

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2551**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2551, 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 in effect upon publication in the *Kansas Register*.

**Background**

The bill was introduced by Representatives Deere, Pittman, Ellis, Eplee, and Karleskint.

\*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>

As introduced, the bill would have prohibited outsourcing or privatization of any operations or facilities of any correctional institution, rather than just security operations.

In the House Committee on Corrections and Juvenile Justice hearing, Representative Deere and Representative Pittman testified in support of the bill. They stated the bill would avoid potential concerns associated with privatization while allowing the Department flexibility to manage existing contracts. Written-only proponent testimony was provided by Representative Karleskint and the Kansas Organization of State Employees. No other testimony was provided.

The House Committee amended the bill to:

- Limit its scope to security operations;
- 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
- Incorporate technical changes suggested by the Office of Revisor of Statutes.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department indicates 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 the bill is not reflected in *The FY 2019 Governor’s Budget Report*.