

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 27, 2009, in Room 136-N of the Capitol.

All members were present except:  
Senator Steve Morris- excused

Committee staff present:  
Connie Burns, Committee Assistant  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Jason Long, Office of the Revisor of Statutes

Conferees appearing before the committee:  
Pat Lehman - Kansas Fire Service Alliance  
Senator Tom Holland  
Athena Andaya - Kansas Legislative Research Department

Others attending:  
See attached list.

Senator Tom Holland requested two bill introductions. The first bill introduction regards implementation of E-Verify for public employers and their contractors in the State of Kansas. The second bill is in regards to criminal penalties for misclassification.

Senator Faust-Goudeau moved that this request should be introduced as a committee bill. Senator Francisco seconded the motion. The motion carried.

Pat Lehman, Kansas Fire Service Alliance, requested a bill introduction that allows for a fire department to block a public highway temporarily in the discharge of their official duties.

Senator Reitz moved that this request should be introduced as a committee bill. Senator Francisco seconded the motion. The motion carried.

Senator Brungardt requested two bill introductions. The first bill introduction regards examination of the Private Investigators statutes as it concerns concealed carry.

Senator Brungardt moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

The second bill introduction is in regards to removing the sunset and redefining Racial Profiling.

Senator Brungardt moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Senator Owens requested a bill introduction concerning zoning relating to group homes.

Senator Owens moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Athena Andaya, Kansas Legislative Research Department, briefed the committee on the report of the Joint Committee on Corrections and Juvenile Justice Oversight to the 2009 Kansas Legislature. (Attachment 1) The topics included the statutory charge in KSA 46-2801 and recommends the following:

- The Committee discussed the current practice of providing sex offender programs and substance abuse programs to offenders when they are approaching their release dates; and wanted to emphasize the importance of starting earlier in sex offender programming and the substance abuse programming in order to manage offenders better and reduce the recidivism rate. These programs, if started earlier, would provide less need to create new facilities to house offenders.
- Secretary Werholtz brought to the attention of the committee the concerns of systems and infrastructure that are worn out and outdated, and the need for capital expenditures to replace and

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- update these systems. The committee concluded that this issue is a priority and the Legislature should be made aware of this issue; the Secretary requested the means to complete the task of creating a treatment prison, not necessarily building a physical plant, but the support needed to build a program.
- There were numerous conferees during the six meeting days that showed the Level of Services Inventory-Revised (LSI-R) is an extremely effective risk assessment tool: and noted the potential savings from its use.
  - The Committee would like to commend Commissioner Jennings, Juvenile Justice Authority (JJA), for his truthfulness in revealing problems to the committee and for winning the 2008 Performance-based Standards (PbS) Barbara Allen-Hagen Award; a national award recognizing exceptional work to ensure that facilities are safe for youths and staff, hold youths accountable, and provide effective rehabilitation services that prevent future crime, and commend Deputy Commissioner Pealer for pursuing programs that work in assessing the juveniles.
  - The Committee authorized the Chairperson of the Jt. Committee on Corrections and Juvenile Justice to send a letter on its behalf to the Judicial Council for an in-depth study of issues caused by the opinion of the Kansas Supreme Court authorizing juvenile jury trials, to request the Council makes a recommendation on legislation needed to comprehensively implement juvenile jury trials, and suggests that the Council move quickly on this study so that the Legislature may review the recommendations during the Legislative Session.
  - The Committee recognizes that proportionality is a work in progress but endorses the effort of the Proportionality Subcommittee of the Kansas sentencing Commission in combining the drug and non-drug sentencing grids into one grid and encourages the introduction of such a bill.
  - The Committee recommends the pre-filing of two bills based on the draft legislation provided by JJA concerning the Court-ordered custody of juveniles to the Commissioner of Juvenile Justice; and a bill on the implementation of the Interstate Juvenile Compact.

The next meeting is scheduled for January 29, 2009. The meeting was adjourned at 10:30 am.