

HOUSE BILL No. 2401

By Committee on Appropriations

2-18

Proposed Amendments to HB 2401 - juvenile facilities
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
March 11, 2021

1 AN ACT concerning the department of corrections; authorizing the
2 secretary of corrections to enter agreements for public-private
3 partnerships for projects for new or renovated buildings at correctional
4 institutions for education, skills-building and spiritual needs programs;
5 establishing a nonprofit corporation to receive gifts, donations, grants
6 and other moneys and engage in fundraising projects for funding such
7 projects; amending K.S.A. 75-3739 and repealing the existing section.
8

9 WHEREAS, The Legislature finds that it is in the public's interest to
10 prepare incarcerated persons to be ready to meet Kansas workforce needs
11 when released, by providing education and skills-building programs and
12 services; and

13 WHEREAS, There is a public need for the construction or renovation
14 of facilities that are used predominantly for education and skills-building
15 programs and services for persons housed in adult correctional institutions,
16 to prepare incarcerated persons for employment and successful reentry
17 after incarceration; and

18 WHEREAS, It is in the public interest to authorize, encourage and
19 incentivize public-private partnerships to support projects to raise funds
20 for and construct or renovate buildings to provide space to deliver
21 education and skills-building programs and services; and

22 WHEREAS, It is the intent of the Legislature to encourage investment
23 in the state by private entities, to facilitate various bond financing
24 mechanisms, private capital and other funding sources for constructing and
25 upgrading buildings for education and skills-building programs at
26 correctional institutions and to provide the greatest possible flexibility to
27 public and private entities for entering public-private partnerships for that
28 purpose; and

29 WHEREAS, It is the intent of the Legislature to encourage and enable
30 partnerships with faith-based organizations to address the spiritual needs
31 of incarcerated persons:

32 Now, therefore:

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

34 New Section 1. As used in K.S.A. 75-3739, and amendments thereto,
35 and sections 1 through 5, and amendments thereto:

36 (a) "Private entity" means any partnership, firm, association,

1 corporation, sole proprietorship or other business organization, whether
2 organized for profit or not-for-profit and includes any faith-based
3 organization.

4 (b) "Secretary" means the secretary of corrections.

5 (c) "Public-private partnership" means the relationship established
6 between the department of corrections and a private entity by contracting
7 for the performance of any combination of specified functions or
8 responsibilities to develop, finance, construct or renovate a building at a
9 correctional institution where the department of corrections cost for
10 development, finance, construction or renovation of such building does not
11 exceed 25% of the total cost of the developing, financing, constructing or
12 renovating such building.

13 (d) "Correctional institution" means the Lansing correctional facility,
14 Hutchinson correctional facility, Topeka correctional facility, Norton
15 correctional facility, Ellsworth correctional facility, Winfield correctional
16 facility, Osawatomie correctional facility, Larned correctional mental
17 health facility, Toronto correctional work facility, Stockton correctional
18 facility, Wichita work release facility, El Dorado correctional facility and
19 any other correctional institution established by the state for the
20 confinement of adult offenders under control of the secretary.

, any juvenile correctional facility or institution as defined in K.S.A. 2020
Supp. 38-2302, and amendments thereto,

or juvenile

21 (e) "Public-private project" means the project to develop, finance,
22 construct or renovate a building at a correctional institution pursuant to a
23 public-private partnership.

24 (f) "Faith-based organization" means any religious, charitable and
25 other organization as defined by article 17 of chapter 17 of the Kansas
26 Statutes Annotated, and amendments thereto, or any other organization
27 whose values are based on faith and beliefs, or both, that has a mission
28 based on social values of the particular faith and whose members are from
29 a particular faith group.

30 (g) "Spiritual needs" means any program or service that addresses any
31 issue related to sincerely held religious beliefs.

32 New Sec. 2. (a) The secretary is hereby authorized to enter
33 agreements with private entities for public-private project for the purpose
34 of funding new or renovated buildings at a correctional institution for:

- 35 (1) Education and skills-building programs and services; and
- 36 (2) purposes of addressing the spiritual needs of incarcerated persons.

37 (b) The secretary shall determine whether the project is suitable for a
38 public-private partnership agreement, by conducting an analysis of the
39 feasibility, desirability and the convenience to the public of the project and
40 whether the project furthers the public policy goals of the department of
41 corrections. The secretary shall consult with the secretary of administration
42 for input from the office of facilities and property management when
43 conducting such analysis.