

Approved

Thomas F. Walker
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by REPRESENTATIVE THOMAS F. WALKER at
Chairperson

9:00 a.m./~~p.m.~~ on FRIDAY, FEBRUARY 17, 1989 in room 522-S of the Capitol.

All members were present except:

Representative Gjerstad - Excused

Representative Weimer - Excused

Committee staff present:

Avis Swartzman - Revisor

Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

Robert Barnum - Commissioner, Division of Youth Services, SRS

Representative Sebelius

Representative Shriver

Representative Teagarden

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. He stated there were two bill requests of the Committee. Representative Shallenberger explained his proposed legislation dealing with the acquiring of certain supplies in the commercial market and providing for an allowance to defray certain expenses.

Representative David Miller moved to introduce the proposed legislation. Representative Sughrue gave a second to the motion. The motion carried.

Proposed legislation concerning the Board of Barber Examiners was submitted. Representative David Miller moved that the proposed legislation be introduced. Representative Sughrue gave a second to the motion. The motion carried.

Chairman Walker stated the minutes would stand approved at the end of the meeting if there were no corrections or additions.

HB 2167 - Appointment of Temporary and Seasonal Employees by State Agencies

Chairman Walker called on Representative Teagarden, bill sponsor. He said the bill is similar to the one he sponsored last session. He would like to see jobs based on merit rather than have employment based on partisan politics. Lines 65-70 contain the meat of the bill. There would be no politics involved in the hiring of employees. This would clean up the system and give the State of Kansas a better image.

After questions and discussion by the Committee, Chairman Walker declared the hearing closed on HB 2167.

HB 2176 - Corrections Ombudsman & Board

Robert Barnum appeared in support of HB 2176. This bill would include the state youth centers within the jurisdiction of the Corrections Ombudsman Board. He stated the idea of scrutiny of an agency's activities is not a new one. It has been seen as a positive aspect in identifying and helping to deal with problems. Nothing in this bill would interfere with the Attorney General's directives. (Attachment 1) A fiscal note of approximately \$47,000 was also distributed. (Attachment 2)

Representative Sebelius concurred with Mr. Barnum's testimony and stated the four youth centers involved, which she called 'poor lock facilities' are located at Topeka, Beloit, Larned and Atchison. She stated she had no problem with the balloon presented by Mr. Barnum. She also stated that Ron Ross is the Acting Director of the Ombudsman Board.

Representative Shriver said he agreed with Mr. Barnum's statements that this will not interfere with the Attorney General's authority.

Chairman Walker closed the hearing, thanked the conferees and adjourned the meeting.

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.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Winston Barton, Secretary

HB 2176

JURISDICTION OF CORRECTIONS OMBUDSMAN BOARD
WITH REGARD TO STATE YOUTH CENTERS

HB 2176 includes the state youth centers within the purview of the Corrections Ombudsman Board. The Corrections Ombudsman Board would be required to address misfeasance or discrepancy in administration and any unreasonable treatment of persons in custody in a state youth center.

The idea of outside scrutiny of agency activity is not new to us. The overall experience has been positive as problems are identified and resolved. It will be important for the ombudsman to understand the need to assess complaints on the basis of Department of Social and Rehabilitation Services policies and practices which, in many instances, will be different than those of the Department of Corrections.

One specific area is K.S.A. 38-1522b which directs the Attorney General to investigate all reports of child abuse or neglect. This proposal appears to make the two agencies responsible for this area. The law related to the investigation of child abuse in institutions operated by the Secretary of the Kansas Department of Social and Rehabilitation Services was amended just last year to make the Attorney General responsible. We supported that legislation and would support no change at this time. Investigations by the Attorney General's Office have been thorough and conducted in a professional manner. The attached language is suggested as resolution of this concern. By recognizing and making provision for this duality should permit smooth operation without competing interests.

Submitted by

Robert C. Barnum
Commissioner
Division of Youth Services
Department of Social and
Rehabilitation Services
913-296-3284

RCB:JPT:bss

*G.O.
2/17/89
Attach. 1*

1-2

110 secretary of corrections or inmates housed by any entity under
 120 contract with the secretary of corrections which the ombudsman
 121 discovers or the inmates bring to the attention of the
 122 ombudsman

123 (b) *The following, if discovered by the ombudsman or brought*
 124 *to the ombudsman's attention by the inmates or persons in custody,*
 125 *shall be brought to the attention of the secretary of corrections or*
 126 *the secretary of social and rehabilitation services, as applicable, and*
 127 *shall be made known in periodic reports and in an annual report*
 128 *issued by the ombudsman to the board: (1) Any misfeasance or*
 129 *discrepancy in administration or any unreasonable treatment of in-*
 130 *mates in the custody of the secretary of corrections or inmates housed*
 131 *by any entity under contract with the secretary of corrections; or*
 132 *(2) any misfeasance or discrepancy in administration or any unrea-*
 133 *sonable treatment of persons in custody in a state youth center. The*
 134 *ombudsman shall forward complaints and grievances directly to the*
 135 *secretary of corrections or secretary of social and rehabilitation serv-*
 136 *ices, as applicable, for consideration by the such secretary.*

137 Sec. 3. K.S.A. 1988 Supp. 74-7404 is hereby amended to read
 138 as follows: 74-7404. (a) The ombudsman of corrections may enter
 139 and inspect at any reasonable time: (1) Any premises under the
 140 control of the secretary of corrections or under the control of any
 141 entity housing inmates under contract with the secretary of correc-
 142 tions; and (2) any state youth center. The ombudsman may delegate
 143 that authority in writing to any employee of the office acting as an
 144 ombudsman.

145 (b) If the ombudsman of corrections or any employee of the office
 146 acting as an ombudsman who has been delegated in writing the
 147 authority granted under subsection (a) is denied access to any prem-
 148 ises under the control of the secretary of corrections or a state youth
 149 center, the secretary or the of corrections or the secretary of social
 150 and rehabilitation services, as applicable, or such secretary's desig-
 151 nee, within 24 hours after the denial, shall give the ombudsman a
 152 written statement of the reason for the denial of access.

153 Sec. 4. K.S.A. 74-7405a is hereby amended to read as follows:
 154 74-7405a. Records of the office of the ombudsman of corrections or
 155 of the corrections ombudsman board which relate to complaints by

(c) Nothing in this act shall be interpreted to deter or interfere with reports of child abuse or neglect occurring in a state institution to the attorney general pursuant to K.S.A. 38-1522(e) or with investigations of abuse or neglect of children in state institutions by agents under the direction of the attorney general pursuant to K.S.A. 38-1522(b).

The Honorable Thomas Walker, Chairperson
House Committee on Governmental Organization
House of Representatives
Third Floor, Statehouse

Dear Representative Walker:

SUBJECT: Fiscal Note for HB 2176 by Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2176 is respectfully submitted to your committee.

HB 2176 amends KSA 74-7401, 74-7405a, 74-7406, and KSA 1988 Supp. 74-7403 and 74-7404 and repeals the existing sections. The act brings the state youth centers under the jurisdiction of the Corrections Ombudsman Board regarding the solution of residents complaints and claims.

The act would authorize the Corrections Ombudsman Board to make recommendations to the Secretary of Social and Rehabilitation Services concerning policies and administrative actions in relation to the state's four youth centers. The bill also gives the staff of the board complete access to all necessary persons, facilities, files and documents of the youth centers. The bill directs the Ombudsman to report any administrative misfeasance or unreasonable treatment of persons in the state correctional system or in a state youth centers to the Secretary of Corrections or the Secretary of Social and Rehabilitation Services.

The fiscal effect of this act would be to increase expenditures in FY 1990 by \$47,069. These monies would be necessary to meet the extra workload which would be generated by the investigation of complaints stemming from the four state youth centers. This amount would include \$36,076 for an additional FTE position, \$1,620 for communications, \$300 for printing and advertising, \$6,423 for travel and subsistence, \$100 for other contractual services, \$25 for professional and scientific supplies, \$650 for stationery and office supplies, \$1,875 for capital outlay.

Any expenditures which would occur in FY 1990 as a result of the passage of this act would be from the State General Fund and would be in addition to the amounts included in the FY 1990 Governor's Report on the Budget.

M F O'Keefe
Michael F. O'Keefe
Director of the Budget

MFO:KV:meh

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G. O.
2/17/89
Attach. 2