

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~noon~~ March 29, 1988 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

Mary Galligan, Legislative Research
Emalene Correll, Legislative Research
Mary Torrence, Assistant Revisor of Statutes
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Ms. Jeanne Kutzley, Assistant Attorney General
Mr. Mike Reecht, American Telephone & Telegraph (AT&T)
Representative Joan Wagnon
Ms. Brenda Braden, Assistant Attorney General

Senator Morris moved that the Minutes of March 28, 1988, be approved. The motion was seconded by Senator Daniels. The motion carried.

The Chairman called the Committee's attention to HB3051, concerning youth residential facilities, which had been passed over until today. Senator Bond made the motion to allow the administrative judge of the district court to determine staff requirements and to appoint and supervise the staff of the facilities, but makes clear it is in accordance with the personnel policies and compensation plan of the county commissioners. The motion carried.

Senator Bond moved the bill be reported favorably as amended. The motion was seconded by Senator Strick. The motion carried.

HB2505, pertaining to the inspection authority of the state board of pharmacy, which had been referred to this Committee was called to the Committee's attention. The Chairman asked it be referred back to Public Health and Welfare.

SB713 was on the agenda for hearing. It concerns prohibiting the use of certain automatic telephone dialing devices in consumer transactions. The Chairman welcomed the first conferee, Ms. Jeanne Kutzley, an Assistant Attorney General. Her statement (Attachment #1) states that the Attorney General strongly supports this bill.

The next conferee was Mr. Mike Reecht, of AT&T, whose statement (Attachment #2) says that AT&T opposes SB713 in its current form. He suggested a better remedy to the problem of unwanted calls would be an approach that was considered in HB3038, concerning regulating unsolicited telephone calls, heard in the Economic Development Committee. Chairman thanked the conferees.

The Chairman called the Committee's attention to Substitute for HB2765, for hearing before the Committee. The first conferee was Assistant Attorney General Brenda Braden. She said the Attorney General would be in favor of the bill if he is given the staff to perform the duties.

Representative Joan Wagnon appeared as a proponent on this bill which concerns investigation of reports of child abuse in SRS facilities. Representative Wagnon's written statement will be part of these Minutes. (Attachment #3). There was discussion concerning what is reportable, how to investigate and what is "abuse." There were different estimates given of the cost that would be incurred because of the bill.

The Chairman thanked the conferees for appearing. He said that will conclude the hearings on HB2765.

The Committee was directed to turn its attention to HB2812, concerning items of equipment or clothing for firefighters. Senator Daniels

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ March 29, 1988

made the motion that the penalty be a class "B" misdemeanor. The motion was seconded by Senator Bond. The motion carried.

Senator Martin moved to pass the bill out favorably as amended. The motion was seconded by Senator Strick. The motion carried.

Copies of the Memorandum from Legislative Research, concerning House Bills in Committee, dated March 28, 1988, was before the Committee. (Attachment #4)

A proposed senate concurrent resolution (7RS 2805) was handed out to (Attachment #5) the Committee in response to action taken by the Committee, directing the Department of Corrections to prepare and provide to the legislature a prison impact statement for each bill likely to affect the number of inmates in state correctional institutions. Senator Morris moved it be introduced and that it be reported favorably or on the consent calendar, if possible. The motion was seconded by Senator Bond. The motion carried.

The Chairman thanked all for appearing and announced that the Committee will meet tomorrow.

The meeting was adjourned.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

Testimony of D. Jeanne Kutzley
Assistant Attorney General, Consumer Protection Division

Before the Senate Committee on Federal & State Affairs
Hearing on S.B. 713

March 29, 1988

Mr. Chairman & Members of the Committee:

Attorney General Stephan strongly supports this bill. Automatic dialing announcing systems have become a too frequent intrusion in the privacy of individuals homes. These devices generate calls randomly, disregarding even the privacy of an unlisted phone number. Some of them do not allow the called party to disconnect for several seconds even if the called party hangs up.

Many states have attempted to regulate these devices. In fact, Kansas has attempted to do so in the recent past. In 1984 a bill was introduced in the Senate which would have prohibited "the installation or use of an automatic dialing-announcing device." This language was to be added to the Kansas Consumer Protection Act. Additional language defined the unlawful use as advertising, offering goods or

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Attachment #1*

services for sale, or for any purpose in connection with a political campaign. It did not prohibit the use of an automatic dialing-announcing device in taking public opinion polls, when the recipient had given prior approval for its use or when the recipient's consent was obtained on the telephone at the beginning of the solicitation. (S.B. 847 - 1984 session). The bill passed the Senate but was not passed by the House that year.

Currently, Kansas has no legislation governing these devices. H.B. 3038 has been introduced this year and is another attempt to regulate these devices.

The 1984 S.B. 847 and 1988 H.B. 3038 both run afoul of traditional arguments against these regulations. Many argue that a state's attempt to regulate interstate commerce and commercial free speech are unconstitutional. The FCC seems to take a traditional hands off approach in regard to the devices. Some attempt has been made by the Kansas Corporation Commission to regulate them through a 1980 order. Any bill which attempts to totally restrict the use of these devices is probably too broad to survive a constitutional challenge.

However, there is a way to restrict their use. Attorney General Stephan asks that the Kansas Consumer Protection Act be amended. He asks that an addition be made to the unconscionable acts in the statute. It would be unconscionable if the supplier knew or had reason to know

"that the supplier made a telephone call to a consumer in regard to a consumer transaction and the supplier used an automatic dialing device which did not create a disconnect signal or unhook condition to allow the called party's line to be released within 15 seconds after the called party hangs up." This restricts the use of a device which will not disconnect quickly. When you receive an unwanted phone call and then can't disconnect even though you've hung up, this becomes a serious intrusion on your privacy. Any use of these machines, whether for advertising or political polling or any other use, which does not disengage the telephone line within 15 seconds after the called party hangs up will be in violation. There is no free speech guarantee that a caller may tie up a phone line after the called party wishes to disconnect. This bill would not restrict the use of the machines for commercial free speech or any other use.

With the protections provided under the Constitution for free speech and the case law which supports commercial free speech, this bill will protect consumers without interfering with constitutionally protected speech.

Attorney General Stephan strongly urges your support on this bill. Thank you for your consideration.



AT&T

Mike Reecht
State Director
Government Relations
Kansas

Capitol Tower
400 SW 8th Street, Suite 411
Topeka, KS 66603
Phone (913) 232-2128

TESTIMONY OF AT&T RELATED TO SB713 REGARDING THE USE OF AUTOMATIC DIALING DEVICES:

AT&T opposes SB713 in its current form. The bill categorizes the failure of an Automatic Dialing Device to disconnect within 15 seconds as constituting an unconscionable act. Failure of an Automatic Dialing Device to disconnect within 15 seconds would subject a company to civil penalties up to \$2,000 per violation. In addition, a court would be further empowered to subject a company to a \$10,000 fine per violation if a court order is violated. This would be in addition to other such penalties as a court could deem necessary and proper. This is an onerous penalty for a failure of a piece of equipment not to release a telephone call within 15 seconds.

Technology in these systems, although tremendously advanced, may develop quirks which could jeopardize the 15 second disconnect interval. In addition, telephone company equipment, whether modern or antiquated, is also an integral part of the disconnect interval. It would be difficult to determine whether the Automatic Dialing Device, or a piece of central office equipment, was indeed the real culprit.

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Attachment #2*

AT&T Testimony

Page Two

To subject any company to penalties usually reserved for blatant consumer fraud for an equipment malfunction seems to be excessive.

A better remedy to this very real problem of unwanted calls would be an approach that was considered in HB3038, heard in the Economic Development Committee, which exacts specific penalties more fitting the potential crime.

JOAN WAGNON
 REPRESENTATIVE, FIFTY-FIFTH DISTRICT
 1606 BOSWELL
 TOPEKA, KANSAS 66604



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: TAXATION
 JUDICIARY
 AGENDA CHAIR: DEMOCRAT CAUCUS

TESTIMONY BEFORE SENATE FEDERAL AND
 STATE AFFAIRS COMMITTEE
 Regarding HB 2765--March 29, 1988

Since the legislative session last year I have had an unusually large number of constituent contacts regarding alleged abuse at the Youth Center of Topeka (YCAT). These contacts have included YCAT employees who are my constituents, and a high school teacher on behalf of two victims.

Each time a reported incident of abuse surfaced I contacted Commissioner Barnum in SRS and he very willingly followed up. I've had several meetings with Commissioner Barnum and other SRS staff including Gene Wilson, Superintendent at YCAT. It became apparent to me this fall that some legislative change needed to occur. Whether these increased reports are due to a heightened awareness on the part of staff following the reported incidents of abuse at Winfield State Hospital, or whether they're due to the byproducts of a system under stress with too few employees and an increasingly difficult population, I don't know. I am concerned, however, that if abuse exists it should not be covered up but should be dealt with in an appropriate manner, and if it does not exist, staff should be exonerated quickly.

One of the weak links in the chain of reporting is the requirement to call in local law enforcement officials. We've had problems in Topeka for a number of years with reports of abuse within SRS institutions or by SRS employees. Apparently this is a difficult situation in other locations as well. This bill proposes to call upon the attorney general's office for investigation of reports,

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and further, to establish rules and regulations defining what is a reportable event. In my previous legislative experience, the definition of a reportable event has been a significant problem in this whole area.

What appears to be happening at the present time is that reports of abuse by staff are reported to a superior and are dealt with as a personnel matter. Very few actually get to local law enforcement. By the time local law enforcement is called in, the investigation is muddled and there is no way to prove or to vindicate that employee.

I would call the committee's attention to the Post Audit Report of September 1987 on Client Abuse Reporting Systems Part II. In the Post Audit study the following was noted:

"Some aspects of department policy changed during the latter half of fiscal 1987 in response to the problems identified at Winfield State Hospital. Institution officials did not always follow department requirements or their own policies in handling actual abuse cases. During the fiscal year several cases of client neglect were handled outside the established reporting system, staff members were not always removed from duty when client abuse or neglect was alleged, and parents and other interested parties were often not properly notified of reported abuse or neglect incidents."

The Post Audit Report goes on to state that changes which SRS had planned for 1988 will still not result in an independent investigative capability that is fully and adequately staffed. Further, the Post Audit study indicates that the department has not improved its oversight in monitoring of the institutions to protect clients from harm by minimizing abuse and neglect. The same standards can probably apply to the Juvenile Offender institutions as well. I have included with this testimony reports from staff of incidents

which have occurred at the YCAT. These are not imagined instances, but are actual events which were reported to superiors, but were never investigated by police. I suspect that no entries were made on the abuse registry in these events either.

In conclusion I would say that I perceive the staff at SRS to be very supportive of the change which this bill proposes. They do not appear to be attempting to cover up these instances; rather their hands are tied by the reporting structures which we currently have in place. In fact they would like to see the system which I have proposed applied more widely than this bill applies. In the interest of making it workable and affordable I have narrowed the issue to child abuse in SRS institutions. I hope you will concur with my colleagues in the House that this is a much needed change and give your support to this bill.

Y.C.A.T
Mr. Devoy
440 N.W. 25th.
Topeka, Kansas 66608
Oct. 29, 1987

Calvin Thompson
P.O. Box 113
Atchison, Kansas 66002

Dear Mr. Devoy,

Hello my name is Calvin Thompson I was a student of yours and I had a few complaints that I would like to address to you. (1) Remember when I was in Mohawk Cottage well I was abused several times by the staff. By Mr. Easter, Mr. Alexander, one day Mr. Easter was working and he told us to line up for breakfast we all lined up and the student behind me made some kind of noise. Mr. Easter came over to me and said I don't know how many times do I have to tell you to straighten up your clothing. I said "Yaa" he said "Yaa" I ain't one of these punk kids off the streets I said I ain't either he told me to go to my room so I stepped out of line to go when my back was to him he ran up and pushed me with his fist. I reported the incident to Mr. Bruce and Dr. Muiu nothing was done. One day 09/02/87 we came up from school at sixth hour when a student said he was going to go up to staff's desk and get Mr. Alexander upset so he went up to the desk and said Legba the Mr. Alexander got mad and said Calvin I know you told him to say that give me your point sheet. I tried to explain the situation to him and he said go to your room. Then he said No better yet you think you are Mr. tough guy and he ran up the steps and pushed me against the wall and threw me on the floor and drug me down to my room then he balled up his fist and said I should beat you to death. He got up locked the door then he continued to instigate me so I got mad and punched the window out and cut my hand. The assistant cottage director Mrs. Bolden saw the whole thing the next day they moved me to open campus. This is 2 of several incidents that have happened to me on campus I have been verbally abused and physically abused but what am I to do when Mr. Wilson sides with the staff and they don't even investigate. Sometimes I was afraid to write you because if the staff found out they'd take it out on me. Attached is another letter that I wrote to Dr. Harder that got me sent to closed cottage. I hope you can do something so this kind of stuff does not happen to the next person who takes my place. You can show this letter to who ever needed so something can be done.

Thank You for your time.

Calvin Thompson

JTH CENTER AT TOPE

TOPEKA KANSAS

To: Post 7 Intyghoxan a [unclear]
[unclear]

MEMORANDUM

Date: 8-31-87

From: Susan Fox

Subject: Shahn McConnell - child abuse

Shahn McConnell (DOB 8-4-70), a student in Cheyenne Cottage, reported an incident to me on 8-31-87 which occurred during the late shift on 8-30-87 in Cheyenne Cottage. Shahn stated that staff member, Jerome Plunkett, tied Shahn's wrists together with towels and hung him up by the wrists.

The youth's mother has been informed of the incident and advised that the situation has been reported to the superintendent.

JTH CENTER AT TOPE

TOPEKA KANSAS

To: Mr. F. [unclear]

MEMORANDUM

From: Susan For

Date: 9-1-87

Subject: Shahn McConnell

Shahn McConnell, a student in Cheyenne Cottage
wrote the enclosed description of the incident
he reported to me on August 31, 1987. I have
made a copy for my file.

August 30, 1967
3:15 pm

Evening of August 30, 1967 pm

All 18 of us in
Hall ordered by Mr. McCoy
25 minutes talk Mr. Plunket's Duty.

AFTER 20 minutes
Mr. Plunket came to 'Hit' duty. stood
All of us kids Against the wall
with our hands up on the wall
and our feet spread apart.

All Began when
Mr. Plunket came out of the
clothing room with 2 Towels.
them willingly tied my
Shawn McConnell's hands Behind
my Back, for no absolute
reason, and took me about 1 foot
to the laundry room and tied
myself to the Top Latches
of the Door. Then willingly
went to another student and
threatened to tickle him up,
which was Mark Webster.
Webster Refused to be
threatened to be tied up
and Mr. Plunket grabbed Mark
Webster and threw him
to the floor. Then told

The remaining students,
except me being tied up,
to go to their rooms,
then willingly hit Webster
with closed fist up side
the head. Then again with
closed fist in the lip. Then sent
me to my ~~room~~ dorm. But we (I)
heard more sleeping.

Sheba McCannell

Received 8/31/87.

Sandra Snyder

Mr. Neintzelman,

I would like to report an incident on August 29, 1987 around 11:25 p.m.

The students were up in the hallway in spread-eagle position with their hands on the wall. This punishment was brought on by students talking after lights were out.

Anyway after about 20 or 30 mins. standing like this McConell of Cheyenne removed his arms from the wall for a rest. Mr Plunkett (the staff on duty 11-7 shift) asked McConell if he had a problem with his arms. McConell said "No sir" and put his hands back on the wall.

Then Mr Plunkett seen McConell rest his arms again. So Mr. Plunkett took two towels from the clothing room and tied McConell's wrists together and ~~put~~ hung them from the Arts & Crafts doorway leaving McConell on his tip-toes. As Mr. Plunkett turned around and asked Webster if he had a problem with his hands. Webster then told him (Plunkett) that they were hurting and tired.

Mr Plunkett said "alright I'll do the same for you" and Webster said "bullshit" Mr Plunkett then said "what did you say" Webster then replied "Bollshit!" then Mr Plunkett proceeded and got two towels and told Webster to put his fucken hands above his head. Webster said "Fuck You!" Mr Plunkett then ~~instructed~~ took his glasses off and instructed us students to return to ~~the~~ our rooms. As we started walking toward our dorms Plunkett grabbed Webster forcefully slammed him down on the floor. A witness said Plunkett struck Webster twice in the face. Webster then yelled "I'm sorry" "I'm sorry". Then Plunkett gave him toilet paper to put into his mouth to stop the bleeding inside his mouth. After all this was over the students got back up to use the restrooms. Plunkett then asked who was talking "Micheal White" said "it was him". Plunkett asked what were you talking about "he said (white) I don't think what you just did was right" He said he didn't give a fuck (Plunkett) Then James Booth then said he didn't think it was right either. Then Plunkett excited White & Booth to fight him. He said come

on Mr White if you think your so bad
and you to Booth I'd kick all your
mother fuckin asses, Then Booth asked
plunkett a question did Webster raise
his hands of any kind he said that was
none of his mothe Fuckin buisness. And then
said Webster tried to attack him which
is a false statement. This matter should
be investigated, Camp said a student
he asked Plunkett why ^{websters face bled} ~~webster~~ ~~bleed~~ Plun
t said he was trying to put the handcut
on him and he slid off the chair which
is also a false statement. The students
in Cheyenne are very upset and even
if we are juveniles is this justifiable..

Sincerely
a concerned student

121, _____
Topeka, Kansas 66604
Nov. 2, 1987

Representative Joan Wagnon
1606 SW Boswell Ave.
Topeka, Kansas 66604

Dear Representative Wagnon,

Enclosed is a copy of the letter I've sent to Mr. Barnum. As you can see, I took the opportunity to briefly (considering how much I really had to say) review the situation and explain my opinion of the matter. I waited this long because I knew that Mr. Wilson would receive a recommendation from Charlie's social worker that I be returned to his visitation list. I wanted to give Mr. Wilson the opportunity to approve that recommendation and hopefully resolve this problem amicably.

However, in spite of the social worker's recommendation and that this recommendation was supported by Charlie's psychologist, Mr. Wilson denied it. I expected this but still hoped for a peaceful solution. Of course, I now fully realize that continued attempts to protect this boy and maintain a cooperative spirit at the same time will not be likely.

I should also explain the other copies I sent. I contacted Rep. Kathleen Sebelius who is on YCAT's board and Sen. Jeanne Hoferer the same day I contacted you. Rep. Sebelius said she would become aware of the situation and bring it up at the next board meeting. Sen. Hoferer said she too would check into the matter and lend her name in support. She has done this. I also sent a copy to Robert Stephan whose office I originally contacted.

In the meantime, Charlie is being harshly punished for his actions. Currently, he is in Jayhawk, a maximum security cottage, where inmates are on "dead time." This means that time there is not counted toward getting out. It has been decided that he will at least be dropped to level zero, beginning his sentence again, and be placed in a closed cottage. This is the maximum punishment he can receive at YCAT. Charlie was willing to endure this to get out of Osage Cottage.

To my knowledge, Osage Cottage staff have gotten off unscathed. I'm not sure I remember what you were told about future contact between Charlie and Osage staff but I thought Mr. Barnum promised you that there would be none. If this is true, Mr. Douglas visited Charlie shortly after his return and attempted to question him about my complaint. That would indicate that this has not even been a learning experience for him.

Needless to say, this experience has left me frustrated and very disgusted. I am more determined than ever to show Charlie that he is not a helpless victim of an unfeeling system and to keep him from further abuse, which I do expect. I am also determined to make Charlie's punishment as uncomfortable as possible for those inflicting it.

Toward these ends, I have typed and sent Charlie a letter to sign and send upon his social worker's recommendation. During a supervised visit Bernie DeVore arranged, that social worker suggested that Charlie file a complaint concerning his mail which had been, not just read, but passed around during his absence. If Charlie does this, you will receive a copy. I am concerned however, that Charlie might be too afraid at this point to do that.

This experience has shown me that a desperate need for the legislation you previously mentioned exists. I hope it comes quickly. More, I welcome the opportunity to testify in its favor. Please keep me in mind when the time comes.

I do appreciate the strong support you have given in this situation. It was truly gratifying to find that I have a representative to turn to who will both listen and take action. I hope you in turn will turn to me prior to your next reelection when volunteers are needed.

Sincerely,

A handwritten signature in black ink that reads "Randall VanValkenburg". The signature is written in a cursive style with a large, sweeping initial 'R' and a long, trailing flourish at the end.

Randall VanValkenburg

cc: Charlie Hale

Dear Representative Miller,

2-24-88

I am writing in support of HB 2765, reporting + investigation of suspected child abuse + neglect.

I am very familiar with the issues surrounding this proposal + the complexities of such an emotion-packed concern. Having worked in an institution for five years, I can tell you that our current abuse + neglect procedures just don't do the job. I think that direct reporting to the attorney general's office would diminish the conflict of interest issues + give the procedures some "teeth". The "failure to report" section backs the intent of this proposal well.

Sincerely,

Sandra Snyder, LCSW
1306 Medford
Topeka, KS.

cc: Joan Wagnon
Kathy Sebelius

MEMORANDUM

March 28, 1988

TO: Senate Committee on Federal and State Affairs
FROM: Kansas Legislative Research Department
RE: House Bills in Committee

The following paragraphs summarize several House bills that are currently before the Committee.

Substitute H.B. 2219 by House Committee on
Federal and State Affairs

The substitute bill would amend K.S.A. 1987 Supp. 21-1213 to prohibit any person except a licensed veterinarian from purchasing animal rabies vaccine or live brucella abortus strain 19 vaccine. The bill would also prohibit selling the vaccines to anyone except a licensed veterinarian. Only veterinarians and manufacturers of the vaccines would be permitted to sell the vaccines.

Under current law anyone may purchase the vaccines, and distributors of veterinary supplies, manufacturers, and veterinarians may sell the vaccines. Proponents of the bill cited safety as the main reason for a need to restrict who may purchase and sell the vaccines.

H.B. 2810 as recommended by House Committee on
Federal and State Affairs

The bill would amend K.S.A. 1987 Supp. 21-4201 to prohibit carrying any pistol, revolver, shotgun, rifle, or other firearm while under the influence of alcohol, drugs, or both. Violation of the prohibition would be a class B misdemeanor.

Proponents of the bill cited safety as the main reason for the prohibition. Proponents of the bill included the National Rifle Association and the Kansas Wildlife and Parks Department.

H.B. 2812 as Amended by House Committee on
Commercial and Financial Institutions

The bill as amended would enact a new law making it a class D felony for any person to knowingly sell, offer for sale, or purchase any item of clothing or equipment intended to protect firefighters unless the clothing or equipment meets or exceeds standards established by the National Fire Protection Association (NFPA). The House Committee amendment inserted the word "knowingly" into the definition of the new crime.

The bill was proposed to address a problem confronted by the University of Kansas, Division of Continuing Education, as the personnel of that Division provide firefighting training mandated by K.S.A. 76-327. Frequently, the

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Attachment #4*

Division is asked to train firefighters who do not have protective clothing or equipment which would meet the standards set by NFPA. The Division refuses to train those persons since it is not safe to expose them to the hazards of a fire.

H.B. 3051 as Recommended by the House Committee on
Federal and State Affairs

The bill would change the population brackets in K.S.A. 38-555 so that the statute would continue to apply to Johnson County. The statute requires the district court in Johnson County to supervise the operation of public youth residential facilities.

H.B. 2666 as Amended by House Committee on
Federal and State Affairs

The bill would authorize boards of county commissioners to charge certain inmates up to \$10 per day to defray costs of maintaining the inmate in the county jail. The inmates who could be charged under the bill would be those who participate in a work release or job training program for which the inmate is compensated. Any resolution adopted by a county commission imposing such a charge would have to include a provision for waiver of the charge in instances in which the payment would create undue hardship for the inmate.

The House Committee amended the bill to:

- 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.

The bill, as introduced, was supported by the Kansas Sheriffs Association, the Sheriffs of Sumner, Wabaunsee, and McPherson counties and the Sedgwick County Commission.

H.B. 2765 as Recommended by the House Committee
on Federal and State Affairs

The substitute bill would amend the Kansas Code for Care of Children to establish a system for reporting suspected child abuse or neglect in institutions operated by the Secretary of Social and Rehabilitation Services (SRS). Persons who suspect that child abuse or neglect has occurred in one of the institutions would be required to make a report directly to the Attorney General's office and would not be required to make an initial report to the Secretary or any employee of the Secretary. Suspected child abuse or neglect in an

SRS institution would be investigated by an agent under the direction of the Attorney General.

The bill would require the Secretary of Social and Rehabilitation Services, in consultation with the Attorney General, to adopt rules and regulations governing the reporting of suspected child abuse or neglect that occurs in institutions operated by the Secretary. The rules and regulations would be required to include:

- the types of incidents that would have to be reported;
- the standards for determining, without investigation, the incidents that do not appear to involve abuse or neglect which would be reported to the Attorney General for review and investigation if necessary; and
- the standards for determining, without investigation, the incidents that appear to involve abuse or neglect which would be reported to the Attorney General for review and investigation.

The bill would take effect upon publication in the Statute Book.

The substitute bill was requested by the sponsor of the original bill. A representative of SRS and a representative of the Attorney General expressed support for the substitute bill.

PROPOSED SENATE CONCURRENT RESOLUTION NO. _____

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION directing the Department of Corrections to prepare and provide to the legislature a prison impact statement for each bill which is likely to affect the number of inmates in state correctional institutions.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we direct the Department of Corrections to prepare a prison impact statement for each bill which is likely to increase or decrease the number of inmates in state correctional institutions; and

Be it further resolved: That we direct the Department of Corrections to furnish such statement to the committee or committees to which any such bill is referred, within seven days after the first reading of such bill; and

Be it further resolved: That we direct every agency and department of the state to cooperate with the Department of Corrections in preparation of any prison impact statement when and to the extent requested by the Department; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Secretary of Corrections, the Attorney General and the Judicial Administrator of the Courts.

Senate FSA
3/29/88
Attachment #5