

Approved: 3/15/2012
(Date)

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY COMMITTEE

The meeting was called to order by Vice Chair Peter DeGraaf at 3:30 p.m. on Tuesday, February 14, 2012 in Room 546-S of the Capitol.

All members were present except:

Rep. Mike Burgess - Excused
Rep. Kyle Hoffman - Excused
Rep. Charles Roth - Excused
Rep. Louis Ruiz- Excused

All Committee staff was present except Julian Efird, Legislative Research.

Conferees appearing before the Committee:

Tim Madden, Sr. Counsel to the Secretary of Corrections

Others in attendance:

See attached list.

In the absence of Rep. Burgess, Vice Chair DeGraaf chaired the meeting. Hearings on additional Office of Repealer bills continued.

The hearing for **HB 2669–Repealing KSA 19-901, 19-902, 19-903 and 19-904** was opened. Vice Chair DeGraaf welcomed Tim Madden, who was testifying as a proponent on Office of Repealer bills relating to the Department of Corrections. He presented testimony and a copy of the suggested repealed statutes (Attachment 1) on this bill relating to the position of jail matron for county jails. This bill repeals K.S.A. 19-901, 19-902, 19-903, and 19-904, all statutes enacted in 1913. He noted that it was not uncommon for the sheriff to live at the jail and his spouse to serve as jail matron to cook meals for the jail inmates. This no longer reflects the contemporary jail of today, and the Department of Corrections urges favorable passage of the bill, thus repealing these outmoded statutes. Mr. Jim Wilson, Revisor of Statutes, presented the written overview (Attachment 2) and had no additional comments. The fiscal note indicates the enactment of this bill would have no fiscal effect (Attachment 3). The Vice Chair asked if there were any opponents of the bill. There being none, the hearing on the bill was closed.

Vice Chair DeGraaf then opened the hearing on **HB 2682–Repealing statutes relating to the purchase of real estate by the secretary of corrections which are no longer applicable.** Mr. Madden testified as a proponent (Attachment 4) and indicated this Office of Repealer bill

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would repeal K.S.A. 75-52,119; 75-52,120, and 75-52,121 (copies provided as part of attachment). These statutes authorized the Secretary of Corrections to purchase real estate for the Department of Corrections, the real estate subject to those statutes has been purchased, and the statutes are outmoded. The Department of Corrections urges favorable consideration of this bill. Mr. Jim Wilson presented an overview ([Attachment 5](#)) and added that the bill provided authority to acquire and finance the property, and that action has been fully executed. The fiscal note indicates the enactment of this bill would have no fiscal effect ([Attachment 6](#)). Vice Chair DeGraaf asked if there were any opponents for the bill or questions, and there being none, the hearing was closed.

Vice Chair DeGraaf opened the hearing on **HB 2683–Repealing statutes related to the director of penal institutions**. Mr. Madden testified as a proponent ([Attachment 7](#)) noting that this Office of Repealer bill repeals K.S.A. 75-5207, 75-5208, and 75-5213 (copies provided as part of attachment), dealing with the creation of the Director of Penal Institutions in 1973. These statutes are outmoded. The chief executive officer for the Kansas Department of Corrections is now designated as the Secretary of Corrections (K.S.A. 75-5203). The bill amends K.S.A. 22-3416 to change reference from “director of penal institutions” to “secretary of corrections.” The bill recognizes the importance of provisions of K.S.A. 22-3416 governing the availability of incarcerated prisoners to testify in criminal proceedings, and those provisions remain in the bill. The Department of Corrections urges favorable consideration. Mr. Jim Wilson provided an overview ([Attachment 8](#)) and had nothing further to add. The fiscal note indicates the enactment of this bill would have no fiscal effect ([Attachment 9](#)). Vice Chair DeGraaf asked if there were any opponents or questions, and there being none, the hearing on this bill was closed.

The hearing was opened on **HB 2684–Repealing statutes relating to the ombudsman of corrections**. Mr. Madden testified as a proponent ([Attachment 10](#)) indicating this Office of Repealer bill would repeal a series of statutes that governed the Ombudsman of Corrections. This office/position has not been funded or operational for approximately a decade, and the Department of Corrections feels the statutes are outmoded and urges favorable consideration of this bill. The statutes being repealed are K.S.A. 74-7402, 74-7403, 74-7404, 74-7406, and 74-7407 (copies provided as part of attachment). Mr. Wilson, Revisor of Statutes, provided an overview ([Attachment 11](#)) and added that in the 1992 Session, legislation abolished several boards, commissions, and committees, including the corrections ombudsman board. The fiscal note indicates the enactment of this bill would have no fiscal effect ([Attachment 12](#)). Vice Chair DeGraaf asked if there any opponents or questions. It was asked how this is handled today. Mr. Madden indicated Kansas has judicial oversight and grievance procedures. The hearing on this bill was closed.

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Vice Chair DeGraaf opened the hearing on **HB 2704—Repealing statutes related to the Topeka correctional facility which are no longer applicable.** Mr. Madden testified as a proponent (Attachment 13) to this Office of Repealer bill. This bill repeals K.S.A. 75-5262, 75-5263, 75-5264, and 75-5265 (copies provided as part of attachment). The statutes were enacted in 1973 and incorporated the State Reception and Diagnostic Center (now Topeka Correctional Facility) into a correctional system of other institutions under the responsibility of the Director of Penal Institutions. Mr. Wilson provided an overview (Attachment 14) and added that the statutes also addressed staffing and transfer to and from TCF. As additional correctional facilities have been established, the TCF no longer exists as a separate, designated facility within the Department of Corrections that is designated to perform reception and diagnostic services. Mr. Madden indicated the statutes are outmoded and urges favorable consideration of this repeal bill. The fiscal note indicates the enactment of this bill would have no fiscal effect (Attachment 15). The hearing was closed.

Mr. Madden was thanked for his testimony on the above five bills.

There being no further business, Vice Chair DeGraaf adjourned the meeting at 3:48 p.m.