

SESSION OF 2018

SUPPLEMENTAL NOTE ON SENATE BILL NO. 328

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 328, as amended, 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 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.

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

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by Senators Hensley and Denning. At 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.

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

On February 12, the Committee voted to reconsider its previous action on the bill. The Committee adopted an amendment similar to the February 7 amendment to:

- Define security operations;
- Allow the Secretary of Corrections 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.

The fiscal note prepared by the Division of the Budget indicated the bill, as introduced, would affect all aspects of the Department's facility operations, including support and ancillary services. The Department indicated 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 the bill is not reflected in *The FY 2019 Governor's Budget Report*.