

Approved 2/23/88 Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

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

11:00 a.m./~~p.m.~~ on February 18, 1988 in room 254-S of the Capitol.

All members were present ~~except~~ ^{XXX} ~~XXXX~~:

Committee staff present:

- Mary Galligan, Legislative Research
- Mary Torrence, Assistant Revisor of Statutes
- June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Mr. Charles "Chuck" Simmons, Legal Counsel, Department of Corrections

The Minutes of February 16, 1988, were before the Committee. Senator Arasmith moved that the Minutes be approved. The motion was seconded by Senator Martin. The motion carried.

The Chairman stated that the Committee would be hearing Committee bills concerning the Department of Corrections. He welcomed the conferee, Mr. Charles Simmons, Legal Counsel for the Department.

The first bill before the Committee was SB646. Mr. Simmons' statement asks for an amendment to K.S.A. 75-5249. (Attachment #1) The first amendment deletes the reference to an institution's hospital, because corrections institutions operate infirmaries which provide limited services and do not qualify as hospitals. The second purpose of the proposed amendment is to give the Secretary of Corrections the authority to either employ or contract for the services of a chief physician. The peanut of the bill is to clean it up.

Mr. Simmons continued on with SB647, which concerns K.S.A. 75-5211(a). (Attachment #2) That statute now provides the Secretary of Corrections shall provide employment, work opportunities, or training for all employees benefiting therefrom. The program is approximate 40 hours per week.

The proposed amendments are to make it clear that the Secretary of Corrections has the authority to determine if an inmate is capable of benefiting from a program and is able to participate.

Not all inmates will benefit from a work program. Others are not available or able to participate. The proposed amendments will make it clear that the Secretary of Corrections can determine who will benefit most from it. Also, reference to the 40-hour work week is deleted as increasing numbers of inmates do not now make it possible to provide 40 hours of programming each week.

There were some questions from Committee. The prisons competing with private industry was discussed. Mr. Simmons said some work programs are out of honor camps and it is made clear they are not displacing civilian employees. If a community wants certain work done but has no money to finance it the Department of Corrections can send their inmates in there. The bill is geared toward employment programs within the institution.

Senator Martin commented they have had work done in his area by people from the honor camps. The work they did would not have been done had those people not done it. From the standpoint the Senator has seen, it is working very well for both entities.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on February 18, 1988

Mr. Simmons then made the presentation concerning SB648, concerning the State Reception and Diagnostic Center. (Attachment #3) It recommends that K.S.A. 75-5262 be amended to give the Secretary of Corrections the authority to determine the level of evaluation to be provided to the inmates by the State Reception and Diagnostic Center. These amendments simply recognize that all offenders do not need the same type of evaluation.

A member said that several years ago the State Reception and Diagnostic Center had a long backlog and asked what the circumstances now are. Mr. Simmons said they are in much better condition now than they were a few years ago, and gave figures to provide that information. He also said there is now more space at the Center and more psychiatrists on staff. These are two important factors.

Mr. Simmons was asked the fiscal impact of these three bills. He said he saw no fiscal impact, except in terms of savings to the Diagnostic Center in the time it takes to go through there. On the other two he sees no fiscal impact.

The Chairman thanked Mr. Simmons for his presentations. Tomorrow the Committee will be briefed on SB649 and SB651.

The Chairman referred to the Meeting of February 16, 1988, concerning a motion by Senator Morris, and seconded by Senator Strick, that the Committee request of the Senate President that SB479 be referred for interim study. This motion was postponed for action until this meeting. There was Committee discussion, following which the Chairman called for the vote on the motion. The motion carried.

The Chairman announced that on Thursday of next week he plans to have the bill dealing with licensing of the kennels brought up for review. Staff will give the Committee information concerning what the U.S.D.A. is doing and what is in the Kansas statutes concerning this matter. What recourse a person can take under our present laws. Staff will make a comparison. Also, the bill concerning the vicious dogs will be discussed, and the bill concerning sterilization of certain animals.

In view of statements made by the Secretary of Corrections concerning community corrections, the Chairman has asked staff to check into the twelve counties and ten community corrections programs in the state. He has asked staff to check the budgets of those programs and the numbers of persons being served. Before long the Secretary of Corrections should have his corrections program ready to present to the Governor, and ultimately some of those matters would come to this Committee.

The meeting was adjourned.



KANSAS DEPARTMENT OF CORRECTIONS

MIKE HAYDEN, GOVERNOR

ROGER V. ENDELL, SECRETARY

LANDON STATE OFFICE BUILDING — 900 SW JACKSON
TOPEKA, KANSAS — 66612-1284
913-296-3317

February 18, 1988

TO: ~~Senate Federal~~ and State Affairs Committee
FROM: *Roger V. Endell*, Secretary of Corrections
RE: SENATE BILL NO. 646

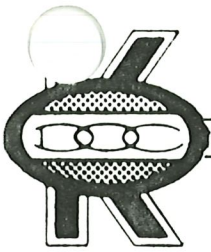
I am proposing that K.S.A. 75-5249 be amended to accomplish two objectives.

First, the amendment deletes the reference to an institution's hospital. No correctional institution now operates a hospital. Since a hospital must meet certain requirements and standards, it is important that this reference be removed from the statute. Corrections institutions operate infirmaries which provide limited services. These facilities do not qualify as hospitals.

The second purpose of the proposed amendments is to clearly give the secretary of corrections the authority to either employ or contract for the services of a chief physician. In recent years it has been increasingly difficult to attract qualified medical personnel to work in corrections institutions. Given the difficulty, it seems prudent to have the option available to contract for such services if that becomes necessary.

RVE:CES/pa

*Senate FSA
2/18/88
Attachment #1*



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February 18, 1988

TO: Senate Federal and State Affairs Committee
FROM: *Roger V. Endell*, Secretary of Corrections
RE: SENATE BILL NO. 647

K.S.A. 75-5211(a) now provides that the secretary of corrections shall provide employment, work opportunities, or training for all inmates capable of benefiting therefrom. The program to which the inmate is assigned shall, to the extent possible, approximate a 40 hour work week.

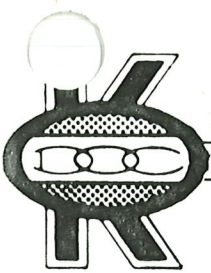
The amendments proposed in this bill are intended to make it clear that the secretary of corrections has the authority to determine if an inmate is capable of benefiting from a program and is ready, willing and able to participate.

Not all inmates will benefit from a work or program. Others, due to their status in an institution, are not available or able to participate. With a limited number of work or program assignments available, the amendments proposed in this bill will make it clear that the Secretary of Corrections can determine who will most benefit from the assignment.

Additionally, the amendments delete the reference to a forty hour work week. Increasing inmate populations do not now make it possible to provide forty hours of programming per week for each inmate. As amended, the statute would provide that an inmate's program, to the extent possible, approximate normal conditions of employment

REV:CES/pa

*Senate FSA
2/18/88
Attachment #2*



KANSAS DEPARTMENT OF CORRECTIONS

MIKE HAYDEN, GOVERNOR

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TOPEKA, KANSAS — 66612-1284
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February 18, 1988

TO: Senate Federal and State Affairs Committee
FROM: *Roger V. Endell*, Secretary of Corrections
RE: SENATE BILL NO. 648

I am recommending that K.S.A. 75-5262 be amended to give the Secretary of Corrections the authority to determine the level of evaluation to be provided to inmates by the State Reception and Diagnostic Center. The purpose of this amendment is to gain the maximum benefit from the diagnostic center.

Currently all offenders receive the same type of evaluation at SRDC. However, in some cases, due to an inmate's sentence or circumstances, a different level of examination might be appropriate. Duplicative or unnecessary evaluations could be avoided. Staff energies could then be better utilized and inmates could be processed through the diagnostic center in a more timely manner. This would be valuable in terms of possibly expediting information about the inmate to the sentencing court so that a decision could be made regarding the inmate's status.

The amendments proposed in this bill simply recognize that not all offenders need the same type of evaluation. The amendments would give the professional staff the latitude to provide the level of evaluation most appropriate for the individual.

RVE:CES/pa

*Senate FSA
2/18/88
Attachment #3*