

Approved



Date

MAR 30 1992

MINUTES OF THE House COMMITTEE ON Governmental Organization

The meeting was called to order by Representative Gary Blumenthal at
Chairperson

9:10 a.m./~~pm~~ on March 24, 1992 in room 522-S of the Capitol.

All members were present except:

Representative Barbara Lawrence, excused

Committee staff present:

Carolyn Rampey, Legislative Research Department
Julian Efird, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Nita Shively, Committee Secretary

Conferees appearing before the committee:

Representative Joan Hamilton
Representative Richard Lahti

Chairperson Blumenthal called the meeting to order when quorum was present.

Hearing on SB 473 - An act concerning the Kansas sunset law; continuing in existence the office of secretary of corrections and the department of corrections.

Representative Hamilton began her report by thanking the members of her subcommittee, staff and Department of Corrections personnel for their cooperation. She then proceeded to pages 3 and 4 in the report covering 10 conclusions and recommendations of the subcommittee. (Attachment 1)

Representative Hamilton directed particular attention to recommendations 1 and 5. Under #1, the subcommittee supports SB 616 as amended, which would eliminate some of the confusion resulting from name changes at certain correctional facilities.

A bill draft was provided for recommendation #5; it will require that all inmate pay be assessed 5%, to be earmarked for the Victims' Compensation Fund.

The subcommittee's recommendation is for a 4-year sunset rather than 8, due mainly to management problems.

Questions and discussion followed on the various recommendations, especially #5.

Representative Hamilton moved for adoption of the subcommittee report. Motion seconded by Representative Weimer, motion carried.

Representative Weimer moved to amend SB 473---striking the year 2000 and inserting 1996, and to provide for deduction from each inmate of 5% to be allocated to Victims' Compensation Fund. Motion seconded by Representative Dawson, discussion followed.

Substitute motion by Representative Brown to change the above proposed amendment by dropping the second portion; amend SB 473 to extend the sunset to 1996 rather than 2000. Motion seconded by Representative Samuelson, motion carried.

Motion by Representative Hamilton to add the second portion of the proposed amendment regarding the Victims' Compensation Fund. Motion seconded by Representative Gilbert, discussion followed. Representative Brown stated her strong feeling that this is a policy decision. Several alternative

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,
room 522-S, Statehouse, at 9:10 a.m./~~p.m.~~ on March 24, 1992

measures were considered. Chair indicated that if a vote on the proposed amendment passed, he would not take action on the bill at this time; he will schedule an additional hearing.

The final consensus was to get a separate bill draft and have it introduced in the Appropriations Committee; the bill would probably then be referred to either the Judiciary Committee or Federal and State Affairs.

Motion by Representative Bowden to report SB 473 favorably as amended, only with extension date and omitting second section. Motion seconded by Representative Benlon, motion carried.

Hearing on HB 2668 - An act concerning the Kansas sunset law; continuing in existence the office of secretary of administration and the department of administration.

Chair recognized Representative Lahti, who presented his subcommittee's report. He thanked his subcommittee members, staff and personnel from the Department of Administration for their cooperation. (Attachment 2)

Representative Lahti advised that the subcommittee recommends amending HB 2668 to continue the Department of Administration to 7-1-1994 rather than 7-1-2000. They further propose amending the bill to provide for the Division of Information Systems and Communication (DISC) be added to the sunset law and scheduled for abolition on 7-1-1993, However, if SB 471 (K-GOAL) passes, an adjustment in schedules will be necessary.

The second recommendation in the report is for the Chairperson of the House Governmental Organization Committee to request an in-depth interim study of the state's information system. Representative Lahti emphasized that there is a need to know who is in charge as well as more accountability.

The third recommendation is for the Secretary of Administration to establish an internal audit--they need to police themselves. This is essential in reducing costs.

Motion by Representative Bowden to amend HB 2668---changing date of sunset to 7-1-1994 and adding DISC as one of the sunset agencies scheduled for sunset next year. Motion seconded by Representative Gilbert, motion carried.

Representative Lahti moved to report HB 2668 favorable as amended. Motion seconded by Representative Benlon, motion carried.

Meeting adjourned at 10:10 a.m.

Next meeting will be Monday, March 30, 1992 in Room 522-S at 9:00 a.m.

SUBCOMMITTEE REPORT

March 24, 1992

TO: HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

FROM: SUBCOMMITTEE ON DEPARTMENT OF CORRECTIONS
Rep. Joan Hamilton, Chairperson; Rep. Gary Blumenthal, Rep. Carol
Dawson, Rep. Barbara Lawrence, Rep. Frank Weimer

RE: SUBCOMMITTEE RECOMMENDATIONS

The Kansas Sunset Law provides for the abolition of the Kansas Department of Corrections and Office of the Secretary of Corrections on July 1, 1992, unless continued in existence by an act of the Legislature. If no bill passes the 1992 Session to continue these entities in existence, then both would enter a statutorily mandated one-year phaseout period before ceasing to exist on June 30, 1993.

Application of the Kansas Sunset Law

The Kansas Sunset Law provides a framework for periodic legislative reviews of preselected state agencies (and the programs which the agencies are responsible for implementing). Also included on the termination list are key state officials (specifically, their statutory offices) which also are subject to sunset as well as the agencies which they head.

When an agency and its chief officer are scheduled for abolition (*e.g.* on July 1, 1992), the Kansas Sunset Law provides that both would continue in existence for one year after the date cited in statute for abolition, in order to conclude their business.

No agencies or officers which are subject to the Kansas Sunset Law may be continued or reestablished for more than eight years.

Prior to the abolition date, committees of reference in each house of the Legislature must hold public hearings on the agencies and offices scheduled for abolition. As an extension of the public hearing to be held by the full Committee, the Subcommittee was directed to review the operations and organization of the agency and to make recommendations for the full Committee to consider.

Subcommittee Review and Recommendation

The Subcommittee met with the Department of Corrections officials on February 5-6, 1992, to review the operations of the agency. The Secretary of Corrections, Gary Stotts, presented an overview of the agency and its operation. Subsequent meetings were held with other agency staff to review in detail the operations of the agency.

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Attachment 1

Statutory Authorization

The Kansas Department of Corrections is a cabinet-level agency headed by the Secretary of Corrections. The Department was created in 1974 through enactment of the Kansas Penal Reform Act; specific authorization for the establishment of the Department is found in K.S.A. 75-5203.

Duties and Responsibilities

The mission of the Department of corrections, as part of the criminal justice system, is to contribute to the public safety by exercising reasonable, safe, secure, and humane control of offenders while actively encouraging and assisting them to become law-abiding citizens. In fulfilling this mission, the Department:

- operates maximum, medium, and minimum security correctional facilities that provide for appropriate placement and management of inmates, given security requirements and available resources;
- implements inmate education, treatment, and work programs that respond to offender needs and that enhance the likelihood of successful offender return to the community;
- supervises offenders paroled or conditionally released from correctional facilities to protect the safety of the public and to facilitate offender reintegration into the community; and
- supports community-based supervision of felony offenders through implementation of the Kansas Community Corrections Act and administration of state grants to community corrections agencies.

Department Organization

Management of the KDOC system is directed from its central office located on the fourth floor of the Landon State Office Building in Topeka. The Secretary of Corrections is the chief executive officer for the Department. To assist the Secretary, seven divisions and sections provide direction and oversight for facility and field services operations. They are:

- Facility Management Division, headed by Ray Roberts, Deputy Secretary;
- Program Management Division, headed by Dick Koerner, Deputy Secretary;
- Community and Field Services Division, headed by Roger Werholtz, Deputy Secretary;
- Legal Services and Investigations Section, headed by Charles Simmons, Chief Legal Counsel;
- Fiscal Management and Budget, Section, headed by Dennis Williams, Fiscal Officer;
- Human Resources Section, headed by Judy Rickerson, Human Resource Manager; and

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- Information Systems and Communications Section, headed by Jeff Lewis, Information Resource Manager.

Each division and section administrator reports directly to the Secretary. An executive committee meets regularly to assist the Secretary in performing departmental responsibilities. Membership on the executive committee includes the deputy secretaries and the chief legal counsel. The other section heads, plus the public information officer and staff assistant to the Secretary, are considered staff to the executive committee.

The Department also holds periodic meetings of the senior management staff, which includes: executive committee; executive committee staff; correctional facility wardens; and regional parole directors. A functional organization chart for the KDOC central office is presented in Figure 1. The chart shows the current organization of the agency, the major functions assigned to each division and section, and the name of the administrator for each division and section.

The Kansas Department of Corrections supervises correctional facilities and parole offices in 23 communities throughout the state. Correctional facilities are located in 12 communities and parole offices, in 14 communities. The locations of KDOC facilities and offices are presented in Figure 2.

Subcommittee Conclusions and Recommendations

1. The Subcommittee supports 1992 S.B. 616 as amended by the House Committee on Appropriations. The bill maintains the identify of the Toronto and Osawatomie correctional facilities, while allowing the Secretary of Corrections to effect administrative consolidations and reorganizations at any facility without statutory changes.
2. The Subcommittee recommends that the Secretary present proposed legislation to the 1993 Legislature which would clarify that the agency could test inmates for HIV. The Subcommittee believes that current authority exists for the agency to ask the sentencing judge for permission to test sex offenders and IV drug users, but the agency may wish to seek additional authority in this area or in cases when a correctional employee or anyone else is exposed to bodily fluids of inmates.
3. The Subcommittee believes that the agency has access to juvenile records under KSA 38-1608(3)(d), but that to gain information under this statute, the agency must initiate requests for that information.
4. The Subcommittee reviewed the Legislative Division of Post Audit report on food management at the institutions, and notes the \$400,000 of reported waste. The Subcommittee asked the agency to continue reviewing this matter thoroughly, to continue comparing their current costs per meal to those of schools and other public institutions, and to continue implementing a uniform menu for all institutions allowing for bulk purchases to achieve savings.

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5. The Subcommittee believes that a portion of inmate compensation (pay), whether \$.45 per day paid to inmates working at an institution job, or the minimum wage paid to inmates working at the private industries, should be deposited in the Victims' Compensation Fund. Those paid minimum wage currently are assessed 5.0 percent for victims' compensation, and the Subcommittee recommends that legislation be drafted to require that all inmate pay be assessed the 5.0 percent rate to be paid into the Victims' Compensation Fund.

6. In reviewing the Inmate Benefit Fund and its financial status, the Subcommittee notes it is financially healthy and could be used to fund other activities of benefit to the inmates, such as the Outside Connections program and the construction of four additional visitor centers, the Stop Violence program, and other educational programs. The Subcommittee believes that these non-state resources ought to be used to fund projects such as these rather than State General Fund money being used.

7. The Subcommittee urges the Secretary to develop plans for segregating female inmates from male inmates at those institutions where both sexes are co-located in the same facility. The Subcommittee expresses concern about the number of pregnancies among female inmates at those facilities.

8. In reviewing medical care, the Subcommittee found two areas of concern. First, the Subcommittee recommends that physicians should get a signed consent form for pelvic, digital and other invasive exams in each and every case, especially when an inmate does not seek treatment for a problem requiring a pelvic, digital or other invasive exam. Second, the Subcommittee notes that no routine counseling is given on AIDS, HIV drug use, safe sex, or birth control to male or female inmates at segregated institutions, and that only birth control is counseled at facilities where male and female inmates are co-located. The Subcommittee recommends more adequate counseling in this area for all inmates, both male and female, at all institutions and facilities under the supervision of the Secretary.

9. The Subcommittee is concerned about aspects of the work-release program in which minimum security inmates may be placed on jobs in communities without the employers or the public being aware of the background of the work-release inmate. The Subcommittee notes examples of sex offenders or child molesters being classified as minimum security, being placed in jobs which bring them into contact with children, and the employer not being informed about the inmates' history or crimes. The Subcommittee believes that the Secretary needs to revise current guidelines about work-release placements to take into account inmates' history and convictions relative to appropriate job placements. Also, the Secretary should consider disclosing to employers the inmates' history and convictions in order to protect the public from possible problems. The Secretary should report back to this Committee by the start of the 1993 Legislature about changes in this area.

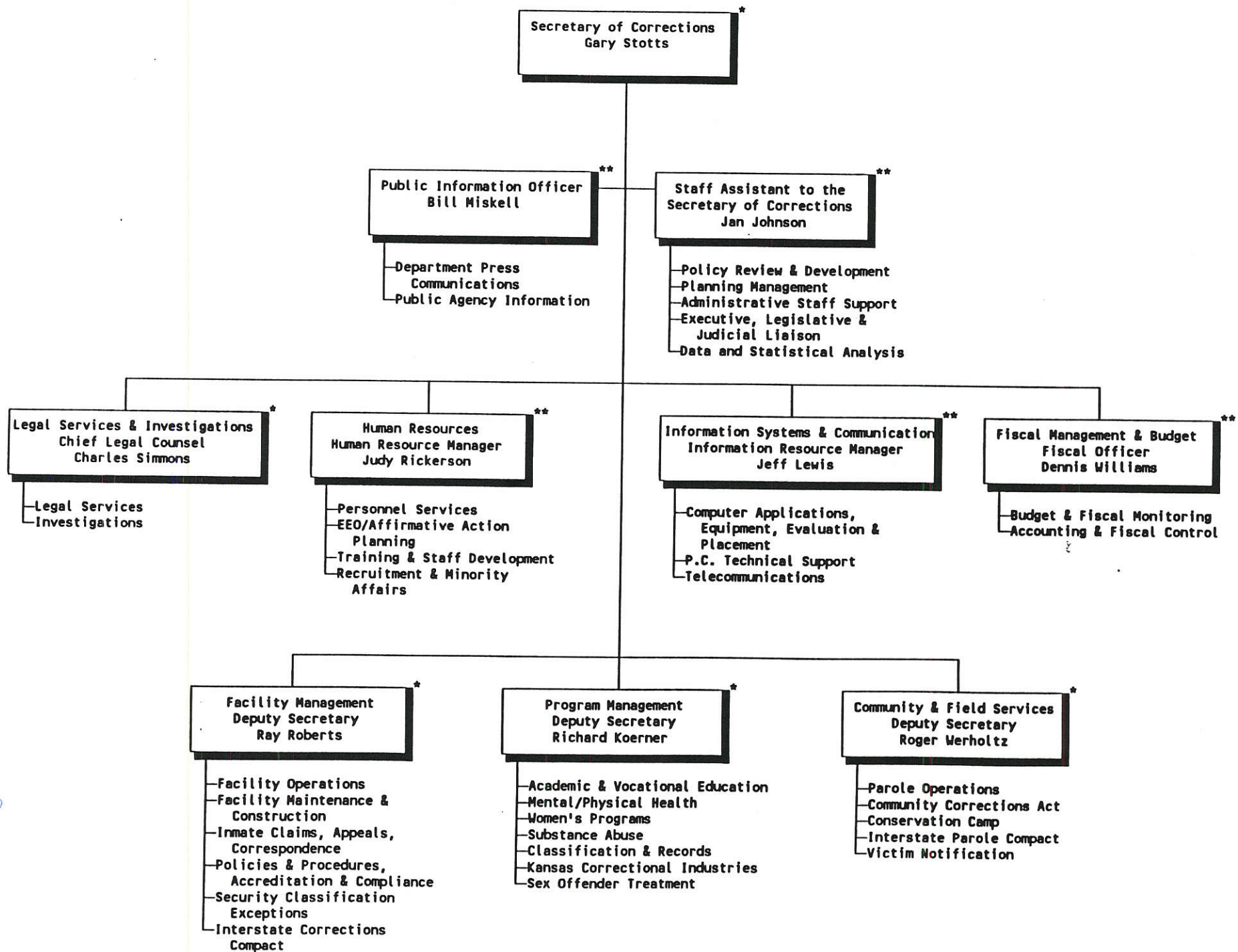
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10. The Subcommittee is concerned about the record keeping problems and the lack of integration of the agency's data files, especially in regard to information about escapees, out-of-state placements, parole violators, furloughs and absconders. The Subcommittee suggests that the Secretary take measures to cross-compile information on a more time basis in order to determine the status of inmates who may not be in the department's custody at any given time.

Sunset Recommendation

In conclusion, the Subcommittee recommends continuing the Office of Secretary and Department of Corrections for a period of four years.

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*Executive Committee
**Executive Staff

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Figure 1

Kansas Department of Corrections
Facilities and Parole Offices

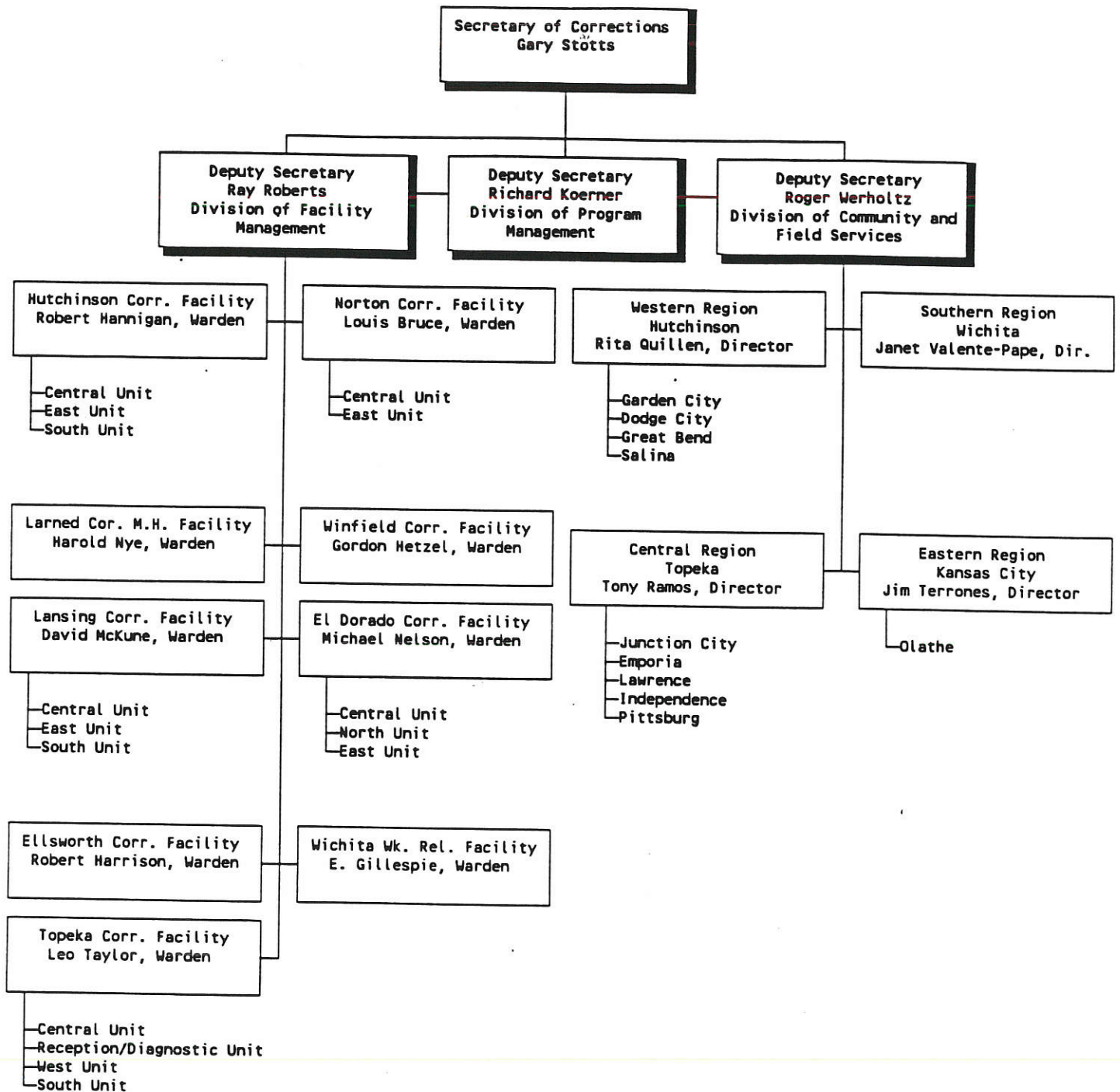


Figure 2

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Attachment 1-7

MEMORANDUM

Kansas Legislative Research Department

Room 545-N – Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

March 20, 1992

To: House Committee on Governmental Organization

From: Subcommittee No. 1

Representative Richard Lahti, Chairperson; Representative Lisa Benlon; Representative Rick Bowden; Representative Al Ramirez; Representative Robert Watson

Re: Sunset Review of the Department of Administration

The 1991 Legislature placed the Department of Administration under provisions of the Kansas Sunset Act with an abolition date of July 1, 1992. The Department of Administration was the only cabinet agency not subject to review under the Sunset Law. The Subcommittee conducted the first sunset review of the Department of Administration. Prior to 1984, DISC was subject to the Sunset Law but was removed from sunset review when the division was reorganized in 1984.

The Subcommittee reviewed staff memoranda describing the current organizational structure of the Department including the statutory duties and responsibilities of each division of the Department. It was obvious to the Subcommittee that, due to the size and complexity of the Department of Administration, the Subcommittee should focus its study. The Subcommittee concluded that, given that the state had invested millions of dollars over the years in developing or acquiring major computer systems, often for systems that were completed only after lengthy delays or cost-overruns, or that were never completed at all that the Subcommittee should focus its attention specifically on the role of the Department of Administration's Division of Information Systems and Communications (DISC).

The Subcommittee makes the following recommendations and observations:

1. **H.B. 2668 is recommended favorable for passage; however, the Subcommittee recommends that the bill be amended to continue the Department of Administration until July 1, 1994 rather than July 1, 2000. Further, the Subcommittee recommends that the bill be amended to provide that the Division of Information Systems and Communications (DISC) be added to the Sunset Law and scheduled for abolition on July 1, 1993.**

The Department of Administration has operated under a cloud of controversy for the past few years because of problems incurred with the implementation of the Kansas Financial Information Systems (KFIS) outlined in a report by Legislative Post Audit; purchase of a new UNISYS computer by Secretary Cobler despite a legislative proviso intended to prohibit an upgrade to the UNISYS processing center unless the Secretary determined that a disastrous failure was imminent and would likely result if such expenditures were not made in a timely fashion; and the turnover in the Secretary's position and various directors of the divisions

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Attachment 2

of the Department. Because of these issues among others, the Subcommittee recommends that the sunset review of the Department of Administration occur again in two years rather than in eight years as currently provided in the bill. The Subcommittee notes that the proposed K-GOAL (Kansas Governmental Operations Accountability Law) legislation extends the Department of Administration to the year 2000 and does not include DISC. The Subcommittee recognizes that if the K-GOAL bill passes the schedule of dates for review may need to be reconciled.

2. **The Subcommittee recommends that the Chairperson of the House Governmental Organization Committee request an in-depth interim study of the state's information systems.**

There must be changes in the area of computing and data processing. The Subcommittee believes that most of the problems the state has experienced with computer systems have not been technical problems but basic management problems. It is clear to the Subcommittee that the Legislature has assumed that DISC is responsible for the computing operations of the state, but in practice this is not the case. The Legislature must take some action to impose accountability and insure that somebody is in charge. Having someone in state government who is responsible for monitoring the application of some very basic management practices would result in the state avoiding some of the disastrous and expensive computer fiascos experienced by the state. The Subcommittee conducted several discussion meetings with DISC. DISC presented some ideas for statutory changes. The Subcommittee believes that an interim study is necessary to conduct an extensive study of DISC's proposal as well as models used by other states to manage information systems. The Subcommittee believes that DISC's statutory authority must be carefully reviewed and DISC's role must be defined regarding the division's regulatory and service responsibilities and duties. The interim study should also address procurement statutes and policies and procedures for the acquisition of information technology. Requests for purchases of computing equipment and software must be prepared accurately so that a vendor knows precisely what the state wants to purchase. Details must be spelled out clearly and vendors must be "held to the fire" to insure compliance.

3. **The Subcommittee recommends that the Secretary of Administration consider establishing an internal audit team, within existing resources, in the Office of the Secretary and report to the 1994 Legislature on the implementation of this recommendation including the development of safeguards to insure independence and autonomy of the auditors.**

The Subcommittee believes that the Department of Administration needs to engage in some sort of self-audit, especially to audit DISC. The Subcommittee learned that the Departments of Revenue and Transportation have such teams. Ongoing audits of day-to-day operations are absolutely essential if the costs of state government are to be reduced. The Subcommittee believes that "second effort" costs, that is, having to correct errors made the first time, especially in the area of computing are very high.