

SESSION OF 2018

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 328**

As Agreed to May 1, 2018

Brief*

SB 328 would create and amend law related to security operations of state correctional and juvenile correctional facilities.

The bill would require prior legislative authorization for any state agency to enter into any agreement or take any action to outsource or privatize security operations of any correctional or juvenile correctional facility operated by a state agency. The bill would apply to security operations or job classifications and duties associated with a security operation of correctional or juvenile correctional facilities.

The bill would define “security operations” to include supervision of inmates in a correctional institution or juvenile correctional facility by a corrections officer or warden. The Secretary of Corrections (Secretary) would be granted rule and regulation authority to identify job classifications and duties to be considered part of security operations.

The bill would not prevent the Department of Corrections (Department) from renewing such an agreement for services if the agreement is substantially similar to an agreement existing prior to January 1, 2018. The Department would also be permitted to enter into such an agreement for services with a different provider, if the agreement is substantially similar to an agreement existing prior to January 1, 2018.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill would be in effect upon publication in the *Kansas Register*.

Conference Committee Action

As it entered the Conference Committee, SB 328 contained provisions regarding privatization of security operations of correctional facilities and provisions regarding KP&F membership of certain employees of the Department of Corrections, as amended into the bill by the House Committee of the Whole.

The Conference Committee agreed to the Senate position on SB 328, which included the provisions regarding privatization of security operations of correctional facilities. Additionally, the Conference Committee agreed to remove the contents of SB 284 and insert the provisions regarding KP&F membership of certain employees of the Department of Corrections into SB 284.

Background

SB 328 was introduced by Senators Denning and Hensley. In the Senate Committee on Federal and State Affairs hearing, Senator Denning and Senator Hensley testified in support of the bill. They stated the bill and the amendment would avoid potential concerns associated with privatization while allowing the Department flexibility to manage existing contracts. No other testimony was provided.

On February 7, the Senate Committee amended the bill to define "security operations" and specify job classifications and duties that could not be privatized. The Senate Committee report was not read into the Senate chamber.

On February 12, the Senate Committee voted to reconsider its previous action on the bill. The Senate

Committee adopted an amendment similar to the February 7 amendment to:

- Define “security operations”;
- Allow the Secretary to adopt rules and regulations to identify job classifications and duties that are part of security operations; and
- Technical changes suggested by the Office of Revisor of Statutes.

[*Note:* The Conference Committee retained these amendments.]

The House Committee of the Whole amended the bill to include provisions relating to KP&F affiliation and benefits. (These provisions are identical to those contained in HB 2448, as amended by the Senate Committee on Financial Institutions and Insurance.) [*Note:* The Conference Committee did not retain this amendment.]

According to the fiscal note prepared by the Division of the Budget on SB 328, as introduced, the Department states the bill would affect all aspects of the Department’s facility operations, including support and ancillary services. The Department indicates language to require future contract renewals to be “substantially similar” to contracts entered into prior to January 1, 2018, would restrict the Department’s ability to modify the scope of contracted services to account for changes in federal requirements, improvements in technology, changing correctional standards, and changes to inmate programs and health care. Any fiscal effect associated with enactment of SB 328 is not reflected in *The FY 2019 Governor’s Budget Report*.

security; security operations; correctional facility; juvenile correctional facility

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