

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 10:15 a.m. on March 22, 2002 in Room 423-S of the Capitol.

All members were present except: Senator Umbarger (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Jerry Donaldson  
Mary Blair, Secretary

Conferees appearing before the committee:

Chuck Simmons, Secretary, Department of Corrections (DOC)  
Reid F. Holbrook, Attorney, Community Solutions, Inc. (CSI)  
Senator David Haley  
Senator Chris Steineger  
Diane Lloyd, Chairperson, Strawberry Hill Revitalization & Restoration Committee  
Phil Sanders, Unified Government, Wyandotte County, Kansas City, Kansas  
Larry Baer, League of Kansas Municipalities  
Tom Overby, Avenue Area, Inc.

Others attending: see attached list

The minutes of the March 21<sup>st</sup> meeting were approved on a motion by Senator Donovan, seconded by Senator Goodwin, Carried.

**HB 2752–theft; defining certain crimes related to certain pipelines**

Following a review of **HB 2752** by the Chair and discussion by Committee, Senator Schmidt moved to amend the bill by striking “5” and replacing it with “7” on pg.1 line 35, Senator Adkins seconded. Carried. Following further discussion, Senator Schmidt moved to pass the bill out favorably as amended, Senator Adkins seconded. Carried with Senator Pugh requesting his nay vote be recorded. Senator Schmidt made a motion to grant staff leeway to make necessary technical amendments to the **HB 2752**, Senator Goodwin seconded. Carried.

**HB 2735–aggravated battery**

The Chair reviewed the **HB 2735** and briefly discussed the projected prison bed impact as well as sentencing alternatives done by the Sentencing Commission.(attachments 1 and 2) Following discussion Senator Adkins moved to pass the bill out favorably, Senator Schmidt seconded. Following further discussion, Senator Goodwin made a substitute motion to table the bill indefinitely, seconded by Senator Haley. Carried with Senators Adkins and Schmidt requesting their nay votes be recorded. The Chair stated that he would request the bill be blessed.

**SB 648–corrections: relating to day reporting center in Wyandotte County**

Conferee Simmons testified in support of **SB 648**, a bill which would require the DOC to establish a day reporting center in Wyandotte County for the purpose of supervising, counseling and monitoring offenders on parole or postrelease supervision. The Conferee presented historical background on the establishment of day reporting centers (DRC) in Kansas as mandated by **SB 323** in 2000. He discussed the request for proposal (RFP) process, the role and responsibility of the contractor, CSI, and the efforts of the DOC and CSI to work with the Unified Government in Wyandotte County, to establish a DRC in Kansas City. He further discussed a requirement by the city that a special use permit for certain property be applied for which set out five conditions to be met in order for it to be approved.(attachment 3)

Conferee Holbrook testified in support of **SB 648**. He presented a brief background on CSI, whom he represents, discussed the establishment of the Topeka and Wichita DRC’s, reviewed the criteria for DRC, and discussed, in detail, the problems encountered with local government and the community in attempting to establish a Kansas City DRC. He provided a list of approximately thirty potential DRC sites which have been considered.(attachment 4)

Senator Haley testified “not in opposition to the context of **SB 648** but to the legality of whether or not the state, through the enactment of this bill, can rightfully supercede the Unified Government’s right to apply their zoning and planning policies. He cited case law to support his statements.(attachment 5)

Conferee Steineger testified as an opponent on **SB 648** but stated it was “a good bill which has the Uniformed Government and the Wyandotte County Delegation working together.” He discussed what he felt were the apparent inadequacies of CSI.([attachment 6](#))

Conferee Lloyd testified in opposition to **SB 648**. She presented background on her community’s development, discussed the efforts of the community and city government to work with CSI, and provided alternatives for the placement of the DRC.([attachment 7](#))

Conferee Sanders testified in opposition to **SB 648** stating that despite the UG’s opposition it has attempted to work with the State and it’s contractor, SCI. He discussed problems the UG has had with CSI especially in the area of communications, and provided a timeline of events and facts beginning with the adoption of **SB 323**, to support his statements.([attachment 8](#))

Conferee Baer testified in opposition to **SB 648** “because it allows the placement of a DRC without it being subject to existing zoning, permitting, licensure or other local requirements.” He elaborated on this.([attachment 9](#))

Conferee Overby testified in opposition to **SB 648**. He briefly discussed redevelopment in his area.([no attachment](#))

Written testimony supporting **SB 648** was submitted by Representative Kathe Lloyd.([attachment 10](#)).

The meeting adjourned at 11:32 a.m. The next scheduled meeting is March 25, 2002.