.gov](mailto:rshellen@sedgwick.gov)

This bill would provide a stronger and more modern version of mutual aid between all units of local government in Kansas. This is, without doubt, an extremely good thing. In light of recent catastrophic events along the Gulf Coast area of the United States, it is necessary that all governments use every possible resource at their disposal to protect lives and save property, where possible.

[www.sedgwickcounty.org/emermgmt](http://www.sedgwickcounty.org/emermgmt)

This bill, with the recommended modifications, does exactly that. And, for that reason, I am pleased to be supportive. I truly believe this is the right thing to do to make sure the people of Sedgwick County – and the State of Kansas – are provided with the level of preparedness and responsiveness they deserve and demand.

Sincerely,

Randall C. Duncan, CEM®  
Director

FEDERAL AND STATE AFFAIRS

Date 3-16-06

Attachment 7



# KANSAS

ADJUTANT GENERAL'S DEPARTMENT  
Major General Tod M Bunting

KATHLEEN SEBELIUS, GOVERNOR

## Testimony on House Bill 2961

### Major General Tod Bunting

The Adjutant General of Kansas

#### Before the House Federal and State Affairs Committee

Thursday, March 16, 2006

Mr. Chairman and members of the committee:

I am Randy Mettner the Executive Officer for the Adjutant General and speaking on his behalf. Thank you for allowing me to testify and support HB 2961 which allows the Adjutant Generals Department Security Forces and Resource protection officers to be certified Law enforcement officers with all the powers of a law enforcement officer including the powers of arrest.

HB 2961 has been discussed since 2003 and the inception of the Resource Protection Officer (RPO) Program with the Kansas National Guard, as a means of incorporating much of the Department of Army Civilian Police and Security Guard Program. Previously, and post 9-11, Military Police were utilized to secure the perimeter and interior of the National Guard Headquarters Complex. However, with the world situations becoming hostile, many Guard units, including Kansas, were activated and were deployed. The RPO program began to fill the void.

In order to ensure minimum experience and training in law enforcement practices and procedures of employees, qualifications were developed for applications requiring a background in law enforcement, military police, or one year as an armed private security officer. Certification through the Kansas Law Enforcement Training Center or military police training facility was required. As a result, the majority of the program has certified or formerly certified law enforcement officers.

HB 2961 allows the Adjutant General to designate security officers who have completed certification in the training program of KSA 74-5607a, and amendments thereto, as law enforcement officers, (LEO) for the purpose of performing their responsibilities while on duty on the property of the National Guard. The advantages of passage of this bill are:

It increases the authority of officers to include the power of arrest;

Reduces the dependency on local law enforcement to assist in traffic control or other LEO issue or duties.

Increases and encourages communication with local LEO's

Allows the use of the National Crime Information Network and Interstate Information Index.

Allows for on going training that not open to non LEO units

Allows for a career path for our employees.

Would allow for the Adjutant General to developed other similar programs at National Guard facilities including Salina and Ft Riley

This program is under the Master Cooperative Agreement with the National Guard Bureau and is 100 % federally funded.

Thank you and I would be glad to answer questions.

# Testimony on HB2329

Officer Stephen L. Crumpler  
Law Enforcement Officer II /  
Crime Prevention Practitioner  
Capitol Police  
915 Harrison Room 145N  
Topeka, Ks 66612

Federal & State Affairs Committee  
Chair person John Edmons

Mr. Chair person and committee members,

My name is Stephen Crumpler and I work for the Capitol Area Security Patrol. You know us better as the Capitol Police. I have worked for this agency for nearly 22 years. I began my career as a security officer checking doors at night here in the capital building. I had no law enforcement powers and no special training. After four years I became a Patrol Officer within our department. My jurisdiction at the time was on or about state own, operated or leased properties.

In the 1990s Security Officers were trained in CPR, basic First aid, pepper spray, and how to handle difficult people. Patrol Officers titles were changed to Police Officer and our jurisdictional authority was broadened to include all of Shawnee County. We began investigating and writing our own reports, created a bike patrol, and a K-9 officer with bomb detection dog was added. Crime prevention practitioners were specially trained to give classes and surveys to state agencies. Woman's self defense classes were developed and we were equipped with the law enforcements latest equipment. Our department also branched into different responsibilities including having our own fully operational dispatch center and monitoring center. We had six cameras when I started now we have around eighty cameras in the complex. Two hundred are planed to be operational in the next 5-10 years.

In 2004 our jurisdiction was expanded to include the entire state of Kansas and the Kansas legislature followed by passage of a bill that moved us under Kansas Police & Fire retirement. Our title was again changed to Law Enforcement Officer. These changes indicate the respect the legislature has shown to our agency. Just as our nations capitol has it's own police agency, you now have yours.

As you can see we have come a long way in 22 years. The name Capitol Area Security Patrol is not indicative of the true nature of who we are. We are the Capitol Police, the agency by legislative statute here to provide protection and serve the people who serve the citizens of Kansas.

I ask that you consider favorable passage of HB2329 so that our name truly reflects who we are and our job. Yes we will still have security officers working in the department. Changing our name doesn't make us any better. It cleans up the books to show the growth you have helped us achieve.

My sincere thanks for allowing me to speak.

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Attachment 9



# DRAFT

Substitute for HB 2724

AN ACT concerning juveniles; relating to the reduction of racial, geographic and other biases in the juvenile justice system; amending K.S.A. 75-7007, 75-7038, 75-7043, 75-7046, 75-7048 and 75-7056, and repealing the existing sections.

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

Section 1. K.S.A. 75-7007 is hereby amended to read as follows: 75-7007. (a) There is hereby established the Kansas advisory group on juvenile justice and delinquency prevention, for the purposes of the federal juvenile justice and delinquency prevention act of 1974, as amended.

(b) The membership of the Kansas advisory group on juvenile justice and delinquency prevention shall be composed of members appointed by the governor. The governor shall appoint at least 20 but not more than 33 members to the advisory group. The members shall serve at the pleasure of the governor. One-third of the members shall be appointed to four-year terms; one-third of the members shall be appointed to three-year terms; and one-third of the members shall be appointed to two-year terms. Thereafter, all members shall serve four-year terms.

(c) The chairperson and vice-chairperson of the advisory group shall be appointed by the governor.

(d) Each member of the advisory group shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto.

(e) The advisory group shall participate in the development and review of the juvenile justice plan, review and comment on all juvenile justice and delinquency prevention grant applications, and shall make recommendations regarding the grant applications.

(f) The advisory group shall receive reports from local citizen review boards established pursuant to K.S.A. 38-1812, and amendments thereto, regarding the status of juvenile offenders under the supervision of the district courts.

(g) *The advisory group shall examine the effectiveness of juvenile justice programs in reducing racial, geographic and other biases that may exist in the juvenile justice system, and report to the commissioner of juvenile justice annually on which programs are effective in reducing such biases in areas such as prevention, alternatives to detention, intake and assessment procedures, and alternatives to incarceration.*

Sec. 2. K.S.A. 75-7038 is hereby amended to read as follows: 75-7038. ~~On and after July 1, 1997, the commissioner of juvenile justice may make grants from the juvenile justice community initiative fund, created in K.S.A. 75-7033, and amendments thereto, to counties for the development, implementation, operation and improvement of juvenile community correctional services including, but not limited to, restitution programs, victim services programs, balanced and restorative justice programs, preventive or diversionary correctional programs, programs to reduce racial, geographic and other biases that may exist in the juvenile justice system, and community juvenile corrections centers and facilities for the detention or confinement, care or treatment of juveniles being detained or adjudged to be a juvenile offender.~~

Sec. 3. K.S.A. 75-7043 is hereby amended to read as follows: 75-7043. ~~On and after July 1, 1997:~~ (a) Except as provided in K.S.A. 75-7040, and amendments thereto, no county shall be qualified to receive grants under K.S.A. 75-7038 through 75-7053. and amendments

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thereto, unless and until the comprehensive plan for such county, or the group of counties with which such county is cooperating, is approved by the commissioner of juvenile justice.

(b) The commissioner of juvenile justice shall adopt rules and regulations establishing additional requirements for receipt of grants under K.S.A. 75-7038 through 75-7053, and amendments thereto, standards for the operation of the correctional services described in K.S.A. 75-7038, and amendments thereto, and standards for performance evaluation of the correctional services described in K.S.A. 75-7038, and amendments thereto. In order to remain eligible for grants the county or group of cooperating counties shall substantially comply with the operating standards established by the commissioner of juvenile justice.

(c) The commissioner of juvenile justice shall review annually the comprehensive plans submitted by a county or group of cooperating counties and the facilities and programs operated under such plans. The commissioner of juvenile justice is authorized to examine books, records, facilities and programs for purposes of recommending needed changes or improvements.

(d) In reviewing the comprehensive plan or any annual recommendations or revisions thereto, the commissioner of juvenile justice shall limit the scope of the review of the juvenile corrections advisory board's statement of priorities, needs, budget, policies and procedures, to the determination that such statement does not directly conflict with rules and regulations and operating standards adopted pursuant to subsection (b) and K.S.A. 75-7038 through 75-7053, and amendments thereto, *and includes provisions to address racial, geographic and other biases that may exist in the juvenile justice system.*

(e) When the commissioner of juvenile justice determines that there are reasonable grounds to believe that a county or group of cooperating counties is not in substantial compliance with the minimum operating standards adopted pursuant to this section, at least 30 days' notice shall be given the county or to each county in the group of cooperating counties and a hearing shall be held in accordance with the provisions of the Kansas administrative procedure act to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. If the commissioner of juvenile justice determines at such hearing that there is not substantial compliance or satisfactory progress being made toward compliance, the commissioner of juvenile justice may suspend all or a portion of any grant under K.S.A. 75-7038 through 75-7053, and amendments thereto, until the required standards of operation have been met.

Sec. 4. K.S.A. 75-7046 is hereby amended to read as follows: 75-7046. ~~On and after July 1, 1997,~~ Juvenile corrections advisory boards established under the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the juvenile correctional services described in K.S.A. 75-7038, and amendments thereto, in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year. *The formal recommendation concerning the comprehensive plan shall include provisions to address racial, geographic and other biases that may exist in the juvenile justice system.*

Sec. 5. K.S.A. 75-7048 is hereby amended to read as follows: 75-7048. ~~On and after July 1, 1997:~~ (a) The comprehensive plan submitted to the commissioner of juvenile justice for approval shall include those items prescribed by rules and regulations adopted by the commissioner, which may require the inclusion of the following:

(1) A program for the detention, supervision and treatment of persons under pretrial detention or under commitment;

(2) delivery of other correctional services defined in K.S.A. 75-7038, and amendments thereto; and

(3) proposals for new facilities, programs and services, which proposals must include a statement of the need, purposes and objectives of the proposal and the administrative structure, staffing pattern, staff training, financing, degree of community involvement and client participation which are planned for the proposal.

*(b) The comprehensive plan submitted to the commissioner of juvenile justice for approval shall also include provisions to address racial, geographic and other biases that may exist in the juvenile justice system.*

~~(b)~~ (c) In addition to the foregoing requirements made by this section, each county or group of counties shall be required to develop and implement a procedure for the review by the juvenile corrections advisory board and the board or boards of county commissioners of new program applications and other matters proposed to be included under the comprehensive plan and for the manner in which juvenile corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

Sec. 6. K.S.A. 75-7056 is hereby amended to read as follows: 75-7056. (a) In order to establish a mechanism for community prevention and graduated sanctions service providers to participate in the juvenile justice authority annual budget planning process, the commissioner of the juvenile justice authority shall establish a community advisory committee to identify new or enhanced community graduated sanctions and prevention programs.

(b) Such advisory committee shall consist of 10 members. The commissioner shall appoint eight members from the four geographical regions of the state as described in this subsection with one member from each region representing prevention programs and one member representing graduated sanctions programs. The four regions shall correspond to the southeast community corrections association region, the northeast community corrections association region, the central community corrections association region and the western community corrections association region. The commissioner shall appoint two community corrections association members from the state at large. The committee shall reflect the diversity of juvenile offender community services with respect to geographical location and average daily population of offenders under supervision.

(c) Each member shall be appointed for a term of three years, except that the terms of the initial appointments shall be staggered as determined by the commissioner. Each member shall continue in such capacity until a successor is appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(d) (1) The committee, in cooperation with the ~~deputy commissioner of contracts and community programs~~ or the commissioner's designee, shall routinely examine and report to the commissioner on the following issues: (A) Efficiencies in the delivery of community supervision services including prevention and graduated sanction programs;

(B) effectiveness and enhancement of existing prevention and interventions and graduated sanctions; ~~and~~

(C) identification of new interventions; *and*

*(D) effectiveness of juvenile justice prevention, intervention and graduated sanctions programs in reducing racial, geographic and other biases that may exist in the juvenile justice system.*

(2) Such report shall address measurable goals and objectives, projected costs, the impact on public safety and the valuation process.

(e) The advisory committee shall submit its report to the commissioner annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the juvenile justice authority's budget request for local and community services or in the juvenile justice authority's enhanced services budget request for the subsequent fiscal year.

Sec. 7. K.S.A. 75-7007, 75-7038, 75-7043, 75-7046, 75-7048 and 75-7056 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

# Juvenile Justice Authority

House Federal and State Affairs Committee  
Substitute for HB 2724  
March 15, 2006



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FEDERAL AND STATE AFFAIRS

Date 3-16-06

Attachment 11

JJA encourages the passage of House Substitute for HB 2724. JJA is committed to reducing racial, geographic and other biases that may exist within the juvenile justice system. The strengthened language in Substitute for HB 2724 would help support JJA's efforts to address racial, geographic, and other biases.

JJA will continue to work to ensure all youth within the juvenile justice system are treated with fairness and respect. The Juvenile Justice Authority is currently involved in an effort to reduce disproportionate minority contact (DMC) in the state of Kansas. Reducing DMC is one of the four core requirements mandated by the federal Office of Juvenile Justice Delinquency and Prevention (OJJDP). OJJDP provides formula grants to states for the improvement of the juvenile justice system. To be eligible for these grants, states must have a plan in place to reduce DMC.

The Juvenile Justice Authority's Kansas Advisory Group on Juvenile Justice (KAG) also has a sub-committee, which continually examines the effectiveness of juvenile justice programs in reducing racial, geographic, and other biases that may exist within the juvenile justice system. Substitute for HB 2724 would codify that the KAG must continue to examine these issues.

The Juvenile Justice Authority is also examining the current community planning process and identifying additional criteria, which will be required of communities when their comprehensive plans are submitted. This bill would require racial, geographic and other biases to be addressed, and updated annually, within the comprehensive planning process. To support JJA's ongoing effort to identify and reduce biases, which may exist within the juvenile justice system, JJA encourages the committee to recommend Substitute for HB 2724 favorably for passage.