

Approved _____

4/9/88
Date

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./~~p.m.~~ on March 30, 1988 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

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

Conferees appearing before the committee:

Mr. Tony Purcell, Kansas Sheriffs Association
Mr. Charles Simmons, Legal Counsel, Department of Corrections
Senator Jack Steineger

The Minutes of the Meeting of March 29, 1988, were approved. The motion was made by Senator Morris, and seconded by Senator Arasmith. The motion carried.

The Chairman called the Committee's attention to HB2666, concerning compensation for maintenance of jail inmates. Mr. Tony Purcell, of the Kansas Sheriffs Association, appeared as a proponent of the matter. He presented the statement of Mr. Mike Hill, Sheriff of Sedgwick County. Sheriff Hill had planned to speak to the Committee, but was unable to appear due to a conflict. (Attachment #1)

In answer to a question from a member, Mr. Simmons said those people who work in work release programs are paid and they are charged a daily per diem rate by the Department of Corrections. Those who work in Zephyr, Orion and work release.

Senator Morris moved that HB2666 be recommended favorably. The motion was seconded by Senator Arasmith. Senator Vidricksen made the substitute motion to amend to not more than 30 dollars. The motion was seconded by Senator Strick. The motion failed. The Chairman referred back to the original motion. The motion carried.

The Sub. for HB2765, concerning investigation of reports of child abuse in SRS facilities, was called to the Committee's attention. Senator Hoferer moved to report Sub. for HB2765 favorably. The motion was seconded by Senator Daniels. The motion carried.

The next matter was the hearing and consideration of SB726, concerning authorizing payment for medical services for inmates not submitted within fiscal year in which services were rendered. Mr. Charles Simmons, Legal Counsel for the Department of Corrections, appeared concerning SB726. A copy of the memorandum concerning the bill is attached. (Attachment #2) He said it is a technical type bill. Last year the Department of Corrections implemented a new system. This plan follows a service which SRS has been successfully using since 1978. Senator Daniels moved SB726 be passed favorably and placed on the Consent Calendar. The motion was seconded by Senator Morris. The motion carried.

Mr. Simmons then appeared on SB724, concerning Secretary of Corrections authorized to lease land for production of oil, gas and other minerals. A copy of Mr. Simmons' memorandum to the Committee pertaining to this matter is attached. (Attachment #3) Mr. Simmons said they would propose

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on March 30, 19 88

that the proceeds from the lease go to the corrections industry fund to be credited to that through the state treasurer, rather than the general fund. The Chairman thanked Mr. Simmons for his appearance, and stated that the Committee will not act on SB724 at this time.

Senator Jack Steineger was introduced by the Chairman. Senator Steineger appeared concerning HB2772, concerning parimutuel racing; drug testing, licenses, dual facilities. He said that the applications for the race tracks have all been filed. All the proposals are calling for location in Wyandotte County. There are four developers who have their applications pending. The applications that have been filed show they will be producing profits in three of the four of approximately \$1 million or more. Under the law, the way it is written, it must be given to charity. There is no better charity than to help pay for the new Wyandotte County Jail. This would provide an alternative way of channeling \$1 million to help defray a portion of the cost of what the federal courts have mandated Wyandotte County do. Senator Steineger requests a bill to take care of this matter. Senator Martin made the conceptual motion that a bill be proposed to do what the Senator is requesting. The motion was seconded by Senator Anderson. The motion carried.

The meeting was adjourned at noon.



SEDGWICK COUNTY, KANSAS

SHERIFF'S DEPARTMENT

MIKE HILL
Sheriff

COUNTY COURTHOUSE • 525 N. MAIN • WICHITA, KANSAS 67203 • TELEPHONE 268-7264

March 25, 1988

The Honorable Edward F. Reilly
Chairman - Federal & State Affairs
Kansas Senate-State Capitol - 255E
Topeka, Kansas 66612

Dear Senator Reilly:

I am writing to you reference House Bill No. 2666 which has passed the House and now is before your Committee. Further, I am representing two entities, first, as Sheriff of Sedgwick County, Kansas, and secondly, as the Chairman of the Legislative Committee, Kansas Sheriff's Association.

As Sheriff of Sedgwick County and Chairman of the Legislative Committee of the "KSA", I and the KSA endorse this piece of Legislation and ask for your personal support.

In order to provide amplifying information regarding the amending or enacting of necessary legislation pertaining to a user fee for work release inmates in county detention facilities; the following supporting data is provided.

As an example; in Sedgwick County, a three building facility located in the local community has the capacity to house 46 inmates. During 1987, a monthly average of 41 males and 2 females were maintained with a 94% occupancy rate. On or about April 15, 1988, a new 100 bed facility is scheduled to be operational.

The projected nine month 1988 costs for the new Work Release Facility are budgeted as follows:

Personal Services	\$262,159
Contractual Services	194,882
Commodities	35,441
Capital Outlay	7,944
Interfund Expenditures	26,379
Total	\$526,805

*Senate FSA
4/30/88
Attachment #1*

It is very easy to understand why the costs for detention facility operations are on the rise as the inmate population at the local level becomes higher. New facilities are required to handle new population requirements. Alternative measures with innovative approaches to reducing local costs are needed now. As an example, if local government officials were afforded the opportunity to use an inmate charge-back cost/per diem rate or user fee of \$10/day in 1988, the 9 month return using a 75% occupancy rate (75 prisoners) would be about \$205,500. The return at the same rate for a twelve month period is \$273,750 which is approximately 52% of projected costs.

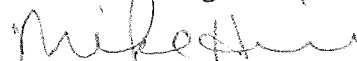
Since the enactment of more stringent DUI statutes some significant local costs have surfaced. In 1982, 192 inmates were involved in the court-ordered work release program. During 1987 there were 701 inmates assigned to the program. About 80% of the work release inmates are in the program as a result of a second or more DUI offense. Normally, the inmate is employed. Wages range from \$3.35/hr to over \$14/hr. The average wage is in \$5-\$6 range.

It appears reasonable and prudent to make an avenue available for local government officials to recover prisoner maintenance costs. In the case of the \$14/hr work release inmate; the annual income is nearly \$30,000/yr, yet the taxpayers are paying for lodging, food and other associated maintenance costs.

The attachments are examples of other agencies incorporating a similar user fee system.

Thank you for your interest and attention to this important issue. If I can be of any further assistance, do not hesitate to call.

Warmest regards,



MICHAEL D. HILL
SHERIFF

MDH:kg
attachments



SEDGWICK COUNTY, KANSAS

LEGAL DEPARTMENT

MICHAEL D. PEPOON
ASSISTANT COUNTY COUNSELOR

COUNTY COURTHOUSE • SUITE 315 • WICHITA, KANSAS 67203-3790 • TELEPHONE (316) 268-7111

TO: Sheriff Mike Hill
FROM: Michael D. Pepon, *MDP* Assistant County Counselor
DATE: January 7, 1988
RE: Charging Work-Release Inmates for Cost of Housing and Maintenance

In conjunction with the work of the Jail Committee you established to make recommendations concerning charging work release inmates for their cost of housing, I have drafted per your request a possible legislative change to the Kansas statutes in order to accomplish your goal. I would recommend adding a new section to K.S.A. 19-1930 providing that the Board of County Commissioners may establish a daily rate for housing work-release inmates. I believe this section falls logically under this statute. The new section (f) which I have proposed is in effect a combination of a South Dakota statute for providing for a maintenance cost charged against work-release inmates and K.S.A. 75-5268 which provides for such compensation for the State for work-release inmates under the control of the State Department of Corrections. The new section (f) which I have proposed could also be an entirely new statute among K.S.A. 19-1901 et seq. which govern operation of jails.

I would suggest that you provide along with this revised statute a summary of the work of the work-release per diem committee, including articles that we have which indicate the changes which have been made in South Dakota, Ohio, Michigan, and Iowa. It is my understanding we have the support of Judge Corrigan, Administrative Judge of the Eighteenth Judicial District, and all of the judges of the City of Wichita. Further, when you deem it appropriate, we will put this on the agenda for the Board of County Commissioners in order to get their formal support of your proposal.

This proposed legislation is not part of the county legislative package. If you would like, we could take steps to see that it is included as such. I would suggest probably proposing this legislation to the State Sheriffs Association with this backing of the County Commission. Let me know if you have any further questions or concerns.

MDP/nlp

County jails; U.S. prisoners, city prisoners and inmates on parole or conditional release; compensation for maintenance; Sedgwick County, tax levy. (a) The sheriff or the keeper of the jail in any county of the state shall receive all prisoners committed to the sheriff's or jailer's custody by the authority of the United States or by the authority of any city located in such county and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law. The county maintaining such prisoners shall receive from the United States or such city compensation for the maintenance of such prisoners in an amount equal to that provided by the county for maintenance of county prisoners and provision shall be made for the maintenance of such prisoners in the same manner as prisoners of the county. The governing body of any city committing prisoners to the county jail shall provide for the payment of such compensation upon receipt of a statement from the sheriff of such county as to the amount due therefor from such city.

(b) The sheriff or the keeper of the jail in any county of the state shall receive all prisoners committed to the sheriff's or jailer's custody pursuant to K.S.A. 75-5217, and amendments thereto, and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law or until otherwise ordered by the secretary of corrections. The cost of maintenance of such prisoners, including medical costs of such prisoners shall be paid by the department of corrections in an amount equal to that provided by the county for maintenance of county prisoners.

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

(d) If any sheriff or jailer neglects or refuses to perform the services and duties required by the provisions of this act, the sheriff or jailer shall be subject to the same penalties, forfeitures and actions as if the prisoners had been committed under the authority of this state.

(e) Attorneys of prisoners held in a county jail shall be permitted to visit them professionally at all reasonable hours.

(NEW SECTION)

(f) The board of county commissioners may require by resolution that a sum not to exceed the average daily prisoner cost may be charged to work release inmates of county jails as restitution to be applied toward prisoner maintenance cost, including but not limited to, room and board. Any inmate who is allowed to participate in such employment or in job training for which a subsistence allowance is paid in connection with such job training shall pay over to the county or the designated representative of the county all moneys received from such paid employment or job training to pay such inmates food and lodging at the rate as established by the board of county commissioners. The balance, if any, shall be made available to the inmate unless said moneys are to be applied to court costs, restitution, or as otherwise directed by the court. In instances of undue hardship, the board of county commissioners may reduce or waive the charges for an inmate participating in the work release program.

FACILITY:

Department of Work Release for the Franklin County Court of
Common Pleas

CONTACT PERSON:

Steven P. Cahill, Director (614-462-3089)

The reference of the Department of Work Release for the Franklin
County Court of Common Pleas was obtained from an article in Columbus
(Ohio) Dispatch, October 2, 1984 which was submitted by Ken Arnold.

General information obtained from Steven Cahill includes the
following:

- 1) State Law (Ohio Revised Code § 5147.28) enclosed authorizes
establishment of work release programs by courts.
- 2) State Law (Ohio Revised Code § 5147.29) enclosed authorizes
collection and disbursement of prisoner's earnings.
- 3) Amount collected is 20% of the gross but not to exceed \$75/
week. Judges have final determination on whether inmates
are to pay (O.R.C. § 5147.29 Section D). Inmates with cash
jobs are charged a flat rate of \$6.00 per day. Previously
per diem rate had been a flat rate of \$42/week with a sliding
scale to adjust for low paying jobs. This 20% figure was
recommended by NIC (National Institute of Corrections).
- 4) Average daily cost to house an inmate is \$35/day.
- 5) Average population on program is 74 inmates.
- 6) Population base is approximately 1½ million.
- 7) Inmate turns check over to program, costs are deducted,
and the program reissues a check to the inmate.
- 8) Program is housed in the jail itself.

Inmates to pay for jail stay

By Alan Johnson

Dispatch County Office Reporter

In about one month, inmates will begin paying about \$20 a day for room and board in the Franklin County jail.

Commissioners signed a resolution today which makes Franklin County the first county in Ohio to take advantage of a new state law allowing officials to charge prisoners for expenses of their time spent in jail.

Sheriff Robert L. Berry said he expects the change will mean an additional \$200,000 in annual income for the county, although earlier estimates had put the figure as high as \$800,000.

HE SAID the amount is the same daily rate the county charges the city for incarcerating prisoners to cover the cost of food, clothing and shelter.

The rate will go up, possibly to as much as \$40 per day, when the county jail under construction on Jackson Pike is completed, he said.

The law will go into effect immediately, but probably will not be used for about a month while a reimbursement system is set up, Berry said.

The sheriff said not all prisoners will be required to pay. About half the inmates are unemployed.

Whether a prisoner will be required to pay will be up to the discretion of the sentencing judges.

"IT WILL be those people they think it would be appropriate to charge," Berry said.

A financial investigation of the prisoner's ability to pay will be done, and a separate hearing may be conducted, Berry said. A new department was created recently in Municipal Court to do such investigations.

The new law was sponsored by state Rep. David J. Leland, D-Columbus, who said that taxpayers should not be forced to pay for the total cost of housing inmates.

Leland said it costs the county \$10 million a year to house the 36,000 prisoners sentenced to the jail, and many of them are financially able to reimburse the county for the cost of their confinement.

The additional funds will go into the county's general fund.

FACILITY:

St. Louis, Missouri

CONTACT PERSON:

Steve Stisselman (314-889-3999)

General information obtained from Mr. Stisselman includes the following:

- 1) Program and collection is approved by state statute.
- 2) Monies are returned to a general revenue accounting department.
- 3) Approximately \$70,000/year is reimbursed to the county.
- 4) On a sliding scale but collect 25% of gross to a maximum of \$40/week recently raised on July 1, 1987 to a maximum of \$60/week.
- 5) If inmate is unemployed, program may work him 40 hours per week and pay inmate \$10/week.
- 6) Average population is 65 inmates including six women. Capacity is approximately 73.
- 7) Inmates housed in dorm setting in part of the jail/office building.
- 8) Inmates cash their own checks pay the department by cash but preferably money order. Both St. Louis and Franklin County report bad experience with personal checks (wonder why?)
- 9) Staff
 - a) Administrator
 - b) 3 full time case workers 1 part time
 - c) 9 correctional officer - usually 2 per shift

FACILITY:

Dallas County Work Release

CONTACT PERSON:

Jay Harrison (214-521-6080)

Information obtained from Jay Harrison includes the following:

- 1) State law authorizes establishment of work release and collection of a per diem .
- 2) County Commissioners also have approved.
- 3) Agency is dual effort between Dallas County Community Corrections and Dallas County Sheriff Department.
- 4) Judges approve collection of per diem. 3 out of 25 Judges do not allow collection of per diem.
- 5) Rate is \$10/day for misdemeanor
Rate is \$7.50/day for contempt of court (child support).
- 6) Average population 200-250 inmates. Capacity is 235. Housed in a 75 year old minimum security jail.
Population includes some felonies, state inmates, weekenders (50-125).
- 7) On short term offenders, try to collect money up front.
- 8) Have a good time policy where the inmate gets 3 days credit for 1 day served. Longest stay is around 45 days.
- 9) Projection and on target to collect \$340,000. from inmates.
- 10) Staff
 - a) Manager
 - b) 5 caseworkers
 - c) Secretary
 - d) Clerical

FACILITY:

Montgomery County Work Release / Pre Release Program

Information obtained from (NIC) National Institute of Corrections

General Information obtained from NIC.

- 1) A State Law in 1968 began a work release unit of the County Detention Center.
- 2) Established by the county council pursuant to the law of Maryland.
- 3) The center deducts 20% percent of the resident gross earnings for room and board (up to \$200.00 per month).
- 4) All residents whether employed full-time or part-time relinquish their entire paychecks to work release center where deductions are made with their budget guidelines.
- 5) Staff
 - a) Director (1), Deputy Director (1)
 - b) Correctional Counselor
 - c) Work Release Coordinator (2)
 - d) Correctional unit supervisor (2)
 - e) Resident Supervisor (10)
 - f) Administration Aid (2)
- 6) Inmate Population

Approximately 92 inmates on program
Recommend 2.4 Staff to 1 Inmate.



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 30, 1988

TO: Senate Federal and State Affairs Committee
RE: SENATE BILL NO. 726

SUMMARY

The Department of Corrections is requesting new legislation which would permit the the state director of accounts and reports to accept for payment amounts due to medical providers for the care of inmates, notwithstanding the fact that such claims were not submitted or processed for payment within the fiscal year in which the service was rendered.

BACKGROUND

The Department of Corrections began using the Inmate Health Care Claims Processing System in September, 1987. This plan follows a service which SRS has been successfully using since 1978. A contractor was selected by bid to provide a reimbursement methodology to the health care providers at a rate for services which is usually considerably less than what the medical provider would otherwise charge. The Inmate Health Care Claims (IHCC) System is modeled in part on the Department of Social and Rehabilitation Services (SRS) CENPAY system. By similar statute (K.S.A. 39-708a), SRS is not required to encumber CENPAY through the year-end DA-118 process. This proposal seeks a similar exemption for IHCC payments. As indicated in the attached letter from Accounts and Reports, a similar statute is required.

CES/pa

Attachment

*Senate FSA
3/30/88
Attachment # 2*



OCT 21 1987

DEPARTMENT OF ADMINISTRATION
DIVISION OF ACCOUNTS AND REPORTSMIKE HAYDEN
GovernorJAMES R. COBLER
Director of Accounts and ReportsLandon State Office Building
Topeka, Kansas 66612-1200
(913) 296-2311

October 19, 1987

Dick Davis
Chief of Fiscal Services
Department of Corrections
Room 404N-LSOB

Dear Dick:

During the September 29, 1987 meeting to discuss the IHCC system, the question of whether or not these claims would be required to adhere to the state fiscal year constraints was raised. The IHCC system is partially modeled after the Department of Social and Rehabilitation Services (SRS) CENPAY system and as you indicated, SRS is not required to encumber CENPAY through the year-end DA-118 process.

SRS CENPAY obligations are specifically exempted from the normal year-end constraints by K.S.A. 39-708a and the Department of Corrections may wish to seek a similar legislative exemption for the IHCC payments. In the absence of such legislation, I feel that the IHCC payments must adhere to the fiscal year constraints to which they have always been subjected.

This decision will not effect the basic design of the IHCC system, nor should it delay the projected implementation date. You should, however, be aware that normal year-end procedures will apply at the end of fiscal year 1988. We will transmit a proposal concerning the coding of such payments as soon as they have been finalized.

Please feel free to call on me should you wish to discuss this matter.

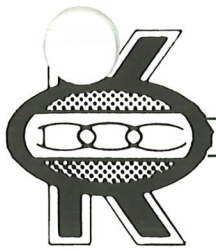
Sincerely,

Handwritten signature of Dale Brunton in cursive.

Dale Brunton, Chief
Administrative Audit Section

RR:jh

cc: James R. Cobler
W.F. Wachs
Cecil Rothers
David Ison



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 30, 1988

TO: Senate Federal and State Affairs Committee

RE: SENATE BILL NO. 724

The Department of Corrections has been contacted by a company regarding a lease of mineral rights on property owned by Kansas State Penitentiary and Kansas Correctional Institution at Lansing. This lease would be for the purpose of oil and gas production.

In researching the Department's ability to enter into such a lease, it appears that a lease would be limited to three years. That length of lease for oil and gas production is not viewed as being attractive to potential developers. To address that situation, legislation that would enlarge this lease period to ten years is requested. K.S.A. 76-164 and K.S.A. 74-3315 now authorize ten year lease periods for the Board of Regents and Forestry, Fish and Game Commission respectively.

A lease arrangement has the potential for significant savings to the state. In addition to receiving lease payments, there is the possibility of entering into a contract to purchase, at a reduced rate, natural gas discovered on the leased property.

CES/pa

*Senate FSA
3/30/88
Attachment #3*