

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at
Chairperson

1:30 a.m./p.m. on March 16, 1988 in room 526S of the Capitol.

All members were present except:

Representatives Roe, Peterson, & Hensley
Representative Sifers - E

Committee staff present:

Mary Torrence, Revisor's Office
Mary Galligan, Research Department
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Roger Endell, Department of Corrections
Jim DeHoff, AFL-CIO

The meeting was called to order by Chairman Miller.

Representative Barr made a motion, seconded by Representative Jenkins, to approve the minutes of the March 15 meeting. The motion carried.

HB2666 - Compensation for maintenance of jail inmates

Representative Sprague explained the subcommittee report which would amend the bill to require that payment be made by inmates to the County Treasurer by cash or money order; requires that payment made to the County Treasurer be credited to the County General Fund and would also require that charges made by a county to any other unit of government have compensation for keeping inmates in a county jail to be reduced by the amount paid by work release prisoners.

There was discussion as to whether the \$10.00 maximum should be taken out of the bill. Representative Sprague said that the subcommittee felt it was already in the bill and felt that these people are trying to earn money to restart their lives and some are providing for families.

Representative Sprague made a motion, seconded by Representative Charlton, to amend the bill as stated in the subcommittee report. The motion carried. See attachment A.

Representative Barr made a motion, seconded by Representative Long, to report HB2666 favorably as amended. The motion carried.

SB646 - Chief physician of correctional institution duties

Roger Endell, Secretary of Corrections, gave testimony in support of the bill. The bill deletes the reference to an institution's hospital. A hospital must meet certain requirements and standards. Correctional institutions in Kansas do not operate hospitals; they operate infirmaries which provide limited services. The bill also gives the Secretary of Corrections authority to either employ or contract for services of a chief physician. See attachment B.

SB648 - Purpose of state reception and diagnostic center

Roger Endell, Secretary of Corrections, gave testimony in support of the bill which gives the secretary the authority to determine the level of evaluation to be provided to inmates by the state reception and diagnostic center. Not all offenders need the same type of evaluation. The bill gives the professional staff the latitude to provide the level of evaluation most appropriate for the individual. He also suggested that references to sexual connotation be stricken in the bill. See attachment C.

There was discussion on the alcohol & drug treatment and also the treatment programs for sex offender treatment which is very expensive. Also discussed is the difference

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on March 16, 19

in the evaluation of the female inmate. The secretary said their evaluation is not nearly as thorough or complete, but that steps are being taken to modify this. They are trying to relocate the women's facility at Lansing to Topeka.

SB651 - Work by inmates outside correctional institutions

Roger Endell, Secretary of Corrections, gave testimony in support of the bill. Currently the Secretary can authorize inmates of honor camps and prerelease centers to be temporarily released from those facilities for the purpose of working for state and federal agencies, local units of government, school districts and non-profit charitable institutions. This program has been in place for several years for honor camp inmates and was extended to prerelease center inmates last year. This bill will extend this work program to all institutions of the Department of Corrections.

Secretary Endell suggested that line 24-25 be amended to read "corrections, may extend the limits of confinement of inmates of the correctional system who have at least minimum security to work for." He also suggested the bill be effective upon publication in the state register. See attachment D.

Jim DeHoff, AFL-CIO, suggested that an amendment was needed to protect the present work force and taxpayers of Kansas. See attachment E for proposed change.

SB647 - Inmate employment and educational training programs

Roger Endell, Secretary of Corrections, gave testimony in support of the bill which would clarify that the secretary has the authority to determine whether an inmate is capable of benefiting from a work or educational program. The bill also deletes language referring to a 40-hour work week.

The meeting was ajdourned.

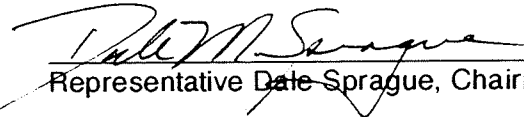
SUBCOMMITTEE REPORT

**HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS
SUBCOMMITTEE ON H.B. 2666**


The Subcommittee, chaired by Representative Sprague, met on March 15, 1988 with Representatives Long and Charlton in attendance. After reviewing the provisions of H.B. 2666 the Subcommittee agreed to propose the following amendments to the full Committee:

- require that payments be made by inmates to the County Treasurer by cash or money order with receipts issued for all cash payments;
- require that payments made to the County Treasurer be credited to the County General Fund; and
- require that charges made by a county to any other unit of government for compensation for keeping inmates in a county jail would be reduced by the amount paid by work-release prisoners.

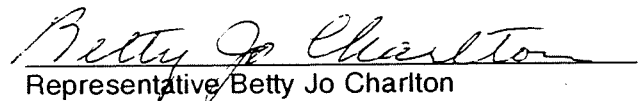
During consideration of the bill, the Subcommittee learned that an existing statute includes a provision for work release inmates in the custody of the Secretary of Corrections to pay certain expenses from their earnings.



Representative Dale Sprague, Chairman



Representative J.C. Long



Representative Betty Jo Charlton

0046 cost of maintenance of such prisoners, including medical costs of
 0047 such prisoners shall be paid by the department of corrections in
 0048 an amount equal to that provided by the county for maintenance
 0049 of county prisoners.

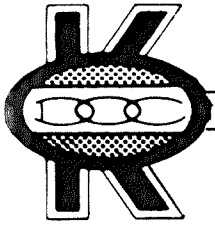
0050 (c) In lieu of charging city authorities for the cost of mainte-
 0051 nance of prisoners as provided by subsections (a) and (b), the
 0052 board of county commissioners of Sedgwick county may levy a
 0053 tax not to exceed 1 mill upon all tangible taxable property of the
 0054 county to pay such costs and the costs of maintaining county
 0055 prisoners. Any such levy shall not be subject to the provisions of
 0056 K.S.A. 79-5001 et seq., and amendments thereto. No revenue
 0057 derived from such levy shall be used to pay the costs of mainte-
 0058 nance of prisoners committed to the jail by federal or state
 0059 authorities, or authorities of other counties or cities in other
 0060 counties. For the purpose of this subsection, if any portion of a
 0061 city is located within a county levying a tax hereunder, all
 0062 prisoners of such city shall be deemed prisoners of such county.

0063 ~~(d) The board of county commissioners may require by res-~~
 0064 ~~olution that a sum equal to the average daily prisoner cost but~~
 0065 ~~not to exceed \$10 per day may be charged to work release~~
 0066 ~~inmates of county jails as restitution to be applied toward~~
 0067 ~~prisoner maintenance cost, including but not limited to, room~~
 0068 ~~and board. Any inmate who is allowed to participate in such~~
 0069 ~~employment or in job training for which a subsistence allow-~~
 0070 ~~ance is paid in connection with such job training shall pay over~~
 0071 ~~to the county or the designated representative of the county all~~
 0072 ~~moneys received from such paid employment or job training to~~
 0073 ~~pay such inmates food and lodging at the rate as established by~~
 0074 ~~the board of county commissioners. The balance, if any, shall be~~
 0075 ~~made available to the inmate unless the moneys are to be~~
 0076 ~~applied to court costs, restitution, or as otherwise directed by~~
 0077 ~~the court. In instances of undue hardship, the board of county~~
 0078 ~~commissioners may reduce or waive the charges for an inmate~~
 0079 ~~participating in the work release program~~

0080 (d) (e) If any sheriff or jailer neglects or refuses to perform the
 0081 services and duties required by the provisions of this act, the
 0082 sheriff or jailer shall be subject to the same penalties, forfeitures

h2666

of a county may provide by resolution that any inmate of the
 county jail who participates in a work release or job training
 program for which the inmate receives compensation or a
 subsistence allowance shall be required to pay to the county an
 amount not exceeding \$10 per day to defray costs of maintaining
 such inmate in the county jail. Such resolution shall provide for
 reduction or waiver of such amount in instances in which payment
 would create undue hardship for an inmate. The inmate shall pay
 any amount charged pursuant to such resolution, in cash or by
 money order, to the county treasurer, who shall deposit the
 entire amount in the county treasury and credit it to the county
 general fund. If payment is made in cash, the county treasurer
 shall provide the inmate with a written receipt for such payment.
 If the county is otherwise entitled to receive reimbursement or
 compensation for the maintenance of an inmate who is required to
 pay an amount pursuant to such resolution, the amount paid by
 such inmate shall be deducted from the amount of the other
 reimbursement or compensation to which the county is entitled



KANSAS DEPARTMENT OF CORRECTIONS

MIKE HAYDEN, GOVERNOR

ROGER V. ENDELL, SECRETARY

LANDON STATE OFFICE BUILDING — 900 SW JACKSON
TOPEKA, KANSAS — 66612-1284
913-296-3317

March 16, 1988

TO: House Federal and State Affairs Committee
FROM: *Roger V. Endell*
RE: SENATE BILL NO. 646

I am proposing that K.S.A. 75-5249 be amended to accomplish two objectives.

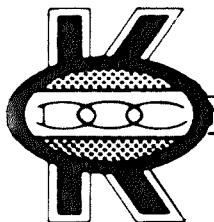
First, the amendment deletes the reference to an institution's hospital. No correctional institution now operates a hospital. Since a hospital must meet certain requirements and standards, it is important that this reference be removed from the statute. Corrections institutions operate infirmaries which provide limited services. These facilities do not qualify as hospitals.

The second purpose of the proposed amendments is to clearly give the secretary of corrections the authority to either employ or contract for the services of a chief physician. In recent years it has been increasingly difficult to attract qualified medical personnel to work in corrections institutions. Given the difficulty, it seems prudent to have the option available to contract for such services if that becomes necessary.

The Senate amendment appropriately allows treatment at any licensed medical facility should hospitalization not be necessary.

RVE:GS/pa

Attach B



KANSAS DEPARTMENT OF CORRECTIONS

MIKE HAYDEN, GOVERNOR

ROGER V. ENDELL, SECRETARY

LONDON STATE OFFICE BUILDING — 900 SW JACKSON
TOPEKA, KANSAS — 66612-1284
913-296-3317

March 16, 1988

TO: House Federal and State Affairs Committee
FROM: *Roger V. Endell* Secretary of Corrections
RE: SENATE BILL NO. 648

I am recommending that K.S.A. 75-5262 be amended to give the Secretary of Corrections the authority to determine the level of evaluation to be provided to inmates by the State Reception and Diagnostic Center. The purpose of this amendment is to gain the maximum benefit from the diagnostic center.

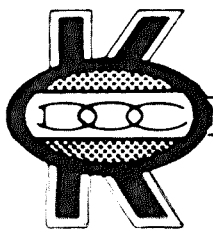
Currently all offenders receive the same type of evaluation at SRDC. However, in some cases, due to an inmate's sentence or circumstances, a different level of examination might be appropriate. Duplicative or unnecessary evaluations could be avoided. Staff energies could then be better utilized and inmates could be processed through the diagnostic center in a more timely manner. This would be valuable in terms of possibly expediting information about the inmate to the sentencing court so that a decision could be made regarding the inmate's status.

The amendments proposed in this bill simply recognize that not all offenders need the same type of evaluation. The amendments would give the professional staff the latitude to provide the level of evaluation most appropriate for the individual.

Since submitting our original request, we have determined that it would also be advantageous and desirable to provide the flexibility for females to be evaluated at the Center. Accordingly, we are requesting further amendment on line 0023 to strike "~~the-male-sex~~".

RVE:GS/pa

Attach C



KANSAS DEPARTMENT OF CORRECTIONS

MIKE HAYDEN, GOVERNOR

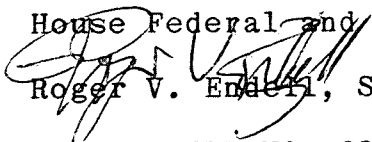
ROGER V. ENDELL, SECRETARY

LONDON STATE OFFICE BUILDING — 900 SW JACKSON

TOPEKA, KANSAS — 66612-1284

913-296-3317

March 16, 1988

TO: House Federal and State Affairs Committee
FROM:  Roger V. Endell, Secretary of Corrections
RE: SENATE BILL NO. 651

K.S.A. 75-52,116 and K.S.A. 1987 Supp. 75-52,117 currently authorize inmates of honor camps and prerelease centers to be temporarily released from those facilities for the purpose of working for state and federal agencies, local governmental units, school districts, and non-profit charitable organizations. The inmates assigned to an entity are supervised by representatives of that entity. The supervising representative receives training from the Department of Corrections. This program has been in place for honor camp inmates for several years and was extended to prerelease center inmates last year.

To expand work opportunities for inmates, I am proposing that K.S.A. 75-52,116 be amended to extend this work program to all institutions of the Department of Corrections. This will not only benefit the inmates by making work opportunities available, but it will also benefit the institutions by reducing idleness and will enable communities around the institutions to complete projects which would otherwise go undone.

Careful selection of inmates for assignment to these projects would be undertaken in consideration of public safety concerns. The program would function in the same manner as it now does for the honor camps and prerelease centers.

The Senate amendment specifies that inmates so released must be minimum security. As we are currently developing a more restrictive level for such placements we propose further amendment on lines 0024-0025 to read as follows:

"corrections, may extend the limits of confinement of minimum security inmates of the correctional honor camp institution system who have at least minimum security to work for"

Attach D

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The Department of Corrections also proposes that this bill become effective upon publication in the Kansas Register. This will enable the Department to start up these programs at other institutions at the earliest possible date.

RVE:GS/pa

March 16, 1988

House Committee on Federal & State Affairs

Mr. Chairman and Committee Members.

I'm Jim DeHoff representing the Kansas AFL-CIO.

In Senate Bill #651 there are two changes - Eliminating the wording honor camps and adding any correctional institution and institutions.

These changes would allow more inmate work on any State Agency, Federal Agency, City, County, School District or non-profit organization.

We have no real problem with finding productive work or training for inmates. With prison overcrowding there needs to be new programs started. But we feel like there needs to be an amendment added to protect our present work force and taxpayers of Kansas. We don't want this program to displace workers.

We urge you to consider adding the following amendment:

No work assignment under the program shall result in the displacement of any currently employed worker or position (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits), or result in the impairment of existing contracts for services or collective bargaining agreements. No participant shall be employed to fill a job opening when any individual is on layoff from the same or any substantially equivalent job, or the employer has terminated the employment of any regular employee at the same or substantially equivalent job.

This amendment will help all working people of Kansas feel more at ease with the inmate work program.

Thank you for the opportunity to address our concerns.

Attach E