

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:40 a.m. on Wednesday, February 2, 2005, in Room 231-N of the Capitol.

Committee members absent: Senator Brownlee (E)
Senator Gilstrap (E)
Senator O'Connor (E)

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Doug Lawrence, Kansas Greyhound Association
Chuck Simmons, Kansas Department of Corrections

Others attending:

See attached list.

Chairman Brungardt called for bill introductions. Doug Lawrence, Kansas Greyhound Association, requested a bill be introduced regarding the Kansas Expanded Lottery Act, and the Revisor provided a bill draft covering the request. He made introductions of his group that were in attendance: former Kansas Attorney General, Bob Stephen; Ed Gillette, Legal Advisor to the River Falls Gaming and Destination Kansas consortium; Steve Ward, President of the Kansas Greyhound Association, Paul Treadwell, President of the Kansas Quarter Racing Association; Dave Assman, President of the Kansas Thoroughbred Association; and Larry Waldrop, Managing Partner of River Falls Gaming.

Mr. Lawrence explained that the purpose of this proposed bill was to provide the Legislature an alternative to raising taxes, in an effort to provide supplemental funding for education, while maximizing the opportunity to develop regional tourism destinations in Kansas. The estimated new revenue in FY06 is approximately \$150 million. He stated that the bill would limit locations to three Destination Development Zones: Wyandotte, Sedgwick, and Crawford/Cherokee Counties. The bill also limits Video Lottery Terminals (VLT's) to five existing racetrack locations, and a limited number of VLT's are allocated to non-profit Veteran's Service organizations like the American Legion and VFW. He said that destination resort casinos, nor VLT's, could be placed in any county unless there has been an election authorizing such placement. He added that the developer of the destination resort must have the formal endorsement of the city and county where they propose the project. (Attachment 1)

Senator Barnett made a motion to introduce the proposed bill, seconded by Senator Reitz, and the motion carried.

Chairman Brungardt called upon Chuck Simmons to give a presentation on the Prison Rape Elimination Act (PREA), and its implications for station correctional systems. Mr. Simmons explained that PREA became effective September 4, 2003, and applies to all correctional facilities: federal, state, local, private, adult, and juvenile. He stated the purposes of PREA are: (1) to make prevention of rape a top priority in corrections systems; (2) establish a zero-tolerance standard in correctional facilities; (3) provide for national standards to be developed for detection, prevention, reduction, and punishment of prison rape; (4) increase the availability of data on the incidence and prevalence of prison rape; and (5) increase accountability for the failure to prevent/reduce rape. (Attachment 2)

Mr. Simmons further explained that the law applies to staff sexual misconduct, and inmate sexual assault and rape. He told the Committee the Bureau of Justice Statistics of the Department of Justice will conduct each calendar year a comprehensive statistical review and analysis of the incidence and effects of prison rape. This will entail surveying not less than 10% of all inmates, at least one prison from each state, and

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participation by state and local entity being required as is access to inmates in the custody of the facility being surveyed. He said the Review Panel on Prison Rape will hold hearings each year concerning the three prisons with the highest incidence of prison rape, and the two prisons with the lowest incidence of prison rape (for each category of facilities). The purpose is to identify common characteristics of victims and perpetrators, facilities or systems with a high incidence, and of systems that appear to be successful in deterring prison rape.

Mr. Simmons spoke briefly on grants, and that the purpose of grants was to protect inmates, safeguard communities, cover a period of two years and not to exceed \$1 million with a 50% match. He also explained the makeup of the National Prison Rape Reduction Commission.

Following Committee questions and discussion, the Chairman expressed appreciation to Mr. Simmons for his informative presentation.

SB 19 - Legislative post audits, confidentiality of surveys

Chairman Brungardt called for discussion and final action on **SB 19**. The Revisor distributed a balloon amendment to the bill. (Attachment 3)

Questions and discussion followed regarding the proposed balloon, along with clarification of the definition of "audit" in K.S.A. 46-1112. **Senator Vratil moved to adopt the balloon amendment for SB 19, seconded by Senator Reitz, and the motion carried.**

Senator Vratil made a motion to recommend SB 19 favorably as amended. Senator Reitz seconded the motion, and the motion carried.

The meeting was adjourned at 11:25 a.m. The next scheduled meeting is Wednesday, February 3, 2005.