

Executive Reorganization Order No. 42

Governor Sam Brownback

1-22

1 Reorganization of the Juvenile Justice Authority and the Department of
2 Corrections

3
4 Section 1. (a) The Juvenile Justice Authority created by K.S.A. 75-
5 7001, and amendments thereto, is hereby abolished.

6 (b) Except as otherwise provided by this order, all of the jurisdiction,
7 powers, functions and duties of the juvenile justice authority and the
8 commissioner of juvenile justice are hereby transferred to and conferred
9 and imposed upon the department of corrections and the secretary of
10 corrections.

11 (c) Except as otherwise provided by this order, the department of
12 corrections and the secretary of corrections shall be the successor in every
13 way to the jurisdiction, powers, duties and functions of the juvenile justice
14 authority and the commissioner of juvenile justice in which the same were
15 vested prior to the effective date of this order. Every act performed in the
16 exercise of such jurisdiction, powers, duties and functions by or under the
17 authority of the department of corrections and the secretary of corrections
18 shall be deemed to have the same force and effect as if performed by the
19 juvenile justice authority or the commissioner of juvenile justice,
20 respectively, in which such jurisdiction, powers, duties and functions were
21 vested prior to the effective date of this order.

22 (d) Except as otherwise provided by this order, whenever the juvenile
23 justice authority, or words of like effect, is referred to or designated by a
24 statute, contract or other document, such reference or designation shall be
25 deemed to apply to the department of corrections.

26 (e) Except as otherwise provided by this order, whenever the
27 commissioner of juvenile justice, or words of like effect, is referred to or
28 designated by a statute, contract or other document, such reference or
29 designation shall be deemed to apply to the secretary of corrections.

30 (f) All rules and regulations, internal management policies and
31 procedures (IMPP), facility orders and post orders of the juvenile justice
32 authority which relate to the functions transferred by this order and which
33 are in effect on the effective date of this order shall continue to be effective
34 and shall be deemed to be rules and regulations, internal management
35 policies and procedures (IMPP), facility orders and post orders of the
36 department of corrections until revised, amended, revoked, or nullified

1 pursuant to law.

2 (g) All orders and directives of the juvenile justice authority or the
3 commissioner of juvenile justice in existence on the effective date of this
4 order shall continue to be effective and shall be deemed to be orders and
5 directives of the department of corrections or secretary of corrections until
6 revised, amended or nullified pursuant to law.

7 (h) On the effective date of this order, the department of corrections
8 shall succeed to whatever right, title or interest the juvenile justice
9 authority has acquired in any real property in this state, and the department
10 of corrections shall hold the same for and in the name of the state of
11 Kansas. On and after the effective date of this order, whenever any statute,
12 contract, deed or other document concerns the power or authority of the
13 juvenile justice authority or the commissioner of juvenile justice to
14 acquire, hold or dispose of real property or any interest therein, the
15 department of corrections shall succeed to such power or authority.

16 (i) The department of corrections and the secretary of corrections shall
17 be continuations of the juvenile justice authority and the commissioner of
18 juvenile justice.

19 Section 2. (a) All officers and employees in the juvenile justice
20 authority who, immediately prior to the effective date of this order, are
21 engaged in the exercise and performance of the powers, duties, and
22 functions transferred by this order, are hereby transferred to the department
23 of corrections unless the secretary of corrections determines that some
24 officers or employees are not performing necessary services. All classified
25 employees so transferred shall retain their status as classified employees.
26 Thereafter, the secretary of corrections may convert vacant classified
27 positions to positions in the unclassified service under the Kansas civil
28 service act.

29 (b) Officers and employees in the juvenile justice authority
30 transferred by this order shall retain all retirement benefits and leave
31 balances and rights which had accrued or vested prior to the date of
32 transfer. The service of each such employee so transferred shall be
33 deemed to have been continuous. Any subsequent transfers, layoffs, or
34 abolition of classified service positions under the Kansas civil service act
35 shall be made in accordance with the civil service laws and any rules and
36 regulations adopted thereunder. Nothing in this order shall affect the
37 classified status of any transferred person employed by the juvenile justice
38 authority prior to the date of transfer.

39 (c) The Memorandum of Agreement between the Kansas Juvenile
40 Justice Authority and Kansas Department of Administration and Teamsters
41 Union Local #696 that is in existence on the effective date of this order
42 shall continue to be effective until revised, amended or nullified pursuant
43 to the terms of the Memorandum of Agreement.

1 (d) The Memorandum of Agreement between the State of Kansas
2 and the Kansas Organization of State Employees that is in existence on the
3 effective date of this order shall continue to be effective until revised,
4 amended or nullified pursuant to the terms of the Memorandum of
5 Agreement.

6 Section 3. (a) When any conflict arises as to the disposition of any
7 power, function or duty or the unexpended balance of any appropriation as
8 a result of any abolition, transfer, attachment or change made by or under
9 authority of this order, such conflict shall be resolved by the governor,
10 whose decision shall be final.

11 (b) The department of corrections shall succeed to all property and
12 records which were used for or pertain to the performance of the powers,
13 duties and functions transferred to the department of corrections from the
14 juvenile justice authority. Any conflict as to the proper disposition of
15 property or records arising under this section, and resulting from the
16 transfer or attachment of any state agency, or all or part of the powers,
17 duties and functions thereof, shall be determined by the governor, whose
18 decision shall be final.

19 Section 4. (a) The department of corrections shall have the legal
20 custody of all records, memoranda, writings, entries, prints,
21 representations or combinations thereof of any act, transaction, occurrence
22 or event of the juvenile justice authority and any agency or office
23 transferred thereto under previous law.

24 (b) No suit, action, or other proceeding, judicial or administrative,
25 lawfully commenced, or which could have been commenced, by or against
26 any state agency or program mentioned in this order, or by or against any
27 officer of the state in such officer's official duties, shall abate by reason of
28 the governmental reorganization effected under the provisions of this
29 order. The court may allow any such suit, action, or other proceeding to be
30 maintained by or against the successor of any such state agency or any
31 officer affected.

32 (c) No criminal action commenced or which could have been
33 commenced by the state shall abate by the taking effect of this order.

34 Section 5. (a) On and after the effective date of this order, the balance
35 of all funds appropriated and reappropriated to the juvenile justice
36 authority or any juvenile correctional facility or program is hereby
37 transferred to the department of corrections and shall be used only for the
38 purpose for which the appropriation was originally made.

39 (b) Subject to the acts of the legislature, all fees, grant funds, and loan
40 repayment funds in the juvenile justice authority dedicated to programs
41 affected by this order shall be transferred to the department of corrections.

42 (c) On and after the effective date of this order, the liability for all
43 accrued compensation or salaries of officers and employees who are

1 transferred to the department of corrections under this order shall be
2 assumed and paid by the department of corrections.

3 Section 6. (a) All jurisdiction, powers, functions and duties relating to
4 juvenile correctional facilities and institutions as defined in K.S.A. 38-
5 2302, and amendments thereto, are conferred and imposed upon the
6 secretary of corrections to be administered within the department of
7 corrections as provided by this order.

8 (b) The secretary of corrections may adopt rules and regulations for the
9 government, regulation and operation of such institutions. The secretary of
10 corrections may adopt rules and regulations relating to all persons
11 admitted to such institutions.

12 (c) The secretary of corrections may enter into an educational services
13 contract with a unified school district, another public educational services
14 provider or a private educational services provider for an institution
15 pursuant to competitive bids or by negotiation as determined by the
16 secretary of corrections. Each such educational services contract is exempt
17 from the competitive bid requirements of K.S.A. 75-3739, and
18 amendments thereto.

19 (d) The secretary of corrections shall not issue a pass, furlough or leave
20 to any juvenile placed in an institution except as needed for such juvenile
21 to obtain medical services or to reintegrate such juvenile into the
22 community. If any juvenile is issued a pass, furlough or leave, such
23 juvenile shall be accompanied by a staff member or other designated adult.

24 (e) The secretary of corrections shall implement an institutional
25 security plan designed to prevent escapes and to prohibit contraband and
26 unauthorized access to the institution and, within the limits of
27 appropriations, construct perimeter fencing as required by the institutional
28 security plan.

29 (f) The secretary of corrections, by rules and regulations, shall establish
30 a rigid grooming code and shall issue uniforms to juvenile offenders in an
31 institution.

32 (g) The Larned juvenile correctional facility shall be under the
33 supervision and control of the secretary of corrections in accordance with
34 K.S.A. 76-3203, and amendments thereto.

35 (h) The Kansas juvenile correctional complex shall be under the
36 supervision and control of the secretary of corrections in accordance with
37 K.S.A. 76-3203, and amendments thereto.

38 (i) The department of corrections shall be the successor in every way to
39 the jurisdiction, powers, duties, and functions of the juvenile justice
40 authority pertaining to the programs and operation of juvenile correctional
41 facilities and institutions. Every act performed in the exercise of such
42 transferred powers, duties, and functions by or under the authority of the
43 department of corrections shall be deemed to have the same force and

1 effect as if performed by the juvenile justice authority in which such
2 powers, duties, and functions were vested prior to the effective date of this
3 order.

4 Section 7. The secretary of corrections shall promulgate rules and
5 regulations for the juvenile intake an assessment system and programs
6 concerning juvenile offenders in accordance with K.S.A. 75-7023, and
7 amendments thereto.

8 Section 8. The secretary of corrections shall administer the provisions
9 of the revised Kansas juvenile justice code in accordance with K.S.A. 75-
10 7024, and amendments thereto.

11 Section 9. The secretary of corrections shall administer regional youth
12 care and rehabilitation facilities in accordance with K.S.A. 75-7025, and
13 amendments thereto.

14 Section 10. The secretary of corrections shall administer supplemental
15 youth care facilities in accordance with K.S.A. 75-7026, and amendments
16 thereto.

17 Section 11. The secretary of corrections shall administer residential
18 care facilities for children and youth established by and in accordance with
19 K.S.A. 75-7028, and amendments thereto.

20 Section 12. The secretary of corrections shall administer community
21 planning teams, juvenile justice programs, the juvenile justice community
22 planning fund, and the juvenile justice community initiative fund in
23 accordance with K.S.A. 75-7033, and amendments thereto.

24 Section 13. The secretary of corrections shall administer all grants
25 under K.S.A. 75-7038 through 75-7053, and amendments thereto.

26 Section 14. The secretary of corrections shall administer community
27 graduated sanctions and prevention programs and the community advisory
28 committee in accordance with K.S.A. 75-7056, and amendments thereto.

29 Section 15. The Kansas advisory group on juvenile justice and
30 delinquency prevention will report to the secretary of corrections in
31 accordance with K.S.A. 75-7007, and amendments thereto.

32 Section 16. Except as otherwise provided by this order, all of the
33 provisions of this order shall take effect and have the force of general law
34 on July 1, 2013, unless disapproved by either house of the Kansas
35 legislature as provided by subsection (c) of section 6 of article 1 of the
36 constitution of Kansas, and unless so disapproved, this order is to be
37 published as and with the acts of the legislature and the statutes of this
38 state.

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DONE AT The Capitol in Topeka Under
the Great Seal of the State of Kansas
this ____ day of _____ 201__.

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BY THE GOVERNOR:

SAM BROWNBACK

Kris W. Kobach

Secretary of State of Kansas

Brad Bryant

Assistant Secretary of State of Kansas