

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

4:00 ~~am~~ p.m. on April 29, 1987 in room 254-E of the Capitol.

All members were present except:

Senator Arasmith and Senator Hoferer were excused.

Committee staff present:

Mary Galligan, Legislative Research
Emalene Correll, Legislative Research
Mary Torrence, Assistant Revisor of Statutes
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

The Committee met for the purpose of continuing discussion on HB 2546, concerning the secretary of the department of corrections. The Chairman stated that the amendment requested at this morning's meeting had been prepared by staff, and that staff would explain it to the Committee. (Attachment #1)

Senator Bond moved to strike "prosecution" and "military justice administration." Seconded by Senator Vidricksen. The motion carried.

Senator Daniels made the conceptual motion to have "law-trained" judges. Seconded by Senator Martin. The language will be clarified by staff. The motion carried. This could include federal, appellate or district court judges.

Senator Morris moved to add "confirmed by the senate, whether acting or appointed." A conceptual motion, language to be drafted by staff. The motion was seconded by Senator Strick. The motion carried.

Senator Morris moved that the bill take effect upon publication in the State Register. Seconded by Senator Vidricksen. The motion carried.

The meeting was adjourned at 4:30 p.m.

HOUSE BILL No. 2546

By Committee on Federal and State Affairs

3-3

4/29/87 - #2
#1

Attachment #1
FSA 4/29/87 (4:00)

hb2546

0017 AN ACT relating to the secretary of corrections; amending K.S.A.
0018 75-5203 and repealing the existing section.

0019 *Be it enacted by the Legislature of the State of Kansas:*

00 Section 1. K.S.A. 75-5203 is hereby amended to read as fol-
0021 lows: 75-5203. (a) There is hereby established the department of
0022 corrections, the chief executive officer of which shall be the
0023 secretary of corrections. The secretary shall be appointed by the
0024 governor, subject to confirmation by the senate as provided in
0025 K.S.A. 75-4315b and amendments thereto, and shall serve at the
0026 pleasure of the governor. In case of a vacancy in the office of
0027 secretary, the governor shall appoint a successor in the manner
0028 that the original appointment was made. The secretary shall
0029 receive an annual salary fixed by the governor, which shall be
0030 payable in equal monthly installments. In addition, the secretary
0031 shall be entitled to receive actual and necessary traveling and
0032 subsistence expenses incurred in the performance of the secre-
0033 tary's official duties. ~~No person shall be eligible for appointment~~
0034 ~~to, or hold the position of, secretary of corrections unless such~~
0035 ~~person has had at least five years experience as an executive~~
0036 ~~officer in the administration of federal or state penal or correc-~~
0037 ~~tional institutions or five years experience in the field of correc-~~
0038 ~~tions, except that: (1) Three years of such experience may be~~
0039 ~~waived for an appointee having a degree from an accredited~~
0040 ~~college or university, which degree is based on penology or a~~
0041 ~~related field as a major field of study; or (2) if the governor is~~
0042 ~~unable to appoint a person as secretary who possesses such~~
0043 ~~qualifications, the governor may appoint a person without such~~
0044 ~~qualifications as acting secretary, who shall serve at the pleasure~~
0045 ~~of the governor.~~ Before entering upon the duties of the office, the

(b) Except as provided by subsection (c), no person shall be eligible for appointment to, or hold the position of, secretary of corrections unless such person:

(1) Has had at least five years' experience in the field of corrections or as an executive officer in the administration of federal or state penal or correctional institutions; ~~or~~

(2) (A) has had at least three years' experience in the field of corrections or as an executive officer in the administration of federal or state penal or correctional institutions; and (B) has a degree from an accredited college or university, which degree is based on penology or a related field as a major of study; ~~or~~ *federal prosecuting attorney* ~~district~~

(3) (A) has had at least five years' experience as a ~~judge~~ *district* or county or ~~district~~ attorney, experience in military administration or administration of a criminal justice agency or administrative experience treating criminal offenders through programs involving penal custody, parole, probation and sentencing; (B) has a degree from an accredited college or university, which degree is in a social or behavioral science, penology, corrections, criminal justice, police science, criminology, ~~prosecution,~~ public administration, local corrections programs, ~~military justice administration~~ or a related field; and (C) has demonstrated administrative ability and leadership.

(c) If the governor is unable to appoint a person as secretary who possesses the qualifications required by subsection (b), the governor may appoint a person without such qualifications as acting secretary, who shall serve at the pleasure of the governor.

(d)