

Approved: 5-3-97

Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on March 17, 1997 in Room 254-E of the Capitol.

All members were present except: Senator U. L. "Rip" Gooch, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Mr. Edgar A. Aldrine, Chief of Investigations, Kansas Department of
Social and Rehabilitation Services, Topeka
Mr. Carrol R. Christian, President, Kansas Association of Investigators,
Holcomb
Mr. Tim Madden, Chief Legal Counsel, Department of Corrections, Topeka

Others attending: See attached list

Senator Oleen announced that the committee would not be working bills today because several members had other commitments.

She advised that Senator Jones had called her attention to wording in the minutes of the March 11 meeting, which were approved March 12, 1997, and requested clarification in regard to his motion on the composition of the Persian Gulf War Veterans Health Initiative Board.

Senator Jones moved that the minutes of the March 11 meeting reflect that he moved to include the provision that two legislators be appointed from different parties, not "from each house" as the minutes of the March 11 meeting indicated. Senator Becker seconded the motion. The motion carried and the minutes will be corrected to so reflect.

Senator Oleen pointed out the amendment to the bill was drafted with the correct language.

Staff briefed the committee on **SB 306**, which pertains to special investigators of SRS. The committee was told the bill would amend statutes in the law enforcement training act to reconcile amendments made in 1995 and would change the definition of police officer to include special investigators of the Legal Division of the Department of Social and Rehabilitation Services (SRS).

SB 306: An act concerning law enforcement; relating to special investigators of the department of social and rehabilitation services; requiring compliance with law enforcement officer training.

Mr. Edgar A. Aldrine, Chief of Investigations, Office of General Counsel of the SRS Legal Division, addressed the committee on behalf of Secretary Rochelle Chronister in support of **SB 306 (Attachment #1)**. Mr. Aldrine explained that for the past twenty years, special investigators who have worked for SRS have performed law enforcement duties without the benefit of statutory authority. He talked about the type of investigations they conduct and said the investigators are placed in great jeopardy because of the type of individuals they deal with. He told the committee that investigators are precluded from attending the necessary training because of statutory roadblocks. In addition to the training, Mr. Aldrine told the committee SRS is supportive of the amendment being proposed by the Kansas Association of Investigators (KAI) which would authorize the Secretary of SRS to designate certain special investigators to have law enforcement authority. An advantage of having law enforcement authority, he said, would be that the investigator would

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E- of the Capitol, at 11:00 a.m. on March 17, 1997.

have access to criminal history records before home visits and could ascertain if the individual is wanted or has a history of violent crime.

For those reasons, Mr. Aldrine requested that the committee adopt the amendment prepared by KAI and act favorably on **SB 306**.

Discussion followed on the type of situations the SRS investigators face. Staff inquired if the investigators were performing law enforcement duties without the benefit of statutory authority, and Mr. Aldrine explained the investigators were accompanied by law enforcement officers when the performance of duties required law enforcement authority. Mr. Aldrine said there were now twenty-three investigators with the agency and not all would have law enforcement authority. He said the Secretary does not want blanket authority, and some investigators do not want law enforcement authority. He estimated it would involve somewhere between five and ten investigators.

Senator Oleen referenced the fiscal note prepared by the Division of Budget on **SB 306**, (Attachment #2), noting there would be no notable fiscal effect, as the agency indicated there would be no additional training costs associated with passage of the act.

Mr. Carrol R. Christian, President, Kansas Association of Investigators, Holcomb, addressed the committee in support of **SB 306** (Attachment #3). Mr. Christian talked about the intent of the bill but said, after it was introduced, it was learned that, in its present form, it would not accomplish what was intended and that is why he was asking for inclusion of the proposed amendment of the KAI (Attachment #4). He said the amendment was modeled after enabling statutes of several other state agencies that have special investigators who are already defined as law enforcement officers. He urged the committee to favorably report **SB 306**, with the amendment, so investigators can receive the training they need and have the law enforcement authority that is required to carry out their duties.

Senator Oleen inquired if anyone else wished to speak on **SB 306**. There being none, the hearings were closed.

Staff briefed the committee on **HB 2103** which pertains to the disposition of unclaimed bodies of deceased inmates in custody of the secretary of corrections. It was explained that the bill was reported favorably by the House Committee on Federal and State Affairs and passed by the House. Staff advised that the bill would amend existing law to provide for the disposition of bodies of persons who die in the custody of the Department of Corrections, would require the Department to pay burial expenses for unclaimed bodies of deceased inmates that are buried, and authorize the Department to have the unclaimed bodies of deceased inmates cremated at the expense of the Department. Staff told the committee the measure would also repeal a requirement that the Department search for relatives of deceased inmates by telegraph, as it is an outdated method.

The hearings were opened on:

HB 2103: An act concerning the secretary of corrections; disposition of unclaimed bodies of deceased inmates in custody of the secretary of corrections.

Mr. Tim Madden, Chief Legal Counsel for the Department of Corrections, appeared on behalf of Charles E. Simmons, Secretary of Corrections, in support of **HB 2103** (Attachment #5). Mr. Madden explained that mortuary services itemized in state contracts provide for cremation but cremation is not currently authorized for deceased inmates. He told the committee that the passage of **HB 2103** would result in savings to the department in the range of \$1,125.00 to \$1,625.00 per deceased inmate, depending on the correctional facility involved. Mr. Madden said the bill would also clarify the department's responsibility for paying the cost for disposition of unclaimed bodies of persons who die in the custody of the department. He urged favorable consideration of **HB 2103**.

Discussion followed on disposal of the ashes following cremation, disposal of the body after it has been utilized for research and medical purposes by the University of Kansas Medical Center, and the cost of full burial as opposed to cremation. Staff inquired if an inmate's request for full burial would be honored if the body is not claimed. Mr. Madden replied that the request would not be honored. In response to a question concerning notification of relatives, Mr. Madden told the committee that notification by telegraph has not been utilized for sometime, and the department has no difficulty contacting relatives of deceased inmates.

The chairman noted there were no opponents to the measure and closed the hearings on **HB 2103**.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E- of the Capitol, at 11:00 a.m. on March 17, 1997.

Senator Biggs moved that the minutes of the February 27 meeting, along with the minutes of the February 27 meeting at the Rail, be approved. Senator Vidricksen seconded the motion. The minutes were approved.

The meeting adjourned at 11:50 a.m. The next meeting is scheduled for March 18, 1997 .

SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 3-17-97

NAME	REPRESENTING
Tim Madden	Ks Dept of Corrections
Bill Thompson	Ks Dept. of SRS
Meda Herke	Ks Dept of SRS
Phyllis	" " " "
Marilyn Fogarty	" " " "
Ann Meyer	KS Gov. Consulting
Annell Schmeidler	Ks Dept of SRS
BOB CONWAY	" " " "
Carol R. Christian	KS. ASSOC OF INVES
Dennis C. Robertson	" " " "
Barbara Maxwell	" " " "
John R. Maxwell	Ks ASSN. of Investigators
Peggy Forbes	Personnel Assoc.
Janne Darch	KFL
Jim	Burgess Assoc

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Rochelle Chronister, Secretary

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

**Testimony on S.B. 306 Amending K.S.A. 1996 Supp. 74-5602
requiring compliance with law enforcement training for special investigators
of the Department of Social and Rehabilitation Services**

March 17, 1997

Madam Chairwoman and members of the committee, thank you for allowing the opportunity to give testimony on S.B. 306. This bill would require attendance at the Kansas Law Enforcement Training Center for special investigators of the Legal Division of the Department of Social and Rehabilitation Services designated by the Secretary

For the last twenty years special investigators who have worked for the Agency have been performing law enforcement duties without the benefit of statutory authority. These investigations range from welfare fraud investigations to neglect and abuse of patients in SRS institutions. Agency investigators also conduct internal investigations relating to all SRS employees. As it stands now, these investigators are precluded from attending the necessary training because of statutory roadblocks.

While conducting these investigations the investigators are placed in great jeopardy because of the type of individuals they are dealing with. Many of the individuals have past criminal records or are presently wanted for outstanding felony warrants. In many of the neighborhoods where these investigations take place crack houses exist or the neighborhood is infested with gang activity. The investigator is also dealing with illegal aliens many who have been deported before and are wanted by the Immigration and Naturalization Service.

In addition to the training provided for in S.B. 306, the Agency is also supportive of the amendment being proposed by the Kansas Investigators Association. This amendment would authorize the Secretary of SRS to designate certain special investigators to have law enforcement authority. By having law enforcement authority the investigator would also have access to criminal history records before the home visit to ascertain if the individual they might be dealing with is wanted or has a history of violent crime. Also as a result of Federal welfare reform legislation, the Agency may deny assistance to an individual who has a felony drug conviction after August 22, 1996 or is a fleeing felon. At the present time the Agency has no way to gather this information rapidly or if at all.

For these reasons it is respectfully requested that this Committee adopt the amendment prepared by KIA and act favorably on S.B. 306.

Respectfully submitted,

Edgar A. Aldrine
Chief of Investigations
Office of General Counsel
SRS Legal Division
913-296-4844

Sen. Federal & State Affairs Comm.
Date: 3-17-97
Attachment: # 1



DIVISION OF THE BUDGET
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 State Capitol Building
 Topeka, Kansas 66612-1504
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Gloria M. Timmer
 Director

Bill Graves
 Governor

March 5, 1997

The Honorable Lana Oleen, Chairperson
 Senate Committee on Federal and State Affairs
 Statehouse, Room 136-N
 Topeka, Kansas 66612

Dear Senator Oleen:

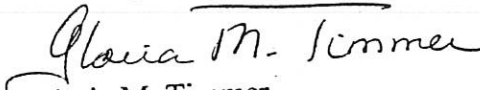
SUBJECT: Fiscal Note for SB 306 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 306 is respectfully submitted to your committee.

SB 306 would amend current law to define "deputy sheriffs" who are appointed by county sheriffs at the request of the county board of park commissioners as law enforcement officers. The bill would also change the definition of law enforcement officer to include special investigators of the Legal Division of the Department of Social and Rehabilitation (SRS) who are designated by the Secretary of SRS.

SB 306 would have no fiscal effect. Including these two categories of individuals in the definition of "law enforcement officer" would require them to attend law enforcement training at either the Kansas Law Enforcement Training Center operated by the University of Kansas or a local training program certified by the Kansas Law Enforcement Training Center. The University of Kansas indicates that the number of additional individuals who would require training as a result of the passage of this act cannot be determined but that it is expected to be small. Therefore, the agency indicates that there would be no additional training costs associated with passage of this act.

Sincerely,


 Gloria M. Timmer
 Director of the Budget

cc: Don Pound, SRS
 Marvin Burris, Board of Regents
 Marlin Rein, KU

Sen. Federal & State Affairs Comm.
 Date: 3-17-97
 Attachment: #2

Carrol R. Christian - President
Aleda Goerke - Vice President
Marilyn Fogarty - Secretary Treasurer



Kansas Association of Investigators
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Holcomb, Kansas 67851
Phone # (316) 277-2410

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
Testimony on S.B. 306 Amending K.S.A. 1996 Supp. 74-5602
requiring compliance with law enforcement training for special investigators
of the Department of Social and Rehabilitation Services
March 17, 1997

Madam Chairwoman and members of the Committee, thank you for allowing me on behalf of the Kansas Association of Investigators to give testimony on S.B. 306 and on the amendment that Association is proposing. (Copy Attached).

On the intent of S.B. 306 has always been twofold, first to amend the Kansas Law Enforcement Training Act to allow Investigators specially designated by the Secretary of S.R.S. to be able to attend the state training academy and secondly to give those Investigators law enforcement authority. Unfortunately we learned after it had been introduced by Senator Morris that this bill in it's present form would accomplish neither of these goals and that is why we are asking you to amend S.B. 306 to include the attached amendment.

The Law Enforcement Training Act in it's current form specifically states that no employee of the Secretary of Corrections or of the Secretary of Social and Rehabilitation Services shall be considered as a Law Enforcement Officer for purposes of the Training Act. This section was inserted into the Training Act to exempt D.O.C. Prison Guards and the S.R.S. Safety and Security Officers at state institutions from having to attend the Law Enforcement Academy and instead allow them to attend the D.O.C. sponsored training course. An unintended consequence of inserting that section is that it bars the S.R.S. Special Investigators from being able to attend the Academy.

S.B. 306 as it was originally introduced would change the training act by adding us to the list of other Law Enforcement Officers under it's definition and terms and change the section barring all S.R.S. employees from attending the Academy to just the Safety and Security Officers. However we would still be barred from attending the Academy because later on in the Training Act it states that every applicant to the Law Enforcement Training Academy must be a member of a Law Enforcement Agency.

This is where the proposed amendment comes into play. This amendment in effect creates what is know as an enabling statute. This statute would specifically grant us law enforcement authority and statutorily define our positions as Law Enforcement Officers. This would protect the Investigators and the Agency since we have been performing law enforcement duties without the benefit of clearly defined authority.

This amendment is modeled after the enabling statutes of several other State Agencies that have Special Investigators who are already defined as Law Enforcement Officers, including the Lottery and Racing Commission, the Cattle Brand Inspectors of the Department of Animal Health, the Kansas Securities Commission and the Department of Revenue's A.B.C. Investigators. It was also formulated after consultation with administrative and legal staff of the Law Enforcement Training Center on what we need and what would work best for our situation.

Sen. Federal & State Affairs Comm.
Date: 3-17-97

Carrol R. Christian - President
Aleda Goerke - Vice President
Marilyn Fogarty - Secretary Treasurer




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SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
Testimony on S.B. 306 Amending K.S.A. 1996 Supp. 74-5602
requiring compliance with law enforcement training for special investigators
of the Department of Social and Rehabilitation Services
March 17, 1997

As I said earlier the purpose of S.B. 306 has always been twofold, to get us much needed training and to give us law enforcement authority. We as Investigators desperately need this legislation in order to effectively do our jobs. Each year we conduct thousands of criminal investigations and I think you would all agree it's almost impossible, besides being extremely dangerous, to do criminal investigations and not be Law Enforcement Officers. Especially when we do many of our investigations in the field, by ourselves. However, often times we have to have other agency staff accompany us to interpret for us or to help visually identify the client. This exposes them to the same dangerous situation we face. Since we can't protect ourselves we certainly can't protect them either. Since we currently have no statutory authority as Law Enforcement Officers we do not have access to computerized criminal history files or Wanted Persons files. Because of the volume and types of clientele we encounter during criminal investigations this information would be invaluable to us. Also do to the provision of the new Federal Welfare Reform Act we can deny persons with felony drug convictions occurring after, August 22, 1996, public assistance. Without S.B. 306 and this amendment we will have no way of knowing this information. We estimate just by being able to do these checks we will be able to save the State hundreds of thousands of dollars a year.

This bill and amendment is good for the Investigators, it's good for the Agency, it's good for the Taxpayers of the State and it's good for the truly deserving people on public assistance. Because they, like all citizens, know that there is only so much money available and anyone who frauds the system is in effect not only stealing tax dollars but they are also stealing money and benefits that could be used for the truly needy. I, as President of the Investigators's Association, and as an Investigator myself can think of no other single piece of legislation that will ever be more important to us or that would more effectively combat welfare fraud. Therefore, the Kansas Association of Investigators respectfully requests that you support S.B. 306 and the amendment to it. Thank you.

Respectfully Submitted,


Mr. Carrol R. Christian, President
Kansas Association of Investigators

AMENDMENT TO SENATE BILL #306

An act concerning certain special investigators of the Department of Social and Rehab Serv. Granting law enforcement powers; training requirements. Department SRS special investigators; law enforcement training requirements. Certain special investigators of the legal division, appointed by the Sec of SRS, pursuant to K.S.A. 75-5309 and amendments thereto and as specifically designated by the Secretary shall have authority to make arrests, serve subpoenas and all other process, conduct searches and seizures, store evidence, and carry firearms, concealed or otherwise while investigating violations of the provisions of article 7 chapter 39 of the Kansas statutes annotated and acts amendatory of the provisions thereof and supplemental thereto or while investigating any other crimes. Such special investigators performing law enforcement duties under authority of this section shall meet the training requirements for law enforcement officers as required by K.S.A 74-5607a and shall not carry firearms without completing such training.

Sen. Federal & State Affairs Comm.
Date: 3-17-97
Attachment: #4

Law Enforcement for SRS Special Investigators
January 30, 1997

Special Investigators who work for SRS have for the last twenty years have been performing law enforcement duties without the benefit of statutory authority. Certified law enforcement personnel in Kansas are required to attend an approved training program of at least 320 hours. Also they are required annually to attain 40 hours of recertification because of the technical aspect of the job and the ever changing laws that affect their duties. With this in mind the Special Investigators need to have their position clarified and defined.

By being certified law enforcement officers the following points are given to show how this would affect the Agency and the investigators.

- Special Investigators would be able to access criminal history file to ascertain felony - drug related convictions to deny assistance under the new Welfare Reform Act.
- Special Investigators would be able to ascertain criminal history data on employee screening.
- Would be able to serve all legal process therefore not relying on the county sheriff who is often not very diligent in their service.
- Better and up to date training.
- Eligible for asset forfeiture sharing with other law enforcement agencies.
- Information sharing with other law enforcement agencies, and joint operations with those agencies in the furtherance of SRS programs.
- Eligible for federal grant money for equipment and new programs.
- Safety of the Special investigator while performing their duties which often requires them to be in dangerous situations especially in undercover EBT investigations.
- Obtain welfare fraud conviction information in other states.



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Bill Graves
Governor

Charles E. Simmons
Secretary

Memorandum

DATE: March 17, 1997

TO: Senate Federal and State Affairs Committee

FROM: Charles E. Simmons
Secretary of Corrections 

RE: HB 2103

The Department of Corrections supports HB 2103. HB 2103 amends the provisions of K.S.A. 22a-215 and 65-904 regarding the disposition of unclaimed bodies of persons who die in the custody of the Secretary of Corrections. Additionally, HB 2103 would delete the requirement that a search for relatives and friends of the deceased be conducted by telegraph.

HB 2103 authorizes the cremation of the unclaimed body of a deceased inmate in the custody of the Secretary of Corrections. Mortuary services itemized in state contracts provide for cremation, however, cremation is not currently authorized for deceased inmates. HB 2103 would result in savings to the department in the range of \$1,125.00 to \$1,625.00 per deceased inmate depending on the correctional facility involved.

HB 2103 would also clarify the department's responsibility for paying the cost for the disposition of unclaimed bodies of persons who die in the department's custody. In 1996, there were six inmate deaths where the body remained unclaimed. One of the bodies was donated to the University of Kansas Medical Center. Burial expenses for the other five averaged approximately \$2,225.00. The department has historically paid the costs for internment.

Current law is ambiguous in regard to the fiscal responsibility for the burial of indigents. K.S.A. 22a-215 provides for burial costs for indigent persons eligible to receive public assistance to be paid by the Department of Social and Rehabilitation Services. However, K.S.A. 39-317d limits payment for internment to persons receiving public assistance at the time of death.

The department urges favorable consideration of HB 2103.

CES/TGM/jm

Sen. Federal & State Affairs Comm
Date: 3-17-97
Attachment: #5