

Approved 4-30-90
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by SENATOR AUGUST "GUS" BOGINA at
Chairperson

11:10 a.m./p.m. on MARCH 22, 19 90 room 123-S of the Capitol.

All members were present except:

Committee staff present:

Research Department: Diane Duffy, Leah Robinson
Revisor: Norm Furse, Gordon Self
Committee Staff: Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

INTRODUCTION OF BILLS

Senator Johnston moved, Senator Harder seconded, the introduction of bill draft 9 RS 2819 - relating to state tax levies for institutions. The motion carried.

HB 2624 - Sub. for HB 2624 by Committee on Appropriations -- Appropriations for FY 91, Department of Corrections and correctional institutions and facilities.

DEPARTMENT OF CORRECTIONS

Senator Johnston reviewed the subcommittee report for FY 90 and FY 91, Attachment 1. In regard to item 1 of the FY 91 report, Senator Bogina noted that there is a shortage of 200 maximum security beds. In answer to a question, Senator Johnston stated that the subcommittee did not discuss the possibility of using the vacant facility in Topeka which would provide approximately 200 beds.

Senator Feleciano asked if any funding was recommended to offset the turnover savings in item 2 of the FY 91 report. Senator Johnston responded that the DOC will live within its budget this year. The Legislature will monitor the situation closely this year and reconsider it during the next session. Concern was expressed that high turnover rates might impact the operational efficiency and safety of the Department. Senator Hayden, a member of the Joint Committee on Claims, noted that many of the cases heard in that committee come about as a result of understaffing.

Senator Winter expressed concern that not enough money was allocated for the new programs which are scheduled to begin July 1. Senator Winter moved, Senator Johnston seconded, that the subcommittee report be amended to include a statement that the issue of community corrections funding be reviewed in the Omnibus bill. The motion carried.

In answer to a question regarding the possibility of acquiring the Santa Fe Building in Sedgwick County, Senator Harder stated that there is a problem between the city of Wichita and the Department of Corrections that must be worked out. Senator Feleciano moved, Senator Kerr seconded, that the proposed acquisition of the Santa Fe Building in Wichita be considered in the Omnibus review. The motion carried.

In response to a question regarding item 2 of the FY 91 House report, staff indicated that the Deputy Secretary for Community Services presented a number of options to the House subcommittee for community corrections. Under the option which the House subcommittee endorsed, the existing programs (intensive supervision, residential programs and administration) would continue, but not much expansion would be allowed. Senator Parrish expressed concern with "cutting existing programs back to core service levels." Senator Parrish moved, Senator Johnston seconded, that the subcommittee

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS,
 123-S 11:10 XX MARCH 22 90
 room _____, Statehouse, at _____ a.m./p.m. on _____, 19__.

report be amended to include a statement that the Senate Ways and Means Committee does not endorse any options that lead to reduction in programs, and that this issue of community corrections be reviewed during the Omnibus review. The motion carried.

In reference to item 8 of the House subcommittee recommendations, it was stated that the plan for centralized purchasing and warehousing of food is still in the planning stage, and there would be some costs associated with implementation of the plan.

In answer to a question, Gary Rayl stated that the auto repair shop in the Hutchinson Correctional Work Facility performs only upholstery and body work.

TOPEKA CORRECTIONAL COMPLEX

Senator Allen reviewed the FY 90 and FY 91 subcommittee report, Attachment 2.

KANSAS STATE INDUSTRIAL REFORMATORY

Senator Feleciano reviewed Attachment 3, the FY 90 and FY 91 subcommittee report. In answer to a question, it was stated that the Department had requested \$65,000 to fill vacancies in order to manage the large number of inmates that are processed through KSIR.

KANSAS STATE PENITENTIARY

Senator Kerr reviewed the FY 90 and FY 91 subcommittee report, Attachment 4. In reference to the Senate subcommittee's second recommendation for FY 90, he stated that the ACA did not establish a staff to inmate ratio. In answer to a question, he said that the new employees who provide protective custody for mental health inmates were factored into the ratio.

ELLSWORTH CORRECTIONAL FACILITY

Senator Bogina reviewed Attachment 5, the FY 90 and FY 91 subcommittee report.

HUTCHINSON CORRECTIONAL WORK FACILITY

Senator Feleciano reviewed the FY 90 and FY 91 subcommittee report, Attachment 6. Senator Gaines noted that the minority report was adopted by the Committee. Senator Kerr stated that because inmate labor had been used on a small project in Hutchinson, the labor unions had filed a court action to stop inmate labor use for general public improvements.

WINFIELD CORRECTIONAL WORK FACILITY

Senator Rock reviewed the FY 90 and FY 91 subcommittee report, Attachment 7.

NORTON/STOCKTON CORRECTIONAL FACILITY

Senator Doyen reviewed Attachment 8, the FY 90 and FY 91 subcommittee report.

Senator Doyen moved, Senator Hayden seconded, adoption of the subcommittee report as amended. The motion carried.

Senator Doyen moved, Senator Allen seconded, that Substitute HB 2624 as amended be recommended favorable for passage. The motion carried.

SB 748 - State correctional institutions, consolidation and name changes

Mr. Chuck Simmons appeared before the Committee to explain the technical amendments contained in Attachment 9. He noted that the amendments are technical in nature, and that consolidation of the institutions on an administrative basis has already occurred. In answer to a question, Mr. Simmons stated that the amendment found in Attachment 9-55, allows inmates with mental illnesses to be transferred from any correctional institution if the need warrants, and the potential exists for that to be necessary.

Senator Doyen moved, Senator Gaines seconded, that the balloon amendments be

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS,
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room _____, Statehouse, at _____ a.m./p.m. on _____, 19__.

adopted. The motion carried.

Senator Doyen moved, Senator Gaines seconded, that SB 748 as amended be recommended favorable for passage. The motion carried.

Senator Rock moved and Senator Salisbury seconded that the minutes of March 5 and 13 be approved. The motion carried.

The meeting was adjourned by the Chairman at 12:15 P.M.

SUBCOMMITTEE REPORT

Agency: Department of Corrections Bill No. 2729 Bill Sec. 36
 Analyst: Mills Analysis Pg. No. 519 Budget Pg. No. 142

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 46,416,310	\$ 45,525,733	\$ 14,178
Aid to Local Units	10,943,098	8,331,758	--
Other Assistance	<u>2,000,000</u>	--	--
Subtotal - Operating	\$ 59,359,408	\$ 53,857,491	\$ 14,178
Capital Improvements	<u>22,024,716</u>	<u>17,794,716</u>	--
Total	<u>\$ 81,384,124</u>	<u>\$ 71,652,207</u>	<u>\$ 14,178</u>
State General Fund:			
State Operations	\$ 37,619,454	\$ 36,742,207	\$ 14,178
Aid to Local Units	10,943,098	8,331,758	--
Other Assistance	<u>2,000,000</u>	--	--
Subtotal - Operating	\$ 50,562,552	\$ 45,073,965	\$ 14,178
Capital Improvements	<u>21,285,341</u>	<u>17,055,341</u>	--
Total	<u>\$ 71,847,893</u>	<u>\$ 62,129,306</u>	<u>\$ 14,178</u>
FTE Positions	538.8	537.8	2.0

Agency Request/Governor's Recommendation

The agency's revised FY 1990 estimate totals \$59,359,408 for operating expenditures compared to the approved operating budget of \$63,079,176. The agency's revised estimate for aid to local units of government for community corrections grants is \$10,943,098 compared to the approved budget of \$12,014,370. The FY 1990 estimate also includes a reserve of \$2.0 million for a class action lawsuit by correctional officers. The agency estimate for FY 1990 also includes \$22,024,716 (All Funds) for various capital improvement projects. The agency requests FY 1990 supplemental funding of \$499,944 (SGF) for the following programs: Central Management for salaries and wages (\$93,775) and other operating expenditures (\$47,147); Inmate Medical and Mental Health Care (\$77,058); Community Services for payments to local jails (\$134,655); Honor Camps for other operating expenditures (\$57,309); and major repairs and maintenance (\$90,000) for the renovation project for mentally ill inmates at the Penitentiary.

The Governor's recommendation for operating expenditures in FY 1990 is \$53,857,491, or \$5,501,917 less than the agency estimate. The reductions are found in salaries (\$587,707), contractual services (\$254,667), commodities (\$48,203), aid to local units (\$2,611,340), and other assistance (\$2,000,000). Of the recommended operating expenditure total, \$45,073,965 would be financed from the State General Fund and the amount is \$2,926,379 less than was authorized by the 1989 Legislature. In FY 1990, the Governor recommends funding of \$8,331,758 for aid to local units of government for

*SWAM
 March 22, 1990
 Attachment 1*

community corrections grants. The Governor also recommends a total of \$17,794,716 (All Funds) for various capital improvement projects in FY 1990. The Governor recommends \$1,655,000 from the State General Fund in FY 1990 to finance the bond debt on the Ellsworth Correctional Work Facility. The Governor also recommends \$9.5 million from the State General Fund in FY 1990 for construction of the new 640-cell maximum security facility and mental health facilities. The Governor's recommendation will support 537.8 FTE positions in FY 1990. The Governor recommends FY 1990 supplemental funding of \$312,843 (SGF) for the following programs: Central Management for salaries (\$53,005) and other operating expenditures (\$12,380); Inmate Medical and Mental Health Care (\$3,488); Community Services for payments to local jails (\$115,721); Honor Camps for other operating expenditures (\$38,249); and major repairs and maintenance (\$90,000) for the renovation project for mentally ill inmates at the Penitentiary.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1990, with the following adjustment:

1. Addition of \$14,178 (State General Fund) for the salaries of 2.0 FTE positions which were transferred to the DOC Central Office from the State Penitentiary; this addition represents two-month's worth of salaries funding for the positions. The Subcommittee recommends a corresponding decrease in the Penitentiary's salaries item for the two positions. The two positions are an Institutional Business Manager III and a Corrections Manager I. The positions are physically housed in the Central Office and should be paid from that budget.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990.

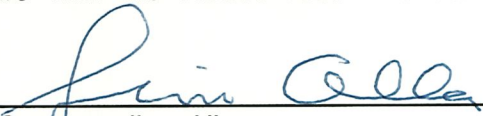
House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

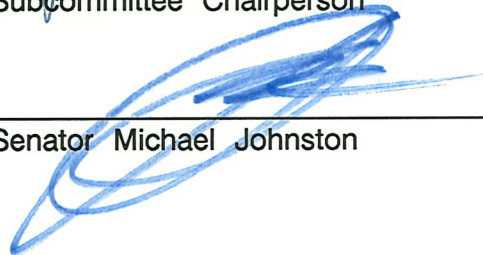
<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 14,178	\$ 45,539,911	\$ --
Aid to Local Units	--	8,331,758	--
Other Assistance	--	--	--
Subtotal - Operating	<u>\$ 14,178</u>	<u>\$ 53,871,669</u>	<u>\$ --</u>
Capital Improvements	--	17,794,716	--
Total	<u>\$ 14,178</u>	<u>\$ 71,666,385</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 14,178	\$ 36,756,385	\$ --
Aid to Local Units	--	8,331,758	--
Other Assistance	--	--	--
Subtotal - Operating	<u>\$ 14,178</u>	<u>\$ 45,088,143</u>	<u>\$ --</u>
Capital Improvements	--	17,055,341	--
Total	<u>\$ 14,178</u>	<u>\$ 62,143,484</u>	<u>\$ --</u>
FTE Positions	2.0	539.8	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation.



 Senator Jim Allen
 Subcommittee Chairperson



 Senator Michael Johnston

SUBCOMMITTEE REPORT

Agency: Department of Corrections **Bill No.** Sub. 2624 **Bill Sec.** 2

Analyst: Mills **Analysis Pg. No.** 519 **Budget Pg. No.** 142

<u>Expenditure Summary</u>	<u>Agency Req. FY 91*</u>	<u>Governor's Rec. FY 91**</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 56,058,306	\$ 48,941,441	\$ (3,554,848)
Aid to Local Units	17,954,799	10,761,594	100,000
Other Assistance	--	<u>2,000,000</u>	--
Subtotal - Operating	\$ 74,013,105	\$ 61,703,035	\$ (3,454,848)
Capital Improvements	<u>11,483,800</u>	<u>9,007,000</u>	<u>300,000</u>
Total	<u>\$ 85,496,905</u>	<u>\$ 70,710,035</u>	<u>\$ (3,154,848)</u>
State General Fund:			
State Operations	\$ 46,110,261	\$ 39,544,260	\$ (3,554,848)
Aid to Local Units	17,954,799	10,761,594	100,000
Other Assistance	--	<u>2,000,000</u>	--
Subtotal - Operating	\$ 64,065,060	\$ 52,305,854	\$ (3,454,848)
Capital Improvements	<u>10,183,800</u>	<u>8,007,000</u>	--
Total	<u>\$ 74,248,860</u>	<u>\$ 60,312,854</u>	<u>\$ (3,454,848)</u>
FTE Positions	616.0	603.3	1.0

* Does not include separately requested funding of \$4,639,460 and 347.5 FTE positions for start-up of the new maximum security facility.

** Includes \$215,000 and 55.0 FTE positions for start-up of the new maximum security facility. Also includes an additional \$53,882 (Correctional Industries Fund) and an additional 2.0 FTE positions, as recommended in the Governor's Budget Amendment.

Agency Request/Governor's Recommendation

The agency's operating budget request for FY 1991 totals \$74,013,105, an increase of \$14,653,697 (or 24.7 percent) from the FY 1990 estimate. In state operations, the agency requests funding of \$2,340,360 for 82.2 new positions: 16.0 for Kansas Correctional Industries (\$364,530); 14.0 for the Honor Camps (\$308,533); 4.2 for the Topeka Correctional Facility (\$106,294); 9.0 for the Osawatomie Correctional Facility (\$223,587); 1.0 for Inmate Programs (\$32,402), 14.5 for Parole Services (\$396,591), and 5.0 for Inmate Programs-Administration (\$261,946); 2.0 for Data Processing (\$87,628); 4.0 for Management Services (\$150,787); and 12.5 for the Office of the Secretary (\$408,062). The Department requests \$17,954,799 for aid to local units of government for Community Corrections Act grants to counties (composed of \$10,292,719 for current county programs, \$5,200,000 for new CCA counties, and \$2,462,080 for community correctional conservation camps). For capital improvements in FY 1991, the Department requests \$11,483,800, of which \$10,183,800 is from the State General Fund. Of the capital improvement request, \$6.6 million is for the debt service on the new maximum security prison and mental health facilities; \$2,185,000 is for debt service on the Ellsworth Correctional Work Facility; \$2.5 million is for major maintenance and remodeling; and \$198,800 is for two other projects.

For FY 1991, the Governor recommends an operating budget of \$61,649,153, or a decrease of \$17,003,412 from the agency request. The reductions are found in salaries (\$4,654,434), contractual services (\$3,237,851), commodities (\$1,002,369), capital outlay (\$2,915,553), and aid to local units (\$7,193,205), with an offsetting increase of \$2.0 million in other assistance for the class action lawsuit. The Governor recommends the addition of 72.5 FTE positions: 6.5 for the Office of the Secretary; 6.0 for Management Services (4.0 of which are transferred from other DOC facilities); 1.0 for the Honor Camps; 4.0 for Kansas Correctional Industries; and 55.0 for the new maximum security facility. Funding for the new positions totals \$671,478. The Governor recommends \$10,761,594 for aid to local units of government for community corrections grants to participating counties, including \$600,000 for a new community correctional conservation camp program in Labette County. The Governor's capital improvements recommendation for FY 1991 includes funding for the bond payment of \$6.3 million on the new maximum security prison facility at El Dorado, \$1.707 million for debt service on the Ellsworth Correctional Work Facility, and \$1.0 million for major repairs and special maintenance.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1991, with the following adjustments:

1. Deletion of \$3,600,000 (State General Fund) in order to reduce the number of minimum-security beds in the system by 300 placements during FY 1991. The "Secretary's Newsletter" for February, 1990, indicates that there are 307 more minimum-security beds in the DOC system than there are minimum-security inmates. The House Subcommittee recommends that a provision be included in the appropriation bill lapsing a total of \$3.6 million (300 beds at an average expenditure of \$12,000) in FY 1991; the actual manner of reducing these beds will be left to the discretion of the Secretary of Corrections.
2. Addition of \$100,000 (State General Fund) for the enhancement of juvenile programs and services under the Community Corrections Act. The Subcommittee received information indicating that 214 juvenile offenders were served in community corrections programs in FY 1989. The additional funding should allow for a modest program enhancement of juvenile services. The Subcommittee did an extensive review of the planning and implementation efforts resulting from the enactment of S.B. 49 in the 1989 Session and the Department presented seven options for such implementation. The Subcommittee endorses Option 1, which would involve cutting existing programs back to core service levels and allow the development of core programs (intensive supervision, residential, administration) on a statewide basis within funding recommended by the Governor.
3. Addition of \$300,000 to (Correctional Institutions Building Fund) to concur with the capital improvements projects recommended by the Joint Committee on State Building Construction. The recommended projects are debt service on the new maximum facility (\$6.3 million) and the Ellsworth facility (\$1.707 million), and major repairs and special

maintenance (\$1.3 million). The major maintenance recommendation is an increase of \$300,000 over the Governor's recommendation.

4. The House Subcommittee notes that the 1989 Legislature approved a transfer of \$1,305,138 from the State General Fund to the Correctional Industries Fund to assist in the start-up of new industries programs at the Hutchinson and Ellsworth facilities. The Subcommittee recommends that a provision be placed in the appropriation bill requiring that the Correctional Industries Fund repay the State General Fund over a four-year period.
5. The House Subcommittee notes that the Department has presented a request for funding of \$1.7 million to acquire the Santa Fe Trail Building in Wichita for use as the work release center. The House Subcommittee is not supportive of the acquisition of any buildings in Wichita for the work release program at this time, and recommends that the Joint Committee on State Building Construction review this proposed acquisition in some detail.
6. The House Subcommittee reviewed the expenditures made to local jails for the costs of housing parole violators until they are returned to a state facility, as required by K.S.A. 19-1930. These expenditures were \$178,155 in FY 1988, \$324,683 in FY 1989, \$341,900 (est.) in FY 1990, and \$356,900 (est.) in FY 1991. The Subcommittee recommends that the Department of Corrections review this area and develop a plan for removing these parole violators in a more expeditious fashion, in order to reduce the required payments to local jails.
7. The House Subcommittee reviewed information concerning the use of continuances by the Parole Board which result in some inmates remaining in confinement. The House Subcommittee recommends that the Department and the Parole Board work together in an attempt to reduce the length of time that some offenders remain incarcerated after receiving continuances.
8. In its report during the 1989 Session, this House Subcommittee noted that the various correctional facilities were using various differing methods of budgeting for food and clothing and the Subcommittee recommended that the Department impose more uniformity in the budgeting process for food and clothing. The House Subcommittee has reviewed the FY 1991 budget requests and wishes to commend the Department on its efforts to bring more uniformity in the budgetary process for food and clothing. The House Subcommittee encourages the Department to continue its further examination of methods of making the procurement of food and clothing at the various correctional facilities more economical and efficient.
9. The House Subcommittee recommends that a substitute bill be introduced which will contain the budgets of the Department of Corrections and the various institutions in the same format as in past years. The format of the Governor's bill, H.B. 2624, would appropriate all funding for the correctional institutions and for central management to the Department of Corrections. The House Subcommittee recommends that the bill format be revised.

10. Addition of \$45,152 (State General Fund) and 1.0 FTE position authority for the salary of one of the 2.0 FTE positions which were transferred to the DOC Central Office from the Penitentiary; this addition represents salaries funding for the position. The Subcommittee recommends a corresponding decrease in the Penitentiary salaries item for the two positions. The two positions are an Institutional Business Manager III and a Corrections Manager I. The positions are physically housed in the Central Office and should be paid from that budget.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (3,554,848)	\$ 45,386,593	\$ 3,600,000
Aid to Local Units	100,000	10,861,594	--
Other Assistance	--	<u>2,000,000</u>	--
Subtotal - Operating	\$ (3,454,848)	\$ 58,248,187	\$ 3,600,000
Capital Improvements	300,000	<u>9,307,000</u>	--
Total	<u>\$ (3,154,848)</u>	<u>\$ 67,555,187</u>	<u>\$ 3,600,000</u>
State General Fund:			
State Operations	\$ (3,554,848)	\$ 35,989,412	\$ 3,600,000
Aid to Local Units	100,000	10,861,594	--
Other Assistance	--	<u>2,000,000</u>	--
Subtotal - Operating	\$ (3,454,848)	\$ 48,851,006	\$ 3,600,000
Capital Improvements	--	<u>8,007,000</u>	--
Total	<u>\$ (3,454,848)</u>	<u>\$ 56,858,006</u>	<u>\$ 3,600,000</u>
FTE Positions	1.0	604.3	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. Addition of \$3,600,000 (SGF) which the House Subcommittee had deleted in order to reduce the number of minimum-security beds in the system by 300 placements during FY 1991. The Senate Subcommittee agrees with the Department of Corrections that it may be premature to reduce

any bedspace in the system at this time. The Senate Subcommittee notes that the eight-month trend of a declining inmate population ended in February, 1990, when the system population increased by 17 inmates. The Senate Subcommittee also expresses concern about the possible impact of two items on the inmate population trends:

- a. the work product of the Kansas Sentencing Commission, and
- b. the increase in drug-related convictions.

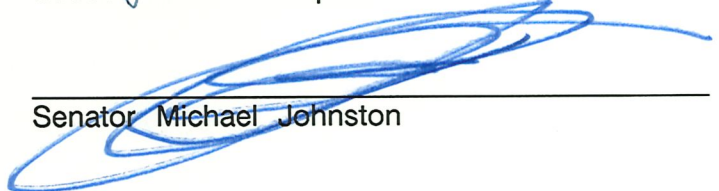
Finally, the Senate Subcommittee notes that the House Subcommittee recommendation was based, at least in part, on data presented in the "Secretary's Newsletter" for February, 1990. The Secretary may wish to consider suspending publication of this document during the legislative session when great havoc can be wrought because excessive information is provided to the Legislature.

2. The Senate Subcommittee notes that the Governor's recommendation for turnover savings systemwide results in an additional reduction of \$642,666 over the turnover recommended by the agency for all its facilities. The Governor's recommendation for turnover savings approaches \$2.8 million systemwide. The Senate Subcommittee expresses a concern that setting turnover rates at this high level may lead to deterioration of the operating efficiencies of the correctional institutions by requiring many positions to be held vacant, and may even endanger public safety if continued. The 1991 Legislature should closely review the effects and impact of the turnover rates on the correctional system.
3. The Senate Subcommittee believes that the payback of the State General Fund transfer to the Correctional Industries program should be delayed until FY 1992. (This payback is discussed in House Subcommittee Recommendation Item No. 4.) The Senate Subcommittee received information from the Department that beginning this payback in FY 1991 will cause cashflow problems for the Correctional Industries Fund. However, the Senate Subcommittee recalls that the House made an identical recommendation last year and that the Department also objected to beginning the payback in FY 1990. The Senate Subcommittee advises the Department to be prepared to begin payback of the \$1.3 million transfer in FY 1992. If necessary, the Senate Subcommittee recommends that the Central Management staff, including the Secretary, Deputy Secretaries, Chief Counsel, Executive Manager, and other administrative bureaucrats, either build additional products for the industries or tour the state promoting the products, in order to increase sales and avert any cashflow problems.
4. The Senate Subcommittee reviewed the Department's request for a Governor's Budget Amendment and recommends that those items be reviewed during the Omnibus bill process.
5. Two technical corrections to Sub. H.B. 2624 to properly reflect the Governor's recommendation for the Honor Camp program and to add

reappropriation language for the Stockton facility, which language was inadvertently omitted from the bill.



Senator Jim Allen
Subcommittee Chairperson



Senator Michael Johnston

SUBCOMMITTEE REPORT

Agency: Topeka Correctional Complex***Bill No.** 2729

Bill Sec. 38

Analyst: Mills

Analysis Pg. No. 537

Budget Pg. No. 552

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 8,664,856	\$ 8,385,716	\$ --
Capital Improvements	<u>199,469</u>	<u>199,469</u>	<u>--</u>
TOTAL	<u>\$ 8,864,325</u>	<u>\$ 8,585,185</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 8,646,853	\$ 8,367,713	\$ --
Capital Improvements	<u>197,516</u>	<u>197,516</u>	<u>--</u>
TOTAL	<u>\$ 8,844,369</u>	<u>\$ 8,565,229</u>	<u>\$ --</u>
FTE Positions			
SRDC	145.0	145.0	--
KCVTC	<u>97.0</u>	<u>97.0</u>	<u>--</u>
TOTAL	<u>242.0</u>	<u>242.0</u>	<u>--</u>

* Topeka Correctional Complex is the new institutional title resulting from the consolidation in July of 1989 of the State Reception and Diagnostic Center (SRDC) and the Kansas Correctional-Vocational Training Center (KCVTC).

Agency Request/Governor's Recommendation

FY 1990 -- State Reception and Diagnostic Center (SRDC). The agency's FY 1990 operating expenditures are \$5,080,357, which is \$12,224 below the approved amount of \$5,092,581. The agency assumes an average daily inmate population (ADP) of 260, as originally budgeted. The agency includes funds for 145.0 FTE positions in FY 1990, the same number as originally approved.

FY 1990 -- Kansas Correctional-Vocational Training Center (KCVTC). The agency's revised FY 1990 operating expenditure estimate is \$3,586,499, an increase of \$80,018 over the approved amount of \$3,506,481. The agency requests an FY 1990 supplemental appropriation of \$80,018 (State General Fund) to meet higher than anticipated expenses. The additional funds requested would be used for salaries and wages (\$44,751) and for other operating expenditures (\$35,267). The agency estimate is based on an average daily inmate population of 200 and 97.0 FTE positions.

The Governor's recommendation for the Topeka Correctional Complex in FY 1990 is \$8,585,185, a reduction of \$279,140 from the agency estimate. The recommendation is funded by \$8,565,229 from the State General Fund and \$19,956 from other funds. The salaries and wages recommendation of \$6,939,952 will support 242.0 positions, the same as the agency estimate. The Governor's recommendation is based

*SWAM
March 22, 1990
Attachment 2*

on an ADP of 460 for FY 1990. The Governor recommends a supplemental appropriation of \$23,569 in the current year for other operating expenditures.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1990.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990.


House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

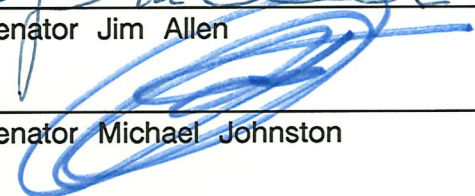
<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 8,385,716	\$ --
Capital Improvements	--	<u>199,469</u>	--
TOTAL	<u>\$ --</u>	<u>\$ 8,585,185</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ 8,367,713	\$ --
Capital Improvements	--	<u>197,516</u>	--
TOTAL	<u>\$ --</u>	<u>\$ 8,565,229</u>	<u>\$ --</u>
FTE Positions			
SRDC	--	145.0	--
KCVTC	<u>--</u>	<u>97.0</u>	<u>--</u>
TOTAL	<u>--</u>	<u>242.0</u>	<u>--</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation.



 Senator Jim Allen



 Senator Michael Johnston

SUBCOMMITTEE REPORT

Agency: Topeka Correctional Complex***Bill No.** Sub. 2624

Bill Sec. 3

Analyst: Mills

Analysis Pg. No. 537

Budget Pg. No. 552

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 9,498,661	\$ 8,720,049	\$ --
Capital Improvements	<u>112,862</u>	<u>--</u>	<u>--</u>
TOTAL	<u>\$ 9,611,523</u>	<u>\$ 8,720,049</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 9,465,158	\$ 8,686,546	\$ --
Capital Improvements	<u>112,862</u>	<u>--</u>	<u>--</u>
TOTAL	<u>\$ 9,578,020</u>	<u>\$ 8,686,546</u>	<u>\$ --</u>
FTE Positions			
SRDC	149.0	142.0	--
KCVTC	<u>99.0</u>	<u>97.0</u>	<u>--</u>
TOTAL	<u>248.0</u>	<u>239.0</u>	<u>--</u>

* Topeka Correctional Complex is the new institutional title resulting from the consolidation in July of 1989 of the State Reception and Diagnostic Center (SRDC) and the Kansas Correctional-Vocational Training Center (KCVTC).

Agency Request/Governor's Recommendation

FY 1991 -- SRDC. For FY 1991, the agency requests \$5,558,828 for operating expenditures. The requested funding for the budget is almost entirely from the State General Fund (\$5,550,130). The FY 1991 request includes 149.0 FTE positions, an increase of 4.0 FTE above the current level of 145.0. The four new positions are a Psychologist I (\$27,981) and a Social Worker II (\$27,981) for the Testing and Evaluation program, and a Corrections Counselor I (\$29,497) and an Office Assistant III (\$19,674) for the Classification and Records program. The agency budget would support an ADP of 260, the same level as in FY 1990. One capital improvement project is requested: install additional security lighting and perimeter fencing at the facility (\$112,862).

FY 1991 -- KCVTC. For FY 1991, the agency requests \$3,939,833 for state operations. Funding of \$3,915,028 for state operations is requested from the State General Fund. The FY 1991 request includes funding for 99.0 FTE positions, a net increase of 2.0 over the current year. The new positions are a Secretary I for the Administration program (\$19,674), and the transfer of a Corrections Counselor and an Office Assistant position from other institutions to KCVTC. The FY 1991 request is based on an average daily inmate population of 200.

The Governor's recommendation for the Topeka Correctional Complex in FY 1991 is \$8,720,049, a reduction of \$891,474 from the agency request. The recommendation is funded by \$8,686,546 from the State General Fund and \$33,503 from special revenue funds. The salaries and wages recommendation of \$7,265,589 will support 239.0 FTE positions, a reduction of 3.0 positions from the 242.0 approved in FY 1990. The Governor's recommendation for FY 1991 is based on an ADP of 459.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1991.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991.

House Committee of the Whole Recommendation


The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 8,720,049	\$ --
Capital Improvements	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 8,720,049</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ --	\$ 8,686,546	\$ --
Capital Improvements	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 8,686,546</u>	<u>\$ --</u>
FTE Positions			
SRDC	--	142.0	--
KCVTC	--	<u>97.0</u>	--
TOTAL	<u>--</u>	<u>239.0</u>	<u>--</u>

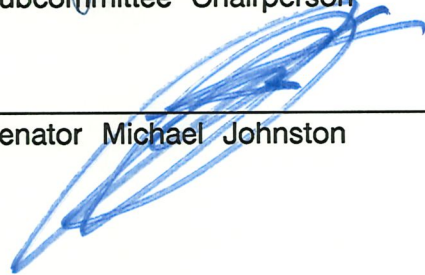
Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following comment:

1. The Senate Subcommittee notes that the Department of Corrections' request for a Governor's Budget Amendment includes a shifting of funds from the budget of the Forbes Correctional Facility to the budget of the State Reception and Diagnostic Center to meet a shortfall in salaries and wages. If this shift is not included in the GBA, the Subcommittee recommends that the Senate Committee review the requested shift as a possible item for the Omnibus Bill.



Senator Jim Allen
Subcommittee Chairperson



Senator Michael Johnston

SUBCOMMITTEE REPORT

Agency: Kansas State Industrial Reformatory

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 549

Budget Pg. No. 324

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 14,414,745	\$ 14,125,827	\$ --
Capital Improvements	1,585,236	868,508	--
TOTAL	<u>\$ 15,999,981</u>	<u>\$ 14,994,335</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 14,214,432	\$ 13,925,514	\$ --
Capital Improvements	1,459,513	808,508	--
TOTAL	<u>\$ 15,673,945</u>	<u>\$ 14,734,022</u>	<u>\$ --</u>
FTE Positions	387.0	387.0	--

Agency Request/Governor's Recommendation

The agency's FY 1990 revised operating expenditures estimate is \$14,414,745, which is \$150,826 less than the approved amount of \$14,565,571. The revised FY 1990 budget is based on an average daily inmate population (ADP) of 1,007, which is 176 less than the original approved level of 1,183. The budget will support 387.0 FTE positions, which is the approved level for FY 1990.

The Governor's recommendation for operating expenditures in FY 1990 is \$14,125,827 which is \$288,918 less than the agency revised estimate. The Governor's recommendation supports an average daily inmate population of 1,007 and 387.0 FTE positions. The reductions are in salaries (\$200,696), contractual services (\$19,542), and commodities (\$68,680).

House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendation, with the following observation:

1. The House Subcommittee is aware that the average daily inmate population at the Reformatory in the current year has been higher than anticipated, and that a Governor's Budget Amendment is being considered. The Subcommittee recommends no adjustments to the current year budget, until the GBA is received.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990, with the following adjustment:

*SWAM
March 22, 1990
Attachment 3*

1. Addition of \$1,644,570 (Correctional Institutions Building Fund) to concur with the recommendation of the Joint Committee on State Building Construction to shift previously appropriated funding for the lock system replacement project to FY 1990.

House Committee of the Whole Recommendation

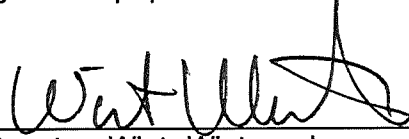
The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

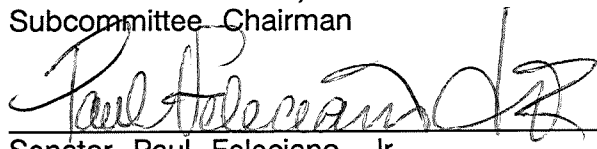
<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 14,125,827	\$ 14,715
Capital Improvements	<u>1,644,570</u>	<u>2,513,078</u>	<u>--</u>
Total	<u>\$ 1,644,570</u>	<u>\$ 16,638,905</u>	<u>\$ 14,715</u>
State General Fund:			
State Operations	\$ --	\$ 13,925,514	\$ --
Capital Improvements	<u>--</u>	<u>808,508</u>	<u>--</u>
Total	<u>\$ --</u>	<u>\$ 14,734,022</u>	<u>\$ --</u>
FTE Positions	--	387.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustment:

1. Increase of \$14,715 in the expenditure limitation on the agency's General Fees Fund to allow additional funding for inmate incentive pay. The agency stated that this additional funding is needed because of a policy change which replaced a number of orientation inmates (who do not receive this pay) with general population inmates (who are eligible for incentive pay).



 Senator Wint Winter, Jr.
 Subcommittee Chairman


 Senator Paul Feleciano, Jr.

SUBCOMMITTEE REPORT

Agency: Kansas State Industrial Reformatory

Bill No. Sub. 2624

Bill Sec. 4

Analyst: Mills

Analysis Pg. No. 549

Budget Pg. No. 324

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 16,824,098	\$ 14,581,175	\$ 76,212
Capital Improvements	1,260,788	225,000	--
TOTAL	<u>\$ 18,084,886</u>	<u>\$ 14,806,175</u>	<u>\$ 76,212</u>
State General Fund:			
State Operations	\$ 16,624,098	\$ 14,381,175	\$ 76,212
Capital Improvements	216,118	--	--
TOTAL	<u>\$ 16,840,216</u>	<u>\$ 14,381,175</u>	<u>\$ 76,212</u>
FTE Positions	429.0	382.0	3.0

Agency Request/Governor's Recommendation

The agency requests \$16,824,098 for operating expenditures in FY 1991. Funding for state operations is requested almost entirely from the State General Fund (\$16,624,098). State General Fund resources are requested to be increased by \$2,409,666 or 17.0 percent. The general fees fund of the agency is requested at \$200,000, the same as the current year. The FY 1991 request contains funding for 429.0 FTE positions, an increase of 42.0 over the 387.0 approved for the current year. The agency estimates an average daily inmate population of 1,138 for FY 1991, an increase of 131 over the revised ADP level of 1,007 for FY 1990.

The Governor's recommendation for state operations in FY 1991 is \$14,581,175 or \$2,242,923 less than the agency requested. The recommendation for FY 1991 supports an average daily inmate population of 1,138 and 382.0 FTE positions. The Governor's recommendation for FY 1991 includes the reduction of 5.0 FTE positions in the Security program. Expenditure reductions in the Governor's recommendation are found in salaries (\$1,309,013), contractual services (\$8,603), commodities (\$131,207), and capital outlay (\$794,100).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation, with the following adjustment:

1. Restoration of 3.0 Corrections Officer II positions (and associated funding of \$76,212) to provide additional security in the sex offender and substance abuse treatment program building, in the East Yard, and in the basement of D Cellhouse. The Governor's recommendation reduces 5.0 Security positions at the facility; the Director states that these three positions are the highest priority to provide adequate

security in these areas. The House Subcommittee notes that the average daily inmate population at the Reformatory will rise in FY 1991 to 1,138, an increase of 131 from the ADP of 1,007 budgeted for FY 1990.

2. The House Subcommittee notes that the Director has expressed concern about the small size of the inmate visiting area. The Subcommittee recommends that the Joint Committee on State Building Construction review the issue of enlarging or expanding the visiting area to provide adequate space for inmate visitation.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991, with the following adjustment:

1. Reduction of \$225,000 (Correctional Institutions Building Fund) to concur with the recommendation of the Joint Committee on State Building Construction to shift previously-appropriated funding for the lock system replacement project to FY 1990.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 76,212	\$ 14,657,387	\$ 160,965
Capital Improvements	(225,000)	--	--
Total	<u>\$ (148,788)</u>	<u>\$ 14,657,387</u>	<u>\$ 160,965</u>
State General Fund:			
State Operations	\$ 76,212	\$ 14,457,387	\$ 160,965
Capital Improvements	--	--	--
Total	<u>\$ 76,212</u>	<u>\$ 14,457,387</u>	<u>\$ 160,965</u>
FTE Positions	3.0	385.0	--

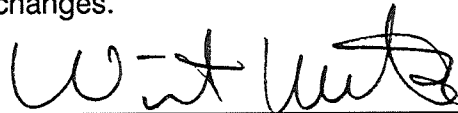
Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. Addition of \$37,965 (SGF) for food costs to restore the reduction made by the Governor's recommendation and provide total funding of \$1,081,167 or \$0.86 per meal, as requested by the agency. The agency anticipates reductions in the federal Charitable Institution

Commodity Program in FY 1991 which will cause additional expenses for food costs.

2. Addition of \$25,000 (SGF) for officer clothing to allow the agency to provide an adequate number of uniforms for security officers.
3. Addition of \$65,000 (SGF) in salaries and wages to reduce the turnover rate to 2.9 percent (or a reduction of \$343,383). The agency had requested a turnover rate of 2.4 percent or \$312,696; the Governor's recommendation included a turnover rate of 3.5 percent or \$408,383. The agency stated that 15 to 18 positions would have to be kept vacant in FY 1991 to meet the Governor's vacancy savings. The Subcommittee also notes that a large number of inmates are processed through the facility each year which causes increased inmate management problems.
4. Addition of \$33,000 (SGF) in capital outlay to permit the purchase of a bread dough mixer to replace the current mixer which is old, often broken down, and difficult to repair. The Subcommittee notes that the cost of the new mixer is \$61,609 and that the agency can shift the additional funds from other capital outlay items, if the new mixer is a priority item. The Subcommittee also notes that the agency saves \$300 per week by baking their own bread; on this basis, the mixer would pay for itself in three years.
5. The Senate Subcommittee specifically endorses the recommendation of the Joint Committee on State Building Construction to shift previously appropriated funding for the cellhouse locking system replacement project to FY 1990. However, the Senate Subcommittee notes that substantive legislation is needed to provide an additional funding source for the Correctional Institutions Building Fund.
6. The Senate Subcommittee notes that, according to the Director of KSIR, the percentage of violent inmates in the facility has increased from 40 percent to 60 percent, and that there has also been an increase in the level of gang activity in recent months. The Legislature should monitor these trends systemwide to ensure that adequate staffing is provided as the inmate profile changes.



Senator Wint Winter, Jr.
Subcommittee Chairman



Senator Paul Feleciano, Jr.

SUBCOMMITTEE REPORT

Agency: Kansas State Penitentiary
(and KCIL)*

Bill No. 2729

Bill Sec. 37

Analyst: Mills

Analysis Pg. No. 559

Budget Pg. No. 446

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 26,983,603	\$ 26,644,908	\$ (86,178)
Capital Improvements	<u>5,136,230</u>	<u>5,149,419</u>	<u>--</u>
Total	<u>\$ 32,119,833</u>	<u>\$ 31,794,327</u>	<u>\$ (86,178)</u>
State General Fund:			
State Operations	\$ 26,946,603	\$ 26,607,908	\$ (86,178)
Capital Improvements	<u>498,838</u>	<u>512,027</u>	<u>--</u>
Total	<u>\$ 27,445,441</u>	<u>\$ 27,119,935</u>	<u>\$ (86,178)</u>
FTE Positions:			
KSP	668.0	668.0	(2.0)
KCIL	<u>91.5</u>	<u>91.5</u>	<u>--</u>
Total	<u>759.5</u>	<u>759.5</u>	<u>(2.0)</u>

* Effective in mid-FY 1990, the Kansas Correctional Institution at Lansing (KCIL) has been merged into the Kansas State Penitentiary's (KSP) operations and budgeting functions.

Agency Request/Governor's Recommendation

FY 1990 -- Kansas State Penitentiary (KSP). The agency's FY 1990 estimated operating expenditures are \$23,723,736, which is \$426,137 above the approved operating budget of \$23,297,599. The agency request includes a State General Fund supplemental appropriation of \$672,653 in FY 1990, of which \$454,816 is for salaries and wages and \$217,837 is for other operating expenditures. The request for supplemental funding is chiefly to finance the 25.0 positions approved by the State Finance Council to supervise protective custody inmates and inmates receiving mental health care, as required by the court order. For FY 1990, the agency assumes an average daily inmate population (ADP) of 1,752, a reduction of 183 from the ADP of 1,935 approved for FY 1989.

FY 1990 -- Kansas Correctional Institution at Lansing (KCIL). The agency's FY 1990 estimated expenditures for state operations are \$3,259,867, which is \$54,525 above the original approved amount of \$3,205,342. The agency requests a current year (State General Fund) supplemental appropriation of \$116,437, which is composed of \$48,581 for salaries and wages and \$67,856 for other operating expenditures (food and other supplies). The agency shorted its FY 1990 financing for salaries and wages by spending in FY 1989 \$61,912 that the Legislature had reappropriated. The agency also estimates capital improvement expenditures of \$1,835,207 (\$12,500 State General Fund and \$1,822,707 Correctional Institutions Building Fund) in FY 1990 for completion of the 200-bed inmate housing unit and the food service building. The agency's estimate is

*SWAM
March 22, 1990
Attachment 4*

based on an average daily inmate population of 202, the same number as originally approved.

The Governor's recommendation for operating expenditures for FY 1990 totals \$26,644,908, which is a reduction of \$338,695 from the agency estimate. The Governor's recommendation includes a supplemental appropriation of \$455,395, of which \$275,140 is for salaries and wages and \$180,255 is for other operating expenditures. The Governor's recommendation assumes an average daily inmate population of 1,884 and 759.5 positions. The Governor's recommendation for FY 1990 also includes funding for the 25.0 FTE new positions approved by the State Finance Council (on June 26 and September 1, 1989) to supervise and provide recreational activities to protective custody inmates and inmates receiving mental health care.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. Reduction of \$72,000 (State General Fund) in state operations expenditures (\$22,000 in salaries and \$50,000 in utilities) on the basis of year-to-date spending patterns.
2. Reduction of \$14,178 (State General Fund) for the salaries of 2.0 FTE positions which were transferred to the DOC Central Office; this reduction represents two-month's worth of salaries funding for the positions. The Subcommittee recommends a corresponding increase in the DOC Central Office salaries item for the two positions. The two positions are an Institutional Business Manager III and a Corrections Manager I. The positions are physically housed in the Central Office and should be paid from that budget.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation, with the following adjustments:

1. Reduction of \$1,928,550 (Correctional Institutions Building Fund) to concur with the recommendation of the Joint Committee on State Building Construction to shift this funding for the electrical improvements project to FY 1991.
2. Addition of \$240,900 (Correctional Institutions Building Fund) to concur with the recommendation of the Joint Committee on State Building Construction to shift the funding for the steam generating plant project to FY 1990.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (86,178)	\$ 26,558,730	\$ 50,000
Capital Improvements	(1,687,650)	3,461,769	--
Total	<u>\$ (1,773,828)</u>	<u>\$ 30,020,499</u>	<u>\$ 50,000</u>
State General Fund:			
State Operations	\$ (86,178)	\$ 26,521,730	\$ 50,000
Capital Improvements	--	512,027	--
Total	<u>\$ (86,178)</u>	<u>\$ 27,033,757</u>	<u>\$ 50,000</u>
FTE Positions:			
KSP	(2.0)	666.0	--
KCIL	--	91.5	--
Total	<u>(2.0)</u>	<u>757.5</u>	<u>--</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. Addition of \$50,000 (SGF) for food costs to offset a projected shortfall in food expenditures. The agency stated that it has experienced reductions in food products available under the federal Charitable Institution Commodity Program; these reductions will approximate \$40,000 in FY 1989 and \$50,000 in FY 1990.
2. The Senate Subcommittee does not recommend additional funding for security staff personnel in either FY 1990 or FY 1991, even though the Director stated that 25 Security positions will have to be held vacant in FY 1991 to meet the turnover rate recommended by the Governor. The Senate Subcommittee developed the following table which indicates the inmate to security staff ratio for FY 1987-FY 1991. Even adjusting for 25 vacant positions in FY 1990, the staffing ratio would still be 3.7 inmates per security staff, a significant improvement over prior years.

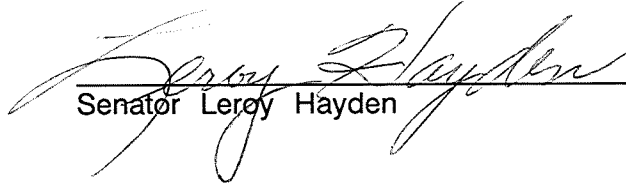
KANSAS STATE PENITENTIARY: SECURITY STAFF

<u>Fiscal Year</u>	<u>Security Positions</u>	<u>ADP</u>	<u>Security Staffing Ratio</u>
1987	410	2,542	6.2
1988	436	2,619	6.0
1989	462	1,939	4.2
1990*	545	1,884	3.5
1991*	545	1,922	3.5

* Includes Kansas Correctional Institution at Lansing.



Senator David Kerr
Subcommittee Chairperson



Senator Leroy Hayden

525-90

SUBCOMMITTEE REPORT

Agency: Kansas State Penitentiary
(and KCIL)*

Bill No. Sub. 2624

Bill Sec. 5

Analyst: Mills

Analysis Pg. No. 559

Budget Pg. No. 446

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 34,980,774	\$ 28,414,447	\$ (45,152)
Capital Improvements	<u>4,562,111</u>	<u>3,512,800</u>	<u>--</u>
Total	<u>\$ 39,542,885</u>	<u>\$ 31,927,247</u>	<u>\$ (45,152)</u>
State General Fund:			
State Operations	\$ 34,938,774	\$ 28,377,447	\$ (45,152)
Capital Improvements	<u>1,049,311</u>	<u>--</u>	<u>--</u>
Total	<u>\$ 35,988,085</u>	<u>\$ 28,377,447</u>	<u>\$ (45,152)</u>
FTE Positions:			
KSP	831.0	666.0	(3.0)
KCIL	<u>113.5</u>	<u>91.5</u>	<u>--</u>
Total	<u>944.5</u>	<u>757.5</u>	<u>(3.0)</u>

* Effective in mid-FY 1990, the Kansas Correctional Institution at Lansing (KCIL) has been merged into the Kansas State Penitentiary's (KSP) operations and budgeting functions.

Agency Request/Governor's Recommendation

FY 1991 -- KSP. For FY 1991, the agency requests \$30,785,253 for state operations. Funding for state operations of \$30,748,253 is requested from the State General Fund, which finances 99.8 percent of the operating budget. The FY 1991 request includes funding for 831.0 FTE positions, an increase of 163.0 over the 668.0 approved for FY 1990. The FY 1991 request also contains \$1,049,311 from the State General Fund and \$3,351,280 from the Correctional Institutions Building Fund for capital improvement projects. The amount of \$3,512,800 from the Correctional Institutions Building Fund (CIBF) was appropriated by the 1989 Legislature as part of a multiyear project to construct a new steam generating plant at KSP.

FY 1991 -- KCIL. For FY 1991, the agency requests a total operating budget of \$4,195,521, almost entirely financed from the State General Fund. The FY 1991 request would support 113.5 FTE positions, an increase of 22.0 FTE positions over the 91.5 approved for the current year. The new positions requested are an Office Assistant IV (\$23,172) in the Administration program; 19.0 Corrections Officer I positions (\$525,634) in the Security program; an Activity Therapist II position (\$30,275) in the Recreation, Education, Vocational program; and a Clinical Chaplain (\$30,275) for the Counseling and Evaluation program. The General Fees Fund at the agency is requested at \$5,000, the same amount as the revised FY 1990 estimate. The agency proposes an average daily inmate population of 240, an increase of 38 from the FY 1990 ADP of 202.

The Governor's recommendation for operating expenditures in FY 1991 totals \$28,414,447, which is a reduction of \$6,566,327 from the agency request. The reductions are found in salaries and wages (\$4,581,388), contractual services (\$364,147), commodities (\$440,105), and capital outlay (\$1,180,687). The Governor's recommendation is based on an ADP of 1,922 and 757.5 FTE positions, a reduction of 2.0 positions from the approved level for the current year. In FY 1991, as well as in FY 1990, the Governor recommends the consolidation of expenditures for inmate programs, and inmate medical and mental health care, in the budget of the Department of Corrections.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. Reduction of 2.0 FTE positions (an Accountant I and a Correctional Manager III) as these positions have been vacant. No additional adjustment is recommended in the salaries funding for FY 1991.
2. Reduction of \$45,152 (State General Fund) for the salary of one of the 2.0 FTE positions which were transferred to the DOC Central Office; this reduction represents salaries funding for the position. The Subcommittee recommends a corresponding increase in the DOC Central Office salaries item for the two positions. The two positions are an Institutional Business Manager III and a Corrections Manager I. The positions are physically housed in the Central Office and should be paid from that budget.
3. The House Subcommittee notes that possible savings may occur in the utilities line item and that additional funding may be needed in food costs during FY 1991; the Subcommittee recommends that these items be reviewed by the appropriate Subcommittees during the 1991 Session, in light of the census reduction which will be made to meet the population cap set by the federal court.
4. The House Subcommittee was informed that the Penitentiary expects to have to leave vacant 28.0 FTE positions, in addition to the usual vacancy rate of 12 to 14 positions in order to meet the turnover rate of 5.6 percent established in the Governor's recommendation. The turnover recommendation is a reduction of \$1,256,879 for FY 1991 (of which \$959,277 is in Security turnover). The Director plans to hold vacant the following 28 positions: 25 corrections officer positions, 1 maintenance position, 1 counselor position, and 1 food service position. The House Subcommittee urges the agency to attempt to find salary savings through administrative efficiencies resulting from the consolidation of KCIL and to keep the Security program at the level needed for proper operation of the facility.
5. The House Subcommittee notes that the Governor's recommendation for maintenance materials and supplies is an increase of \$343,994 over the current year recommendation and that this increase may be attributed to the need for repairs work to meet American Correctional Association accreditation, as required by the federal court. Much of the increase in this item is for one-time repair expenses and this line item should

be closely scrutinized by the Subcommittee in 1991. The Subcommittee endorses these expenditures for repairs and maintenance in order to meet ACA accreditation by October 1, 1991.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation, with the following adjustments:

1. Addition of \$1,928,550 (Correctional Institutions Building Fund) to concur with the recommendation of the Joint Committee on State Building Construction to shift this funding for the electrical improvements project from FY 1990 to FY 1991.
2. Reduction of \$3,512,800 (Correctional Institutions Building Fund) to concur with the recommendation of the Joint Committee on State Building Construction to shift this funding for the steam generating plant project from FY 1991 to FY 1992.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>House Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (45,152)	\$ 28,369,295	\$ --
Capital Improvements	<u>(1,584,250)</u>	<u>1,928,550</u>	<u>--</u>
Total	<u>\$ (1,629,402)</u>	<u>\$ 30,297,845</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ (45,152)	\$ 28,332,295	\$ --
Capital Improvements	<u>--</u>	<u>--</u>	<u>--</u>
Total	<u>\$ (45,152)</u>	<u>\$ 28,332,295</u>	<u>\$ --</u>
FTE Positions:			
KSP	(3.0)	663.0	--
KCIL	<u>--</u>	<u>91.5</u>	<u>--</u>
Total	<u>(3.0)</u>	<u>754.5</u>	<u>--</u>

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. The Senate Subcommittee does not recommend additional funding for security staff personnel in either FY 1990 or FY 1991, even though the Director stated that 25 Security positions will have to be held vacant

in FY 1991 to meet the turnover rate recommended by the Governor. The Senate Subcommittee developed the following table which indicates the inmate to security staff ratio for FY 1987-FY 1991. Even adjusting for 25 vacant positions in FY 1991, the staffing ratio would still be 3.7 inmates per security staff, a significant improvement over prior years.

2. The Senate Subcommittee notes that the average daily inmate population (ADP) at the Penitentiary during FY 1991 will depend upon the management policies of the Department to meet the population cap imposed by the federal court and that ADP funding adjustments may be needed during the budget year. The Senate Subcommittee recommends that the 1991 Legislature review the actual ADP at the facility and make any needed funding adjustments.

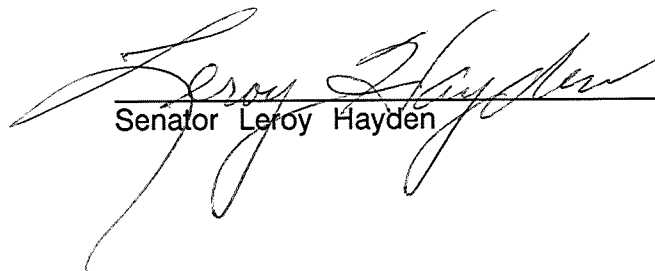
KANSAS STATE PENITENTIARY: SECURITY STAFF

<u>Fiscal Year</u>	<u>Security Positions</u>	<u>ADP</u>	<u>Security Staffing Ratio</u>
1987	410	2,542	6.2
1988	436	2,619	6.0
1989	462	1,939	4.2
1990*	545	1,884	3.5
1991*	545	1,922	3.5

* Includes Kansas Correctional Institution at Lansing.



Senator David Kerr
Subcommittee Chairperson



Senator Leroy Hayden

SUBCOMMITTEE REPORT

Agency: Ellsworth Correctional
Work Facility

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 574

Budget Pg. No. 198

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 6,707,974	\$ 6,589,827	\$ --
Special Revenue Fund	<u>30,000</u>	<u>30,000</u>	<u>--</u>
TOTAL	<u>\$ 6,737,974</u>	<u>\$ 6,619,827</u>	<u>\$ --</u>
 FTE Positions	 185.5	 185.5	 --

Agency Request/Governor's Recommendation

The Ellsworth Correctional Work Facility, which was originally approved by the 1986 Legislature, is nearing completion and is planned to house 516 inmates when fully operational in FY 1990. The facility is being constructed through a 15-year lease/purchase agreement; the approved project budget is \$19.8 million. As of November 17, 1989, 490 inmates were being housed at the facility. The agency estimate for FY 1990 is \$6,737,974, which is \$14,621 less than the approved budget of \$6,752,595.

The Governor recommends an operating budget of \$6,619,827 for FY 1990, which is \$118,147 less than the agency estimate. The Governor's recommendation for FY 1990 includes State General Fund expenditures of \$6,589,827 for operating purposes. The Governor's recommendation is based on an average daily inmate population of 402 and 185.5 FTE positions. The Governor's recommendation includes reductions in salaries (\$66,550), contractual services (\$22,850), and commodities (\$28,747).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1990.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990.

*SWAM
March 22, 1990
Attachment 5*

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 6,589,827	\$ --
Special Revenue Fund	--	30,000	--
TOTAL	<u>\$ --</u>	<u>\$ 6,619,827</u>	<u>\$ --</u>
FTE Positions	--	185.5	--

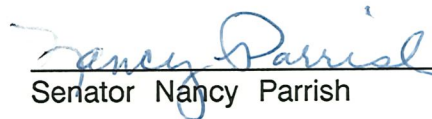
Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustment:

1. Shift of \$93,247 (SGF) from the salaries and wages account to the other operating expenditures account to meet higher-than-anticipated expenditures for utilities, inmate clothing, gratuity pay, and motor vehicle supplies. This shift was requested by the agency as a Governor's Budget Amendment request.



 Senator August Bogina
 Subcommittee Chairperson



 Senator Nancy Parrish

SUBCOMMITTEE REPORT

Agency: Ellsworth Correctional
Work Facility

Bill No. Sub. 2624

Bill Sec. 6

Analyst: Mills

Analysis Pg. No. 574

Budget Pg. No. 198

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 8,135,439	\$ 7,459,862	\$ --
Special Revenue Fund	<u>20,000</u>	<u>20,000</u>	<u>--</u>
TOTAL	<u>\$ 8,155,439</u>	<u>\$ 7,479,862</u>	<u>\$ --</u>
 FTE Positions	 199.5	 185.5	 --

Agency Request/Governor's Recommendation

The agency request for FY 1991 for state operations totals \$8,155,439, of which \$8,135,439 is from the State General Fund and \$20,000 is from the agency's General Fees Fund. The 1991 request contains salaries and wages funding of \$5,793,533 which would support 199.5 FTE positions, an increase of 14.0 FTE positions over the 185.5 approved for FY 1990. The budget is based on an average daily inmate population of 516, an increase of 114 over the ADP of 402 now approved for FY 1990. The Department of Corrections indicates that, according to preliminary estimates, a total of \$1,707,000 will be needed for debt service in FY 1991 on the bonds issued for this facility. Funding in that amount is requested in the budget of the Department of Corrections.

The Governor recommends an operating budget of \$7,479,862 for FY 1991, a reduction of \$675,577 from the agency request. The Governor's recommendation is based on an average daily inmate population of 516 and 185.5 FTE positions. The Governor's recommendation makes reductions in salaries (\$325,699), contractual services (\$86,733), commodities (\$120,455), and capital outlay (\$142,690). No funding is recommended for the new positions requested.

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1991.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 7,459,862	\$ 34,318
Special Revenue Fund	--	<u>20,000</u>	<u>--</u>
TOTAL	<u>\$ --</u>	<u>\$ 7,479,862</u>	<u>\$ 34,318</u>
 FTE Positions		185.5	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation with the following adjustments:

1. Addition of \$19,318 (SGF) in salaries and wages to set the turnover rate at 2.0 percent (or \$111,983). The agency had originally requested a turnover rate of 1.8 percent; the Governor recommended a turnover rate of 2.3 percent.
2. Addition of \$15,000 (SGF) in maintenance materials and supplies to provide total funding of \$60,470 in this object code.



 Senator August Bogina
 Subcommittee Chairperson



 Senator Nancy Parrish

SUBCOMMITTEE REPORT

Agency: Hutchinson Correctional
Work Facility

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 581

Budget Pg. No. 320

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 5,538,565	\$ 5,380,193	\$ (86,067)
Special Revenue Fund	5,000	5,000	--
TOTAL	<u>\$ 5,543,565</u>	<u>\$ 5,385,193</u>	<u>\$ (86,067)</u>
FTE Positions	146.0	146.0	--

Agency Request/Governor's Recommendation

The Hutchinson Correctional Work Facility (HCWF), which was originally approved by the 1988 Legislature, is currently operating as a 400-bed inmate industrial complex. The 1988 Legislature approved \$6.1 million for acquisition and renovation of an existing structure for use as the Hutchinson Correctional Work Facility. The agency estimate for FY 1990 is \$5,543,565, the amount approved by the 1989 Legislature.

The Governor's recommendation for FY 1990 totals \$5,385,193, a reduction of \$158,372 from the agency estimate. The Governor's recommendation is based on an average daily inmate population of 400 and 146.0 FTE positions. The reductions are found in salaries (\$38,199), contractual services (\$8,133), and commodities (\$112,040).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation with the following adjustment:

1. Reduction of \$86,067 (State General Fund) in utilities on the basis of year-to-date spending patterns, with reappropriation of this amount to FY 1991.
2. The House Subcommittee notes that the agency may have to shift some approved salaries and wages funding to the food and clothing object codes in order to meet higher than anticipated expenditures in these areas.
3. The House Subcommittee wishes to compliment the Director, staff, and inmates at the Hutchinson facility for the efficient operation and impressive appearance of the physical plant. The renovation and construction projects at the facility were accomplished within budget and according to the allotted timeframe. The House Subcommittee also notes that the perimeter road paving project was accomplished without the need for additional funding through a cooperative effort with the Department of Transportation.

*SWAM
March 22, 1990
Attachment 6*

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990.

House Committee of the Whole Recommendation

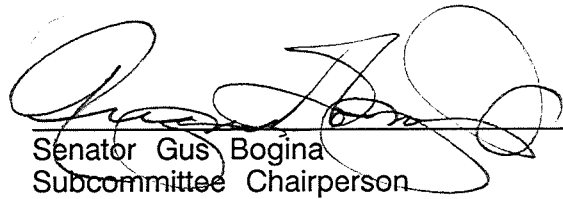
The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Sub. Adjustments</u>
State Operations:			
State General Fund	\$ (86,067)	\$ 5,294,126	\$ 73,250
Special Revenue Fund	--	5,000	--
TOTAL	<u>\$ (86,067)</u>	<u>\$ 5,299,126</u>	<u>\$ 73,250</u>
FTE Positions	--	146.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. Shifting of \$50,000 (SGF) from the salaries and wages line item to the other operating expenditures line item, as requested by the agency to meet a shortfall in OOE funding.
2. Addition of \$73,250 (SGF) which is composed of \$35,000 for utilities and \$38,250 for food. The agency stated that this funding is necessary to meet anticipated expenditures.



 Senator Gus Bogina
 Subcommittee Chairperson



 Senator Paul Feleciano

SUBCOMMITTEE REPORT

Agency: Hutchinson Correctional
Work Facility

Bill No. Sub. 2624

Bill Sec. 7

Analyst: Mills

Analysis Pg. No. 581

Budget Pg. No. 320

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 6,619,639	\$ 5,720,183	\$ --
Capital Improvements	23,703	--	--
TOTAL	<u>\$ 6,643,342</u>	<u>\$ 5,720,183</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 6,614,639	\$ 5,705,183	\$ --
Capital Improvements	23,703	--	--
TOTAL	<u>\$ 6,638,342</u>	<u>\$ 5,705,183</u>	<u>\$ --</u>
FTE Positions	164.0	146.0	--

Agency Request/Governor's Recommendation

The agency request for FY 1991 for state operations totals \$6,619,639, of which \$6,614,639 is from the State General Fund and \$5,000 is from the agency's General Fees Fund. The FY 1991 request contains salaries and wages funding of \$4,860,225 which would support the 164.0 FTE positions requested, an increase of 18.0 over the 146.0 approved for FY 1990. The agency request includes \$514,372 for the 18 new positions: 16.0 Correctional Officer I positions (\$463,535); 1.0 Laundry Supervisor (\$23,172); and 1.0 Food Service Supervisor II position (\$27,665). The budget request is based on an average daily inmate population (ADP) of 400, the same as the 1990 ADP. The request includes \$23,703 (SGF) for a capital improvement project to pave the perimeter road at the facility.

The Governor's recommendation for FY 1991 totals \$5,720,183, a reduction of \$899,456 from the agency request. The Governor recommends an average daily inmate population of 400 inmates and 146.0 FTE positions, the same number of positions approved for the current year. No funding is recommended for the new positions requested. The Governor's recommendation for FY 1991 includes reductions from the agency request in salaries (\$527,978), contractual services (\$49,055), commodities (\$139,750), capital outlay (\$182,673), and capital improvements (\$23,703). No funding is recommended for the road paving project.

House Subcommittee Recommendation

The Houses Subcommittee concurs with the Governor's recommendation, with the following observation:

1. The House Subcommittee notes that a large amount of inmate labor was used in the various projects associated with renovation of the former mobile home plant and that K.S.A. 75-52,116 provides that

inmates may be used on public works projects but such use must result in "minimal negative impact on the private sector workforce." The House Subcommittee recommends that the Department of Corrections provide the Legislature with its overall policy guidelines and philosophy regarding the use of inmate labor on various projects.

MINORITY REPORT

I believe that the use of inmate labor on public works projects should be expanded and liberalized, as most of these projects could not be accomplished except for the use of inmate labor. The use of inmate labor allows local units of government to complete repair projects with a minimum of expense. The authorizing statute (K.S.A. 75-52,116) should be reviewed to determine whether any amendments are needed to permit the expanded use of inmate labor on public works projects.

Representative Rex Hoy

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991, with the following adjustment:

1. The minority report of Representative Hoy regarding the use of inmate labor is adopted as the majority position.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Sub. Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 5,720,183	\$ 14,200
Capital Improvements	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 5,720,183</u>	<u>\$ 14,200</u>
State General Fund:			
State Operations	\$ --	\$ 5,705,183	\$ 14,200
Capital Improvements	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 5,705,183</u>	<u>\$ 14,200</u>
FTE Positions	--	146.0	--

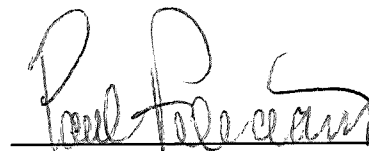
Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustment:

1. Addition of \$14,200 (SGF) for maintenance materials, supplies, and parts to restore the reduction made by the Governor's recommendation. The agency stated that this funding is necessary to maintain the physical plant at the facility.



Senator Gus Bogina
Subcommittee Chairperson



Senator Paul Feleciano

SUBCOMMITTEE REPORT

Agency: Winfield Correctional Facility

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 598

Budget Pg. No. 610

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 3,613,595	\$ 3,502,327	\$ --
Special Revenue Fund	4,500	4,500	--
TOTAL	<u>\$ 3,618,095</u>	<u>\$ 3,506,827</u>	<u>\$ --</u>
 FTE Positions	 103.0	 103.0	 --

Agency Request/Governor's Recommendation

The agency's FY 1990 estimated expenditures for state operations are \$3,618,095, which is equal to the approved budget. The agency's estimate is based on an average daily inmate population of 290, the same number as originally approved.

The Governor's recommendation for state operations in FY 1990 is \$3,506,327, which is \$111,268 less than the agency estimate. The Governor's recommendation is based on an average daily inmate population of 290 and 103.0 FTE positions. The reductions occur in salaries and wages (\$65,459); contractual services (\$7,243); and commodities (\$38,566), chiefly in clothing (\$20,828) and other supplies (\$18,928).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1990.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990.

House Committee of the Whole Recommendation

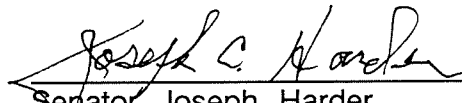
The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

*SWAM
March 22, 1990
Attachment 7*

<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 3,502,327	\$ --
Special Revenue Fund	--	4,500	--
Total	<u>\$ --</u>	<u>\$ 3,506,827</u>	<u>\$ --</u>
FTE Positions	--	103.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation.



Senator Joseph Harder
Subcommittee Chairman



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Winfield Correctional Facility

Bill No. Sub. 2624

Bill Sec. 8

Analyst: Mills

Analysis Pg. No. 598

Budget Pg. No. 610

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ 4,642,203	\$ 3,631,553	\$ --
Special Revenue Fund	4,500	4,500	--
TOTAL	<u>\$ 4,646,703</u>	<u>\$ 3,636,053</u>	<u>\$ --</u>
 FTE Positions	 131.0	 103.0	 --

Agency Request/Governor's Recommendation

For FY 1991, the agency requests a total of \$4,646,703. Funding for state operations of \$4,642,203 is requested from the State General Fund. The FY 1991 request would support 131.0 FTE positions, an increase of 28.0 positions over the 103.0 approved for FY 1990. The General Fees Fund at the agency is requested at \$4,500, the same amount as the revised FY 1990 estimate. The agency proposes an average daily inmate population of 290, the same as approved for FY 1990.

The FY 1991 budget request includes funding of \$694,664 for 28.0 requested new positions, as follows: one Corrections Supervisor I, 7.0 Corrections Officer IIs, and 15.0 Corrections Officer Is (\$576,820); an Activity Therapist for the Recreation, Education, Vocational program (\$24,490); a Clinical Chaplain I for the Counseling and Evaluation program (\$27,981); a Grounds Maintenance Supervisor for the Mechanical Services program (\$22,432); and two Food Service Supervisors I for the Food Service program (\$42,941). Also included is \$17,893 for the reallocation of 15 individual positions. The FY 1991 request also includes \$171,841 for contractual services, \$584,721 for commodities, and \$181,643 for capital outlay. No funding for capital improvements is requested for FY 1991.

The Governor's recommendation for FY 1991 totals \$3,636,053, of which \$3,631,553 is from the State General Fund and \$4,500 is from the general fees fund. The Governor's recommendation supports an ADP of 290 and 103.0 FTE staff positions in FY 1991, the same as approved for the current year. No funding is recommended for the reallocations or the requested new staff positions. The net increase from the current year to the budget year is an increase of \$129,226 or 3.7 percent. The Governor's recommendation includes reductions in salaries (\$763,889), contractual services (\$9,331), commodities (\$97,107), and capital outlay (\$140,323).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation for FY 1991.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991.

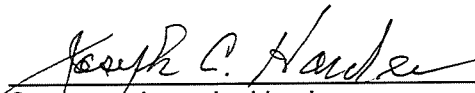
House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.


<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
State Operations:			
State General Fund	\$ --	\$ 3,631,553	\$ --
Special Revenue Fund	--	4,500	--
Total	<u>\$ --</u>	<u>\$ 3,636,053</u>	<u>\$ --</u>
 FTE Positions	 --	 103.0	 --

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation.



 Senator Joseph Harder
 Subcommittee Chairman



 Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Norton/Stockton
Correctional Facility

Bill No. --

Bill Sec. --

Analyst: Mills

Analysis Pg. No. 588

Budget Pg. No. 428

<u>Expenditure Summary</u>	<u>Agency Req. FY 90</u>	<u>Governor's Rec. FY 90</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 9,443,261	\$ 9,251,468	\$ (129,163)
Capital Improvements	--	--	--
TOTAL	<u>\$ 9,443,261</u>	<u>\$ 9,251,468</u>	<u>\$ (129,163)</u>
State General Fund:			
State Operations	\$ 9,432,511	\$ 9,240,718	\$ (129,163)
Capital Improvements	--	--	--
TOTAL	<u>\$ 9,432,511</u>	<u>\$ 9,240,718</u>	<u>\$ (129,163)</u>
FTE Positions:			
Norton	203.0	203.0	--
Stockton	44.0	44.0	--

Agency Request/Governor's Recommendation

The agency's FY 1990 revised operating expenditures estimate is \$9,443,261, which is the approved amount for FY 1990. The revised FY 1990 budget is based on an average daily inmate population (ADP) of 465 at Norton and 94 at Stockton, which is the same as the approved level. The budget will support 247.0 FTE positions (203 at Norton and 44 at Stockton), which is the approved level for FY 1990.

The Governor's recommendation for operating expenditures in FY 1990 is \$9,251,468, which is \$191,793 below the agency revised estimate. The Governor's recommendation supports an average daily inmate population of 465 at Norton and 94 at Stockton and 247.0 FTE positions. The Governor's recommendation includes reductions in salaries (\$106,835), contractual services (\$45,674), and commodities (\$39,284).

House Subcommittee Recommendation

The House Subcommittee concurs with the Governor's recommendation, with the following adjustments:

1. Reduction of \$129,163 (State General Fund) in utilities on the basis of year-to-date spending patterns, with reappropriation of this amount to FY 1991.

*SWAM
March 22, 1990
Attachment 8*

2. The House Subcommittee notes that salaries and wages expenditures are somewhat below projections for the current year and requests that the Senate Subcommittee review salaries and wages spending later in the Session for possible savings.

3. The House Subcommittee wishes to compliment the Director, staff, and inmates at the Norton facility for the efficient operation and impressive appearance of the physical plant. The renovation and construction projects at the facility were accomplished within budget and according to the allotted timeframe.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1990.

House Committee of the Whole Recommendation

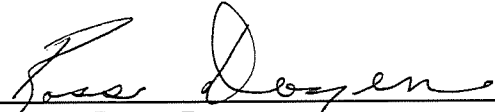
The House Committee of the Whole concurs with the House Committee recommendation for FY 1990.

<u>Expenditure Summary</u>	<u>House Adj. FY 90</u>	<u>House Rec. FY 90</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ (129,163)	\$ 9,122,305	\$ --
Capital Improvements	--	--	--
TOTAL	<u>\$ (129,163)</u>	<u>\$ 9,122,305</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ (129,163)	\$ 9,111,555	\$ --
Capital Improvements	--	--	--
TOTAL	<u>\$ (129,163)</u>	<u>\$ 9,111,555</u>	<u>\$ --</u>
FTE Positions:			
Norton	--	203.0	--
Stockton	--	44.0	--

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. Shift the reduction of \$129,163 recommended by the House from utilities to the salaries and wages account, as requested by the Director.



Senator Ross Doyen
Subcommittee Chairperson



Senator Frank Gaines

SUBCOMMITTEE REPORT

Agency: Norton/Stockton
Correctional Facility

Bill No. Sub. 2624

Bill Sec. 9

Analyst: Mills

Analysis Pg. No. 588

Budget Pg. No. 428

<u>Expenditure Summary</u>	<u>Agency Req. FY 91</u>	<u>Governor's Rec. FY 91</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 11,830,420	\$ 9,578,906	\$ --
Capital Improvements	--	--	--
TOTAL	<u>\$ 11,830,420</u>	<u>\$ 9,578,906</u>	<u>\$ --</u>
State General Fund:			
State Operations	\$ 11,787,420	\$ 9,535,906	\$ --
Capital Improvements	--	--	--
TOTAL	<u>\$ 11,787,420</u>	<u>\$ 9,535,906</u>	<u>\$ --</u>
FTE Positions:			
Norton	249.0	203.0	--
Stockton	45.0	44.0	--

Agency Request/Governor's Recommendation

The agency requests \$11,830,420 for operating expenditures in FY 1991. Of the total requested, \$9,936,800 is for the Norton Correctional Facility and \$1,893,620 is for the Stockton Correctional Facility. Funding for state operations is requested almost entirely from the State General Fund. State General Fund resources are requested to be increased by \$2,354,909 or 25.0 percent. The general fees fund of the agency is requested to increase by \$32,250. The FY 1991 request contains funding for 294.0 FTE positions, an increase of 47.0 over the 247.0 approved for the current year. The agency estimates an average daily inmate population of 594 for FY 1991, an increase of 19 from the approved level of 575 for FY 1990.

The Governor's recommendation for state operations in FY 1991 is \$9,578,906 or \$2,251,514 less than the agency requested. The recommendation for FY 1991 supports an average daily inmate population of 594 and 247.0 FTE positions. The Governor's recommendation for FY 1991 includes the addition of no new positions. The Governor's recommendation includes reductions in salaries (\$1,584,374), contractual services (\$132,857), commodities (\$62,318), and capital outlay (\$471,965).

House Subcommittee Recommendations

The House Subcommittee concurs with the Governor's recommendation, with the following observation:

1. The House Subcommittee notes that several inmates at the Norton facility requested that college course work be made available, as it currently is not available. The Subcommittee recommends that the agency and the Department of Corrections review this issue and report to the Senate Subcommittee on the feasibility of offering college-level work at Norton.

House Committee Recommendation

The House Committee concurs with the House Subcommittee recommendation for FY 1991.

House Committee of the Whole Recommendation

The House Committee of the Whole concurs with the House Committee recommendation for FY 1991.

<u>Expenditure Summary</u>	<u>House Adj. FY 91</u>	<u>House Rec. FY 91</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ --	\$ 9,578,906	\$ 361,738
Capital Improvements	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 9,578,906</u>	<u>\$ 361,738</u>
State General Fund:			
State Operations	\$ --	\$ 9,535,906	\$ 361,738
Capital Improvements	--	--	--
TOTAL	<u>\$ --</u>	<u>\$ 9,535,906</u>	<u>\$ 361,738</u>
FTE Positions:			
Norton	--	203.0	12.0
Stockton	--	44.0	--

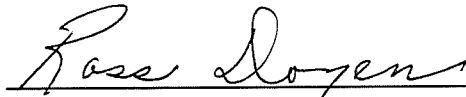
Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the House recommendation, with the following adjustments:

1. Addition of \$138,324 (SGF) and 5.0 Corrections Officer II positions to staff the segregation unit at the Norton facility. The Director stated that these positions are needed to fully staff the segregation unit.
2. Addition of \$55,330 (SGF) and 2.0 Corrections Officer II positions to adequately staff the vehicle sally port at the Norton facility. The

Director stated that security staff must now be pulled from the housing units to operate the vehicle shake-downs.

3. Addition of \$126,554 (SGF) and 5.0 Food Service Supervisor I positions to adequately staff the kitchen and dining areas at the Norton facility. The Director stated that, as the inmate population increases to 500, it will be necessary to open additional dining areas.
4. Addition of \$41,530 (SGF) in salaries and wages to reduce the turnover adjustment to 1.8 percent (or \$165,640); the Governor's recommendation set the turnover adjustment at 2.8 percent (or \$207,170). The agency originally requested a turnover rate of 1.8 percent in FY 1991.



Senator Ross Doyen
Subcommittee Chairperson



Senator Frank Gaines

SENATE BILL No. 748

By Committee on Ways and Means

2-22

9 AN ACT concerning the state correctional institutions; effecting cer-
10 tain consolidations and name changes; affecting definitions and
11 conforming statutory references; amending K.S.A. 8-113, 8-607,
12 9-2010, 17-5412, 17-5811, 17-5812, 19-521, 20-208, 21-4203, 21-
13 4602, 21-4605, 21-4620, 22-3710, 22-3711, 22-3712, 22-3713, 22-
14 3719, 22-3720, 22-3722, 22-4001, 22-4002, 22-4006, 22-4011, 22-
15 4012, 22-4013, 41-405, 42-396, 42-3,104, 44-619, 47-421, 50-127,
16 59-103, 65-1812, 66-175, 74-4914a, 75-3058, 75-3765, 75-3790, 75-
17 4228, 75-4362, 75-4503, 75-4610, 75-5202, 75-5209, 75-5210, 75-
18 5211, 75-5212, 75-5218, 75-5220, 75-5225, 75-5226, 75-5229, 75-
19 5246, 75-5247, 75-5247a, 75-5249, 75-5250, 75-5251, 75-5252, 75-
20 5253, 75-5254, 75-5255, 75-5256, 75-5257, 75-5258, 75-5259, 75-
21 5260, 75-5262, 75-5263, 75-5264, 75-5265, 75-5266, 75-5282, 75-
22 5285, 75-52,116, 75-52,122, 75-52,124, 76-176, 76-1305, 76-2473,
23 76-2474 and 79-1408 and K.S.A. 1989 Supp. 2-213 and 21-4603,
24 and repealing the existing sections; also repealing K.S.A. 75-5261,
25 75-5283 and 75-52,115 and K.S.A. 1989 Supp. 21-4603c.
26

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

28 New Section 1. (a) On the effective date of this act, the Kansas
29 correctional institution at Lansing shall be consolidated with and
30 become a part of the Kansas state penitentiary. The consolidated
31 institution shall be named the Lansing correctional facility. All prop-
32 erties, moneys, appropriations, rights and authorities now vested in
33 the Kansas correctional institution at Lansing or the Kansas state
34 penitentiary shall be vested in the Lansing correctional facility.
35 Whenever the Kansas correctional institution at Lansing or Kansas
36 state penitentiary, or words of like effect, are referred to or des-
37 ignated by any statute, contract or other document, such reference
38 or designation shall be deemed to apply to the Lansing correctional
39 facility.

40 (b) On the effective date of this act, the state reception and
41 diagnostic center shall be consolidated with and become a part of
42 the state correctional vocational training center. The consolidated
institution shall be named the Topeka correctional facility - east. All

SWAM
March 22, 1990
Attachment 9

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1 properties, moneys, appropriations, rights and authorities now vested
 2 in the state reception and diagnostic center or the state correctional
 3 vocational training center shall be vested in the Topeka correctional
 4 facility - east. Whenever the state reception and diagnostic center
 5 ~~or~~ state correctional vocational training center, or words of like effect,
 6 are referred to or designated by any statute, ~~contract or other docu-~~
 7 ment, such reference or designation shall be deemed to apply to
 8 the Topeka correctional facility - east.

or Topeka correctional complex,

appropriation bill,

9 (c) On the effective date of this act, the Forbes correctional
 10 facility shall be consolidated with and become a part of the Topeka
 11 correctional facility. The consolidated institution shall be named the
 12 Topeka correctional facility - west. All properties, moneys, appro-
 13 priations, rights and authorities now vested in the Forbes correctional
 14 facility or the Topeka correctional facility shall be vested in the
 15 Topeka correctional facility - west. Whenever the Forbes correctional
 16 facility or the Topeka correctional facility, or words of like effect,
 17 are referred to or designated by any statute, contract or other docu-
 18 ment, such reference or designation shall be deemed to apply to
 19 the Topeka correctional facility - west.

or Topeka correctional facilities

appropriation bill,

20 (d) On the effective date of this act, the Stockton correctional
 21 facility shall be consolidated with and become a part of the Norton
 22 correctional facility. All properties, moneys, appropriations, rights
 23 and authorities now vested in the Stockton correctional facility shall
 24 be vested in the Norton correctional facility. Whenever the Stockton
 25 correctional facility, or words of like effect, are referred to or des-
 26 ignated by any statute, contract or other document, such reference
 27 or designation shall be deemed to apply to the Norton correctional
 28 facility.

29 (e) The name of the state industrial reformatory is hereby
 30 changed to the Hutchinson correctional facility. All properties, mon-
 31 eys, appropriations, rights and authorities now vested in the state
 32 industrial reformatory shall be vested in the Hutchinson correctional
 33 facility. Whenever the state industrial reformatory, or words of like
 34 effect, is referred to or designated by any statute, contract or other
 35 document, such reference or designation shall be deemed to apply
 36 to the Hutchinson correctional facility.

37 Sec. 2. K.S.A. 1989 Supp. 2-213 is hereby amended to read as
 38 follows: 2-213. The state fair board is hereby authorized and em-
 39 powered to enter into a contract with individuals or corporations for
 40 the construction of an automobile display building, and the main-
 41 tenance thereof, upon the state fairgrounds and for which purpose
 the right to construct such building upon state's state property is
 hereby expressly granted and conferred, which. Such building shall

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1 be the property of the state for the use and benefit of the state fair.
 2 The board is further authorized and empowered to enter into a
 3 written lease for such building for a period of not more than eight
 4 years during which such period the rentals therefrom shall be used
 5 and applied to the payment of the cost of the construction and to
 6 the maintenance of such building and such rentals during such period
 7 shall be deemed ample and sufficient to pay the entire cost of the
 8 construction and the maintenance of such building. In no event shall
 9 the state of Kansas ever be liable for the cost of such building, nor
 10 shall the state be liable for the maintenance of such building during
 11 the eight-year lease period. In the construction of the building, brick
 12 from the ~~penitentiary~~ *Lansing correctional facility* may be used and
 13 labor from the ~~industrial reformatory~~ *Hutchinson correctional fa-*
 14 *cility* shall be provided.

15 Sec. 3. K.S.A. 8-113 is hereby amended to read as follows: 8-
 16 113. Any person who shall destroy or cause to be destroyed, remove
 17 or cause to be removed, alter or deface, or cause to be altered or
 18 defaced, the engine number, identification number, or serial number
 19 of any motor vehicle in this state, or who shall change any identi-
 20 fication number from one motor vehicle to another, or who shall
 21 give a wrong description in an application for the registration of any
 22 motor vehicle in this state, for the purpose of concealing or hiding
 23 the identity of such motor vehicle, or any person who shall copy,
 24 print, photostat or cause to be copied, printed or photostated for a
 25 fraudulent purpose or for the purpose of producing a fictitious title,
 26 alter or deface or cause to be altered or defaced or knowingly have
 27 in possession any fictitious, fraudulent, or counterfeit certificates of
 28 title, ownership certificates or registration receipts shall be deemed
 29 guilty of a felony, and upon conviction shall be punished by im-
 30 prisonment in ~~the a state penitentiary correctional institution~~ for
 31 a term of not less than one (1) year nor more than five (5) years.

the custody of the secretary of corrections

32 Sec. 4. K.S.A. 8-607 is hereby amended to read as follows: 8-
 33 607. Any person who shall violate any of the provisions of this act,
 34 and any employee, agent or officer of any such person who shall
 35 participate, in any manner, in making, enforcing or performing, or
 36 in aiding or abetting, in the performance of any such contract, con-
 37 dition, agreement or understanding, shall be deemed guilty of a
 38 felony and, upon conviction thereof, shall be punished for each
 39 offense by a fine of not less than one hundred dollars \$100 nor
 40 more than five thousand dollars \$5,000 or by imprisonment in the
 41 ~~penitentiary a state correctional institution~~ for not less than one
 42 year nor more than five years, or by both such fine and
 43 imprisonment.

the custody of the secretary of corrections

2 Sec. 5. K.S.A. 9-2010 is hereby amended to read as follows: 9-
 3 2010. No bank shall accept or receive on deposit, with or without
 4 interest, any money, bank bills or notes, or United States treasury
 5 notes, gold or silver certificates, or currency, or other notes, bills,
 6 checks, or drafts, when such bank is insolvent; and any officer,
 7 director, cashier, manager, member, partner or managing partner of
 8 any bank, who shall knowingly violate the provisions of this section
 9 or be accessory to or permit or connive at the receiving or accepting
 10 on deposit of any such deposit, shall be guilty of a felony, and upon
 11 conviction thereof shall be punished by a fine not exceeding \$5,000,
 12 or by imprisonment in the penitentiary ~~a state correctional insti-~~
~~tution~~ not less than one year nor more than five years, or by both
 such fine and imprisonment.

the custody of the secretary of corrections

15 Sec. 6. K.S.A. 17-5412 is hereby amended to read as follows:
 16 17-5412. The board of directors of any association formed under the
 17 provisions of this or any previous act may from time to time declare
 18 dividends from the earnings of the association to be paid or credited
 19 in such manner as may be provided in the bylaws, but no dividends
 20 shall be declared except from the earnings and undivided profits of
 21 the association: ~~Provided, however, That~~. If the board of directors
 22 shall declare, credit or pay any dividend when there is an impairment
 23 of capital they shall be jointly and severally liable to the extent of
 24 the dividend so declared, credited or paid for all the debts of the
 25 association then existing or that shall be thereafter contracted while
 26 they shall respectively continue in office: ~~Provided, That~~. Any of
 27 the board of directors who shall object to the declaring of such
 28 dividend or the payment or crediting of the same and who shall at
 29 the time of declaration of the dividend procure his objections to be
 30 noted in the book of minutes of the association and shall file a
 31 certificate of his such objections in writing with the secretary of the
 32 association and with the commissioner shall be exempted from such
 33 liability and any director of such association who consents to the
 34 payment of any dividend when the capital is impaired shall be
 35 deemed guilty of a felony and upon conviction thereof shall be
 36 imprisoned in the penitentiary ~~a state correctional institution~~ for
 not less than one (1) nor more than five (5) years.

the custody of the secretary of corrections

37 Sec. 7. K.S.A. 17-5811 is hereby amended to read as follows:
 38 17-5811. No association shall accept or receive payments upon shares
 39 when there is an impairment of capital, and any officer, director or
 40 employee who shall knowingly violate the provisions of this section
 41 or be accessory to or permit or connive at the receiving or accepting
 42 payments on such shares, shall be guilty of a felony, and upon
 conviction thereof shall be punished by imprisonment in the pen-

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1 ~~penitentiary or state correctional institution~~ not less than one (1) year
2 nor more than five (5) years. The word "share" as used in this
3 section shall not include guarantee shares or stock.

the custody of the secretary of corrections

4 Sec. 8. K.S.A. 17-5812 is hereby amended to read as follows:
5 17-5812. Any officer, director, trustee, attorney, agent or servant of
6 any association heretofore or hereafter to be incorporated who shall
7 use or dispose of any part of the moneys, property, assets or funds
8 of such association, or assign, transfer, cancel, deliver up or ac-
9 knowledge satisfaction of any bond, mortgage or other written in-
10 strument belonging to such association, unless duly authorized or
11 otherwise than in the regular and legitimate business of the asso-
12 ciation, or who shall be guilty of any fraud in the performance of
13 his duties, shall be liable civilly to the association, and also to any
14 other party injured, to the extent of the damage thereby caused,
15 and shall also be guilty of a felony, and upon conviction thereof shall
16 be imprisoned in the ~~penitentiary or state correctional institution~~
17 for not less than one nor more than five years.

the custody of the secretary of corrections

18 Sec. 9. K.S.A. 19-521 is hereby amended to read as follows: 19-
19 521. The statement made, as provided in K.S.A. 19-520, and amend-
20 ments thereto, shall be signed and sworn to by the treasurer; and
21 Any treasurer who shall swear falsely in any such statement shall
22 be guilty of perjury, and on conviction shall be confined in the
23 ~~penitentiary or state correctional institution~~ for one year, and his
24 such treasurer's office shall be declared vacant.

the custody of the secretary of corrections

25 Sec. 10. K.S.A. 20-208 is hereby amended to read as follows:
26 20-208. (a) When the reports of the decisions of the supreme court
27 or court of appeals are delivered, the state law librarian shall use
28 as many thereof as may be necessary to maintain reasonable and
29 equitable exchanges of such reports for law books and other legal
30 publications of the other states, territories, countries, societies and
31 institutions, for use in the supreme court law library. As used herein,
32 "Kansas reports" shall mean the reports of the decisions of the su-
33 preme court and court of appeals. The state law librarian shall dis-
34 tribute copies of the Kansas reports without charge, as follows:

35 (1) The supreme court, the court of appeals and the office of the
36 attorney general shall receive the number of copies necessary to
37 conduct the official business of such office, as certified to the state
38 law librarian by the head or executive officer of the respective
39 agencies;

40 (2) The office of each elected state official, other than those spe-
41 cifically provided for herein, shall receive one copy;

42 (3) The law library of the school of law of the university of Kansas
43 shall receive ~~thirty (30)~~ 30 copies to maintain its sets of Kansas
44

1 reports and for exchange purposes, and the law library of the school
2 of law of Washburn university of Topeka shall receive ~~thirty~~ (30)
3 30 copies to maintain its sets of Kansas reports and for exchange
4 purposes; .

5 (4) The state library and the libraries of Emporia state university,
6 Fort Hays state university, Pittsburg state university, Kansas state
7 university, and Wichita state university shall receive two (2) copies
8 to maintain its set of Kansas reports;

9 (5) The United States district court for the district of Kansas shall
10 receive six (6) copies;

11 (6) The office of each judge of the district court shall each receive
12 one copy;

13 (7) The ~~state penitentiary at Lansing~~ *correctional facility* and
14 the ~~state industrial reformatory at Hutchinson~~ *correctional facility*
15 shall each receive one copy for the use of inmates at such institutions
16 and one copy for the use of the legal advisor at such institutions;

17 (8) The library of congress shall receive two (2) copies in order
18 to complete the copyright of said reports;

19 (9) One copy shall be deposited with the appropriate office of
20 the United States post office in order to obtain a postal permit for
21 mailing such reports;

22 (10) A personal copy of the reports shall be presented to each
23 justice of the supreme court, each judge of the court of appeals, the
24 clerk of the supreme court, the supreme court reporter, and the
25 judicial administrator of the district courts. Also, a personal copy
26 shall be sent to any retired supreme court justice, judge of the court
27 of appeals, district judge or associate district judge, if such retired
28 judge or justice files with the clerk of the supreme court annually
29 a certificate stating that he or she *such judge or justice* is not
30 engaged in the active practice of law and is willing to accept judicial
31 assignments; and

32 (11) The legislative coordinating council shall receive the number
33 of copies necessary to conduct the official business of the legislative
34 branch of government, as certified to the state law librarian by the
35 legislative coordinating council.

36 (b) Except as otherwise specifically provided in paragraph (10) of
37 subsection (a), all copies of the Kansas reports distributed pursuant
38 to subsection (a) or purchased by any governmental agency or sub-
39 division shall become the property of such office, agency or sub-
40 division, which shall be accountable therefor, and the state law
41 librarian shall not distribute any reports to any others or for any
42 other purpose, but shall be responsible for the remaining volume
43 of said reports, which shall be sold by ~~him or her~~ at the per volume

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1 price fixed by the supreme court under this section for each current
2 volume, plus the amount fixed by the supreme court under this
3 section for the cost of postage and handling, and the per volume
4 price fixed by the supreme court under this section for each non-
5 current volume which has not been reprinted, plus the amount fixed
6 by the supreme court under this section for the cost of postage and
7 handling. The supreme court shall have authority to order printed
8 such additional copies of the reports of the supreme court as in ~~their~~
9 *its* judgment will be necessary to supply the demand upon the state
10 law librarian for the same. The state law librarian shall sell any
11 noncurrent volume which is reprinted at the per volume price fixed
12 by the supreme court under this section, plus the amount fixed by
13 the supreme court under this section for the cost of postage and
14 handling. All purchases of reports shall be made by payment in
15 advance. The supreme court shall fix the per volume price for copies
16 of these Kansas reports sold under this section to recover the costs
17 of printing and binding such volumes and shall fix the amount to
18 be charged in connection with the sale of each of such volumes to
19 cover the costs of postage and handling applicable thereto. The
20 supreme court shall revise all such prices from time to time as
21 necessary for the purposes of covering or recovering such costs.

22 (c) It shall be the duty of the director of printing, under the
23 direction of the supreme court, to make and preserve for future use
24 proofs, matrices, plates, computer tapes or impressions of all volumes
25 of the reports of the supreme court and such other publications as
26 the supreme court may designate. The director of printing shall not
27 make or permit to be made any proofs, matrices, plates, computer
28 tapes or impressions of any book published by the judicial branch
29 of the state government except for the use of the state, as herein
30 provided, and all proofs, matrices, plates, computer tapes or impres-
31 sions so made for any book published by the judicial branch of the
32 state government shall be the exclusive property of the state, except
33 that the director of printing may grant a revocable license to any
34 nonprofit corporation whereby such corporation may utilize the serv-
35 ices of equipment and personnel under the supervision of the director
36 of printing for the purpose of converting reports of the Kansas su-
37 preme court and the Kansas court of appeals to machine readable
38 form for use by such corporation in providing computerized legal
39 research services, subject to protection of the state's copyright as to
40 any purpose unnecessary for such computerized legal research.

41 Sec. 11. K.S.A. 21-4203 is hereby amended to read as follows:
21-4203. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a

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barrel less than ~~twelve (12)~~ 12 inches long to any person under ~~eighteen (18)~~ 18 years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than ~~twelve (12)~~ 12 inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five ~~(5)~~ years after ~~his such person's~~ release from the ~~penitentiary a state correctional institution~~ or within five ~~(5)~~ years after ~~his such person's~~ conviction if the defendant has not been imprisoned in the ~~penitentiary a state correctional institution~~.

(2) Unlawful disposal of firearms is a class A misdemeanor.

Sec. 12. K.S.A. 21-4602 is hereby amended to read as follows: 21-4602. As used in K.S.A. 21-4601 through 21-4621, and amendments thereto:

(1) "Court" means any court having jurisdiction and power to sentence offenders for violations of the laws of this state.

(2) "Suspension of sentence" means a procedure under which a defendant, found guilty of a crime, upon verdict or plea, is released by the court without imposition of sentence. The release may be with or without supervision in the discretion of the court.

(3) "Probation" means a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the court after imposition of sentence, without imprisonment, subject to conditions imposed by the court and subject to the supervision of the probation service of the court.

(4) "Parole" means the release of a prisoner to the community by the Kansas parole board prior to the expiration of such prisoner's term, subject to conditions imposed by the board and to the secretary of correction's supervision. "Parole" also means the release by a court of competent jurisdiction of a person confined in the county jail or other local place of detention after conviction and prior to expiration of such person's term, subject to conditions imposed by the court and its supervision. Where a court or other authority has filed a warrant against the prisoner, the Kansas parole board or paroling court may release the prisoner on parole to answer the warrant of such court or authority.

(5) "Institution" means the Kansas state penitentiary at Lansing, the Kansas correctional institution at Lansing, the state industrial reformatory at Hutchinson, the state reception and diagnostic center at Topeka, the state correctional-vocational training center at Topeka, the Ellsworth correctional work fa-

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1 eility at Ellsworth, Lansing correctional facility, Hutchinson cor-
2 rectional facility, Topeka correctional facility - east, Topeka
3 correctional facility - west, Norton correctional facility, Ellsworth
4 correctional facility, Hutchinson correctional work facility, Winfield
5 correctional facility, Osawatomie correctional facility, Larned cor-
6 rectional mental health facility, El Dorado correctional work facility,
7 Toronto correctional work facility, Wichita work release center, and
8 any other correctional institution, ~~center or camp~~ under control of
9 the secretary of corrections.

10 (6) "Community correctional services program" means a program
11 which operates under the community corrections act and to which
12 a defendant is assigned for supervision, confinement, detention, care
13 or treatment, subject to conditions imposed by the court. A de-
14 fendant assigned to a community correctional services program shall
15 be subject to the continuing jurisdiction of the court and in no event
16 shall be considered to be in the custody of or under the supervision
17 of the secretary of corrections.

18 Sec. 13. K.S.A. 1989 Supp. 21-4603 is hereby amended to read
19 as follows: 21-4603. (1) Whenever any person has been found guilty
20 of a crime and the court finds that an adequate presentence inves-
21 tigation cannot be conducted by resources available within the ju-
22 dicial district, including mental health centers and mental health
23 clinics, the court may require that a presentence investigation be
24 conducted by the ~~state reception and diagnostic center~~ Topeka
25 correctional facility - east or by the state security hospital. If the
26 offender is sent to the ~~state reception and diagnostic center~~ To-
27 peka correctional facility - east or the state security hospital for a
28 presentence investigation under this section, the ~~institution cor-~~
29 rectional facility or hospital may keep the offender confined for a
30 maximum of 60 days, except that an inmate may be held for a longer
31 period of time on order of the secretary, or until the court calls for
32 the return of the offender. While held at the ~~reception and di-~~
33 agnostic center Topeka correctional facility - east or the state se-
34 curity hospital the defendant may be treated the same as any person
35 committed to the secretary of corrections or secretary of social and
36 rehabilitation services for purposes of maintaining security and con-
37 trol, discipline, and emergency medical or psychiatric treatment, and
38 general population management except that no such person shall be
39 transferred out of the state or to a federal institution or to any other
40 location unless the transfer is between the ~~reception and diagnostic~~
41 ~~center~~ correctional facility and the state security hospital. The state
42 ~~reception and diagnostic center~~ correctional facility or the state
43 security hospital shall compile a complete mental and physical eval-

1 uation of such offender and shall make its findings and recommen-
2 dations known to the court in the presentence report.

3 (2) Whenever any person has been found guilty of a crime, the
4 court may adjudge any of the following:

5 (a) Commit the defendant to the custody of the secretary of
6 corrections or, if confinement is for a term less than one year, to
7 jail for the term provided by law;

8 (b) impose the fine applicable to the offense;

9 (c) release the defendant on probation subject to such conditions
10 as the court may deem appropriate, including orders requiring full
11 or partial restitution;

12 (d) suspend the imposition of the sentence subject to such con-
13 ditions as the court may deem appropriate, including orders requiring
14 full or partial restitution;

15 (e) assign the defendant to a community correctional services
16 program subject to such conditions as the court may deem appro-
17 priate, including orders requiring full or partial restitution;

18 (f) assign the defendant to a conservation camp for a period not
19 to exceed 180 days;

20 (g) assign the defendant to a house arrest program pursuant to
21 K.S.A. 21-1603b and amendments thereto; or

22 (h) *order the defendant to attend and satisfactorily complete an*
23 *alcohol or drug education or training program as provided by sub-*
24 *section (3) of K.S.A. 21-4502 and amendments thereto; or*

25 (i) impose any appropriate combination of (a), (b), (c), (d),
26 (e), (f), (g) or (h).

27 *In addition to or in lieu of any of the above, the court shall order*
28 *the defendant to submit to and complete an alcohol and drug eval-*
29 *uation, and pay a fee therefor, when required by subsection (4) of*
30 *K.S.A. 21-4502 and amendments thereto.*

31 In imposing a fine the court may authorize the payment thereof
32 in installments. In releasing a defendant on probation, the court shall
33 direct that the defendant be under the supervision of a court services
34 officer. If the court commits the defendant to the custody of the
35 secretary of corrections or to jail, the court may specify in its order
36 the amount of restitution to be paid and the person to whom it shall
37 be paid if restitution is later ordered as a condition of parole or
38 conditional release.

39 The court in committing a defendant to the custody of the secretary
40 of corrections shall fix a maximum term of confinement within the
limits provided by law. In those cases where the law does not fix
41 a maximum term of confinement for the crime for which the de-
42 fendant was convicted, the court shall fix the maximum term of such
43

1 confinement. In all cases where the defendant is committed to the
2 custody of the secretary of corrections, the court shall fix the min-
3 imum term within the limits provided by law.

4 (3) (a) Except when an appeal is taken and determined adversely
5 to the defendant as provided in subsection (b) of this subsection (3),
6 at any time within 120 days after a sentence is imposed, after pro-
7 bation or assignment to a community correctional services program
8 has been revoked, the court may modify such sentence, revocation
9 of probation or assignment to a community correctional services
10 program by directing that a less severe penalty be imposed in lieu
11 of that originally adjudged within statutory limits and shall modify
12 such sentence if recommended by the ~~state reception and diag-~~
13 ~~nostic center~~ *Topeka correctional facility - east* unless the court
14 finds that the safety of the public will be jeopardized and that the
15 welfare of the inmate will not be served by such modification.

16 (b) If an appeal is taken and determined adversely to the de-
17 fendant, such sentence may be modified within 120 days after the
18 receipt by the clerk of the district court of the mandate from the
19 supreme court or court of appeals.

20 (4) The court shall modify the sentence at any time before the
21 expiration thereof when such modification is recommended by the
22 secretary of corrections unless the court finds that the safety of the
23 public will be jeopardized and that the welfare of the inmate will
24 not be served by such modification. The court shall have the power
25 to impose a less severe penalty upon the inmate, including the power
26 to reduce the minimum below the statutory limit on the minimum
27 term prescribed for the crime of which the inmate has been con-
28 victed. The recommendation of the secretary of corrections, the
29 hearing on the recommendation and the order of modification shall
30 be made in open court. Notice of the recommendation of modification
31 of sentence and the time and place of the hearing thereon shall be
32 given by the inmate, or by the inmate's legal counsel, at least 21
33 days prior to the hearing to the county or district attorney of the
34 county where the inmate was convicted. After receipt of such notice
35 and at least 14 days prior to the hearing, the county or district
36 attorney shall give notice of the recommendation of modification of
37 sentence and the time and place of the hearing thereon to any victim
38 of the inmate's crime who is alive and whose address is known to
39 the county or district attorney or, if the victim is deceased, to the
40 victim's next of kin if the next of kin's address is known to the county
41 or district attorney. Proof of service of each notice required to be
42 given by this subsection shall be filed with the court.

43 (5) After such defendant has been assigned to a conservation camp

1 but prior to the end of 180 days, the chief administrator of such
2 camp shall file a performance report and recommendations with the
3 court. The court shall enter an order based on such report and
4 recommendations modifying the sentence, if appropriate, by sent-
5 encing the defendant to any of the authorized dispositions provided
6 in subsection (2), except to reassign such person to a conservation
7 camp as provided in subsection (2)(f).

8 (6) Dispositions which do not involve commitment to the custody
9 of the secretary of corrections and commitments which are revoked
10 within 120 days shall not entail the loss by the defendant of any
11 civil rights.

12 (7) This section shall not deprive the court of any authority con-
13 ferred by any other Kansas statute to decree a forfeiture of property,
14 suspend or cancel a license, remove a person from office, or impose
15 any other civil penalty as a result of conviction of crime.

16 (8) An application for or acceptance of probation, suspended sen-
17 tence or assignment to a community correctional services program
18 shall not constitute an acquiescence in the judgment for purpose of
19 appeal, and any convicted person may appeal from such conviction,
20 as provided by law, without regard to whether such person has
21 applied for probation, suspended sentence or assignment to a com-
22 munity correctional services program.

23 Sec. 14. K.S.A. 21-4605 is hereby amended to read as follows:
24 21-4605. (a) Upon request of the attorney for the state or the counsel
25 for the defendant, the judge shall make available to the attorney or
26 counsel the presentence report, any report that may be received
27 from the ~~Kansas state diagnostic center~~ *Topeka correctional facility*
28 *- east* or the state security hospital and other diagnostic reports and
29 shall allow the attorney or counsel a reasonable time to review the
30 report before sentencing the defendant. Except as otherwise pro-
31 vided in this section, all these reports shall be part of the record
32 but shall be sealed and opened only on order of the court.

33 (b) If a defendant is committed to the custody of the secretary
34 of corrections, all reports under subsection (a) shall be sent to the
35 secretary of corrections and, in accordance with K.S.A. 75-5220, *and*
36 *amendments thereto*, to the director of the state correctional insti-
37 tution to which the defendant is conveyed.

38 (c) Nothing in this section shall be construed as prohibiting the
39 attorney for the defendant from disclosing the report of the pres-
40 entence investigation, or other diagnostic reports, to the defendant
after receiving court approval to do so.

41 Sec. 15. K.S.A. 21-4620 is hereby amended to read as follows:
42 21-4620. (a) If the defendant is to be sentenced to the custody of
43

1 the secretary of corrections, the court may prepare a judgment form
2 which shall be signed by the court and filed with the clerk. If
3 prepared, the judgment form shall reflect the conviction, the sen-
4 tence and the commitment, and shall contain the following:

5 (1) The pronouncement of guilt including:

6 (A) The title of the crime;

7 (B) the statute violated;

8 (C) the date the offense occurred.

9 (2) The sentence imposed including:

10 (A) The terms as required by subsection (2) of K.S.A. 21-4603
and amendments thereto;

11 (B) if applicable, a description of any increase in sentence because
12 of previous felony conviction pursuant to K.S.A. 21-4504 and amend-
13 ments thereto;

14 (C) if applicable, a statement that this defendant has been con-
15 victed of a class A, B or C felony by reason of aiding, abetting,
16 advising, or counseling another to commit a crime, or by reason of
17 the principle provided for in subsection (2) of K.S.A. 21-3205 and
18 any amendments thereto;

19 (D) if applicable, a statement that this defendant, age 18 or over,
20 has been mandatorily sentenced pursuant to K.S.A. 21-4618 and
21 amendments thereto for use of a firearm in a crime under article
22 34 of chapter 21, or the crime of rape or aggravated sodomy;

23 (E) a statement of the effective date of the sentence indicating
24 whether it is the date of imposition or some date earlier to give
25 credit for time confined pending disposition of the case pursuant to
26 K.S.A. 21-4614 and amendments thereto or credit for time on pro-
27 bation or assignment to community corrections pursuant to K.S.A.
28 21-4614a and amendments thereto.

29 (3) The order of commitment to the custody of the secretary, if
30 not issued as a separate order.

31 (b) The court may attach to or include in the judgment form any
32 of the following:

33 (1) A statement of reasons for imposing the sentence as ordered
34 other than those reasons required above to be stated;

35 (2) a description of aggravating or mitigating circumstances the
36 court took into consideration when ordering the commitment;

37 (3) recommendations on a program of rehabilitation for the of-
38 fender, based on presentence investigation reports and any other
39 information available. Such recommendations may include desirable
40 treatment for corrections of physical deformities or disfigurement
41 that may, if possible, be corrected by medical or surgical procedures
42 or by prosthesis;

1 (1) a recommendation for further evaluation at the Kansas state
2 ~~reception and diagnostic center Topeka correctional facility - east,~~
3 even though defendant was committed for presentence investigation;

4 (5) the copy of the evidence from trial or part thereof transmitted
5 pursuant to K.S.A. 75-5219 and amendments thereto.

6 (c) The court shall forward a copy of all presentence investigation
7 reports and other diagnostic reports on the offender received by the
8 district court, including any reports received from the Kansas state
9 ~~reception and diagnostic center Topeka correctional facility - east~~
10 or the state security hospital, to the officer having the offender in
custody for delivery with the offender to the correctional institution.

12 Sec. 16. K.S.A. 22-3710 is hereby amended to read as follows:
13 22-3710. The Kansas ~~adult~~ *authority parole board* shall adopt an
14 official seal of which the courts shall take judicial notice. The orders
15 of the *authority parole board* shall not be reviewable except as to
16 compliance with the terms of this act or other applicable laws of
17 this state. The *authority parole board* shall keep a record of its acts
18 and shall notify each institution and the secretary of corrections of
19 its decisions relating to the persons who are or have been confined
20 therein. At the close of each fiscal year, the *authority parole board*
21 shall submit to the governor and to the legislature a report with
22 statistical and other data of its work, including research studies which
23 it may make of probation, sentencing, parole, or related functions,
24 and a compilation and analysis of dispositions of criminal cases by
25 district courts throughout the state or *by* executive authority.

26 Sec. 17. K.S.A. 22-3711 is hereby amended to read as follows:
27 22-3711. The presentence report, the preparole report and the su-
28 pervision history, obtained in the discharge of official duty by any
29 member or employee of the *authority Kansas parole board* or any
30 employee of the department of corrections, shall be privileged and
31 shall not be disclosed directly or indirectly to anyone other than the
32 *authority parole board*, the judge, the attorney general or others
33 entitled to receive the information, except that the *authority parole*
34 *board*, secretary of corrections or court may permit the inspection
35 of the report or parts of it by the defendant, inmate, defendant's or
36 inmate's attorney or other person having a proper interest in it,
37 whenever the best interest or welfare of a particular defendant or
38 inmate makes the action desirable or helpful.

39 Sec. 18. K.S.A. 22-3712 is hereby amended to read as follows:
40 22-3712. The *authority Kansas parole board* may establish and main-
41 tain residence facilities for the housing of probationers or parolees,
42 or may contract for such housing in facilities approved by it; it may
43 establish and maintain diagnostic and treatment facilities for persons

1 referred during presentence investigation or on probation or parole,
2 or may contract for such facilities. As a condition of probation or
3 parole, a probationer or parolee may be placed in such residence,
4 diagnostic, or treatment facility by order of the court or ~~authority~~
5 *parole board*. Placement in a diagnostic or treatment facility shall
6 not exceed ~~ninety (90)~~ 90 days, but may be renewed for further
7 ninety-day periods on certificates presented to the court by the
8 director of such facility.

9 Sec. 19. K.S.A. 22-3713 is hereby amended to read as follows:
10 22-3713. The ~~authority~~ *Kansas parole board* shall appoint a state
11 director of the ~~Kansas adult authority parole board~~ who may ap-
12 point and prescribe ~~the duties of~~, with the approval of the ~~authority~~
13 *parole board*, ~~the duties of~~ a deputy director and other employees
14 required to administer the provisions of this act. The ~~authority~~
15 *parole board* may authorize one or more of its members to conduct
16 hearings on behalf of the ~~authority~~ *parole board*.

17 The deputy director may exercise such powers and perform such
18 duties of the director as may be authorized by the ~~authority~~ *parole*
19 *board*. The director and all other officers and employees of the
20 ~~authority~~ *parole board* shall be within the classified service of the
21 Kansas civil service act; ~~Provided, That~~. The residence require-
22 ments of the Kansas civil service act shall not apply to the appoint-
23 ment of ~~said~~ *the* director or deputy director. All officers and
24 employees of the ~~authority~~ *parole board* shall ~~receive~~, in addition
25 to their regular compensation, ~~receive~~ their actual and necessary
26 ~~traveling~~ *travel* and other expenses incurred in the performance of
27 their official duties.

28 Sec. 20. K.S.A. 22-3719 is hereby amended to read as follows:
29 22-3719. It shall be the duty of all correctional institution officials
30 to grant to the members of the ~~authority~~ *Kansas parole board*, or
31 its properly accredited representatives, access at all reasonable times
32 to any inmate, to provide for the ~~authority~~ *parole board* or such
33 representative facilities for communicating with and observing such
34 inmate, and to furnish to the ~~authority~~ *parole board* such reports
35 as the ~~authority~~ *parole board* shall require concerning the conduct
36 and character of any inmate in their custody and any other facts
37 deemed by the ~~authority~~ *parole board* to be pertinent in deter-
38 mining any issue before the ~~authority~~ *parole board*.

39 Sec. 21. K.S.A. 22-3720 is hereby amended to read as follows:
40 22-3720. The ~~authority~~ *Kansas parole board* shall have power to
41 issue subpoenas requiring the attendance of any witnesses and the
42 production of any records, books, papers and documents that it
43 considers necessary for the investigation of the issues before it. Sub-

1 poenas may be signed and oaths administered by any member of
2 the ~~authority~~ *parole board*. Subpoenas so issued may be served by
3 any law enforcement officer, in the same manner as similar process
4 in the district court. Any person who testifies falsely, fails to appear
5 when subpoenaed or fails or refuses to produce material pursuant
6 to the subpoena shall be subject to the same orders and penalties
7 to which a person before a court is subject. Any district court of
8 this state, upon application of the ~~authority~~ *parole board*, may in
9 its discretion compel the attendance of witnesses, the production of
10 material and the giving of testimony before the ~~authority~~ *parole*
11 *board*, by an attachment for contempt or otherwise in the same
12 manner as production of evidence may be compelled before the
13 district court.

14 Sec. 22. K.S.A. 22-3722 is hereby amended to read as follows:
15 22-3722. The period served on parole or conditional release shall be
16 deemed service of the term of confinement, and, subject to the
17 provisions contained in K.S.A. 1981 Supp. 75-5217 and amendments
18 *thereto* relating to an inmate who is a fugitive from or has fled from
19 justice, the total time served may not exceed the maximum term or
20 sentence.

21 When an inmate on parole or conditional release has performed
22 the obligations of ~~his~~ *the* release for such time as shall satisfy the
23 ~~authority~~ *Kansas parole board* that ~~his~~ final release is not incom-
24 patible with the best interest of society and the welfare of the in-
25 dividual, the ~~authority~~ *parole board* may make a final order of
26 discharge and issue a certificate of discharge to the inmate but no
27 such order of discharge shall be made in any case within a period
28 of less than one year after the date of release except where the
29 sentence expires earlier thereto. Such discharge, and the discharge
30 of an inmate who has served ~~his~~ *the inmate's* term of imprisonment,
31 shall have the effect of restoring all civil rights lost by operation of
32 law upon commitment, and the certification of discharge shall so
33 state. Nothing herein contained shall be held to impair the power
34 of the governor to grant a pardon or commutation of sentence in
35 any case.

36 Sec. 23. K.S.A. 22-4001 is hereby amended to read as follows:
37 22-4001. The mode of inflicting the punishment of death, in all cases
38 in this state, shall be by hanging by the neck until such convicted
39 person is dead.

40 The warden of the state penitentiary *Lansing correctional facility*,
41 and in case of ~~his~~ *the warden's* death, sickness, absence or inability
to act, then the deputy warden, shall be the executioner; *Provided,*
The warden may, ~~in writing,~~ specially designate and appoint, in

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1 *writing*, a suitable and competent person to act for ~~him~~ *the warden*,
2 and under ~~his~~ *the* direction of *the warden*, as executioner in any
3 particular case: ~~Provided~~. Nothing contained in the provisions of
4 this section shall apply to a crime committed at any time before the
5 day when this section shall take effect.

6 Such crime shall be punished according to the provisions of law
7 existing when it is committed, in the same manner as if this section
8 had not been passed; and the provisions of law for the infliction of
9 the penalty of death upon convicted criminals in existence on the
10 day prior to the passage of this section are continued in existence
11 and are applicable to all crimes punishable by death which have
12 been or may be committed before the time when this section takes
13 effect.

14 A crime punishable by death committed on or after the taking
15 effect of this act must be punished according to the provisions herein
16 made and not otherwise.

17 Sec. 24. K.S.A. 22-4002 is hereby amended to read as follows:
18 22-4002. When any person shall be sentenced to be hanged such
19 punishment shall be inflicted within the walls of the state peniten-
20 ~~tary~~ *Lansing correctional facility*, or within the yard or enclosure
21 adjacent thereto, under the supervision of the warden and in such
22 a manner as to exclude the view of all persons save those permitted
23 to be present as herein provided.

24 Sec. 25. K.S.A. 22-4006 is hereby amended to read as follows:
25 22-4006. (1) If any convict under sentence of death shall appear to
26 be insane, the ~~director~~ *warden* of the correctional institution or
27 sheriff having custody shall forthwith give notice thereof to a district
28 judge of the judicial district in which such convict was tried and
29 sentenced, and the district judge shall at once make such investi-
30 gation as shall satisfy ~~him~~ *or her the judge* as to whether a com-
31 mission ought to be named to examine such convict. If the district
32 judge shall determine that there is not sufficient reason for the
33 appointment of a commission, such judge shall so find and refuse
34 to suspend the execution of such convict.

35 (2) If the district judge shall determine that a commission ought
36 to be appointed to examine such convict, such judge shall make a
37 finding to that effect and cause it to be entered upon the records
38 of the district court in the county in which such convict was sen-
39 tenced, and, if necessary, the judge shall suspend the execution and
40 appoint the superintendents of the Topeka state hospital, the Osa-
41 watomie state hospital, the Rainbow mental health facility and the
42 Larned state hospital as a commission to examine such convict. The
43 commission shall examine the convict with a view of determining

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1 whether the convict is sane or insane and shall report its findings
2 in writing to such judge within ~~ten~~ (10) 10 days after appointment.
3 If for any reason any of such superintendents cannot serve in such
4 capacity, the district judge shall appoint in ~~his or her~~ such super-
5 *intendent's* place one of the assistant superintendents of the hospital
6 or facility.

7 (3) If three of the members of such commission shall find such
8 convict insane, the district judge shall suspend the execution until
9 further order.

10 (4) Any time thereafter, when it shall be made to appear to the
11 district judge that such convict has become sane, such judge shall
12 appoint a commission in the manner aforesaid, ~~who~~ *which* shall make
13 another investigation as to the sanity of such convict, and in case
14 such convict is again declared insane ~~his or her~~ *the convict's* exe-
15 cution shall be suspended by the judge until further order, and such
16 proceedings may be had at such times as the district judge shall
17 order until it is either determined that such convict is sane or
18 incurably insane.

19 Sec. 26. K.S.A. 22-4011 is hereby amended to read as follows:
20 22-4011. If any person who has been convicted of a crime punishable
21 by death and sentenced to be hanged shall escape and shall not be
22 retaken before the time fixed for ~~his~~ execution, it shall be lawful
23 for the warden, or any sheriff or other officer or person, to rearrest
24 such person and return ~~him~~ *the person* to the custody of the warden
25 of the ~~penitentiary~~ *Lansing correctional facility*, who shall there-
26 upon make return thereof to the governor of the state, and the
27 governor shall thereupon issue a warrant fixing and appointing a day
28 for the execution, which shall be carried into effect by the warden
29 in the same manner as herein provided for the execution of an
30 original sentence of death.

31 Sec. 27. K.S.A. 22-4012 is hereby amended to read as follows:
32 22-4012. Whenever any person has been tried and convicted before
33 any district court in this state of a crime punishable by death, and
34 under ~~said~~ *the* conviction has been sentenced by ~~said~~ *the* court to
35 suffer death, it shall be the duty of the clerk of the court before
36 which ~~said~~ *the* conviction was had to issue ~~his~~ *a* warrant, under the
37 seal of ~~said~~ *the* court, reciting therein ~~said~~ *the* conviction and sen-
38 tence, directed to the warden of the ~~penitentiary~~ *Lansing correc-*
39 *tional facility*, commanding ~~him~~ *the warden* to proceed at the time
40 named in ~~said~~ *the* sentence to carry the same into execution by
41 causing the person so convicted and sentenced to be hanged by the
42 neck until dead; the clerk shall deliver the warrant to the sheriff of
43 the county in which conviction was had, and such sheriff shall there-

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1 upon forthwith remove such convicted person to the penitentiary
2 of the state Lansing correctional facility, and there deliver him the
3 convicted person, together with said the warrant, into the custody
4 of the warden, who shall receive and safely keep such convict within
5 the penitentiary Lansing correctional facility until the time of ex-
6 ecution, or until otherwise ordered by competent authority.

7 Sec. 28. K.S.A. 22-4013 is hereby amended to read as follows:
8 22-4013. It shall be the duty of the warden of the penitentiary
9 Lansing correctional facility, on receipt of such warrant, provided
10 the sentence has not been suspended as by law provided, and pro-
11 vided the governor shall not have commuted such sentence, or
12 granted a reprieve or pardon to such convict, to proceed at the time
13 named in said the warrant to carry said the sentence into execution
14 in the manner herein provided; and the manner of his executing
15 said the warrant, and his the doings thereon, he the warden shall
16 forthwith make return to said the clerk, who shall cause said the
17 warrant and return to be recorded as a part of the records of the
18 case.

19 Sec. 29. K.S.A. 41-405 is hereby amended to read as follows:
20 41-405. The director is hereby authorized to measure, gauge or check
21 such alcoholic liquor in bond in any bonded warehouse, and if the
22 amount of liquor on hand does not correspond with the reports of
23 the manufacturer or distributor filed with the director, the proprietor
24 of such warehouse shall have his the proprietor's license revoked,
25 and in addition thereto shall be deemed guilty of a felony, and upon
26 conviction thereof shall be fined in any sum not exceeding five
27 thousand dollars (~~\$5,000~~) \$5,000 or be imprisoned in the peni-
28 tentiary ~~Lansing correctional facility~~ not exceeding ten 10 years.

29 Any storekeeper, inspector or other person in the employ of the
30 director having charge of such bonded liquor warehouse who removes
31 or allows to be removed any cask or other package of such liquor,
32 except on order or permit from the director, or which has not been
33 marked or stamped or consigned as provided by law, or who removes
34 or allows to be removed any part of the contents of any cask or
35 package of liquor deposited therein, shall be immediately dismissed
36 from his office or employment, and in addition thereto shall be
37 deemed guilty of a felony, and upon conviction thereof shall be fined
38 for each offense not exceeding one thousand dollars (~~\$1,000~~)
39 \$1,000, and shall be imprisoned in the penitentiary ~~Lansing cor-
40 rectional facility~~ not more than three years.

41 Sec. 30. K.S.A. 42-396 is hereby amended to read as follows:
42 42-396. Any person so offending, after conviction thereof once had,
43 shall be punished by fine in not less than twenty dollars \$20 and

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1 not exceeding one thousand dollars \$1,000, or by imprisonment
2 in the penitentiary ~~Leaving correctional facility~~ for not exceeding
3 one year, in the discretion of the court wherein such conviction shall
4 be had.

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5 Sec. 31. K.S.A. 42-3,104 is hereby amended to read as follows:
6 42-3,104. Every person who shall, either as owner, agent, contractor
7 or manager, shall build, construct, operate or maintain any such
8 dam or embankment, flume, aqueduct or other conduit in such
9 manner that by reason of the willful or negligent disregard by such
10 person of the requirements of this act, or by his failure to use due
11 caution, care and diligence in the building, construction, operation
12 or maintenance thereof, any other person shall be injured, damaged,
13 or put in jeopardy, either as to person or property, or both, shall
14 be liable for all damages caused by or resulting from his such willful
15 or negligent conduct, and may upon conviction thereunder be
16 punished upon conviction by fine in any sum not less than twenty-
17 five dollars \$25 nor more than five thousand dollars \$5,000, or
18 imprisonment not exceeding a term of three years in the peniten-
19 tiary ~~Leaving correctional facility~~, or both such fine and impris-
20 onment, in the discretion of the court wherein such conviction shall
21 be had. ~~Provided, That~~. If loss of human life be caused or occasioned
22 by any such willful or negligent conduct, the person so offending
23 shall be amenable to all the laws and subject to all the penalties
24 provided by the statutes of the state of Kansas in respect of unlaw-
25 fully, maliciously, willfully or negligently causing the death of any
26 person.

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27 Sec. 32. K.S.A. 44-619 is hereby amended to read as follows:
28 44-619. Any officer of any corporation engaged in any of the indus-
29 tries, employments, utilities or common carriers herein named and
30 specified, or any officer of any labor union or association of persons
31 engaged as workers in any such industry, employment, utility or
32 common carrier, or any employer of labor, coming within the pro-
33 visions of this act, who shall willfully use the power, authority or
34 influence incident to his or her such person's official position, or
35 to his or her position as an employer of others, and by such means
36 shall intentionally influence, impel, or compel any other person to
37 violate any of the provisions of this act, or any valid order of the
38 secretary of human resources, shall be deemed guilty of a felony
39 and upon conviction thereof in any court of competent jurisdiction
40 shall be punished by a fine not to exceed \$5,000, or by imprisonment
41 in the state penitentiary ~~Leaving correctional facility at hard labor~~
42 for a term not to exceed two years, or by both such fine and
43 imprisonment.

custody of the secretary of corrections

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1 Sec. 33. K.S.A. 47-421 is hereby amended to read as follows:
 2 47-421. ~~On and after July 1, 1940,~~ Any person who shall willfully
 3 and knowingly brand or cause to be branded with ~~his such person's~~
 4 brand, or any brand not the recorded brand of the owner, any
 5 livestock being the property of another, or who shall willfully or
 6 knowingly efface, deface or obliterate any brand upon any livestock,
 7 shall be deemed guilty of felony, and upon conviction thereof shall
 8 be punished by confinement in the penitentiary ~~existing correc-~~
 9 ~~tional facility~~ for a period not exceeding five years. Prosecution for
 10 violation of the provisions of this section may be had either in the
 11 county where such violation occurred or in any county in which the
 12 livestock may be located or found in the possession of the accused.

custody of the secretary of corrections

13 Sec. 34. K.S.A. 50-127 is hereby amended to read as follows:
 14 50-127. Any person guilty of a violation of either of the preceding
 15 sections shall be deemed guilty of a felony, and upon conviction
 16 shall be punished by imprisonment in the penitentiary ~~existing~~
 17 ~~correctional facility~~ for not less than two nor more than five years,
 18 or by imprisonment in the county jail not less than six months nor
 19 more than ~~twelve~~ 12 months.

custody of the secretary of corrections

20 Sec. 35. K.S.A. 59-103 is hereby amended to read as follows:
 21 59-103. (a) Chapter 59 of the Kansas Statutes Annotated may be
 22 used:

- 23 (1) To admit last wills and testaments to probate.
- 24 (2) To grant and revoke letters testamentary and of
 25 administration.
- 26 (3) To direct and control the official acts of executors and ad-
 27 ministrators, to settle their accounts, and to order the distribution
 28 of estates.
- 29 (4) To administer partnership estates as provided in this act.
- 30 (5) To determine the heirs, devisees, and legatees of decedents.
- 31 (6) To appoint and remove guardians and conservators for minors,
 32 voluntary conservatees and incapacitated persons, to make all nec-
 33 essary orders relating to their estates, to direct and control the official
 34 acts of such guardians and conservators and to settle their accounts.
- 35 (7) To supervise the administration of trusts and powers created
 36 by wills admitted to probate, and trusts and powers created by
 37 written instruments other than by wills in favor of persons subject
 38 to conservatorship; to appoint and remove trustees for such trusts,
 39 to make all necessary orders relating to such trust estates, to direct
 40 and control the official acts of such trustees, and to settle their
 41 accounts.
- 42 (8) To appoint and remove trustees of estates of convicts im-
 43 prisoned in the penitentiary a correctional institution under sen-

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1 tence of imprisonment for life, to make all necessary orders relating
2 to their estates, to direct and control the official acts of such trustees,
3 and to settle their accounts.

4 (9) To hold hearings respecting mentally ill persons, and to order
5 their referral for treatment.

6 (b) Every petition to commence an action pursuant to chapter
7 59 shall state, immediately below the clause showing the name of
8 the court, parties and case docket number, the following: "Petition
9 pursuant to chapter 59 of the Kansas Statutes Annotated."

10 Sec. 36. K.S.A. 65-1812 is hereby amended to read as follows:
11 65-1812. (a) Any person shall be qualified to receive a certificate of
12 registration to practice as a registered barber if such person:

13 (1) Is at least 16 years of age and of good moral character and
14 temperate habits;

15 (2) has graduated from a high school accredited by the appro-
16 priate accrediting agency or has otherwise obtained the equivalent
17 of a high school education;

18 (3) is a graduate of a school or college of barbering approved by
19 the board or has satisfactorily completed the barber course at the
20 Kansas state industrial reformatory at ~~Hutchinson correctional~~
21 ~~facility~~;

an institution under the control of the
secretary of corrections;

22 (4) has paid an examination fee and has passed the examination
23 conducted by the board to determine the fitness of such person to
24 practice as a registered barber.

25 (b) Any person who fails to pass an examination conducted by
26 the board to determine such person's fitness to practice barbering
27 shall be entitled to take the next examination conducted by the
28 board.

29 (c) The board may issue a temporary certificate to practice bar-
30 bering to any person who has graduated from an approved school
31 or college of barbering and who makes application to take the next
32 examination to become a registered barber. Such certificate shall be
33 effective only until the results of the examination are announced.
34 No more than three temporary certificates shall be issued to any
35 one person.

36 Sec. 37. K.S.A. 66-175 is hereby amended to read as follows:
37 66-175. Any person who shall willfully and corruptly swear, testify
38 or affirm falsely to any material matter, upon any oath or affirmation
39 or declaration legally administered in any cause, matter or proceeding
40 before said the corporation commission or any member thereof, or
41 in any return, answer or report required to be made, shall be deemed
guilty of willful and corrupt perjury, and shall be punished by im-
prisonment in the penitentiary ~~Lansing correctional facility~~ at hard

1 ~~labor~~ for a term not exceeding seven years.

2 Sec. 38. K.S.A. 74-4914a is hereby amended to read as follows:
3 74-4914a. (1) As used in K.S.A. 74-4914a to ~~74-4914d~~ 74-4914e,
4 inclusive, and amendments thereto, and ~~K.S.A. 74-4914e~~ "security
5 officer" means any person, as certified to the board by the secretary
6 of corrections, who is employed on or after the effective date of this
7 act as an employee of the department of corrections:

8 (a) Who is in any position in a job class in the ~~correctional~~
9 ~~corrections~~ officer class series including but not limited to ~~corree-~~
10 ~~tional corrections~~ officer I, ~~correctional corrections~~ officer II, ~~cor-~~
11 ~~rectional corrections~~ supervisor I, ~~correctional corrections~~
12 supervisor II and ~~correctional corrections~~ supervisor III, or in a
13 position in the ~~correctional corrections~~ counselor I, ~~correctional~~
14 ~~corrections~~ counselor II, unit team supervisor or ~~correctional cor-~~
15 ~~rections~~ classification administrator job class, as all such job classes
16 are described on the effective date of this act in the state job clas-
17 sification plan in effect for the classified service under the Kansas
18 civil service act or who is in a position in any successor job class
19 or classes that have been approved under K.S.A. 75-2938, and
20 amendments thereto, and that have substantially the same duties
21 and responsibilities thereof;

22 (b) who is promoted prior to or on or after the effective date of
23 this act from a position in any job class under paragraph (a) to any
24 position in any job class of ~~director warden~~ or deputy ~~director~~
25 ~~warden~~ of any correctional institution, ~~the job class of director,~~
26 ~~honor camps,~~ the job class of work release supervisor, the job class
27 of training officer, correctional institutions, or the job class of ~~cor-~~
28 ~~rectional corrections~~ administrator — security specialist as such job
29 classes are described on the effective date of this act in the state
30 job classification plan in effect for the classified service under the
31 Kansas civil service act or to any successor job class or classes that
32 are approved under K.S.A. 75-2938, and amendments thereto, and
33 that have substantially the same duties and responsibilities, if the
34 person was employed and had at least three consecutive years of
35 service in any one or more positions in any one or more job classes
36 described in paragraph (a) immediately preceding promotion to the
37 position in a job class under this paragraph (b);

38 (c) who is in any position for which the duties and responsibilities
39 directly and primarily involve operation of power plant facilities
40 within any correctional institution and involve regular contact with
41 inmates;

42 (d) who is in any position for which the duties and responsibilities
43 directly and primarily involve the operation of the correctional in-

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1 dustries activity of the department of corrections within a correctional
2 institution and involve regular contact with inmates;

3 (e) who is in any position for which the duties and responsibilities
4 directly and primarily involve supervision of food service operations
5 within any correctional institution and involve regular contact with
6 inmates; or

7 (f) who is in any position for which the duties and responsibilities
8 directly and primarily involve supervision of maintenance operations
9 within any correctional institution and involve regular contact with
10 inmates.

11 (2) As used in K.S.A. 74-4914a to ~~74-4914d~~ 74-4914e, inclusive,
12 and amendments thereto, and ~~K.S.A. 74-4914e~~ references to the
13 department of corrections include correctional institutions as defined
14 by K.S.A. 75-5202 and amendments thereto unless the context re-
15 quires otherwise.

16 (3) The words and phrases used in K.S.A. 74-4914a to 74-4914d
17 ~~74-4914e~~, inclusive, and amendments thereto, and ~~K.S.A. 74-4914e~~
18 shall have the meanings ascribed thereto in K.S.A. 74-4902, and
19 amendments thereto, unless a different meaning is plainly required
20 by the context.

21 Sec. 39. K.S.A. 75-3058 is hereby amended to read as follows:
22 75-3058. (a) The following imprest funds are hereby established for
23 institutions, other units or functions of the department of corrections:

24	Kansas state penitentiary Lansing correctional facility	\$40,000
25	State industrial reformatory Hutchinson correctional facility	25,000
26	State reception and diagnostic center	5,000
27	State correctional-vocational training center	10,000
28	Kansas correctional institution at Lansing	5,000
29	Toronto honor camp correctional work facility	5,000
30	El Dorado honor camp correctional work facility	4,000
31	Wichita work release center	4,000
32	Winfield correctional facility	10,000
33	Topeka correctional facility - east	15,000
34	Topeka correctional facility - west	5,000
35	Ellsworth correctional work facility	12,000
36	Norton correctional facility	12,000
37	Osawatomie correctional facility	3,000
38	Forbes correctional facility	3,000
39	Hutchinson correctional work facility	12,000
40	Stockton correctional facility	4,000

41 (b) On the effective date of this act or as soon thereafter as the
42 transactions can be accomplished, the director of accounts and re-
43 ports shall issue a warrant payable to each imprest fund increased

1 by subsection (a) pursuant to a voucher approved by the secretary
2 of corrections, payable from moneys appropriated for the fiscal year
3 ending June 30, 1990, for the department of corrections or for the
4 correctional institution or facility for which the imprest fund balance
5 is increased, in an amount equal to the increase in the specific
6 balance in each such imprest fund as provided in subsection (a).

7 (c) On the effective date of this act or as soon thereafter as the
8 transactions can be accomplished, the director of accounts and re-
9 ports shall issue warrants payable to the imprest funds created by
10 subsection (a) pursuant to vouchers approved by the secretary of
11 corrections, payable from moneys appropriated for the fiscal year
12 ending June 30, 1990, for the department of corrections, each in an
13 amount equal to the specific balance for each such imprest fund as
14 provided in subsection (a).

15 Sec. 40. K.S.A. 75-3765 is hereby amended to read as follows:
16 75-3765. The secretary of administration shall assign space and fa-
17 cilities in all state owned or operated property or buildings in Shaw-
18 nee county, Kansas, except the state capitol building, Kansas state
19 reception and diagnostic center Topeka correctional facility - east,
20 the Kansas neurological institute, the youth center at Topeka, the
21 employment security administrative office building, 401 Topeka av-
22 enue, Kansas state employment service building, 1309 Topeka av-
23 enue, the Topeka state hospital, state highway shops and laboratory
24 and property of the Kansas national guard, for the use of the various
25 state agencies and may determine, fix and establish a system of rental
26 charges by the square foot and collect the same monthly for space
27 and facilities occupied by each state agency whenever any appro-
28 priation for rental for space and facilities is made therefor, in an
29 amount not to exceed the amount appropriated. The amounts col-
30 lected shall be remitted by the secretary of administration to the
31 state treasurer and the state treasurer shall deposit such amounts in
32 the state treasury to the credit of the building and ground fund,
33 except that amounts collected for space and facilities in the state
34 office building located between Ninth, Tenth, Harrison and Topeka
35 streets shall be deposited in the state treasury to the credit of the
36 fund provided in K.S.A. 75-3615 and amendments thereto. Not-
37 withstanding the other provisions of this section, charge for and
38 deposit of rentals for the buildings and properties to which K.S.A.
39 75-3629 to 75-3647, and amendments thereto, apply shall be in
40 compliance with said such statutes.

41 Sec. 41. K.S.A. 75-3790 is hereby amended to read as follows:
42 75-3790. The executive director of the department of administration
43 of the state of Kansas is hereby authorized to sell in the manner

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hereinafter provided, all or a portion of the tract hereinafter described, the salt deposits, or any rights or interests therein necessary for the removal of salt therefrom under said *such* tract of land owned by the state of Kansas, the surface of which land is now being used for agricultural purposes by the state industrial reformatory, the legal description of which tract is as follows: That portion of the northeast quarter, the southeast quarter, and the southwest quarter and the east one-half of the northwest quarter of section 19, township 23, range 5 west of the 6th P.M. lying west of Lorraine street and south of G street adjacent to the city of Hutchinson, Reno county, containing five hundred sixty (560) acres, more or less.

Sec. 42. K.S.A. 75-4228 is hereby amended to read as follows: 75-4228. The making of profit by the treasurer or director of accounts and reports out of any moneys in the state treasury, the custody of which the treasurer or director of accounts and reports is charged with, by lending, depositing, or otherwise using, or disposing of the same in any manner whatsoever not provided in this act, or the removal by the treasurer or director of accounts and reports or by such official's consent, of any securities deposited by any bank under the provisions of this act out of the treasury, or failing to return or dispose of any securities as provided by law, shall be deemed a felony, and on conviction thereof, the treasurer or director of accounts and reports shall be punished by imprisonment in the penitentiary ~~in a correctional facility~~ for a term of not less than two (2) nor more than five (5) years. In addition to such criminal liability the treasurer or director of accounts and reports and his or her the surety thereof shall also be liable, on his or her official bond, for all profits realized from such unlawful use of any state or special moneys. It shall be the duty of the attorney general to enter and prosecute to final termination all actions for violation of this act.

custody of the secretary of corrections

Sec. 43. K.S.A. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor or attorney general and for applicants for safety sensitive positions in state government, but no applicant for such a position shall be required to submit to a test as a part of such program unless the applicant is first given a conditional offer of employment. The director also shall have the authority to establish and implement a drug screening program for persons currently holding the office of governor, lieutenant governor or attorney general or safety sensitive positions in state government, based upon reasonable suspicion of illegal drug use by any such person.

1 (b) Any public announcement or advertisement soliciting appli-
2 cations for employment in a safety sensitive position in state gov-
3 ernment shall include a statement of the requirements of the drug
4 screening program established under this section for applicants for
5 and employees holding such position.

6 (c) No person shall be terminated solely due to positive results
7 of a test administered as a part of a program authorized by this
8 section if: (1) The employee has not previously had a valid positive
9 test result; and (2) the employee undergoes a drug evaluation and
10 successfully completes any education or treatment program recom-
11 mended as a result of the evaluation. Nothing herein shall be con-
12 strued as prohibiting demotions, suspensions or terminations
13 pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

14 (d) The results of any test administered as a part of a program
15 authorized by this section shall be confidential and shall not be
16 disclosed publicly.

17 (e) The secretary of administration may adopt such rules and
18 regulations as necessary to carry out the provisions of this section.

19 (f) "Safety sensitive positions" means state law enforcement of-
20 ficers who are authorized to carry firearms, state ~~correctional~~ *cor-*
21 *rections* officers, heads of state agencies who are appointed by the
22 governor and employees on the governor's staff.

23 Sec. 44. K.S.A. 75-4503 is hereby amended to read as follows:
24 75-4503. (a) There is hereby created the capitol area security patrol
25 which shall be under the supervision and management of the su-
26 perintendent of the highway patrol.

27 (b) Members of the capitol area security patrol shall have the
28 powers and authority of peace, police and law enforcement officers
29 while wearing the prescribed badge of office and while on duty on
30 or about any state owned property or building in Shawnee county,
31 Kansas, except the ~~Kansas state reception and diagnostic center~~
32 *Topeka correctional facility - east*, the Kansas neurological institute,
33 the youth center at Topeka, the Topeka state hospital, ~~the state~~
34 ~~correctional-vocational training center~~, and property of the Kansas
35 national guard.

36 (c) All persons arrested by a member of the capitol area security
37 patrol shall be turned over to the sheriff of Shawnee county, Kansas,
38 to be dealt with by that sheriff in the same manner as other persons
39 arrested by that sheriff, except in cases of violation of the ordinances
40 of the city of Topeka, any such person may be turned over to the
41 police department of the city of Topeka to be dealt with by it in
42 the same manner as other persons arrested by police officers of the
43 Topeka police department.

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2 Sec. 45. K.S.A. 75-4610 is hereby amended to read as follows:
3 75-4610. From and after July 1, 1973, Every vehicle owned or
4 leased by the state shall display vehicle license tags ~~manufactured~~
5 ~~at the state penitentiary, Lansing correctional facility.~~ The color,
6 numbering system or systems and lettering on such license tags and
7 all other specifications thereof together with procedures for display
8 thereof, and special provisions for registration fees and license tags
9 of leased vehicles, shall be in accordance with rules and regulations
10 adopted by the secretary of administration as provided in K.S.A. 75-
11 3706 and amendments thereto. Such license tags shall be provided
12 upon requisition of the secretary of administration for all motor
13 vehicles of the central motor pool. Such license tags for vehicles not
14 in the central motor pool shall be provided upon the requisition of
15 the head of each state agency for the vehicles owned or leased by
16 his or her such state agency. Such license tags shall be replaced
17 from time to time as the same may become less than plainly legible
18 upon requisition as above provided.

19 Sec. 46. K.S.A. 75-5202 is hereby amended to read as follows:
20 75-5202. As used in this act, unless the context clearly requires
21 otherwise:

22 (a) "Secretary" means the secretary of corrections created by
23 this act.

24 (b) "Authority Parole board" means the Kansas adult authority
25 parole board established by K.S.A. 22-3707 and amendments
26 thereto.

27 (c) "Inmate" means any person incarcerated in any correctional
28 institution of the state of Kansas.

29 (d) "Correctional institution" means the Kansas state peniten-
30 tiary, the Kansas correctional institution at Lansing, the state
31 industrial reformatory, the state reception and diagnostic center,
32 the state correctional-vocational training center, the Ellsworth
33 correctional work facility Lansing correctional facility, Hutchinson
34 correctional facility, Topeka correctional facility - east, Topeka cor-
35 rectional facility - west, Norton correctional facility, Ellsworth cor-
36 rectional facility, Hutchinson correctional work facility, Winfield
37 correctional facility, Osawatomie correctional facility, Larned cor-
38 rectional mental health facility, El Dorado correctional work facility,
39 Toronto correctional work facility, Wichita work release center and
40 any other correctional institution hereafter established by the state
41 for the confinement of offenders.

(e) "Director Warden" means the person in charge of the op-
eration and supervision of a correctional institution.

(f) "Center" means the state reception and diagnostic center.

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1 (g) "Correctional Corrections officer" means a full-time, salaried
 2 officer or employee under the jurisdiction of the secretary, whose
 3 duties are limited to include the receipt, custody, control, main-
 4 tenance, discipline, security and apprehension of persons convicted
 5 of criminal offense in this state and sentenced to a term of impris-
 6 onment under the custody of the secretary.

7 (h) (g) "Parole officer" means a full-time salaried officer or em-
 8 ployee under the jurisdiction of the secretary whose duties include:

9 (1) Investigation, supervision, arrest and control of persons on
 10 parole and the enforcement of the conditions of parole; and

11 (2) services which relate to probationers and parolees and are
 12 required by the uniform act for out-of-state parolee supervision.

13 Sec. 47. K.S.A. 75-5209 is hereby amended to read as follows:
 14 75-5209. The secretary of corrections may arrange for the transfer
 15 of an inmate for observation and diagnosis or treatment to other
 16 appropriate state institutions with the prior consent of the admin-
 17 istrators of the agencies. The administrator of such institution shall
 18 accept the transfer of such inmate unless such administrator shows
 19 that no facilities are available for the accommodation of such inmate
 20 and shall have access to any Kansas reception and diagnostic
 21 center case study, diagnosis or report relating of the Topeka cor-
 22 rectional facility - east which relates to an inmate transferred to
 23 such institution. While the inmate is in another institution the in-
 24 mate's sentence shall continue to run. When, in the judgment of
 25 the administrator of the institution to which an inmate has been
 26 transferred, the inmate has recovered from the condition which oc-
 27 casioned the transfer, the administrator shall provide for the inmate's
 28 return to the secretary, unless the inmate's sentence has expired.

29 The costs of transfer as well as the transportation of the inmate
 30 to the appropriate state institution shall be borne by the correctional
 31 institution from which such inmate is transferred. No inmate shall
 32 receive treatment at the state security hospital after expiration of
 33 the inmate's sentence. If the inmate shall be in need of continued
 34 treatment for mental illness at the expiration of the inmate's term
 35 of confinement, an application to obtain such treatment for the in-
 36 mate shall be filed pursuant to the treatment act for mentally ill
 37 persons.

38 Any inmate transferred to the state security hospital pursuant to
 39 this section may correspond freely, without censorship, with any
 40 person, except that any such incoming correspondence or parcels
 41 may be opened and examined for the purpose of intercepting any
 42 items which the superintendent of such institution has declared to
 43 be contraband.

1 Sec. 48. K.S.A. 75-5210 is hereby amended to read as follows:
2 75-5210. (a) Persons committed to the institutional care of the sec-
3 retary of corrections shall be dealt with humanely, with efforts di-
4 rected to their rehabilitation and return to the community as safely
5 and promptly as practicable. For these purposes, the secretary shall
6 establish programs of classification and diagnosis, education, case-
7 work, mental health, counseling and psychotherapy, chemical de-
8 pendency counseling and treatment, sexual offender counseling,
9 prerelease programs which emphasize re-entry skills, adjustment
10 counseling and job placement, vocational training and guidance,
11 work, library, physical education and other rehabilitation and rec-
12 reation services; the secretary may establish facilities for religious
13 worship; and the secretary shall institute procedures for the study
14 and classification of inmates. The secretary shall maintain a com-
15 prehensive record of the behavior of each inmate reflecting accom-
16 plishments and progress toward rehabilitation as well as charges of
17 infractions of rules and regulations, punishments imposed and med-
18 ical inspections made.

19 (b) Programs of work, education or training shall include a system
20 of promotional rewards entitling inmates to progressive transfer from
21 high security status to a lesser security status. The secretary shall
22 have authority at any time to transfer an inmate from one level of
23 status to another level of status. Inmates may apply to the secretary
24 for such status privileges. The secretary shall adopt rules and reg-
25 ulations establishing standards relating to the transfer of an inmate
26 from one status to another, and in developing such standards the
27 secretary shall take into consideration progress made by the inmate
28 toward attaining the educational, vocational and behavioral goals set
29 by the secretary for the individual inmate.

30 (c) The secretary, with the cooperation of the department of
31 health and environment, shall adopt rules and regulations establish-
32 ing and prescribing standards for health, medical and dental services
33 for each institution, including preventive, diagnostic and therapeutic
34 measures on both an outpatient and a hospital basis, for all types
35 of patients. An inmate may be taken, when necessary, to a medical
36 facility outside the institution.

37 (d) Under rules and regulations adopted by the secretary, di-
38 rectors of institutions may authorize visits, correspondence and com-
39 munication, under reasonable conditions, between inmates and
40 appropriate friends, relatives and others.

41 (e) The secretary shall adopt rules and regulations under which
42 inmates, as part of a program anticipating their release from mini-
43 mum security status, may be granted temporary furloughs from a

1 correctional institution or contract facility to visit their families or
2 to be interviewed by prospective employers.

3 (f) The secretary shall adopt rules and regulations for the main-
4 tenance of good order and discipline in the correctional institutions,
5 including procedures for dealing with violations. Disciplinary rules
6 and regulations may provide a system of punishment including seg-
7regation, forfeitures of good time credits, fines, extra work, loss of
8 privileges, restrictions and payment of restitution.

9 The secretary and any persons designated by rules and regulations
10 of the secretary may administer oaths for the purpose of conducting
11 investigations and disciplinary proceedings pursuant to rules and
12 regulations adopted by the secretary under this subsection and under
13 K.S.A. 75-5251 and amendments thereto. For this purpose, the sec-
14retary shall adopt rules and regulations designating those persons
15 who may administer oaths in such investigations and proceedings
16 and the form and manner of administration of the oaths.

17 (g) A copy of the rules and regulations adopted pursuant to sub-
18 section (f) shall be provided to each inmate. Other rules and reg-
19 ulations of the secretary which are required to be published pursuant
20 to K.S.A. 77-415 through 77-437, and amendments thereto, shall be
21 made available to inmates by placing a copy in the inmate library
22 at the institution or by some other means providing reasonable ac-
23 cessibility to inmates.

24 (h) Any inmate participating in work and educational release pro-
25 grams under the provisions of K.S.A. 75-5267 and amendments
26 thereto shall continue to be in the legal custody of the secretary of
27 corrections, notwithstanding the inmate's absence from a correctional
28 institution by reason of employment, education or for any other
29 purpose related to such work and educational release programs, and
30 any employer or educator of that person shall be considered the
31 representative or agent for the secretary.

32 (i) The secretary shall establish administrative and fiscal proce-
33 dures to permit the use of regional or community institutions, local
34 governmental or private facilities or halfway houses for the placement
35 of inmates released for the purposes of this act and for the work
36 and educational release programs under K.S.A. 75-5267 and amend-
37 ments thereto.

38 (j) The secretary may establish ~~honor camps~~ *correctional work*
39 *facilities* and select inmates to be assigned to such ~~camps~~ *facilities*.

40 (k) The secretary may acquire, in the name of the state, by lease,
41 purchase or contract additional facilities as may be needed for the
42 housing of persons in the secretary's custody.

43 (l) The secretary is hereby authorized to use any of the inmates

1 assigned to his or her the secretary's custody in the construction
2 and repair of buildings or property on state owned or leased grounds.

3 (m) For the purposes of establishing and carrying out the pro-
4 grams provided for by subsection (a) and by K.S.A. 75-5267 and
5 amendments thereto, the secretary may contract with qualified in-
6 dividuals, partnerships, corporations or organizations; with agencies
7 of the state; or with the United States or any political subdivision
8 of the state, or any agency thereof.

9 Sec. 49. K.S.A. 75-5211 is hereby amended to read as follows:
10 75-5211. (a) The secretary of corrections shall provide programs of
11 employment, work, educational or vocational training for those in-
12 mates whom the secretary determines are available, willing and able
13 to participate and are capable of benefiting therefrom. Equipment,
14 management practices and general procedures shall, to the extent
15 possible, approximate normal conditions of employment. Such work
16 week may include schooling, vocational training, employment at pri-
17 vate industry, treatment or other activities authorized by the sec-
18 retary. For all purposes under state law, no inmate shall be deemed
19 to be an employee of the state or any state agency. The secretary
20 of corrections shall credit to each inmate as a reward for such em-
21 ployment, an amount which shall be set by the governor but shall
22 not be less than \$.25 per day. Any inmate who is gainfully employed
23 under the work release provisions of K.S.A. 75-5267 and 75-5268,
24 and amendments thereto, or who is gainfully employed by a private
25 business enterprise operating on the grounds of a correctional in-
26 stitution under K.S.A. 75-5288 and amendments thereto, or any
27 other private business at which inmates are permitted to be gainfully
28 employed, and any inmate who is incarcerated at the ~~Kansas re-~~
~~ception and diagnostic center~~ *Topeka correctional facility - east*
29 for the purpose of receiving diagnosis and any inmate on disciplinary
30 segregation status shall not be eligible to receive compensation as
31 provided in this subsection.

32 (b) The secretary of corrections shall establish programs and pre-
33 scribe procedures for withdrawing amounts from the compensation
34 paid to inmates from all sources for the same purposes as are pre-
35 scribed by K.S.A. 75-5268 and amendments thereto for moneys of
36 work release participants, except that any inmate employed in a
37 private industry program, other than work release, shall, in addition
38 to the deductions specified in K.S.A. 75-5268 and amendments
39 thereto, have deduction of 5% of monthly gross wages paid to the
40 crime victims compensation fund for the purpose of victim compen-
41 sation. The department of corrections is authorized to make this
42 deduction and payment to the crime victims compensation fund.
43

1 (c) (1) Upon the release of any inmate on parole, conditional
2 release or expiration of the inmate's maximum sentence, the inmate
3 shall be provided with suitable clothing and a cash payment of \$100.
4 Any inmate who is gainfully employed under the work release pro-
5 visions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or
6 who is gainfully employed by a private business enterprise operating
7 on the grounds of a correctional institution under K.S.A. 75-5288
8 and amendments thereto, or any other private business at which
9 inmates are permitted to be gainfully employed or any inmate pa-
10 roled to a detainer shall not be eligible to receive this cash payment.

11 (2) An inmate released on expiration of the inmate's maximum
12 sentence shall be provided public transportation, if required, to the
13 inmate's home, if within the state, or, if not, to the place of conviction
14 or to some other place not more distant, as selected by the inmate.
15 An inmate released on parole or conditional release shall be provided
16 public transportation, if required, to the place to which the inmate
17 was paroled or conditionally released.

18 Sec. 50. K.S.A. 75-5212 is hereby amended to read as follows:
19 75-5212. (a) The secretary shall adopt rules and regulations estab-
20 lishing standards of training and provisions for certifying ~~correctional~~
21 *corrections* officers and parole officers.

22 (b) Except as provided in subsection (c), no person shall receive
23 a permanent appointment as a ~~correctional~~ *corrections* officer or a
24 parole officer unless awarded a certificate by the secretary, attesting
25 to satisfactory completion of a basic course of instruction approved
26 by the secretary and consisting of not less than 200 hours of in-
27 struction. The certificate shall be effective during the term of a
28 person's employment, except that any person who has terminated
29 employment with the secretary for a period exceeding one year shall
30 be required to be certified again.

31 (c) The secretary may award a certificate attesting to the satis-
32 factory completion of a basic course of instruction to any person who
33 has been duly certified under the laws of another state or territory
34 if, in the opinion of the secretary, the requirements for certification
35 in the other jurisdiction are equal to or exceed the requirements
36 for certification in this state. The secretary may waive any number
37 of hours or courses required to complete the basic course of instruc-
38 tion for any person who, in the opinion of the secretary, has received
39 sufficient training or experience that such hours of instruction would
40 be unduly burdensome or duplicious.

41 (d) Every ~~correction~~ *corrections* officer shall receive 80 hours of
42 a-service training annually.

43 Sec. 51. K.S.A. 75-5218 is hereby amended to read as follows:

1 75-5218. (a) When any person is sentenced to the custody of the
2 secretary of corrections pursuant to the provisions of K.S.A. 21-4609
3 and amendments thereto, the clerk of the court which imposed such
4 sentence shall within three (3) days following the order of the com-
5 mitment to the secretary notify the secretary of corrections. The
6 clerk shall not notify the secretary if the sentence is suspended or
7 the defendant placed on probation or any other disposition which
8 will not result in transfer of the defendant to the secretary of
9 corrections.

10 (b) Together with the order of commitment to the custody of the
11 secretary of corrections as required by K.S.A. 21-4621 and amend-
12 ments thereto, said the clerk shall deliver to the officer having said
13 the offender in charge the judgment form or journal entry as required
14 by K.S.A. 21-4620 or 22-3426 and amendments thereto. These ma-
15 terials shall be delivered to the officers conveying said the offender
16 to the Kansas state reception and diagnostic center Topeka cor-
17 rectional facility - east or such other correctional institution pre-
18 scribed by K.S.A. 75-5220 and amendments thereto, or by the
19 secretary of corrections in accordance with said such statute.

20 Sec. 52. K.S.A. 75-5220 is hereby amended to read as follows:
21 75-5220. (a) Within three days of receipt of the notice provided for
22 in K.S.A. 75-5218 and amendments thereto, the secretary of cor-
23 rections shall notify the sheriff having such offender in custody to
24 convey such offender immediately to the state reception and di-
25 agnostic center Topeka correctional facility - east or if space is not
26 available at such center facility, then to some other state correctional
27 institution until space at the center facility is available, except that,
28 in the case of first offenders who are conveyed to a state correctional
29 institution other than the state reception and diagnostic center
30 Topeka correctional facility - east, such offenders shall be segregated
31 from the inmates of such correctional institution who are not being
32 held in custody at such institution pending transfer to the state
33 reception and diagnostic center Topeka correctional facility - east
34 when space is available therein. The expenses of any such conveyance
35 shall be charged against and paid out of the general fund of the
36 county whose sheriff conveys the offender to the institution as pro-
37 vided in this subsection.

38 (b) Any female offender sentenced according to the provisions of
39 K.S.A. 75-5229 and amendments thereto shall not be conveyed to
40 the state reception and diagnostic center Topeka correctional
41 facility - east but shall be conveyed by the sheriff having such
42 offender in custody directly to the Kansas correctional institution
43 Lansing correctional facility. The expenses of such conveyance to

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1 the ~~Kansas correctional institution~~ at Lansing *correctional facility*
2 shall be charged against and paid out of the general fund of the
3 county whose sheriff conveys such female offender to such institution.

4 (c) Each offender conveyed to a state correctional institution pur-
5 suant to this section shall be accompanied by the record of the
6 offender's trial and conviction as prepared by the clerk of the district
7 court in accordance with K.S.A. 75-5218 and amendments thereto.

8 Sec. 53. K.S.A. 75-5225 is hereby amended to read as follows:
9 75-5225. No defect in the order of commitment under which a person
10 convicted of crime is held by the ~~directer~~ *warden* of any correctional
11 institution or the secretary of corrections shall be held a ground of
12 action against the ~~directer~~ *warden* or the secretary of corrections
13 for false imprisonment, and no such action shall be maintained in
14 the courts, provided it shall appear that the ~~directer~~ *warden* or the
15 secretary of corrections attempted to faithfully carry out the judgment
16 of the court making such order.

17 Sec. 54. K.S.A. 75-5226 is hereby amended to read as follows:
18 75-5226. (a) Unlawful use of inmate labor is the knowing use by any
19 ~~correctional corrections~~ officer or employee of any correctional in-
20 stitution of the labor of any inmate or inmates of a correctional
21 institution for the personal benefit of such ~~correctional corrections~~
22 officer or employee.

23 (b) Unlawful use of inmate labor shall constitute a class A
24 misdemeanor.

25 Sec. 55. K.S.A. 75-5229 is hereby amended to read as follows:
26 75-5229. (a) Every woman sentenced to imprisonment for a felony
27 shall be sentenced to the custody of the secretary of corrections.

28 (b) Every woman sentenced to the custody of the secretary of
29 corrections shall be given a scientific examination and study and shall
30 have a rehabilitation program planned and recommended for her,
31 which examination, study and program shall be substantially equal
32 to that required for male felons at the ~~state reception and diag-~~
33 ~~nostic center~~ *Topeka correctional facility - east* as provided in
34 K.S.A. 75-5262 and amendments thereto. At the direction of and in
35 accordance with procedures prescribed by the secretary, the ex-
36 amination shall be given, the study shall be made and the rehabil-
37 itation program shall be prepared at the ~~Kansas correctional~~
38 ~~institution~~ at Lansing *correctional facility* or at another appropriate
39 state institution, other than a correctional institution, in the manner
40 prescribed in K.S.A. 75-5209 and amendments thereto, or at a local
41 governmental or private facility which has been approved by the
42 secretary for these purposes.

43 Sec. 56. K.S.A. 75-5246 is hereby amended to read as follows:

1 75-5246. (a) The secretary of corrections shall appoint a ~~director~~
2 warden of each of the correctional institutions under ~~his or her the~~
3 secretary's supervision and control. Such ~~directors wardens~~ shall be
4 within the classified service under the Kansas civil service act, but
5 the residence requirements of ~~said such~~ act shall not apply to such
6 appointment.

7 (b) All the powers, duties and functions of the existing director
8 of a correctional institution are hereby transferred to, conferred,
9 and imposed upon the warden of such correctional institution. When-
10 ever the director of a correctional institution, or words of like effect,
11 is referred to or designated by a statute, contract or document, such
12 reference or designation shall be deemed to apply to the warden of
13 the correctional institution.

14 Sec. 57. K.S.A. 75-5247 is hereby amended to read as follows:
15 75-5247. Every ~~correctional corrections~~ officer who shall be ap-
16 pointed pursuant to the provisions of this act shall make and file in
17 the office of the secretary, within ~~fifteen (15)~~ 15 days after the
18 appointment, the constitutional oath of office. Each ~~correctional~~
19 ~~corrections~~ officer who is required by the rules of the correctional
20 institution to wear a uniform shall be furnished with at least two ~~(2)~~
21 uniform suits upon ~~the~~ commencement of ~~his or her~~ employment
22 duties at the correctional institution and replacements thereof as
23 needed.

24 Sec. 58. K.S.A. 75-5247a is hereby amended to read as follows:
25 75-5247a. The ~~director warden~~ of any correctional institution within
26 the Kansas department of corrections, all deputy ~~directors wardens~~,
27 all persons on the staff of the department of corrections who are in
28 the chain of command from the secretary of corrections to the ~~cor-~~
29 ~~rectional corrections~~ officer and every ~~correctional corrections~~ of-
30 ficer, regardless of rank, while acting within the scope of their duties
31 as employees of the department of corrections, shall possess such
32 powers and duties of a law enforcement officer as are necessary for
33 the performance of such duties and may exercise such powers and
34 duties anywhere within the state of Kansas. Such powers and duties
35 may be exercised outside the state of Kansas for the purpose of
36 maintaining custody, security and control of any prisoner or inmate
37 being transported or escorted by anyone authorized to so act. Such
38 employees of the department of corrections shall be responsible to
39 and shall be at all times under the supervision and control of the
40 secretary of corrections or the secretary's designee.

41 Sec. 59. K.S.A. 75-5249 is hereby amended to read as follows:
42 75-5249. The secretary of corrections shall employ or contract with
43 a person licensed to practice medicine and surgery to be the chief

1 physician for each correctional institution under the secretary's su-
2 pervision and control. One chief physician may be made responsible
3 for more than one such institution. It is hereby made the duty of
4 the chief physician of any correctional institution to direct the op-
5 eration and management of such institution's medical services and
6 to supervise and coordinate all inmate health care in such institution.
7 Such physician may recommend to the ~~director~~ warden of any in-
8 stitution the transportation of an inmate to an outside medical care
9 facility, as defined by K.S.A. 65-425 and amendments thereto, when
10 necessary to protect the health of such inmate.

11 Sec. 60. K.S.A. 75-5250 is hereby amended to read as follows:
12 75-5250. The officers of any correctional institution under the su-
13 pervision and control of the secretary of corrections shall consist of
14 a ~~director~~ warden, who may reside at the correctional institution,
15 and such other officers and employees, including physicians and
16 attorneys, as the secretary shall deem necessary. The ~~director~~ war-
17 den of each correctional institution shall be appointed by the sec-
18 retary. All other officers and employees of the several correctional
19 institutions shall be appointed by the ~~director~~ warden of each in-
20 stitution with the approval of the secretary. Subject to available
21 appropriations, student interns may be appointed to temporary po-
22 sitions, the duration of which shall not exceed ~~one hundred fifty~~
23 ~~(150)~~ 150 calendar days, as ~~correctional~~ corrections officers of such
24 institutions. Any physician or attorney so appointed and any student
25 intern appointed as a temporary ~~correctional~~ corrections officer shall
26 be in the unclassified service under the Kansas civil service act. All
27 other such officers and employees shall be within the classified serv-
28 ice under the Kansas civil service act, but the residence requirements
29 of ~~said~~ the act shall not apply. The secretary is hereby authorized
30 for good cause to assign and reassign the supervisory personnel,
31 including the ~~director~~ warden of any correctional institution, to any
32 other correctional institution at any time without the consent of such
33 ~~director~~ warden, officer or employee. The expenses of moving
34 caused by such assignment or reassignment shall be paid by the
35 department of corrections.

36 Sec. 61. K.S.A. 75-5251 is hereby amended to read as follows:
37 75-5251. The secretary shall have power, and it shall be ~~his or her~~
38 ~~the secretary's~~ duty from time to time, to examine and inquire into
39 all matters connected with the government and discipline of the
40 correctional institutions under ~~his or her~~ the secretary's supervision
41 and control; the punishment and employment of the inmates confined
42 therein, and the purchases and sales of the articles provided for such
43 correctional institutions or sold on account thereof; and ~~he or she~~

1 *the secretary* may from time to time require reports from the ~~di-~~
2 ~~rector warden~~ or other officers of any such correctional institution
3 in relation to any or all of said *such* matters. It shall be ~~his or her~~
4 *the secretary's* duty to inquire into any improper conduct which may
5 be alleged to have been committed by the ~~director warden~~ or any
6 other officer of any such correctional institution; and for that purpose
7 the secretary shall have power to issue subpoenas to compel the
8 attendance of witnesses, and the production of papers and writings
9 ~~before it~~ in the same manner and with like effect as in cases of
10 arbitration. The secretary may administer oaths to *any* such witnesses
11 as ~~are brought~~ before ~~him or her~~ for examination *thereof*.

12 The secretary shall have free access to the correctional institutions
13 at all times, and it shall be the duty of the ~~director warden~~ and
14 other officers of any such correctional institution, whenever re-
15 quested, to exhibit to the secretary, on demand, all the books,
16 papers, accounts and writings pertaining to the correctional insti-
17 tution, or to the business, government, discipline or management
18 thereof, and to render to the secretary every other facility in their
19 power to enable the secretary to discharge ~~his or her~~ *the secretary's*
20 duties under this act.

21 The secretary shall adopt rules and regulations for the direction
22 and government of such correctional institutions and the officers
23 thereof, and may change the same from time to time.

24 Sec. 62. K.S.A. 75-5252 is hereby amended to read as follows:
25 75-5252. Subject to the general supervision of the secretary of cor-
26 rections and applicable rules and regulations adopted by the sec-
27 retary, it shall be the duty of the ~~director warden~~ of each correctional
28 institution:

29 (a) To oversee the government and discipline of the correctional
30 institution, and to superintend all business concerns thereof.

31 (b) To give necessary directions to the officers and employees
32 and to examine whether they have been careful and vigilant in their
33 respective duties.

34 (c) To examine into the state of the correctional institution and
35 for the health, conduct and safekeeping of the inmates.

36 (d) To use every proper means to furnish employment to the
37 inmates most beneficial to the public and best suited to their several
38 capacities under the direction of the secretary.

39 (e) To take charge of all real and personal property belonging to
40 the state in and about the correctional institution or appurtenant
4 thereto.

41 Sec. 63. K.S.A. 75-5253 is hereby amended to read as follows:
42 75-5253. All transactions and dealings on account of the correctional
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1 institution shall be conducted under such rules and regulations as a
2 secretary may adopt; and all contracts made by the ~~director~~ warden
3 as authorized or provided by law shall be reduced to writing, and
4 approved by the secretary, and one copy of every contract shall be
5 ~~filed in the office of the chief clerk of the correctional institution.~~

kept on file by the warden.

6 Sec. 64. K.S.A. 75-5254 is hereby amended to read as follows:
7 75-5254. It shall be the duty of the ~~director~~ warden of each cor-
8 rectional institution to keep a regular and correct account of all
9 moneys received by ~~him or her~~ the warden from every source by
10 virtue of ~~his or her~~ the warden's office, including all moneys taken
11 from any inmate, or received as the proceeds of property taken from
12 them, and of all sums paid by ~~him or her~~ any inmate, and the
13 persons to whom and the purposes for which the same were paid;
14 and to make out and deliver to the secretary, monthly, under oath,
15 a return of all moneys received and paid by ~~him or her~~ the warden
16 on account of the correctional institution during the preceding
17 month, specifying from whom received and to whom paid, and on
18 what account, and stating also the balance in ~~his or her~~ the warden's
19 hands at the time of rendering such account.

20 Sec. 65. K.S.A. 75-5255 is hereby amended to read as follows:
21 75-5255. The ~~director~~ warden of each correctional institution shall
22 annually, on the last day of June, close ~~his or her~~ the warden's
23 account, and on or before ~~the thirty-first day of~~ July 31 thereafter
24 shall render to the secretary a full and true account of all moneys
25 received by ~~him or her~~ the warden on account of the correctional
26 institution, and of all moneys expended by ~~him or her~~ the warden
27 for the use thereof, with sufficient vouchers for the same. To the
28 several returns and accounts required to be rendered there shall be
29 annexed an affidavit of the ~~director~~ warden of the correctional in-
30 stitution, stating that the same are true in every respect, to the best
31 of ~~his or her~~ the warden's knowledge and belief. The ~~director~~
32 warden shall, ~~monthly,~~ make out and deliver ~~monthly~~ to the sec-
33 retary a return of the property on hand, which return shall contain
34 a full and complete exhibit of the affairs of the correctional institution
35 at the date of its rendition, together with all the profits or increase
36 by reason of the added labor of the inmates, or from any sources
37 whatever. ~~He or she~~ The warden shall also, ~~on or before the first~~
38 day of August in every year, make and deliver to the secretary,
39 on or before August 1 in every year, a report exhibiting a compre-
40 hensive view of the transactions of the correctional institution during
the preceding year, and stating the number of inmates confined
therein, the various kinds of business in which they are employed,
the number employed in each branch, and the profits, if any, arising

1 to the state therefrom.

2 Sec. 66. K.S.A. 75-5256 is hereby amended to read as follows:
3 75-5256. (a) The ~~director~~ warden of each correctional institution may
4 issue orders subject to the provisions of law and the rules and
5 regulations adopted by the secretary of corrections, as the director
6 warden may deem necessary for the government of the correctional
7 institution and the enforcement of discipline therein.

8 (b) All rules and regulations or orders for the government of a
9 correctional institution and the enforcement of discipline therein
10 adopted or issued by the secretary of corrections and all orders issued
11 by the ~~director~~ warden of the correctional institution shall be pub-
12 lished and made available to all inmates, other than rules and reg-
13 ulations and orders relating to emergency or security procedures.
14 Every order issued by the ~~director~~ warden of a correctional insti-
15 tution shall be effective until rescinded or amended by the ~~director~~
16 warden or until disapproved by the secretary.

17 Sec. 67. K.S.A. 75-5257 is hereby amended to read as follows:
18 75-5257. It shall be the duty of the ~~director~~ warden of each cor-
19 rectional institution to take charge of any money or property which
20 any inmate may have with ~~him or her~~ the inmate at the time of
21 entering the correctional institution; if property, the ~~director~~ warden
22 may sell or preserve the same as desired by the inmate. Such money,
23 or the proceeds of the sale of any such property, if the same shall
24 amount to at least ~~twenty-five dollars (\$25)~~ \$25, may be placed
25 at interest in a federally insured financial institution by the ~~director~~
26 warden for the benefit of such inmate or ~~his or her~~ the inmate's
27 representatives. ~~Such director~~ The warden shall keep an account
28 of all such money or property, and shall pay the amount of proceeds
29 thereof, or return the same to the inmate when discharged, or to
30 ~~his or her~~ the inmate's legal representatives in case of ~~his or her~~
31 the death of such inmate; and in case of the death of such inmate
32 without being released, if no legal representative shall demand such
33 money or property within one (~~1~~) year, then the same shall be
34 applied to the revolving fund established by the secretary pursuant
35 to K.S.A. 75-5211 and amendments thereto.

36 Sec. 68. K.S.A. 75-5258 is hereby amended to read as follows:
37 75-5258. Whenever there shall be a vacancy in the office of the
38 ~~director~~ warden of a correctional institution, or when the ~~director~~
39 warden shall necessarily be absent from the correctional institution,
40 all the duties and keeping of the inmates and the discipline of the
41 correctional institution shall devolve upon and be executed by the
42 person designated by the ~~director~~ warden until the vacancy be filled,
43 or the ~~director~~ warden returned to the correctional institution. The

1 deputy ~~director~~ *warden* shall *perform*, under the directions of the
2 ~~director~~ *warden*, ~~perform~~ such duties connected with the office of
3 the latter as the ~~director~~ *warden* may assign ~~him or her~~ *the deputy*
4 *warden*, and shall in all things cooperate with the ~~director~~ *warden*
5 in the government, management and police regulations of the cor-
6 rectional institution.

7 Sec. 69. K.S.A. 75-5259 is hereby amended to read as follows:
8 75-5259. The ~~director~~ *warden* of each correctional institution shall
9 cause to be kept a record of each and every infraction of the rules
10 of discipline by the inmates, with the name of the inmate offending,
11 and the date and character of each offense, which record shall be
placed before the secretary monthly.

13 Sec. 70. K.S.A. 75-5260 is hereby amended to read as follows:
14 75-5260. The ~~director~~ *warden* of any correctional institution of the
15 state of Kansas ~~may~~, with the advice and consent of the secretary
16 of corrections, *may* extend the limits of the place of confinement of
17 an inmate who has been confined in a correctional institution at least
18 two ~~(2)~~ years, who has a good behavior record and who has a
19 minimum security classification, to allow such inmate to leave the
20 confines of such correctional institution unaccompanied by a custodial
21 agent for a prescribed period of time within the state of Kansas for
22 other than reasons now prescribed by law.

23 Sec. 71. K.S.A. 75-5262 is hereby amended to read as follows:
24 75-5262. (a) The primary function and purpose of the ~~state reception~~
25 ~~and diagnostic center~~ *Topeka correctional facility - east* shall be
26 to provide a thorough and scientific examination and study of all
27 felony offenders of the male sex sentenced by the courts of this state
28 to the custody of the secretary of corrections so that each such
29 offender may be assigned to a state correctional institution having
30 the type of security (maximum, medium or minimum) and programs
31 of education, employment or treatment designed to accomplish a
32 maximum of rehabilitation for such offender. All such offenders shall
33 be delivered to the center as provided in K.S.A. 75-5220 and amend-
34 ments thereto, upon being sentenced by the court.

35 (b) Each inmate delivered to the ~~state reception and diagnostic~~
36 ~~center~~ *Topeka correctional facility - east* pursuant to K.S.A. 75-
37 5220 and amendments thereto shall be examined and studied and
38 shall have a rehabilitation program planned and recommended for
39 the inmate. An inmate shall be held at the ~~center~~ *facility* for a
40 period not exceeding 60 days except that an inmate may be held
for a longer period of time on order of the secretary. Upon the
completion of the case study, diagnosis and report on an inmate,
43 the inmate shall be assigned to one of the state correctional insti-

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1 tutions or facilities for confinement, which shall be selected as the
 2 secretary prescribes, based on the examination and study of the
 3 inmate, or the inmate may be paroled or may be assigned to one
 4 of the state hospitals for further treatment not exceeding 60 days
 5 where an ultimate parole is indicated at the expiration of such ad-
 6 ditional time. If an inmate is assigned to a conservation camp de-
 7 scribed in K.S.A. 75-52,127, *and amendments thereto*, the chief
 8 administrator of such camp shall file a performance report and rec-
 9 ommendations prior to 180 days after such assignment with the
 10 original sentencing court. The court shall enter an order based on
 11 such report and recommendations modifying the sentence, if appro-
 12 priate, by sentencing the defendant to any of the authorized dis-
 13 positions provided in subsection (2) of K.S.A. 21-4603 and
 14 amendments thereto, except to reassign such inmate to a conser-
 15 vation camp as provided in subsection (2)(f).

16 Sec. 72. K.S.A. 75-5263 is hereby amended to read as follows:
 17 75-5263. The ~~director~~ warden of the ~~center~~ *Topeka correctional*
 18 *facility - east* shall appoint such psychiatrists, psychologists, social
 19 workers, chaplains, and other officers and employees, with the ap-
 20 proval of the secretary, as shall be deemed necessary by the sec-
 21 retary. The remaining duties of the ~~director~~ warden shall be such
 22 as may be prescribed by the secretary.

23 Sec. 73. K.S.A. 75-5264 is hereby amended to read as follows:
 24 75-5264. The secretary may make requisition upon the ~~director~~
 25 *warden* of a state correctional institution for any inmate at such
 26 institution and transfer the inmate to the ~~center~~ *Topeka correctional*
 27 *facility - east* for examination and study; and upon the completion
 28 of such study and examination such inmate shall be assigned to
 confinement as provided by K.S.A. 75-5206 *and amendments thereto*.

31 Sec. 74. K.S.A. 75-5265 is hereby amended to read as follows:
 32 75-5265. The secretary may make requisition upon the ~~director~~
 33 *warden* of any state correctional institution for any inmate at such
 34 correctional institution and transfer the inmate to the ~~center~~ *Topeka*
 35 *correctional facility - east* for the purpose of performing work or
 36 services at the ~~center~~ *facility*. Inmates so employed shall be entitled
 37 to the same goodtime allowances as they would receive at the state
correctional institution from which they are transferred.

38 Sec. 75. K.S.A. 75-5266 is hereby amended to read as follows:
 39 75-5266. Psychiatric evaluation reports of the state reception and
 40 diagnostic ~~center~~ *Topeka correctional facility - east* and the Kansas
 41 ~~correctional institution~~ at Lansing *correctional facility* shall be
 42 privileged and shall not be disclosed directly or indirectly to anyone
 except as provided herein. The court, the *district or county attorney*,

1 the attorney for the defendant or inmate, the Kansas ~~adult authority~~
 2 *parole board* and its staff, the *wardens and* classification committees
 3 of the state correctional institutions and those persons authorized by
 4 the secretary shall have access to such reports. Such reports may
 5 be disclosed to the defendant or inmate, the members of the inmate's
 6 family or the inmate's friends or the superintendent or director of
 7 any other state institution when authorized by the ~~director~~ *warden*
 8 of the ~~state reception and diagnostic center~~ *Topeka correctional*
 9 *facility - east*, secretary of corrections or the ~~director~~ *warden* of the
 10 ~~Kansas correctional institution at Lansing correctional facility.~~
 11 Employees of the *correctional* institutions under the supervision of
 12 the secretary are expressly forbidden from disclosing the contents of
 13 such reports to anyone except as provided herein. Nothing in this
 14 section shall be construed as preventing the attorney for the de-
 15 fendant or inmate from discussing such reports with the defendant
 16 or inmate.

17 Sec. 76. K.S.A. 75-5282 is hereby amended to read as follows:
 18 75-5282. (a) All moneys collected by the secretary from the sale or
 19 disposition of goods manufactured and services provided under the
 20 prison-made goods act shall be remitted to the state treasurer at
 21 least monthly. The state treasurer shall deposit each such remittance
 22 in the state treasury and the same shall be credited to the correctional
 23 industries fund, which fund is hereby created in the state treasury.

24 (b) All the moneys collected and deposited pursuant to subsection
 25 (a) shall be used solely for the purchase of manufacturing supplies,
 26 equipment and machinery, for the repair, maintenance and replace-
 27 ment of equipment and machinery, and for administrative expenses.

28 (c) The balance of all proceeds from the lease of agricultural land
 29 at ~~Kansas state penitentiary the Lansing correctional facility,~~
 30 after payment of the expenses of the lease from such proceeds, shall be
 31 remitted to the state treasurer at least monthly. Upon receipt of
 32 each such remittance, the state treasurer shall deposit the entire
 33 amount thereof in the state treasury and such amount shall be cred-
 34 ited to the farming operations account of the correctional industries
 35 fund which is hereby created in such fund. All moneys credited to
 36 the farming operations account of the correctional industries fund
 37 shall be used for the development and maintenance of farming op-
 38 erations at ~~Kansas state penitentiary the Lansing correctional fa-~~
 39 *ility* for the employment of inmates under the custody of the
 40 secretary of corrections.

41 Sec. 77. K.S.A. 75-5285 is hereby amended to read as follows:
 42 75-5285. (a) Whenever the board of probation and parole *or the*
 43 *Kansas adult authority*, or words of like effect, is referred to or

a correctional institution

1 designated by statute, contract or other document, such reference
2 or designation shall be deemed to apply to the Kansas adult au-
3 thority created by this act *parole board*.

4 (b) Whenever probation and parole officers under the jurisdiction
5 of the *Kansas adult authority or the state board of probation and*
6 *parole board*, or words of like effect, *is are* referred to or designated
7 by statute, contract or other document, such reference or designation
8 shall be deemed to apply to parole officers under the jurisdiction of
9 the secretary of corrections.

10 Sec. 78. K.S.A. 75-52,116 is hereby amended to read as follows:
11 75-52,116. (a) The ~~director~~ *warden* of any correctional institution,
12 with the approval of the secretary of corrections, may extend the
13 limits of confinement of inmates who are classified minimum security
14 or less to work for any state agency, federal agency, city, county,
15 school district or nonprofit organization organized for charitable pur-
16 poses if such work is in furtherance of public service and public
17 welfare or charitable objectives within the community and results in
18 minimal negative impact on the private sector workforce. Such in-
19 mates shall remain under the legal custody of the secretary of cor-
20 rections with the actual limits of confinement extended and without
21 actual supervision of correctional officials. Those persons observing,
22 supervising, managing, controlling and reporting back to ~~correc-~~
23 ~~tional~~ *corrections* officials regarding such inmates in their work shall
24 be agents of the state and of the secretary of corrections for that
25 purpose only but shall not, solely by reason of the agency, have law
26 enforcement powers.

27 (b) Compensation of inmates working pursuant to this section
28 shall be normal inmate incentive pay rendered to other inmates
29 working within correctional institutions pursuant to K.S.A. 75-5211
30 and amendments thereto.

31 Sec. 79. K.S.A. 75-52,122 is hereby amended to read as follows:
32 75-52,122. The secretary of corrections is hereby authorized to es-
33 tablish and equip the Ellsworth correctional ~~work~~ facility which shall
34 be located in Ellsworth, Kansas.

35 Sec. 80. K.S.A. 75-52,124 is hereby amended to read as follows:
36 75-52,124. The secretary of corrections shall have general manage-
37 ment and control of such institution and of the officers and employees
38 thereof and the inmates therein and of all matters relating to the
39 discipline, control and fiscal concerns thereof, the same as other
40 correctional institutions under the secretary's control and jurisdiction.
41 The secretary may adopt such rules and regulations as may be de-
42 termined necessary for carrying out the purposes of this act. The
43 secretary shall appoint a ~~director~~ *warden* with such duties as may

1 be prescribed, and the ~~director~~ *warden* so appointed, may select,
2 with the approval of the secretary, officers and employees necessary
3 for the management and operation of the institution. The ~~director~~
4 *warden* and all other officers and employees shall be within the
5 classified service of the Kansas civil service act.

6 Sec. 81. K.S.A. 76-176 is hereby amended to read as follows:
7 76-176. (a) The secretary of administration is hereby authorized to
8 sell and convey or lease in the manner hereinafter provided the
9 following real estate, or any part thereof, title to which is vested in
10 the state of Kansas and which is held for the use and benefit of a
11 correctional institution, as the same is defined by K.S.A. 75-5202,
12 *and amendments thereto*, whenever the secretary of corrections shall
13 find and determine that such real estate, or any part thereof, is no
14 longer required for the use or benefit of such institution and the
15 sale and conveyance or lease thereof is in the best interests of the
16 state of Kansas.

17 (b) The secretary of administration is hereby authorized to sell
18 and convey or lease the following described real estate, or any part
19 thereof, held for the use and benefit of the state ~~industrial ref-~~
20 ~~ormatory~~ *Hutchinson correctional facility*:

21 All of the east one-half of section 19, township 23 south, range 5
22 west of the 6th P.M. in Reno county, Kansas.

23 (c) The secretary of administration is hereby authorized to lease
24 real estate title to which is vested in the state of Kansas and which
25 is held for the use and benefit of correctional institutions and which
26 real estate is utilized for agricultural purposes for a period of not to
27 exceed three years, except that the secretary may lease to the city
28 of Lansing, Kansas, for a period of not to exceed ~~fifteen~~ 15 years
29 the following described property for use by such city as a public
30 park: A tract of 93.63 acres, more or less, held for the use and
31 benefit of the ~~Kansas state penitentiary~~ *Lansing correctional facility*
32 and located in section 30, township 9, range 23 east of the 6th P.M.
33 in Leavenworth county, Kansas. Such lease shall contain a provision
34 reserving to the state of Kansas the right to the use of such property
35 for use by the ~~Kansas state penitentiary~~ *Lansing correctional*
36 *facility*.

37 (d) The secretary of administration is hereby authorized to lease
38 to the city of Lansing, Kansas, for a period of not to exceed ~~ninety-~~
39 ~~nine~~ 99 years, the following described property for use by such city
40 for the construction and operation of a wastewater treatment facility:
41 A tract of 14.0 acres, more or less, held for the use and benefit of
42 the ~~Kansas state penitentiary~~ *Lansing correctional facility* and lo-
43 cated in section 19, township 9 south, range 23 east of the 6th P.M.

1 in Leavenworth county, Kansas, plus necessary acreage for inter-
 2 ceptor sewer lines, a more complete legal description of said tract
 3 to be contained in the lease agreement. Such lease shall contain a
 4 provision granting the city of Lansing all necessary easements for
 5 the construction and maintenance of interceptor sewer lines, and
 6 shall further provide for continuous use of said sewer system by the
 7 state of Kansas correctional ~~facilities~~ *institutions* for the duration of
 8 and in accordance with the terms of ~~said~~ *the* lease.

9 Sec. 82. K.S.A. 76-1305 is hereby amended to read as follows:
 10 76-1305. The secretary of social and rehabilitation services is au-
 11 thorized and directed to establish, equip and maintain, in connection
 12 with and as a part of the Larned state hospital, suitable buildings
 13 to be known as the "state security hospital" for the purpose of holding
 14 in custody, examining, treating and caring for such mentally ill per-
 15 sons as may be committed or ordered to the state security hospital
 16 by courts of criminal jurisdiction or inmates with mental illness who
 17 are transferred for care or treatment to the state security hospital
 18 from the state penitentiary, the state reception and diagnostic
 19 center, the state correctional vocational training center and the
 20 state industrial reformatory ~~Lansing correctional facility, the To-~~
 21 ~~peka correctional facility - east and the Hutchinson correctional~~
 22 ~~facility,~~ or patients or persons with a mental illness, other than
 23 minors and voluntary patients, who are transferred for care or treat-
 24 ment to the state security hospital from any institution under the
 25 jurisdiction of the secretary of social and rehabilitation services. The
 26 secretary of social and rehabilitation services is hereby authorized
 27 and empowered to supervise and manage the state security hospital.
 28 The superintendent of the Larned state hospital shall act as the
 29 superintendent of the state security hospital.

a correctional institution under the control
 of the secretary of corrections,

30 Sec. 83. K.S.A. 76-2473 is hereby amended to read as follows:
 31 76-2473. The state treasurer shall have the custody and charge of
 32 all moneys in the all faiths chapel building fund, *which chapel is*
 33 *located at the Lansing correctional facility.* The pooled money in-
 34 vestment board may invest and reinvest the moneys not needed
 35 immediately in: (a) Direct obligations the principal of and interest
 36 on which are unconditionally guaranteed by the United States of
 37 America;

38 (b) in interest-bearing time deposits in any commercial bank lo-
 39 cated in Kansas, except that the amount so invested in a bank shall
 40 not exceed an amount equal to the total capital and surplus of such
 41 bank and shall be secured in the manner prescribed by K.S.A. 75-
 42 4218, and amendments thereto;

43 (c) if the board determines that it is impossible to deposit such

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1 moneys in such time deposits, in repurchase agreements of less than
 2 30 days' duration with a Kansas bank or with a primary government
 3 securities dealer which reports to the market reports division of the
 4 federal reserve bank of New York for direct obligations of, or ob-
 5 ligations that are insured as to principal and interest by, the United
 6 States government or any agency thereof; or

7 (d) in shares or accounts in federally insured savings and loan
 8 associations located in the state of Kansas to the extent covered by
 9 the insurance. The net income from the investments shall be con-
 10 sidered income of the fund and placed in such fund, subject to
 11 reinvestment as provided by this section. All moneys in the fund
 12 and income therefrom shall be subject to post audit.

13 Sec. 84. K.S.A. 76-2474 is hereby amended to read as follows:
 14 ~~76-2474. The director of penal institutions~~ *secretary of corrections*
 15 is hereby authorized to execute a document, to be approved by the
 16 attorney general, requesting the corps of engineers of the United
 17 States army to repair damage to the levee at the ~~state penitentiary~~
 18 ~~at Lansing, Kansas,~~ *correctional facility* designated as No. 83B,
 19 located along the right bank of the Missouri river in section 16 and
 20 17, township 9 south, range 23 east, Leavenworth county, Kansas,
 21 which was damaged from high waters during 1973, resulting in breaks
 22 in such levees. Such request shall be made in accordance with 33
 23 U.S.C.A. 701 (N) (PL 85-99; 1955). The request authorized by this
 24 act may provide that the state of Kansas agrees to reimburse the
 25 United States for any payment made by the United States to third
 26 parties as a result of finding of liability by a court of competent
 27 jurisdiction, or as a result of settlement, arising out of the repair
 28 work requested, except that no reimbursement shall be made to the
 29 extent that the liability arises from the sole fault of the United States.

30 Sec. 85. K.S.A. 79-1408 is hereby amended to read as follows:
 31 79-1408. The director of property valuation shall prepare all necessary
 32 interrogatories and questions to be answered by the taxpayers and
 33 persons of each county, and the form of the same, and the oath to
 34 be annexed thereto, and the same shall be correctly and duly an-
 35 swered by each and every person required to list property for tax-
 36 ation; and if any person shall knowingly answer *falsely* any question
 37 or interrogatory so prepared and submitted to ~~him or her~~ *falsely*
 38 ~~such person, he or she~~ *such person* shall be deemed guilty of
 39 perjury, and upon conviction shall be sentenced to the ~~penitentiary~~
 40 ~~existing correctional facility~~ *to* hard labor for not less than one nor
 41 more than five years; and if any person shall willfully refuse to answer
 42 such questions and interrogatories and take and subscribe the oath
 43 annexed thereto, ~~he the~~ *the person* shall be deemed guilty of a mis-

custody of the secretary of corrections

1 demeanor, and upon conviction shall be fined not less than ~~one~~
2 ~~hundred dollars \$100~~ nor more than ~~one thousand dollars \$1,000~~,
3 or by imprisonment in the county jail of not less than six months
4 nor more than twelve 12 months, or by both such fine and im-
5 prisonment, at the discretion of the court.

6 Sec. 86. K.S.A. 8-113, 8-607, 9-2010, 17-5412, 17-5811, 17-5812,
7 19-521, 20-208, 21-4203, 21-4602, 21-4605, 21-4620, 22-3710, 22-
8 3711, 22-3712, 22-3713, 22-3719, 22-3720, 22-3722, 22-4001, 22-4002,
9 22-4006, 22-4011, 22-4012, 22-4013, 41-405, 42-396, 42-3,104, 44-
10 619, 47-421, 50-127, 59-103, 65-1812, 66-175, 74-4914a, 75-3058, 75-
11 3765, 75-3790, 75-4228, 75-4362, 75-4503, 75-4610, 75-5202, 75-5209,
12 75-5210, 75-5211, 75-5212, 75-5218, 75-5220, 75-5225, 75-5226, 75-
13 5229, 75-5246, 75-5247, 75-5247a, 75-5249, 75-5250, 75-5251, 75-
14 5252, 75-5253, 75-5254, 75-5255, 75-5256, 75-5257, 75-5258, 75-5259,
15 75-5260, 75-5261, 75-5262, 75-5263, 75-5264, 75-5265, 75-5266, 75-
16 5282, 75-5283, 75-5285, 75-52,115, 75-52,116, 75-52,122, 75-52,124,
17 76-176, 76-1305, 76-2473, 76-2474 and 79-1408 and K.S.A. 1989
18 Supp. 2-213, 21-4603 and 21-4603c are hereby repealed.

19 Sec. 87. This act shall take effect and be in force from and after
20 its publication in the Kansas register.

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