

Approved 3-28-84  
Date

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Bunten at  
Chairperson

1:30 ~~xxx~~/p.m. on Tuesday, March 20, 1984 in room 514-S of the Capitol.

All members were present except:

Committee staff present: Lyn Goering, Legislative Research  
Gloria Timmer, Legislative Research  
Jim Wilson, Office of the Revisor  
Nadine Young, Committee Secretary

Conferees appearing before the committee:

Representative Reinhart  
Rick Von Ende, Exec. Secretary, Office of the Chancellor  
University of Kansas  
Joe Benson, Marshall of Nemaha Educational Coop.  
Onan Burnett, Kansas Assoc. of Special Education Directors  
USD 501  
Dr. Bob Wittman, Director of Kansas Assoc. of Special  
Education  
Dr. Bill Curtis, Kansas Assoc. of School Boards  
Carol Nigus, Director of Special Education, Brown County  
Duane Scott, Director of Special Education, Phillipsburg  
School District  
Dr. Robert Harder, SRS  
Phil Magathon, Kansas Assoc. of Court Services Officers  
Senator Ed Roitz  
Jim Yonally, Kansas Chapter of National Federation of  
Independent Businesses

Others present (Attachment 1)

Chairman called the meeting to order at 1:30 p.m.

HB 3103 -- an act concerning special education for exceptional children; relating to the determination of the amount of state aid for the provision thereof; amending K.S.A. 72-967, 72-978 and 72-979, and repealing the existing sections.

Representative Rolfs who was sub-committee chairman explained the bill and offered an amendment (Attachment 2) that is intended to make it clear that there would not be a ratio imposed on the distribution of state aid.

Representative Rolfs moved for adoption of the amendment - it was seconded by Representative Meacham. The motion carried.

Joe Benson, representing Nemaha Educational Cooperative testified in opposition to the bill expressing objection to the wording about reimbursement. He said this bill would impair the process of full funding. (Attachment 3).

Carol Nigus representing Brown County also testified in opposition to the bill. She said passage of this bill would create a possibility of not funding her people who are not directly involved with a case load of students. She thinks it would be a bad restriction on rural areas such as her area.

Duane Scott appeared in opposition to HB 3103 expressing concern on the language regarding reimbursement. He is also concerned about travel required and loss of time in busing of students.

Dr. Bill Curtis testified in opposition to HB 3103 and furnished a handout (Attachment 4).

Dr. Robert Wittman, Chairman of KASEA Legislative Committee addressed the committee in opposing HB 3103 (Attachment 5).



CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,  
room 514-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, March 20, 1984

Onan Burnett representing USD 501 also appeared in opposition of HB 3103.

Dr. Robert Harder addressed the committee on HB 3103 as it relates to hospitals and institutions (Attachment 6). His testimony sets out several areas and how it affects Kansas institutional programs.

No action taken this date on HB 3103.

Chairman turned to HB 3102 -- an act concerning the state board of regents; authorizing the conveyance of certain property in Johnson county, Kansas, to the Kansas university endowment association.

Rick Von Ende explained the bill. Representative Chronister moved that HB 3102 be recommended favorably for passage. Seconded by Representative Duncan. Motion carried.

HB 2832 -- an act concerning school districts; providing for the payment of state aid thereto for the operation of certain summer programs.

Representative Reinhardt, sponsor of the bill, addressed the committee and explained the provisions of the legislation. The bill sets up a 6-week summer school program to provide remedial help for students of the early grades.

Representative Meacham moved that HB 2832 be recommended favorable for passage. Seconded by Representative Farrar. Motion carried.

SB 295 - substitute bill for SB 295, concerning Kansas prompt payment act. Senator Ed Roitz appeared before the committee and explained the provisions of the bill. It provides an incentive for state government office to pay their bills to vendors and suppliers on a prompt basis - within 30 days. It also provides for a penalty if the state agency does not pay the bill within the time allowed. Senator Roitz stated he did not have a prepared amendment; however he urged the committee to amend the bill to include school boards and school districts. (Attachment 7).

Jim Yonally, representing Kansas Chapter of National Federation of Independent Businesses appeared as a proponent to the bill.

Representative Heinemann offered a conceptual amendment to include the units of government that were in the bill last year and that an exception be made for those entities which don't meet every 30 days to go over bills. Seconded by Representative Meacham. Motion carried.

Representative Chronister moved that SB 295 be recommended favorably for passage, as amended. Seconded by Representative Hoy. Motion carried.

HB 3104 - an act concerning probation services; imposing certain fees therefor; prescribing the disposition of such fees; amending K.S.A. 1983 Supp. 21-4610 and repealing the existing section.

Representative Chronister explained the bill. Phil Magathon, representing Kansas Association of Court Services Officers testified in support of HB 3104 (Attachment 8). Representative Chronister moved that HB 3104 be recommended favorably for passage. Seconded by Representative Louis. Motion carried.

HB 3105 -- an act increasing certain docket fees; amending K.S.A. 32-155b and K.S.A. 1983 Supp. 8-2107 and 28-172a and repealing the existing sections.

Representative Chronister explained the bill and offered an amendment which increases the docket fees. These increases in fees would raise 1/2 million dollars in the next year.

Atch. 9  
Representative Chronister moved for adoption of the amendment. Seconded by Representative Teagarden. Motion carried.

Representative Chronister moved that HB 3105 be recommended favorably for passage as amended. Seconded by Representative Louis. Motion carried.

Meeting adjourned at 3:45 p.m.

GUESTS -- 1984

3-20-84

Name	Address	Representing
1. Jerry Sloan	Tucson	Off of Jud Admin
2. Lyle D. ...	Monterey	Sect of ...
3. Dwight Scott	St. Louis	NAMES USD # 257
4. Fred Miller	Box 459, Emporia	USD # 257
5. Joe ...	519 Main Street KS	USD # 442
6. Mark Wilson	206 W 4 <sup>th</sup> Holton, KS	USD # 336
7. ...	5900 S.W. 33rd	USD # 437
8. J. E. McDonald	...	16
9. R. D. Wittman	1921 E ...	USA / KAP EF
10. ...	...	USD # 497
11. M. Magathar	...	K.A.C.S.O.
12. Carol Nigus	105 S. ...	Int'l Local # 615
13. ...	1202 ...	Pres. Co. Sp. Ed. / K.S.D.E.
14. ...	624 ...	USD 501
15. ...	Texas ...	Dept Admin. Div of ...
16. ...	1200 ...	Dept. of Education
17. ...	...	USD # 221
18. ...	Manhatta	KAPS
19. ...	Tuska	CAS
20.		
21.		
22.		
23.		
24.		
25.		

## Proposed Amendment to House Bill No. 3103

On page 2, in line 72, after the period, by inserting "(a)"; in line 77, by striking "(a)" and inserting in lieu thereof "(1)";

On page 3, in line 87, by striking "(b)" and inserting in lieu thereof "(2)"; in line 94, by striking "(c)" and inserting in lieu thereof "(3)"; in line 100, by striking "(d)" and inserting in lieu thereof "(4)"; in line 101, by striking "subsections (a), (b) and (c)" and inserting in lieu thereof "provisions (1), (2) and (3)"; in line 109, by striking all after the period; by striking all of lines 110 to 117, inclusive; following line 117, by inserting a new subsection as follows:

"(b) (1) In each school year, the state board shall determine the maximum number of special teachers necessary for each school district and interlocal cooperative to comply with the ratio of special teacher to exceptional children prescribed by the state plan for the provision of special education services which are required under the special education for exceptional children act.

(2) No special teacher in excess of the number of special teachers determined by the state board under this subsection shall be counted in making computations under this section.

(3) For the purposes of this section, each special teacher who is a paraprofessional as defined in K.S.A. 72-962, and amendments thereto, shall be counted as 1/2 full-time equivalent special teacher."



TESTIMONY IN OPPOSITION TO HOUSE BILL No. 3103

PRESENTER: JOE BENSON, Director of Special Education

REPRESENTING: Marshall-Nemaha County Educational Services  
Cooperative -- Sponsoring Dist., Nemaha Valley  
USD #442

Chairman Bunten and Member of the House Ways and Means Committee, I wish to thank you for the opportunity to present our view on this piece of legislation. With due respect, I shall ask you to reconsider the changes as set forth in this bill. Specifically, the amendment under Sec. 2. K.S.A. 72-978 which seeks to change the wording and intent of the reimbursement for special education teachers.

The present statute provides for reimbursement for special education teachers authorized by the state board, whereas the amendment you propose provides for reimbursement for those special education teachers required by the state board. The wording amounts to a minor change, yet the intent results in a major change in reimbursement. The product of such a change would create a situation in which few Local Education Agencies would receive reimbursement for staff it must have to carry out State and Federal mandates in relation to special education of the state's exceptional students. That is, if a special teacher is not at the maximum caseload for the special program as authorized under the State Plan for Special Education and accompanying statutes, the Local Education Agency would not be fully reimbursed for that teacher.

The State Board of Education stands on record as in favor of funding full excess cost for the provision of special education services to Local Education Agencies. Current State Legislators, including the President of the Senate, Senator Ross Doyen, Chairman of the Senate Ways and Means Committee, Senator Bogina, and the area legislators for the Nemaha Valley, support the concept of full funding of excess cost of special education services. The change, as proposed in House Bill 3103, would drastically impair the concept of full funding the excess cost of special education.

Perhaps of greater concern than the reduction in reimbursement is the result that such a change causes Local Education Agencies to play Russian Roulette with which State and Federal laws it will seek to provide compliance. By way of example, the change you propose is in direct conflict with Article 12 of the Kansas Register as adopted as law on May 5, 1983. A portion of Article 12 stipulates under 91-12-35. Least Restrictive Environment; Each special education agency shall provide: (a) support services to enable each exceptional child to remain in a regular class placement or placements to the maximum extent possible; (b) sufficient placement options so that removal of the exceptional child from regular education placement presents the least necessary deviation from the educational experiences provided for non-exceptional children; ... (d) special education and related services as close to the child's home as possible;...

In order to comply with Article 12, teachers and related service personnel must be employed to provide for the least restrictive environment placements for exceptional children. In rural areas, it would be next to impossible for each of these teachers and related personnel to be at maximum caseloads of students at any one time. The number of students requiring special education and related services is known to fluctuate such that teachers' caseloads fluctuate up and down throughout the year and from year to year.

A special education student, even if he is the only student in a category for a Local Education Agency, has the right to an appropriate program in the least restrictive environment. The change you propose would result in an exorbitant cost for special education to most Local Education Agencies. If services are provided to one or a few students, and that number is below the maximum caseload, the program would not be fully reimbursed.

Again, I ask you to reconsider making such a change in the existing statute on the grounds that it does not provide for the funding of required special education and related services, and that it causes a conflict in the intent to provide programs in the least restrictive environment.

Thank you for your time and consideration of this matter.



APPEALS COURT ORDERS ARKANSAS EDUCATORS REINSTATED (Cont.)

challenge the appeals court ruling at the High Court, said attorney Henry Osterloh. The case reflects a move by the assistant coaches to get rid of their superior, he said.

But Philip Kaplan, attorney for the assistant coaches, said there was no reason for them to be shuffled around the school district as a result of their objections to the paddling incident. Bowman is returning to work under Walker and Mackey is considering doing so next term, he said. Kaplan also said Walker will have to either accept the reinstated staffers or face a transfer himself.

"I would be absolutely amazed if they [the school administrators] didn't transfer him first" if a rift developed between Walker and his assistants, said Kaplan. "I think they've learned that you can't mess with the First Amendment."

OREGON MUST PAY FOR EDUCATING HANDICAPPED CHILDREN, JUDGE SAYS

Oregon violated federal special education law by failing to provide the necessary funds for educating handicapped children at a private school, a federal judge has ruled in a decision ordering the state to pay the students' full tuition.

Because Oregon receives federal funds under the Education for All Handicapped Children Act, P.L. 94-142, the state is required to "comply with its part of the bargain" to educate handicapped children, U.S. District Judge Helen Frye ruled.

Frye said the Oregon legislature must either "enact a legislative scheme" to provide full funding for educating children who live at the Kerr Center for Handicapped Children, or appropriate the money to pay the full cost of their education.

Frye issued the ruling last month after the state did not come up with a way to pay for the children's education at the private residential home. Frye last year gave the state 90 days to come up with a financing plan after ruling that Oregon has a duty to guarantee adequate funding for special education.

The case is Kerr Center Parents Association v. Charles (82-1123FR).

The question of who should pay for educating the Kerr children has been disputed for two years by the state, parents and the Lake Oswego School District, where all Kerr children are educated. Lake Oswego pays for the program with federal Chapter 1 funds for handicapped children and a special state fund for special education.

For the 1982-83 school year, however, the Oregon legislature budgeted fewer funds for the special fund and Lake Oswego decided it could not make up the difference, Frye said. The district asked each of the home school districts of the Kerr students to share the costs. Most refused, and Lake Oswego in September 1982 informed the state it would no longer provide the program.

Robert Muir, the Oregon assistant attorney general who handled the case, said Frye's ruling is "in error. The state's position is that ... Oregon law does require local school districts to provide a free, appropriate public education to handicapped students." He said state lawyers have recommended that the state appeal the ruling.

"Sure we're pleased with the ruling," said Steve Brischetto, the attorney representing the Kerr Center Parents Association. Because the dispute was not over entitlement to services but who is responsible for paying for them, "Our real intent was to get a resolution that didn't disrupt education services," he said.

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*Robt Wittman*

March 20, 1984

The Honorable Bill Bunten, Chairman  
Committee of the Ways and Means  
House of Representatives  
Capitol Building  
Topeka, Kansas

Representative Bunten and Committee Members:

On behalf of the United School Administrators and one of its member associations, the Kansas Association of Special Education Administrators, I would like to thank you for this opportunity to speak in opposition to the proposed changes to K.S.A. 72-978 made in lines 112-117 of HB3103.

Linking the distribution of special education funds to the ratio of special teacher to exceptional children required by the state plan will result in a significant financial impact to the special education service units across the state. Most districts' ratio is not at the maximum detailed in the state plan. The reasons for not being at the maximum ratio are numerous and, we believe, educationally defensible. A few of these reasons are listed below:

1. Development of programs to meet individual student educational needs. Many exceptional students would be denied an appropriate education if they were required to be in classes with a maximum teacher to pupil ratio.
2. Distribution of handicapping conditions. Because it is not educationally sound to group students of certain types of handicapping conditions and because the various handicapping conditions do not appear equally across the state, it is difficult, if not impossible, to increase ratios, especially in rural areas. If you only have two visually impaired student in a coop, you still have to provide a teacher regardless of the degree of service or the recommended ratio.
3. Provision of education services in the Least Restrictive environment. State and federal regulations require that students be educated in the least restrictive setting. That means that students should not arbitrarily be moved from their home schools in order to maximize teacher to student ratios.



4. Program planning. Because of the change of status of exceptional children throughout the school year, either because of moving from one district to another or a move into or out of a particular special education program, plans must be made to allow for growth in your programs. If programs were begun with a maximum teacher to student ratio, students would be penalized by being denied service until a new program was started.

In summary, the establishment of teacher to student ratios was done as a protection of the educational rights of an exceptional student and was done on the premise that, regardless of a student's needs there are certain limits beyond which a district can not exceed. To impose a financial burden on districts for attempting to best meet exceptional students needs would seriously undermine this right.

Sincerely,



Robert D. Wittman, Ph.D.,  
Chairman  
KASEA Legislative Committee

Dr Robt Harder



STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

MENTAL HEALTH AND  
RETARDATION SERVICES

ROBERT C. HARDER, SECRETARY

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612  
(913) 296-3774  
KANS-A-N 561-3774

March 20, 1984

As presented before the House Ways and Means Committee HB 3103 will have the following effects on Kansas institutional programs:

1. The decrease in categorical aid will produce proportionate increases in budgets for the state institution schools. According to P.L. 94-142 low incidence handicapping conditions must be provided with appropriate services, whether Kansas State Department of Education categorical aid or Social and Rehabilitation Services pays for the service. Teacher contracts to provide the services must be met, regardless of who pays the bill.
2. The bill discourages the practice of the Least Restrictive Environment concept. According to P.L. 94-142, students must be served in the least restrictive environment appropriate to the handicapping condition whether that service be a self-contained, resource, itinerant, consulting teacher or mainstreamed program. This Bill promotes programming for students by class size instead of along a service continuum of individual needs. According to the law, appropriate services must be available whether or not there are large number of students to enroll in the programs. At Topeka State Hospital, of 52 certified teachers, 17 have less than the required maximum case load. In the Industrial Arts Area, the teachers have 17, 10, 13 students. These numbers are purposely kept low to insure the safety of the students enrolled and to offer services appropriate to the needs of secondary students which are compatible with public school programs.
3. The Bill discourages low incidence programming. In general institutional programs are designed to serve particular handicapping conditions, and teachers are hired to serve those special education categories. However, most students served in the state institutions have such severe handicapped conditions, they are often diagnosed to have more than one problem. For example, at Parsons State Hospital 80% of the students are dual diagnosed.

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Not only are they Severely Multiply Handicapped, they are also personally and socially maladjusted. According to the Education Director at Parsons, there is no way to meet the emotional problems and learning difficulties of these students within programs designed to serve maximum numbers of students. The Youth Center at Topeka serves some 200 juvenile delinquents most of which are identified PSA (personal social adjustment students). Based on comprehensive evaluations of those students some are also identified as Learning Disabled, Gifted, Educationally Mentally Handicapped. There are not enough to meet the maximum case loads recommended for full funding. Teachers must be hired and contracts met to serve those students whether or not class sizes are full. The Youth Center at Atchison is presently serving 1 Learning Disabled student and 1 Educably Mentally Retarded Student in addition to the Personal Social Adjustment students. The Youth Center at Atchison has hired one staff person who is certified in LD, EMR, and PSA. The school receives only one award of categorical aid.

4. The Bill would reduce the flexibility of the institutional schools to provide services to students admitted mid-year. About 50 new students are admitted per year at Parsons. Similar numbers of students are, likewise, admitted throughout the year at the other major institutions. Sometimes services must be available based on estimated need. Because of the rural and remote nature of some of the institution schools, it is impossible to recruit teachers particularly in the middle of the year to provide services, the demand for which may vary as students enter and leave programs.

In summary, this Bill will have much more than a fiscal impact on institutional programs. Essentially it will not decrease the need for state funds. By federal law, the programs must be made available whether Kansas State Department of Education or Social Rehabilitation Services pays the bill. The Bill will impact programs offered and the flexibility of the institutions to provide services appropriate to meet the individual needs of handicapped students in Kansas.

Office of the Secretary  
Robert C. Harder, Secretary  
Social and Rehabilitation Services  
296-3271  
March 20, 1984

STATES MUST IMPROVE

The National Audio-Visual Association concludes that the states must improve their payment practices, just as the Federal government is now doing.

\* More Competition for State Business. Firms which now shun state business of delinquent payments will be willing to bid when payments become dependably prompt. More competition will give states more responsible firms to choose from.

\* Better Prices. When the Federal agencies began to pay more promptly, some firms immediately reduced prices. When the cost of carrying government accounts is reduced, these cost savings can be passed on to government.

\* Improved Image. Most businesspeople dislike doing business with governments because of the red tape, bureaucracy, and erratic payments. A state prompt payments statute will improve the integrity of the state's business practices, making the state a more desirable business partner. The statute will earn the state some respect.

\* Savings for the Taxpayer. More competition, better prices, better image, more desirability as a business partner, and improved integrity add up to savings for the taxpayer.

\* Reduced Paperwork and Bureaucracy. To make payments on time, state agencies must reduce the paperwork associated with paying bills. Many states have inherited age-old bill processing systems which rely on excessive use of paper, documents, vouchers, and multiple copies. Further, these states process invoices, receiving reports, and vouchers by hand, making bill payment a highly labor-intensive job. Modern technology-computers, wire transfers, telephone approvals, micrographics and facsimile transmitters-can reduce the labor intensiveness of the job and, in doing so, improve efficiency. For example, reducing to half the number of people who review each invoice will result in substantial savings in some states.



# Prompt Pay: Small Business Now Wants State Action

**U**NCLE SAM is earning a better reputation with small business by paying more of his bills on time. There is good reason for this improved performance: Under a new law, interest is due on the government's overdue bills.

During the first six months that the law was in force, government agencies paid interest totaling \$518,000, according to the Office of Management and Budget.

"That's way below what anyone predicted," says Kenton Pattie, director of the Coalition for State Prompt Pay. "We thought it would be in the millions."

A coalition of 21 business associations led the campaign for passage by Congress of the Prompt Pay Act of 1982. Now that coalition has regrouped, with 23 members, as the Coalition for State Prompt Pay, to encourage passage of similar legislation by states.

Under the federal act, the government is supposed to pay contractors within 30 days of receiving an invoice. After 45 days, the government must pay interest on the amount of the bill, from the 31st day on. The interest rate is the current rate on five-year Treasury notes.

John J. Lordan, deputy associate director of finance and accounting for OMB, says that "there is a strong effort throughout government" to avoid interest penalties.

(OMB considers interest charges on late payments a waste of taxpayers' dollars—but it also frowns on early payment. OMB would like agencies to pay promptly at 30 days, no earlier and no later.)

Although the payment process has been vastly improved, some agencies still are not meeting the requirements of the act, which took effect last October 1.

One business told Pattie that payment of a bill for \$97 was 212 days overdue from the Department of Health and Human Services. Other examples of bills not paid on time: Treasury Department, 242 days late on a bill for \$38; Postal Service, 113 days, on a bill for \$781; and the Central Intelligence Agency, 78 days, on one for \$79.

"From the reports I've received," Pattie says, "the De-

Thanks to a new law,  
Washington is paying  
its bills faster, and  
a drive is on to get  
states to do likewise.

fense Department is the worst offender." The Pentagon had to pay more than \$300,000 in interest on overdue bills—more than half the government-wide total—during the first six months under the act.

Pattie says the Navy in particular has generated complaints, with small businesses citing a number of bills more than 500 days overdue and several more than 800 days overdue. OMB has written to the Defense Department about the Navy problems.

One agency created problems for itself by not starting the 30-day count until an invoice had traveled through a number of offices and arrived at the finance center. OMB has corrected that misunderstanding.

Pattie says, however, that some federal agencies' performances have been better than expected, and some have been outstanding—even some within the Defense Department.

For example, when Navy Captain Gerald Langer arrived in 1981 to take over the Defense Contract Agency's Philadelphia regional office, which spends \$4 billion a year, he found that 40 percent of the bills were being paid late. Langer has that overdue total down to 5 percent; since the Prompt Pay Act went into effect, his office has

had to pay only several hundred dollars in interest on overdue bills.

The Prompt Pay Act, Pattie says, has proven that without interest penalties the federal customer has no incentive to respond to complaints about overdue bills, although the Reagan administration and previous administrations have pushed for prompt payment.

At the time the federal law was passed, 14 states—Alaska, Arizona, Arkansas, California, Florida, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, North Carolina, Oregon, South Carolina and Washington—had some form of prompt pay act.

Since then, such legislation has been enacted by 12 more states—Colorado, Delaware, Indiana, Iowa, Maryland, Montana, Nevada, Oklahoma, Pennsylvania, Rhode Island, Utah and Wyoming.

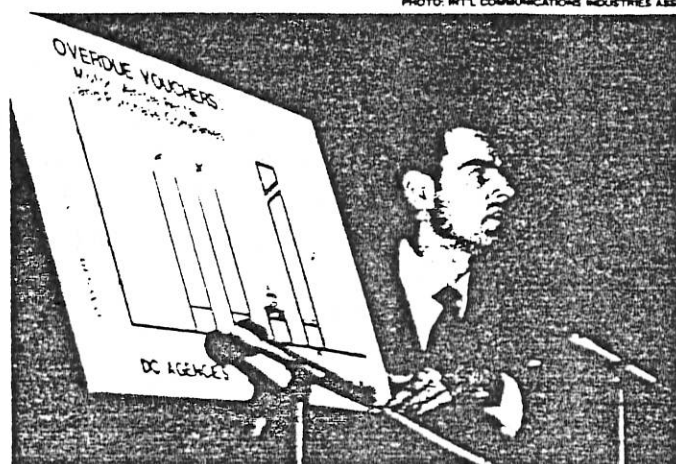
**A** MAJOR TARGET of the State Prompt Pay Coalition is the District of Columbia, which Pattie calls one of the country's most sluggish bill payers. Among examples he cites: a \$5,277 bill for rental of a truck by the University of the District of Columbia was 947 days overdue on May 20. (The bill has since been paid.)

The coalition sees passage of a prompt pay act by the District as setting the stage for a third thrust, at city and county governments and school districts. "Small businesses report that they have been forced to put hundreds of cities and school districts on 'credit hold,' with cash on delivery required for every purchase," the coalition says.

But for the time being, the coalition is urging small business to keep the spotlight on state governments, to encourage them to pass laws establishing payment standards for all state institutions, including hospitals and universities, and to apply those laws whenever state funds are expended by local governments.

Supporters of prompt payment bills see the issue as fairness. Says Alabama state Senator Bill Cabannis, sponsor of one bill: "I don't think that requiring payment in 45 days is a harsh requirement." □

—Grover Heiman



Kenton Pattie heads the campaign to extend prompt-payment rules to governments below the federal level.



# Kansas Association of Court Services Officers

TESTIMONY PRESENTED BY PHIL MAGATHAN,  
LEGISLATIVE CHAIRPERSON

Statewide we are currently providing supervision to a probation population that now exceeds 18,000. Well over 50% of the adult probation population are felony cases and over 60% of the juvenile cases are offender-type cases as defined by the new Juvenile Code. During fiscal year 1983, Court Services Officers statewide prepared 13,293 formal reports to aid judges in determining the most appropriate sentence and correctional plan for the offender.

Court Services Officers in the State of Kansas provide probation services at a nominal cost when you consider the return in court costs, fines, community service work and restitution for crime victims from offenders on supervised probation. At a time when institutional costs and prison populations are increasing, supervised probation provides a very cost effective and proven alternative to incarceration if adequately staffed and funded. The costs of placing an offender on supervised probation averages approximately \$300 per year compared to \$2,000 per year for Community Corrections and \$11,000 per year for prison.

It is increasingly recognized that crime has an important economic dimension and an increasing number of criminal defendants do have resources, particularly white-collar criminals. It would be unfair to tax criminal defendants for the operation of an adjudication system prior to determination of guilt. However, convicted criminals who can pay, could be assessed financial penalties related to the cost of services provided to them. Even criminals without visible resources might indeed find those resources and the cost of committing crime would be more visibly brought home to these individuals.

During the October, 1982 business meeting of the Kansas Association of Court Services Officers, a motion was made and adopted that the Legislative Committee look into the possibility of introducing legislation for probation supervision fees if a revenue generating measure was needed to upgrade personnel. Since then, I have found that several states have some sort of probation supervision fee system. These states are Oklahoma, North Carolina, Nevada, Kentucky, New Mexico, Virginia, Colorado, Oregon, Mississippi, Alabama, South Carolina, California, South Dakota, Georgia, Washington, Louisiana, Tennessee, Texas and New Jersey. Of those states having probation supervision fees, I believe that the State of Colorado has the best one. It is simply a one-time charge imposed upon the defendant where supervision by the Probation Department is ordered by the Court. HB 3104 is similar to the State of Colorado's probation supervision fee system. Therefore, our association would support this legislation if needed to cover part of the cost to upgrade Court Services Officers.



0120 duly authorized under K.S.A. 8-1910 or 66-1319 and amendments  
 0121 thereto to stop such motor carrier, truck or truck tractor for those  
 0122 violations described in subsection (e) ~~of this section~~ which relate  
 0123 to the regulation of motor carriers, trucks or truck tractors, such  
 0124 agent or employee may require the driver of the motor carrier,  
 0125 truck or truck tractor so halted to give a driver's license or bond  
 0126 in the same manner and to the same extent as in subsections (a)  
 0127 and (c).

0128 (e) The offenses for which appearance bonds may be re-  
 0129 quired as provided in subsection (c) and the amounts thereof  
 0130 shall be as follows:

0131	Speeding, minimum bond .....	\$30	4 32
0133	Eleven to fifteen over limit .....	40	42
0135	Sixteen to twenty over limit .....	50	52
0137	Twenty-one to twenty-five over limit .....	60	62
0139	Twenty-six to thirty over limit .....	70	72
0141	Thirty-one to forty over limit .....	90	92
0143	Forty-one and over the limit .....	100	102
0145	Reckless driving .....	60	62
0147	Fail to comply with lawful order of officer .....	35	37
0149	Fail to yield right-of-way to emergency vehicle .....	35	37
0151	Fail to obey official traffic-control signal .....	30	32
0153	Driving less than posted minimum speed, or impeding the normal		
0154	and reasonable flow of traffic .....	30	32
0156	Driving left of center, in wrong lane or in wrong direction on one-		
0157	way .....	30	32
0159	Illegal passing .....	30	32
0161	Failure to yield right-of-way .....	30	32
0163	Failure to stop at stop sign .....	30	32
0165	Illegal turn, turn approach or failure to signal .....	30	32
0167	Following too close .....	30	32
0169	Illegal stop, stand or park .....	30	32
0171	Illegal backing .....	30	32
0173	Fail to stop for railroad electric or mechanical signal devices .....	30	32
0175	Depositing or throwing trash or destructive or injurious material on		
0176	highway .....	60	62
0178	Passing school bus which is displaying stop signal .....	35	37
0180	Brakes inadequate or defective .....	30	32
0182	Registration violation .....	30	32
0184	No operator's or chauffeur's license or violation of restrictions .....	30	32
0186	Driving while license suspended or revoked .....	100	102
0188	Spilling load on highway .....	30	32
0190	Failure to dim headlights .....	30	32
0192	Illegal or defective lights .....	30	32
0194	Overload:		
0195	Gross weight of vehicle or		
0196	combination of		
0197	vehicles ....., .....	an amount equal to the fine	
0198		plus docket fee	
0199		to be imposed if convicted	
0200	Gross weight upon any		
0201	axle or tandem, triple		

9

0202	or quad axles . . . . .	an amount equal to the fine		
0203		plus docket fee		
0204		to be imposed if convicted		
0205	Failure to obtain proper registration, clearance or to have current			
0206	certification as required by K.S.A. 66-1324 and amendments			
0207	thereto . . . . .	250	252	
0209	Insufficient liability insurance for motor carriers pursuant to K.S.A.			
0210	66-1,128 or 66-1314 and amendments thereto . . . . .	100	102	
0212	Failure to obtain interstate motor fuel tax authorization pursuant to			
0213	K.S.A. 79-34,122 and amendments thereto . . . . .	100	102	
0215	Improper equipment (horn, muffler, rear vision mirror, wiper, glass,			
0216	-safety devices, fire extinguishers, flares, reflectors, flags, or other			
0217	required equipment) . . . . .	30	32	
0219	No authority as private, contract or common carrier . . . . .	100	102	
0221	No driver's daily log . . . . .	30	32	
0223	Invalid or no physical examination card . . . . .	30	32	
0225	Transporting open container of alcoholic liquor or cereal malt be-			
0226	verage accessible while vehicle in motion . . . . .	200	202	

0228 (f) In the event of forfeiture of any of the bonds set forth in  
0229 this section, then ~~\$10~~ \$21 of said the forfeited bond shall be  
0230 regarded as court costs in any court having jurisdiction over said  
0231 the violation of state law.

0232 Sec. 2. K.S.A. 1983 Supp. 28-172a is hereby amended to read  
0233 as follows: 28-172a. (a) Except as otherwise provided in this  
0234 section, whenever the prosecuting witness or defendant is ad-  
0235 judged to pay the costs in a criminal proceeding in any county, a  
0236 docket fee shall be taxed as follows:

0237	Murder or manslaughter . . . . .	\$144
0239	Other felony . . . . .	114
0241	Misdemeanor . . . . .	84
0243	Forfeited recognizance . . . . .	44
0245	Appeals from other courts . . . . .	44

0247 (b) In actions involving the violation of any of the laws of this  
0248 state regulating traffic on highways, ~~the violation of~~ any act  
0249 declared a crime pursuant to *the statutes contained in* chapter 32  
0250 of Kansas Statutes Annotated *and amendments thereto* or ~~the~~  
0251 ~~violation of~~ any act declared a crime pursuant to *the statutes*  
0252 *contained in* article 8 of chapter 82a of the Kansas Statutes  
0253 Annotated *and amendments thereto*, whenever the prosecuting  
0254 witness or defendant is adjudged to pay the costs in the action, a  
0255 docket fee of ~~\$10~~ \$21 shall be charged.

0256 (c) If a conviction is on more than one count, the docket fee  
0257 shall be the highest one applicable to any one of the counts. The  
0258 prosecuting witness or defendant, if assessed the costs, shall pay  
0259 only one fee. Multiple defendants shall each pay one fee.

0297 court named in the written citation and the person shall place in  
 0298 such envelope the amount of the bond, and in the presence of the  
 0299 officer shall deposit the same in the United States mail. After  
 0300 having complied *with these requirements*, the person charged  
 0301 need not sign the citation, but the officer shall note the amount of  
 0302 the bond mailed on the citation and shall give a copy of such  
 0303 citation to the person.

0304 (b) The offenses for which a cash bond may be required as  
 0305 provided in subsection (a) and the amounts thereof shall be as  
 0306 follows:

0307	Hunting without a license .....	\$75.00	\$75	#77
0309	Fishing without a license .....	50.00	50	52
0311	Operation of motorboat or sailboat without first obtaining a certifi- cate of number .....	25.00	25	27
0314	Failure to properly display the required identification number on 0315 the bow of a motorboat or sailboat when underway ...	25.00	25	27
0317	Failure to properly display the required lights on vessel during 0318 hours of darkness .....	25.00	25	27
0320	Failure to have on vessel the correct number and <del>type(s)</del> type or 0321 types of personal flotation <del>device(s)</del> devices readily accessible or 0322 immediately available and in good and serviceable 0324 condition.....	25.00	25	27
0326	Operation of a motorboat or vessel in nonboating area ...	50.00	50	52
0328	Operating a vessel towing a person or persons on water skis or other 0329 device without a proper observer or a rearview mirror on 0331 vessel .....	25.00	25	27

0333 (c) In the event of forfeiture of any of the bonds set forth in  
 0334 this section, then ~~\$10~~ <sup>(\$12)</sup> of the forfeited bond shall be regarded  
 0335 as court costs. \$21

0336 Sec. 4. K.S.A. 32-155b and K.S.A. 1983 Supp. 8-2107 and  
 0337 28-172a are hereby repealed.

0338 Sec. 5. This act shall take effect and be in force from and  
 0339 after its publication in the statute book.

REPORTS OF STANDING COMMITTEES

Your committee on House Ways and Means

Recommends that HB 2832

"AN ACT concerning school districts; providing for the payment of state aid thereto for the operation of certain summer programs.

be passed.

Tom D. Austin Chairman.



REPORTS OF STANDING COMMITTEES

Your committee on House Ways and Means

Recommends that HB 3102

"AN ACT concerning the state board of regents; authorizing the conveyance of certain property in Johnson county, Kansas, to the Kansas university endowment association.

be passed.

One W. Austin Chairman.

REPORTS OF STANDING COMMITTEES

Your committee on House Ways and Means

Recommends that HB 3104

"AN ACT concerning probation services; imposing certain fees therefor; prescribing the disposition of such fees; amending K.S.A. 1983 Supp. 21-4610 and repealing the existing section.

be passed.

Chris W. Linton Chairman.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that Substitute for SENATE BILL NO. 295

"AN ACT concerning prompt payment of certain amounts owed by state agencies; imposing interest penalties under certain circumstances; prescribing duties for the director of accounts and reports; authorizing rules and regulations."

Be amended:

On page 1, in line 25, by striking "Agency" and inserting in lieu thereof "State agency"; in line 26, by striking the comma which precedes "authority" and inserting in lieu thereof "or"; also in line 26, by striking "or instrumentality"; following line 26, by inserting the following material to read as follows:

"(b) "Local government agency" means any county, city, school district, township, special district and any other political subdivision, and any agency, authority or instrumentality thereof.

(c) "Government agency" means any state agency or local government agency.";

Also on page 1, by redesignating subsections (b) to (e), inclusive, of section 1 as subsections (d) to (g), respectively;

Also on page 1, in line 30, by striking "an agency" and inserting in lieu thereof "a government agency"; in line 38, preceding "agency" by inserting "government"; in line 43, preceding "agency" by inserting "government";

On page 2, in line 47, preceding "agency" by inserting "government"; in line 51, preceding "agency" by inserting "government"; in line 53, preceding "agency" by inserting "government"; in line 54, preceding "agency" by inserting "government"; in line 56, preceding "agency" by inserting "government"; in line 57, by striking "an" and inserting in lieu

thereof "a government"; in line 59, preceding "agency" by inserting "government"; in line 61, by striking "an" and inserting in lieu thereof "a government"; in line 62, after the period by inserting the following: "In any case of a local government agency with a governing body that has not had a meeting for more than 30 days, the required payment period under this subsection for such local government agency shall be extended to the first working day after the date of the next meeting of the governing body of such local government agency, but in no case shall the required payment period for such local government agency be extended more than 30 days beyond the date otherwise applicable under this subsection."; in line 63, after "(c)" by inserting "(1)"; in line 65, by striking "head of the" and inserting in lieu thereof "chief executive officer of the government"; in line 67, preceding "agency" by inserting "government"; in line 68, preceding "agency" by inserting "government"; in line 69, preceding "agency" by inserting "government"; also in line 69, after "and" by inserting ", in the case of a state agency,"; in line 71, by striking "The" and inserting in lieu thereof and commencing a paragraph with the following material as follows:

"(2) Each state";

Also on page 2, in line 73, preceding "agency" by inserting "state"; in line 76, preceding "agency" by inserting "state"; in line 78, by striking all after the period; by striking all in line 79; in line 80, by striking all preceding "Interest";

On page 3, in line 81, preceding "shall" by inserting "by a state agency"; following line 87, by inserting the following material to read as follows:

"(3) The chief executive officer of the local government agency shall forward a copy of each vendor's request for payment to the governing body thereof, if any, along with the documents prepared to make payment to the vendor, including payment of the



interest penalty prescribed by this subsection. Interest penalties on amounts due to a vendor by a local government agency shall be paid to the vendor beginning on the day after the required payment date under subsection (b) and ending on the date on which payment of the amount due is made, except that no interest penalty shall be paid if full payment of the amount due for such goods or services is made on or before the 15th calendar day after the required payment date under subsection (b).";

Also on page 3, in line 88, after "(d)" by inserting the following: "The interest penalty under this section shall be computed at the rate of 1.5% per month on the amount of the payment which is due in accordance with this section."; in line 93, by striking "an" and inserting in lieu thereof "a state"; in line 95, preceding "agency" by inserting "state"; in line 103, by striking "agencies" and inserting in lieu thereof "government"; in line 105, preceding "agencies" by inserting "government"; in line 106, by striking "an" and inserting in lieu thereof "a government"; in line 109, preceding "agency" by inserting "government"; in line 112, preceding "agency" by inserting "government"; in line 117, preceding "agency" by inserting "state";

On page 4, in line 127, preceding "agencies" by inserting "state";

On page 1, in the title, in line 16, after "state" by inserting "and local government";

And the substitute bill be passed as amended.

\_\_\_\_\_  
Chairperson

3-20-84  
minutes

CRH3105k1

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that House Bill No. 3105

"AN ACT increasing certain docket fees; amending K.S.A. 32-155b and K.S.A. 1983 Supp. 8-2107 and 28-172a and repealing the existing sections."

Be amended:

On page 4, in line 131, by striking "\$30" and inserting in lieu thereof "\$32"; in line 133, by striking "40" and inserting in lieu thereof "42"; in line 135, by striking "50" and inserting in lieu thereof "52"; in line 137, by striking "60" and inserting in lieu thereof "62"; in line 139, by striking "70" and inserting in lieu thereof "72"; in line 141, by striking "90" and inserting in lieu thereof "92"; in line 143, by striking "100" and inserting in lieu thereof "102"; in line 145, by striking "60" and inserting in lieu thereof "62"; in line 147, by striking "35" and inserting in lieu thereof "37"; in line 149, by striking "35" and inserting in lieu thereof "37"; in line 151, by striking "30" and inserting in lieu thereof "32"; in line 154, by striking "30" and inserting in lieu thereof "32"; in line 157, by striking "30" and inserting in lieu thereof "32"; in line 159, by striking "30" and inserting in lieu thereof "32"; in line 161, by striking "30" and inserting in lieu thereof "32"; in line 163, by striking "30" and inserting in lieu thereof "32"; in line 165, by striking "30" and inserting in lieu thereof "32"; in line 167, by striking "30" and inserting in lieu thereof "32"; in line 169, by striking "30" and inserting in lieu thereof "32"; in line 171, by striking "30" and inserting in lieu thereof "32"; in line 173, by striking "30" and inserting in lieu thereof "32"; in line 176, by striking "60" and inserting in lieu thereof "62"; in line 178, by striking "35" and inserting in lieu thereof "37"; in line 180, by striking "30"

and inserting in lieu thereof "32"; in line 182, by striking "30" and inserting in lieu thereof "32"; in line 184, by striking "30" and inserting in lieu thereof "32"; in line 186, by striking "100" and inserting in lieu thereof "102"; in line 188, by striking "30" and inserting in lieu thereof "32"; in line 190, by striking "30" and inserting in lieu thereof "32"; in line 192, by striking "30" and inserting in lieu thereof "32";

On page 5, in line 207, by striking "250" and inserting in lieu thereof "252"; in line 210, by striking "100" and inserting in lieu thereof "102"; in line 213, by striking "100" and inserting in lieu thereof "102"; in line 217, by striking "30" and inserting in lieu thereof "32"; in line 219, by striking "100" and inserting in lieu thereof "102"; in line 221, by striking "30" and inserting in lieu thereof "32"; in line 223, by striking "30" and inserting in lieu thereof "32"; in line 226, by striking "200" and inserting in lieu thereof "202";

On page 7, in line 307, by striking "\$75" and inserting in lieu thereof "\$77"; in line 309, by striking "50" and inserting in lieu thereof "52"; in line 312, by striking "25" and inserting in lieu thereof "27"; in line 315, by striking "25" and inserting in lieu thereof "27"; in line 318, by striking "25" and inserting in lieu thereof "27"; in line 324, by striking "25" and inserting in lieu thereof "27"; in line 326, by striking "50" and inserting in lieu thereof "52"; in line 331, by striking "25" and inserting in lieu thereof "27"; in line 334, by striking "\$12" and inserting in lieu thereof "\$21";

And the bill be passed as amended.

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Chairperson