

Approved _____

May 4, 1990 Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Ginger Barr at
Chairperson

1:24 a.m./p.m. on March 14, 1990 in room 526-S of the Capitol.

All members were present except:

Representative Peterson

Committee staff present:

Mary Galligan, Kansas Department of Legislative Research

Lynne Holt, Kansas Department of Legislative Research

Mary Torrence, Revisor of Statutes Office

Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

Chairman Barr explained due to time constraints, the hearing on HBs 2928 and 2929 would not be held at this meeting.

Representative Long moved to approve minutes of the February 19, 20, 21, 1990 meetings, seconded by Representative Ensminger. The motion was adopted.

HB 2790

Representative Aylward moved to table the bill, seconded by Representative Eckert. The motion was adopted.

Subcommittee report - HB 2315

Representative Jenkins reviewed the report of the subcommittee which recommended changing the time for parents to make progress on their reintegration plan from two years to 18 months, Attachment No. 1.

Committee discussion:

1. There are circumstances under which a court can intervene to remove the child(ren) from the natural parents' home and make the child(ren) available for adoption by severing parents rights. It was not known if there is a time limit under current law to make the parents comply with their self-imposed conditions once the reintegration plan is adopted. However, that would not preclude a court or motion from an interested party from pursuing severance of parents' rights.
2. There is no change in the notice or the number of hearings.

Representative Sughrue moved to adopt the subcommittee report, seconded by Representative Jenkins. The motion was adopted. Representative Sughrue moved to recommend the bill favorably, as amended, seconded by Representative Jenkins. The motion was adopted.

HB 2284

Representative Jenkins explained at the original hearing on the bill there were no opponents and there is no fiscal note. Attachment No. 2 is a letter from Frank Henderson, Chairman of the Parole Board, in support of the bill. Attachment No. 2A is an article from the Kansas City Times regarding the "no read, no release" program in Virginia. Attachment No. 2B is an excerpt from a speech by Congresswoman Meyers regarding the national dropout rate. The bill encourages inmates to achieve a GED or equivalent of a secondary education before they are eligible for parole. It is worded liberally so as not to impose the requirement on someone incapable of learning or to prolong parole eligibility.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,
room 526-S, Statehouse, at 1:24 ~~xxx~~ a.m./p.m. on March 14, 1990

Committee discussion:

1. Representative Jenkins discussed "to the extent practical" with the Parole Board explaining the intent was a liberal interpretation so as not to penalize any inmate not having attained the GED.
2. Space at all the facilities was questioned as was a change of interpretation of the statute with a change(s) on the Parole Board. Representative Jenkins had no objection to amending the bill to apply to inmates eligible for parole after July 1, 1990.
3. Determination of capability of completing a GED (line 30) would be made by professionals.
4. In line 27 changing "shall require" to "may require" was questioned. Representative Jenkins responded if the committee deemed it necessary, she would strike "to the extent practical", go to line 30 and strike "and is capable of doing so" but stated preference for "shall".
5. "To the extent practical" and "is capable of doing so" could be interpreted as either for intellectual capacity or time for completing a GED. There is no intent to impose the requirement on the 7% of the prison population that is mentally retarded.
6. To some extent the bill codifies what the Parole Board is already doing in that it routinely asks inmates what they have done in addition to meeting the terms of the agreement and what the inmate has done regarding education. Most who are sincere about parole and reform have made some effort in this area.
7. Federal funding is available in the form of Pell grants.
8. One member suggested language requiring an inmate to participate in the formulation of a plan for his education and actively pursue it while in the system.

Representative Long moved to amend, beginning on line 27, after "requiring inmate to progress toward or have completed the equivalent" to "when they are in prison they are progressing toward the equivalency and if they run out of time, they are still increasing their education" and the effective date be January 1, 1991. Representative Aylward seconded.

Committee discussion:

1. During a tour of Lansing, Secretary Davies advised that most of the prison population is learning disabled and under age 22 years and would qualify for special education programs. Government funds (94-142) could be in jeopardy. The Secretary estimated an appropriation of \$800,000 in the C level budget would be necessary to comply with 94-142. Concern was expressed regarding establishing a program in which funding would be questionable.
2. Classes in prison are not typical of those in a full day school, however, an inmate may attain schooling beyond high school level.

Representative King made a substitute motion to pass the bill favorably in its original form, seconded by Representative Douville.

Committee discussion:

1. It was clarified the attainment of a GED is not mandatory, completion is not mandatory prior to appearing before the Parole Board and is not binding on the Parole Board.
2. There was concern that the bill in its original form could delay an inmate's parole eligibility. Recommendations for further study or amendment were made.

The substitute motion and second were withdrawn.

Representative Long restated his amendment and explained the intent of the amendment was to encourage an inmate to achieve at the next educational level for the period of incarceration and change the effective date to January 1, 1991.

Concern was expressed that compliance with the federal mainstreaming act for learning disabled (94-142) was not included in the bill or amendment. The motion to amend the bill was adopted.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs

room 526-S, Statehouse, at 1:24 ~~pm~~ p.m. on March 14, 1990

Representative Ensminger moved to recommend the bill favorably, as amended, seconded by Representative Sprague. The motion was adopted.

Staff noted current changes in the law which would affect a section of HB 2315. Chairman Barr directed staff to insert the necessary cleanup language on the bill and any other bill carried over from the 1989 session that had been worked this session by the committee.

Representative Aylward presented a bill request from Saline County Community Corrections allowing them to comply with the Community Corrections Standards Program in using some unmarked vehicles in regard to confidentiality of the citizens being aided by the program, Attachment No. 3. She moved to introduce the bill, seconded by Representative Sebelius. The motion was adopted.

Chairman Barr informed the committee of receipt of a letter from Dan Hamer, Acting Director of the Kansas Racing Commission (KRC) concerning underage jockeys and medical coverage, Attachment No. 4. Copies were to be provided to members upon request.

The meeting adjourned at 3:17 p.m. The next meeting of the committee is scheduled for March 15, 1990, 1:30 p.m. in Room 526-S.

MARTHA JENKINS
REPRESENTATIVE, FORTY-SECOND DISTRICT
LEAVENWORTH COUNTY
ROUTE 1, BOX 47
LEAVENWORTH, KANSAS 66048-9712
STATE CAPITOL, ROOM 426-S
TOPEKA, KANSAS 66612
(913) 296-7680



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: JUDICIARY
MEMBER: AGRICULTURE AND SMALL BUSINESS
FEDERAL AND STATE AFFAIRS
LEGISLATIVE, JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
NATURAL AND SCIENTIFIC AREAS
ADVISORY BOARD

2 February 1990

To: Ginger Barr, Chairman
From: Martha Jenkins
Arthur Douville
Kathryn Sughrue
Re: H.B. 2315

Dear Chairman Barr,

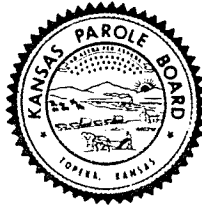
The subcommittee on H.B. 2315 has met and recommends one amendment. In line 48 and 49 on the second page, the subcommittee has changed two years to eighteen months. The same change is necessary on line 54.

The subcommittee believes 18 months is sufficient time for natural parents to make progress on their reintegration plan. This excludes the period of time (60 days) the parents have to submit their plan.

Other concerns raised by conferees were also addressed by the subcommittee. Under the bill, two hearings would be required. One hearing to determine progress and the other to determine whether parental rights should be terminated. At the first hearing, the court will notify all interested parties. This will include grandparents and other family members if the family has requested to be contacted by the court as an interested party.

At the termination hearing, the grandparents would already be contacted as provided under current law.

Frank S. Henderson, Jr.
Chairman



Carla J. Stovall
Vice-Chairman

Elwaine F. Pomeroy
Member

George Rogers
Member

Donald E. Mainey
Member

Micah A. Ross
Director

Sandra K. Smith
Assistant Director

KANSAS PAROLE BOARD
LANDON STATE OFFICE BUILDING
900 JACKSON STREET, 4TH FLOOR
ROOM 452 S
TOPEKA, KANSAS 66612-1220
(913) 296-3469

February 20, 1990

The Honorable Martha Jenkins
Representative, Forty-Second District
State Capitol, Room 426-S
Topeka, Kansas 66612

Dear Representative Jenkins:

On behalf of the Kansas Parole Board, it is a pleasure to indicate the Board's support for House Bill 2284. This bill is an excellent way to indicate the importance of basic educational skills in the overall development of individuals.

This Board wholeheartedly agrees that educational skills enhance the ability of inmates to make the difficult transition from incarceration to freedom.

It is with pleasure that we support this bill.

Respectfully,

Frank S. Henderson, Jr.
Chairman of the Board
Kansas Parole Board

FSH:ams

can and chairman of a committee handling abortion legislation.

Despite the slow start, the issue began to emerge last month when Gov. Mike Hayden's abortion package was introduced. One of Hayden's bills is shaping up as the

See ABORTION, A-12, Col. 1

sunny and highs in the 60s.

Romanian babies: a legacy of AIDS

By Celestine Bohlen
The New York Times

BUCHAREST, Romania — The babies, about 60 of them, are on the third floor of the drab gray hospital, the only AIDS clinic in Romania. In some rooms, there are two babies to a crib. In one small cubicle, four infants, close to death, lie in a row under a single blanket.

Of all the grim legacies of the Nicolae Ceausescu era, this may be the most chilling. According to statistics gathered by Romanian

Disease ignored during Ceausescu era

virologists and confirmed by French doctors, Romania is threatened with an unusual pediatric epidemic of AIDS, concentrated in crowded orphanages and clinics, spread by an old-fashioned practice of giving blood transfusions to newborn infants.

Doctors here say that of 2,000 children tested so far in targeted clinics and orphanages, 250 have

AIDS and 200 others have tested positive for the HIV virus, which causes AIDS.

(The World Health Organization said Wednesday that an emergency team had been sent to Romania, where the organization's doctors said 700 children had been found to be infected with the AIDS virus.)

The plight of babies with AIDS

is not unique to Romania. But here, the authorities' willful neglect of the disease allowed it to spread quickly, compounding problems already created by poverty, poor equipment, bad medical practices, large numbers of abandoned children and other social distress common to the Ceausescu era.

On the third floor at the AIDS clinic, the Victor Babes Hospital, the nurses know that they are dealing with hopeless cases. Two

See FOR, A-10, Col. 1

In Virginia prison, reading means freedom

By Will Sentell
Jefferson City Correspondent

RICHMOND, Va. — After years in prison, a 60-year-old inmate here recently wrote home — the first time he had tried to pen a letter to his wife.

Amid the sounds of Ping-Pong, weight-lifting and occasional banter, the man had hunched over a table in a makeshift classroom day after day, meticulously polishing his reading and writing skills.

He was not alone.

More than 4,000 inmates have tried to follow suit since 1986 when state lawmakers launched Virginia's "no read, no release" program,

which rewards prisoners for learning how to read by shaving time off their sentences and by increasing their chances for parole.

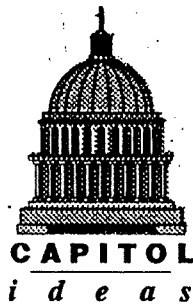
The program is grounded on a simple idea: Inmates have a better chance of getting a job and are less likely to get in trouble again if they leave prison with at least eighth-grade literacy skills.

The incentive is just as simple: If inmates learn how to read, their chances of getting out of prison increase. If they don't, their chances decrease.

Prison officials say literacy is not only the key to unlocking prison doors but may be the

See PRISONERS, A-16, Col. 1

■ **The Kansas City Times** recently examined some of the innovative laws states are enacting to address their problems. Today, in the fourth of five articles, *The Times* looks at Virginia's "no read, no release" prison program, which rewards inmates for learning how to read.



HOUSE FEDERAL & STATE AFFAIRS
Attachment No. 2A
March 14, 1990

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See

Prisoners can read their way to an early release in Virginia

Continued from Page A-1

key to trimming the growing number of inmates, to cutting prison costs and to rehabilitating prisoners.

The program has drawn national attention for its innovation and some say it eventually may help solve the state's most pressing prison problem — overcrowding — by helping to keep inmates from returning to prison.

"A guy's got to have a real problem to think it's better to sit in his cell and stare at the ceiling than to learn how to read, said Imogene H. Draper, coordinator of the state's Literacy Incentive Program.

"The basic premise on which the program is based is inmates can rehabilitate more effectively if they can read," Draper said. "Society will receive a person who is capable of being more effective than when he came in."

Inmate Chester Budd put it more bluntly: "If you invest something in me I can save you \$100,000" — roughly the cost of housing a prisoner for 10 years. "If you don't you are going to lose in the long run."

Figures compiled by the Criminal Justice Institute Inc. showed that in 1988, 62.6 percent of the nation's inmates successfully completed their parole supervision. Virginia claimed a success rate of 87.2 percent, the best in the nation. Missouri reported 79.2 percent and Kansas only 57.4 percent.

Both Kansas and Missouri have been under fire in the last decade to limit prison populations. Kansas, facing a crisis, is under a federal court order to cut its prison population by July 1991. Missouri's prison problems recently have eased, though its prisons were crowded during much of the 1980s.

Missouri offers several programs to improve inmates' educations, including one overseen by the Department of Elementary and Secondary Education in which inmates help teachers. Last year, four more teachers were added to aid inmates about to be released, said John Bell, assistant director of classification and treatment in the Missouri Department of Corrections.

In the last six months Kansas has begun asking inmates to sign forms seeking help on specific problems, from illiteracy to substance abuse. Inmates who try to improve their education increase their chances for parole, said Bill Miskell, spokesman for the Kansas Department of Corrections.

■ Studies show that 75 percent of inmates in U.S. prisons are functionally illiterate and that most of them return to the streets that way.

To boost Virginia's program, the state's parole board adopted the policy that "literacy is an important element in judging the probability of parole success." Inmates whose parole bids are rejected are pointedly encouraged by the board to join the reading classes.

The point has been clear.

Hundreds of inmates spend 90 minutes a day, five days a week, trying to improve their reading. In exchange, they are paid a small wage, and 30 days are trimmed from their sentences for each 30 days in class. Their chances for parole also improve.

Classrooms, decorated with vocabulary words, newspaper clippings and pictures of letters, are limited to 12 inmates; daily incentives are simple.

"If they get 100 percent they get their paper on the board," said Susan Szeremet, a literacy teacher.

Graduation ceremonies are elaborate, and recently former Lt. Gov. Douglas Wilder, now governor, addressed a group that finished the reading class.

Test scores show inmates improve their skills by two grade levels for each year of participation. Community volunteers and even inmates help teachers.

"Most of them have had schooling," Draper said of her students. "It's just that schooling has never been very productive for them. This is a real chance for them that they never had."

Virginia is hardly alone in its number of illiterate prison inmates. Studies show that 75 percent of inmates in U.S. prisons are functionally illiterate and that most of them return to the streets that way, according to the Correctional Education Association.

Former Gov. Gerald Balile initially sought to make the program apply to inmates who scored below a sixth-grade literacy level. Last year, lawmakers unanimously endorsed the program by raising the

minimum literacy level to the eighth grade, which usually guarantees that persons are able to read a newspaper or fill out a job application.

Sixty-five percent of those who complete Virginia's literacy classes continue their education by entering vocational training or other education programs offered both in and out of prison.

"It does something for self-esteem," said Osa D. Coffey, superintendent of schools in Virginia's Department of Correctional Education. "Some of them really feel like the sky's the limit."

Indeed, several inmates of the Pocahontas Correctional Unit near Richmond agreed that it was self-esteem, not early release, that lured them.

"Some jobs, I didn't understand the application," said Larry Riddick, 41. "That's a bad feeling."

Riddick, a divorced father of two, said he hoped the program would help him toward a degree. "I want something on my wall to show my kids," said Riddick. "That piece of paper makes you feel good."

Though prison officials are delighted with the program, it has come under fire.

Charles Colson, a onetime aide to former President Richard Nixon and now the chairman of the Prison Fellowship Ministries in Reston, Va., said that trying to force prisoners to read before they're paroled was unconstitutional — in the same vein as trying to require voters to prove they're literate before they may cast ballots.

And Kent Willis, director of the Virginia American Civil Liberties Union, said the classes represented "an inappropriate imposition on prisoners. We don't like it."

Coffey disputed charges that the literacy program was incorrect in assuming a link between literacy and crime.

"The Justice Department did a study that showed you are 25 times more likely to wind up in prison if you don't have an education," he said.

Inmates like Leroy James, who completed the literacy program, feel bittersweet over their accomplishments.

James, 36, was out of school for 17 years before he returned to a prison classroom.

"If I had realized what I was missing from school I would have been there," he said. "That was my problem, I didn't look at education as a necessity."

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HOUSE FEDERAL & STATE AFFAIRS

Attachment No. 2B

March 14, 1990

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Some of the problems we must overcome are these:

Dropouts. Nationally, one in every four young people don't graduate from high school on time. Some who do not graduate go back to school, and some get a GED later. But, the bottom line is that one-fourth of our young people do not graduate on time.

In fact, in some areas in our country, the dropout rate is 50%.

Some companies are now refusing to hire an applicant unless he or she can prove graduation from high school. The military will no longer accept an individual who is not a high school graduate. These factors are beneficial because they will bring great pressure on young people to stay in school, but these same factors certainly will cause more problems for young people who do not complete their high school education, and more problems for society.

Illiteracy. A joint study by the U.S. Department of Education and the Japanese Ministry of Education shows that the Japanese literacy rate is 99%. In America, the rate is 80%.

Math and Science Achievement. Several reports indicate that American students rank dead last in math and science achievement compared to students from other Western nations. And the National Science Foundation estimates there could be a shortfall of 700,000 engineering and science undergraduates over the next 25 years.

These trends are unacceptable and their financial consequences are much greater than many people may think. Many businesses are now discovering they must undertake a task they thought the schools were performing. According to the Carnegie Foundation for the Advancement of Teaching, U.S. companies are currently spending upwards of \$40 billion a year to deliver education to about eight million workers. By comparison, four-year colleges and universities spend some \$60 billion annually to educate the same number of young people.

What must we do to make the necessary changes to meet this challenge?

The goals developed by the President and the nation's governors at last year's Education Summit are a good start. The goals are: (1) increasing the high school graduation rate to 90 percent; (2) making every adult literate; and (3) making U.S. students first in the world in math and science achievement.

At the federal level, we should start by adopting funding increases for education programs that have a proven track record in raising student achievement levels. The President has proposed a \$500 million increase for the Chapter 1 basic skills program, bringing funding for the federal government's largest education program to \$5.8 billion.

The President also proposes a \$500 million increase in Head Start to assist at-risk preschool children, a \$100 million increase for the Dwight Eisenhower math and science teacher training program, and a \$106 million increase for the National Science Foundation's math, science, and engineering programs.

At the state and local level, increased salaries for teachers and increased accountability should go hand-in-hand. Greater and earlier involvement of parents (as in Missouri's "Parents as Teachers" program) is being initiated in many states. And, I believe we must not be afraid to challenge the structure of our schools and our society. We must fight not only adult illiteracy, but examine the system that allows those adults to get through twelve years of education without learning how to read.

The combined energies of federal, state, and local government, teachers, parents, students, and business working together in this decade must enable our nation to enter the 21st Century as "A Nation Prepared to Lead" with "A Nation At Risk" being a thing of the past.

Cleaning up our global environment is a major challenge which the United States will be called upon to meet, not only for our benefit, but as a part of a larger global commitment. This challenge will not be without sacrifice, but it is a challenge we can no longer ignore or wish away. And, it's a challenge we must accept if we are to lead in the 21st Century.

FSA
2B-1
3-14-90



COMMUNITY CORRECTIONS

419 West Ash
Salina, Kansas 67401
(913) 825-7269

March 8, 1990

TO: State Representative Eloise Lynch

FROM: Saline County Community Corrections

The following is the requested amendment to K.S.A. 8-305.

Same; how marked; exceptions. All motor vehicles owned or leased by any political subdivision of the state of Kansas shall bear the name of the political subdivision owning such vehicle plainly printed on both sides thereof, in plain letters not less than two inches in height and with not less than 1/4 inch stroke, together with the name of the political subdivision. This act shall not apply to the following: Municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable; passenger vehicles used by plain clothes police officers and Community Corrections personnel working in the employ of any political subdivision; and motor vehicles owned or leased by any municipal university. Each motor vehicle of every political subdivision shall bear a separate serial identification number which shall follow the name of the political subdivision. Such motor vehicle, when lettering or number thereon shall become illegible, shall be relettered or renumbered as required in this section. Such lettering and numbering shall be on a part of the vehicle itself and not on a removable plate or placard of any kind and shall be kept clean and visible at all times.

STATE OF KANSAS



KANSAS RACING COMMISSION

3400 Van Buren
Topeka, Kansas 66611-2228
(913) 296-5800

March 8, 1990

The Honorable Ginger Barr
House of Representatives
Room 115-S
State Capitol
Topeka, KS 66612

Dear Ms. Barr:

In the Federal and State Affairs Committee on February 27, 1990 information was requested relative to medical/health insurance coverage to "under age" jockeys:

I contacted a representative of the National Jockey's Guild and learned:

1. A jockey may be licensed at the age of 16 with parental consent and either be in school, or graduated, or possess a GED.
2. Jockey Guild medical coverages would apply to any "licensed" jockey. The coverage would be the same, regardless of age.

Should you or any member of the committee have further questions please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan P. Hamer".

Dan P. Hamer
Acting Executive Director

DPH#7-cd