

Approved

5-2-91  
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Representative John M. Solbach at  
Chairperson

3:30 ~~xx~~ a.m./p.m. on March 5, 1991 in room 313-S of the Capitol.

All members were present except:

Representative Douville who was excused

Committee staff present:

Jerry Donaldson, Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Gloria Leonhard, Secretary to the committee

Conferees appearing before the committee:

Representative Robert J. Vancrum  
Representative Ann Cozine  
Chip Wheelen, representing Kansas Psychiatric Society  
Dr. Gordon Risk, representing American Civil Liberties Union  
Alvin Sykes, representing Justice Campaign of America  
Tracy Howell, representing Justice Campaign of America  
Dr. Mani Lee, Director of Mental Health, Mental Health and Retardation Services,  
SRS  
David McCune representing Department of Corrections  
Kevin Siek for Kansas Commission on Disability Concerns  
Representative Ann Cozine  
Jim Clark, Kansas County and District Attorneys Association  
Roberta Sue McKenna, representing the Legal Dept. SRS  
Representative Don Rezac  
Marshall Crowther, KPERs

The Chairman called the meeting to order and called for hearing on HB 2515, emergency divorce.

Representative Robert J. Vancrum appeared in support of HB 2515. (See Attachment # 1).

Committee questions followed.

There being no further conferees, the hearing on HB 2515 was closed.

The Chairman called for hearing on HB 2228, prohibiting the placement of sex offenders with mentally ill patients.

Representative Ann Cozine, sponsor of HB 2228, appeared in support of the bill. (See Attachment # 2). Representative Cozine provided committee members a copy of a balloon bill setting out recommended change. (See Attachment # 3).

There were no committee questions.

Chip Wheelen, representing Kansas Psychiatric Society, appeared to express reservations regarding HB 2228. (See Attachment # 4).

Committee questions followed.

Dr. Gordon Risk, representing American Civil Liberties Union of Kansas, appeared in opposition to HB 2228. (See Attachment # 5).

There were no committee questions.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,  
room 313-S, Statehouse, at 3:30 a~~xx~~/p.m. on March 5, 1991

Alvin Sykes, representing Justice Campaign of America, appeared in opposition to HB 2228. Mr. Sykes said his organization will submit written testimony; that the ACLU and Kansas Psychiatric Society testimony cover many of his concerns; that he urges the committee to work hard to provide legislation to ensure inmates who have mental disorders get treated.

There were no committee questions.

Tracy Howell, also representing Justice Campaign of America, testified in opposition to HB 2228. Ms. Howell testified regarding her brother's experience and his desire to be eligible to be treated and cured at The Alpha House located in Minneapolis.

There were no committee questions.

Dr. Mani Lee, Director of Mental Health, Mental Health and Retardation Services, SRS, appeared in opposition of HB 2228. (See Attachment # 6).

Committee questions followed.

David McCune, representing the Department of Corrections, appeared to express concerns with HB 2228, in its amended form. (See Attachment # 7).

Committee questions followed.

Written testimony in support of HB 2228 was submitted by Terry Larson for the Kansas Alliance for the Mentally Ill. (See Attachment # 8).

Representative Ann Cozine re-appeared and explained that the bill is needed because presently staffing is inadequate. A committee member asked that statistics proving that the bill is needed be furnished.

Written testimony in support of HB 2228 was submitted by Kevin Siek for the Kansas Commission on Disability Concerns. (See Attachment # 9).

Written testimony in opposition to HB 2228 was submitted by W. Walter Menninger, M.D., The Menninger Foundation. (See Attachment # 9.5).

There being no further conferees, the hearing on HB 2228 was closed.

The Chairman called for hearing on HB 2310, conditions of probation, suspended sentence or community corrections.

Representative Cozine, sponsor of HB 2310, appeared in support of the bill. (See Attachment #10), which also includes written testimony of Jeff Loane, Director, Sedgwick County Community Corrections Department and Roger Werholtz, Department of Corrections.

Written testimony was submitted from the Department of Corrections in support of HB 2310. (See Attachment # 11).

There being no further conferees, the hearing on HB 2310 was closed.

The Chairman called for hearing on HB 2532, jurisdiction of court continues for juvenile felon or person charged with murder if convicted of a lesser included offense.

Jim Clark, Kansas County and District Attorneys Association appeared in support of HB 2532. (See Attachment # 12). Mr. Clark said HB 2532 also speaks to the intent of HB 2500, juvenile felons considered adults when convicted of lesser included offenses which is scheduled for hearing on Thursday, 3/7/91. The Chairman and Mr. Clark agreed that Mr. Clark's written testimony be made a part of the 3/7/91 minutes.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,  
room 313-S, Statehouse, at 3:30 ~~xx~~/p.m. on March 5, 1991.

There being no further conferees, the hearing on HB 2532 was closed.

The Chairman called for hearing on HB 2490, health care for juvenile felons.

Roberta Sue McKenna, representing the legal department of SRS, appeared in support of HB 2490. (See Attachment # 13).

Committee questions followed.

There being no further conferees, the hearing on HB 2490 was closed.

Representative Parkinson made a motion that HB 2490 be passed. Representative Lawrence seconded the motion. The motion carried.

The Chairman called for hearing on HB 2481, attachment of KPERS for maintenance.

Representative Don Rezac appeared to testify in support of HB 2481. (See Attachment #14).

Committee questions followed.

The Chairman called upon Marshall Crowther, KPERS, who was auditing the hearing for input regarding current policy-why we have it, what are its benefits, what is the downside of changing the policy.

Mr. Crowther said KPERS did not attend the hearing as a proponent nor an opponent of the bill but to determine how any changes to the law would affect their administration of the policy; that the exemption for process of KPERS benefits has been in effect since the conception of KPERS in 1962; that in 1981-2 language regarding decrees of support or alimony was litigated; that in the 1990 Legislative Session the amendment was adopted to allow for support with certain portions to be distributed in cooperation with the District Court; that changes in the current law might cause problems with the 15 survivor options that can be elected; that the purpose of the present policy, initially, was that the retirement benefits were something of the individual's compensation and put there for the individual; that there is a federal law which provides for qualified domestic relation orders and KPERS position, that they are not applicable, is annoying to some people; that the committee can be furnished the exemption that goes through Federal law; that it is all tied to the Employees Retirement Income Security Act and public plans are specifically exempt from ERISA; that that is why the federal law is not part of KPERS situation; that about half the states have an exemption such as Kansas.

Committee questions followed.

Mr. Crowther noted that there are problems with a defined benefit plan if part of the plan is set aside when the benefit is based on years of service times percent of salary; that the future value of a plan is difficult to determine, based on assumption of salary changes or additional years; that if the plan would be based on today's salary, it would probably be an undervalued asset; that the change in the last legislative session added the word "support"; that the amendment has never been litigated.

Representative Heinemann made a motion that HB 2481 be amended as suggested by Revisor on Page 1 in Line 30, by striking the words, "including decrees for support". Representative Vancrum seconded the motion. The motion carried.

Revisor's staff noted that two additional sections should be added to HB 2481; that would include the judges, policeman's and fireman's KPERS. (See Attachment # 15).

Representative Heinemann amended his motion to include Revisor's Staff's recommendation. Representative Carmody seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,

room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on MARCH 5,, 1991.

Representative Heinemann made a motion to pass HB 2481 as amended. Representative Carmody seconded the motion.

Representative Hochhauser made a substitute motion that HB 2481 be amended so that KPERS benefits could be subject to property division in divorce cases. Representative Macy seconded the motion.

A committee member suggested referring HB 2481 to interim study.

The substitute motion failed.

Representative Smith made a motion that HB 2481 be tabled. The motion died for lack of a second.

The original motion to pass HB 2481 as amended, carried.

The meeting adjourned at 5:20 P.M. The next meeting is scheduled for March 6, 1991, at 3:30 P.M. in room 313-S.



STATE OF KANSAS

BOB VANCURUM  
REPRESENTATIVE, TWENTY-NINTH DISTRICT  
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OVERLAND PARK, KANSAS 66212  
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TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: APPROPRIATIONS  
JUDICIARY  
TAXATION

HB 2515

March 5, 1991

TESTIMONY ON HB 2515  
BEFORE THE HOUSE JUDICIARY COMMITTEE

BY

REPRESENTATIVE ROBERT J. VANCURUM

I ask for the introduction of HB 2515, relating to emergency divorces. This is identical to the bill I had introduced last year on the same subject. I know of no other people who will be testifying in favor or against the present bill. I view the matter as a matter of simple fairness and will continue to push forth until change is made.

Under existing law, emergency divorces may be granted without any prior notice having been served upon the spouse. The spouse should have at least some period of time to prepare for the matter rather than finding out through the mail that a divorce has been granted.

I think the issue of emergency divorces for public officials is a carryover from the middle ages if not in fact the Middle East, where men may still divorce their spouses by reciting three times that they are divorced. I can't imagine why we want to continue such practices in this state. The problem of course is that the spouse has no opportunity to hire counsel, no opportunity to be adequately apprised of their rights and may make ill-advised decisions as to property settlement and other matters growing out of the divorce.

I'll of course be available for questions at a later time.

HJUD  
Attachment #1  
3-5-91

HB 2228 relates to sex offenders. If passed, this bill would prohibit the housing of sex offenders with vulnerable mentally ill clients who would be further damaged if sexually abused by a predatory sex offender, which can easily happen if sex offenders are housed in the same facilities as mentally ill clients.

An amendment would be added to this bill to allow the placement of sex offenders at Larned Security Hospital only, but at no other State Hospital, none of the group homes for mentally ill or mentally disabled persons, and none of the ICFs or Adult Care Homes for MR or MI.

There are no other designated places that this bill addresses to house sex offenders once they are released from Larned. It is a problem for which we must find an appropriate answer. However I do believe that it is wrong to place them with vulnerable mentally ill regardless of how well they may be thought to be supervised. The mentally ill are stigmatized in our society already and this would not only put them at risk for possible sexual abuse by predatory sex offenders but it would blur the line between people who are mentally ill and those who are sex offenders. The mentally ill do not need to carry this kind of baggage in addition to the baggage of a serious mental illness. It is not fair or right.

I ask you, ladies and gentlemen of this committee, to report this bill favorable for passage. We must protect the vulnerable mentally ill who need our protection. Thank you.

I will stand for questions now.

*Testimony of Rep. Ann Cozine*  
*HJUD*  
*3/5/91*  
*Attachment # 2*

HOUSE BILL No. 2228

By Representative Cozine

2-13

8 AN ACT concerning sex offenders; prohibiting the placement of such  
9 offenders in mentally ill treatment facilities.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) No person convicted of a sex offense, pursuant to  
13 article 35 of chapter 21 of the Kansas Statutes Annotated, and amend-  
14 ments thereto, either as a voluntary patient or involuntary patient,  
15 shall be admitted into a treatment facility, state psychiatric hospital  
16 or group home for the mentally ill.

17 (b) Terms used in this section shall be defined as in K.S.A. 59-  
18 2902, and amendments thereto.

19 Sec. 2. This act shall take effect and be in force from and after  
20 its publication in the statute book.

Except as provided by K.S.A. 75-5209, and amendments thereto,

HJUD  
Attachment #3  
3-5-91





March 5, 1991

## Kansas Psychiatric Society

1259 Pembroke Lane  
Topeka, KS 66604  
Telephone: (913) 232-5985  
or (913) 235-3619

Officers 1990-1992

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JKSM-Wichita  
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Ann Klemmer  
*Executive Secretary*  
Telephone: (913) 232-5985

Chip Wheelen  
*Public Affairs Contact*  
(913) 235-3619

TO: House Judiciary Committee

FROM: Kansas Psychiatric Society *Chip Wheelen*

SUBJECT: House Bill 2228; Placement of Sex Offenders for Treatment

Thank you for this opportunity to express KPS' reservations about HB 2228. It seems to make good sense to prohibit placement of convicted sex offenders in facilities for mentally ill patients. This would presumably protect those victims of mental illness from possible molestation or exploitation.

The problem is more complex, however, upon further analysis. Unfortunately, there are individuals suffering from mental illness who need appropriate treatment in one of the facilities enumerated in HB 2228. If such an individual happens to have a prior conviction of a sex offense, this bill would preclude that individual from receiving appropriate treatment, unless other facilities are provided which are designed specifically to house mentally ill patients with prior sex offense convictions. In view of the unlikely probability of those facilities being financed by the State of Kansas, we must suggest that this bill would be premature at this time.

Those sex offenders who need psychiatric treatment should be clinically evaluated by a physician to determine the best method of managing their behavior and also to determine the most appropriate treatment environment for that patient. This means that the decision as to where the individual should be placed is a function of clinical judgement and should remain as such.

Thank you for considering our input on this very sensitive issue.

CW/cb

HJUD  
Attachment # 4  
3-5-91

ACLU on H.B. #2228

I am Dr. Gordon Risk, representing the American Civil Liberties Union of Kansas. I am a psychiatrist.

The ACLU of Kansas believes this legislation is not rationally related to any legitimate governmental interest. The citizens of the state will not be well-served by legislation that arbitrarily denies inpatient psychiatric treatment to individuals with a diagnosable sexual disorder. Many sexual disorders that may result in a criminal conviction are eminently treatable and at least part of the treatment may most appropriately take place in an inpatient setting. The bill would also deny inpatient psychiatric treatment to individuals for psychiatric illnesses that may be unrelated to the sexual offense. Thus, an individual with a schizophrenic illness could not obtain inpatient treatment for that illness if the person had a sexual offense conviction in his history. An individual who was suicidal and in need of inpatient treatment to protect his life could not obtain it if the person had a sexual offense in his history. By denying access to inpatient treatment to individuals who may want it and need it, the state would be dealing with these citizens with a lack of due process.

The bill does not outlaw outpatient treatment to individuals who have been convicted of a sexual offense. It is in effect saying that these individuals and the community will be better served if all psychiatric treatment of them has to take place on an outpatient basis. This is ridiculous. If the concern is with inadequate supervision of psychiatric inpatients, the remedy is increased staffing. This irrational statute will benefit no one.

HJUD  
Attachment #5  
3-5-91

**TESTIMONY**

**ON HB 2228**

**PRESENTED TO:**

**HOUSE JUDICIARY COMMITTEE**

**MARCH 5, 1991**

**Prepared by:**

**Dr. Mani Lee  
Director of Mental Health  
Mental Health and Retardation Services  
Social and Rehabilitation Services**

*HJUD  
Attachment # 6  
3-5-91*

House Bill No. 2228

SRS supports the general intention of HB 2228. However, as drafted, the legislation appears to present some practical problems in its implementation and may restrict needed legitimate treatment interventions for those persons convicted of a sex offense.

SRS is aware of the real potential of sexual exploitation in treatment facilities, our state psychiatric hospitals and group homes for the mentally ill. Indeed, many individuals with severe and persistent mental illness are especially vulnerable to manipulation, abuse, and crime. In our efforts to prevent sexual exploitation by those with a history of sexual offense in the treatment facilities we administer, we emphasize the value of accurate assessment of potential danger and individualized treatment plans. Individualized treatment begins with a thorough medical and social history which includes an assessment of the criminal/aggressive patterns. Individualized treatment also requires a wide range of treatment options to meet specific individual needs. These options include the most restrictive and structured settings such as the Larned Security Hospital for the most violent and dangerous but also includes other treatment facilities, state psychiatric hospitals and group homes for those who are capable and responsive to treatments offered at each setting.

A blanket legislation restricting access to treatment settings for all individuals with mental illness convicted of a sex crime will eliminate any opportunity for these individuals to receive treatment and change their behaviors. The article 35 of chapter 21 of the Kansas Statutes Annotated lists the following sexual offenses: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, adultery, lewd and lascivious behavior, enticement of a child, indecent solicitation of a child, aggravated indecent solicitation of a child, prostitution, promoting prostitution, habitually promoting prostitution, patronizing a prostitute, sexual exploitation of a child, sexual battery, aggravated sexual battery, and promoting sexual performance by a minor. Substitute for House Bill 2586 defines "treatment facilities" as "any mental health center or clinic, psychiatric unit of a medical care facility, psychologist, physician or other institution or individual authorized or licensed by law to provide either inpatient or outpatient treatment to any patient". HB 2228 adds "group homes for the mentally ill" to the above. In short, HB 2228 prevents the entire mental health delivery system from rendering services to individuals who has been convicted of a sex offense.

In conclusion, SRS supports the intention of the bill, but finds it difficult to implement the provisions of the law in view of the wide range of individuals with a history of sexual offenses with varying needs, potential for treatment, and treatment options. At the present time, the assurance of safety and protection of vulnerable clients from sexually violent offenders could be best achieved, though not foolproof, by careful screening and admission procedures of each treatment facility and by thoughtful individualized treatment plan for both the potential victims and aggressors.

HJUD  
ATTACH # 6-2  
3-5-91



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building  
900 S.W. Jackson—Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317

Joan Finney  
Governor

Steven J. Davies, Ph.D.  
Secretary

To: House Judiciary Committee

From: Steven J. Davies, Ph.D.  
Secretary of Corrections

*Steven J. Davies*

Subject: House Bill No. 2228

Date: March 5, 1991

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY  
HOUSE BILL 2228

The Department of Corrections supports this bill in its amended form to allow placement of mentally ill sex offenders at Larned State Security Hospital. However, we are still concerned regarding passage of House Bill 2228 even in its amended form. Of concern are those mentally ill inmates with a sex offense conviction that because of the severity of their mental illness are in need of commitment to a state hospital or equivalent secure treatment setting upon their release from the Corrections System. These individuals meet the legal criteria of a danger to self and others because of the severity of their psychosis and inability to control their behavior through use of therapy and/or mediation. The Department currently houses at LSSH or the Extended Care Unit at Lansing Correctional Facility, thirty-two (32) such individuals.

Enactment of this bill in the current form would require that the Department of Corrections release these mentally ill sex offenders to the free world upon completion of their sentence. The Department of Corrections would be happy to work with the Representative and the Committee to explore possible solutions to this issue.

SJD:NKB:el

*HJUD  
Attachment # 7*

*3-5-91*



KANSAS ALLIANCE FOR THE MENTALLY ILL

112 S.W. 6th, Ste. 305 • P.O. Box 675  
Topeka, Kansas 66601  
913-233-0755

March 5, 1991

TESTIMONY

TO: Members, House Judiciary Committee  
FROM: Terry Larson, Kansas Alliance for the Mentally Ill  
RE: House Bill 2228

The Kansas Alliance for the Mentally Ill was founded by and for families of persons suffering from severe and persistent mental illnesses such as schizophrenia and depressive disorders. We are learning that these illnesses are diseases of the brain just as diabetes is a disease of the pancreas. Mental illness can strike any family. Schizophrenia, the most severe of the mental illnesses, is catastrophic. It is not preventable, and it is no one's fault. Its victims are among our most vulnerable citizens. Without adequate medical treatment and a social support system, persons with schizophrenia experience hallucinations and severe thought disorders.

We strongly support the intent of House Bill 2228 as it seeks to assure that our mentally ill loved ones are not housed with sex offenders in the treatment process. This is especially important when considering that the proposed legislation pending in the Senate, should it become law, would define sex offenders as mentally ill thus enhancing the potential for mixing of the populations.

We have two basic concerns relating to mixing of the populations. First, persons who are mentally ill would be in danger of being victimized by sex offenders. As we seek to protect ourselves and our children from potential sex abuse, it is ironic that another extremely vulnerable population should be put at risk.

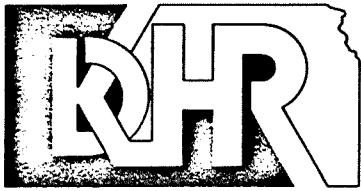
Second, mixing of the populations serves to perpetuate the myriad stigmas associated with mental illness. People who are mentally ill are not criminals. They are sick and need treatment in an appropriate setting. House Bill 2228 strives to help assure that this will happen.

Thank you.

HJUD  
Attachment #8  
3-5-91

KANSAS

# DEPARTMENT OF HUMAN RESOURCES



## Commission on Disability Concerns

1430 S.W. Topeka Boulevard, Topeka, Kansas 66612-1877  
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Joan Finney, Governor

Michael L. Johnston, Secretary

March 4, 1991

### TESTIMONY ON HOUSE BILL 2228 BY KEVIN SIEK KANSAS COMMISSION ON DISABILITY CONCERNS

The Kansas Commission on Disability Concerns (KCDC) appreciates the opportunity to present testimony on HB 2228. The opinions expressed in this testimony are those of KCDC and may not reflect those of the administration.

KCDC supports HB 2228 because we believe that it is both improper and unsafe to place sex offenders in facilities that treat people with other mental disabilities. It is the opinion of the majority of experts who treat sex offenders that they should be housed and treated separately from the rest of the population with mental disabilities.

A report issued by the Mentally Disordered Sex Offender Committee of the Nebraska Department of Public Institutions recommends a "separate and distinct treatment program for mentally ill sex offenders at an independent and autonomous institution. The autonomous setting is preferable to the mental hospital due to the differences between sex offenders and other patients. ... Sex offenders deny problems using lying and deception ... , are self-serving ... and ... are poor predictors of future sexual behavior. Mental health professionals rely on subjective discomfort as a motivator and tend to trust clients future intention. Working with sex offenders requires confrontation and challenge along with a large degree of skepticism and cynicism."

Mental health advocates in Kansas have grave concerns that placement of sex offenders with other people with mental disabilities will create an unnecessary risk to this already vulnerable population and that it will rob much needed funds from our state's "Mental Health Reform" initiative. Richard Seeley who is the Director of the Intensive Treatment Program for Sexual Aggressives at the St. Peter Regional Treatment Center, Minnesota Security Hospital in St. Peter, Minnesota has "stated that simply placing sex offenders in the mental health system without putting in place the necessary programs and resources would then take needed resources from the vulnerable mentally ill and place sexual predators among the most vulnerable people in society."

There is also the problem of adequate security. In Washington

*HJD  
Attachment # 9  
3-5-91*

KCDC TESTIMONY ON HB 2228, PAGE 2

state the Sex Offenders Treatment Program was formerly part of the mental health system. It was moved to the Department of Corrections in 1988 because "the state hospital could not provide the level of security demanded." Other states that have successful treatment programs for sex offenders house them in separate, high security facilities.

Sex offenders are a dangerous population. Whether they are placed in a Department of Corrections facility for treatment or some place else they should be separated from other people with mental disabilities. They should be treated in a program that is specifically designed for sex offenders and staffed by health care professionals who are experienced and well trained in the treatment of people with sex-related disorders.

KCDC hopes that you will give favorable consideration to HB 2228. Placing sex offenders in a separate, secure facility that is staffed by personnel who are specifically trained to treat them is the best solution to this serious problem. It is the best solution for the sex offenders, other people with mental disabilities and society as a whole.

HJUD  
ATTACH #9-2  
3-5-91





Menninger

March 4, 1991

Representative John Solbach  
Chairman, House Judiciary Committee  
State Capitol  
Topeka, KS 66612

Dear John:

I understand that the House Judiciary Committee is holding hearings Tuesday, March 5, on House Bill No. 2228. Unfortunately, a previous appointment precludes my appearing before the Committee but I do hope the Committee hears strong reservations expressed about this kind of legislation. It is quite true that many individuals who have manifested a sexually perverse behavior and committed a sex offense may be quite resistant to psychiatric treatment. However, I would be deeply troubled to see the law prevent such a person seeking help from a treatment facility if the patient is motivated and the treatment facility feels the patient can be helped.

As written, this bill would make it impossible for patients from anywhere in the country, as well as Kansas, to be admitted to the Menninger institution for help if they had a history of a sex offense conviction.

There is great concern about what to do with sex offenders these days because many are resistant to change and do not respond well to traditional treatment. Many psychiatric treatment settings or homes for the mentally ill may not be appropriate placement for such offenders. Nonetheless, I think it is inappropriate to try to legislate the solution in this way. I would urge you to reject this bill.

Respectfully,

W. Walter Menninger, M.D.

The Menninger Foundation  
Box 829  
Topeka, KS 66601-0829  
913 273 7500

9,5  
HJUD  
Attachment # ~~9~~  
3-5-91

STATE OF KANSAS

ANN COZINE  
REPRESENTATIVE, 81ST DISTRICT  
502 E. HELBERT  
MULVANE, KANSAS 67110  
(316) 777-4660 HOME  
296-7657 TOPEKA OFFICE



COMMITTEE ASSIGNMENTS  
ELECTIONS  
INSURANCE  
PUBLIC HEALTH & WELFARE

TOPEKA

HOUSE OF  
REPRESENTATIVES

March 5, 1991

H.B. 2310 relates to clients of community corrections programs and also to individuals who are given a probated sentence rather than a prison sentence.

H.B. 2310 would make it mandatory for individuals given these less sentences (community corrections and/or probation rather than a prison sentence) to obtain a High School or GED diploma or complete a course of Vocational Education to prepare them to become productively employed, or to be meaningfully employed, as a condition of their release from the community corrections program and/or probation.

See further testimony from Mr. Jeff Loane, Director of Sedgwick County Community Corrections and Roger Werholtz, Deputy Secretary, Division of Community and Field Services Management, Department of Corrections.

HJOO  
Attachment #10  
3-5-91



# SEDGWICK COUNTY

## COMMUNITY CORRECTIONS DEPARTMENT

Jeff Loane, Director

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FIELD SERVICES

(316) 383-7003

RESIDENTIAL SERVICES

(24 HOURS) (316) 269-1101

March 2, 1991

MAR 6 1991

Representative Ann Cozine  
Capitol Building, Rm. 112-S  
Topeka, KS 66612

Dear Representative Cozine:

I am writing in support of House Bill #2310. As the Director of a large local Community Corrections program, I feel compelled to tell you of my support for the language of this bill.

Sedgwick County Community Corrections supervises over 500 convicted felons. Common denominators for the vast majority of offenders sentenced to our program are the absence of educational training much beyond the 9th grade and a history of unstable employment.

A routine condition of a client's program is the requirement that they complete their high school education or at least obtain a GED if they have the intellectual tools to do this. Likewise, full-time suitable employment is a requirement.

We have various degrees of success emphasizing these two facets of our client's supervision. As a practical matter, if a client resists vigorously enough either his educational programming or his employment, there is no instance in my memory of a Judge further sentencing a client for failing to perform either of these tasks.

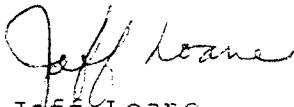
H.B. 2310, while it does not mandate that a Judge further sentence an individual for failing to comply with either of these conditions, it nonetheless would certainly make further sentencing a much more visible and readily useable alternative when a Judge is confronted with a defendant who resists carrying out these two court orders.

HJUD  
ATTACH 10-2  
3-5-91

Representative Ann Cozine  
March 2, 1991  
Page Two

It would be my recommendation that this bill be passed and become a useable tool for corrections practitioners attempting to mandate that offenders obtain services in their own self-interest.

Best wishes,



Jeff Loane  
Director

JL:nr

HJUD  
ATTACH 10-~~2~~ 3  
3-5-91

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building  
900 S.W. Jackson—Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317

Joan Finney  
Governor

Steven J. Davies, Ph.D.  
Secretary

March 5, 1991

MAR 05 1991

Representative Ann Cozine  
State Capitol  
Room 112-S  
Topeka, KS 66612

Pursuant to your request of March 1, 1991, relative to our discussion of HB 2310, the Department of Corrections has assembled information regarding offender educational programs. Because of the Department's inadequate computer system this information is fragmentary and must be carefully considered for what it does not tell us as much as what it does say.

Attached is a memo detailing the educational status of prison inmates. Upon admission, our data shows 74% are high school drop outs and 52% of the inmate population has less than a high school diploma or GED. Approximately 22% of the inmate population is either currently enrolled in or waiting to participate in our BEP, REP or GED programs.

Information specific to the parolee population is unavailable. We would assume that more than 48% of the parolee population has a high school diploma or GED if only because of the inmates completing their GED's while in prison.

Total departmental expenditures for inmate educational programs are \$3,177,473 in FY91 with the same level projected for FY92 (this includes GED and preparatory programs). Total expenditures for vocational programs for FY91 are \$2,200,842 with the same expenditure levels projected for FY92.

Community Corrections programs have approximately 310 adults and juveniles involved in vocational or educational programs. This represents about 12.5% of the total community corrections program population. What is unknown at this time is the percentage of the adult community corrections population that has less than a high school diploma or GED. The computer program designed to capture that information will not be operational before July 1, 1991.

HJUD 4  
ATTACH # 10-3  
3-5-91

Representative Cozine  
March 5, 1991  
Page 2

A spot survey (by no means scientific) leads us to believe that somewhere between 20% and 33% of the adult community corrections participants do not have a high school diploma or GED. The programs obtain educational services generally at no cost by accessing available community services. Two programs pay the cost of the GED test.

Information on the probation population which is supervised by court services was obtained from Evelyn Gates of the Office of the Judicial Administrator. They do not have statistics on the percentage or number of offenders under their supervision who have less than a high school diploma or GED. They also do not have funds to support any educational programs. What services are obtained on behalf of probationers are brokered by court services officers from available community resources.

The Department of Corrections believes that the educational deficiencies of offenders supervised in Kansas communities can be met more efficiently by supplementing funding for local community resources with the requirement that the supplementary funding be targeted specifically at offenders supervised by parole services of KDOC, court services, and community corrections.

A specific cost estimate is not yet available. When Roger Haden, Director of Academic and Vocational Education returns next week we will obtain his assistance in development cost projections.

Sincerely,



ROGER WERHOLTZ  
Deputy Secretary  
Division of Community and Field Services Management

RW/ja

cc: Steven J. Davies, Ph.D.  
Secretary of Corrections  
David R. McKune, Deputy Secretary  
Division of Program Management  
Roger Haden, Director of Academic and Vocational Education  
Evelyn Gates, Office of the Judicial Administrator  
File

HJUD  
ATTACH 10-~~5~~  
3-5-91

MARCH 1, 1991

TO: Roger Werholtz, Deputy Secretary

From: Roger Haden, Director of Academic and Vocational Education

Re: Requested Data

The FY 90 Statistical Report shows that 52% of the inmate population does not have either a GED or a High School Diploma on admission. (This would be approx. 1194 of the total new court commitments for FY 90)

Current program statistics show that for the period July 1, 1990 through January 31, 1991 the various academic programs averaged the following enrollments: (I've rounded these off)

BEP (0-5)	160
REP (5-7.5)	200
GED (7.5-GED)	125

Data derived from IPA only shows that on 2-25-91 we had the following numbers waiting for the program levels (total system):

BEP	192
REP	189
GED	<u>397</u>

Total: 778 This added to the average enrollment would be 1263 either enrolled or waiting for education programs. This is approximately 22% of the total population in the facilities.

Through January for this FY, the total academic programs have had 1591 participants, with 235 of those receiving GEDs.

I hope this is useful. We can discuss this further after next week.

10-~~9~~<sup>6</sup>  
3-5-91

STATE OF KANSAS



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900 S.W. Jackson—Suite 400-N  
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(913) 296-3317

Joan Finney  
Governor

Steven J. Davies, Ph.D.  
Secretary

TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE  
ON HOUSE BILL 2310  
STEVEN J. DAVIES, Ph.D., SECRETARY OF CORRECTIONS  
MARCH 5, 1991

A handwritten signature in cursive script, appearing to read "S. J. Davies".

The Department of Corrections strongly supports the concept of educating offenders under the supervision of the Secretary of Corrections, community corrections programs, or court services. However, we have some concerns about House Bill 2310 which we have discussed with Representative Cozine.

Our first concern is technical in nature. Our reading of lines 7 through 10 of page 3 of House Bill 2310 leads us to conclude that someone without a high school diploma, GED, or vocational training is not a candidate for probation. We do not believe that is the intent of the bill and would recommend that this language be reworked if the bill is passed.

Our second concern is that the bill does not provide an alternative for those individuals incapable of completing an educational or vocational program because of their intellectual limitations. Our own analysis of the prison population leads us to conclude that 8% of all Kansas prison inmates fit this category. We do not know if a comparable proportion of the probation and community corrections populations have a comparable proportion of intellectually handicapped individuals, but we do feel that they must comprise some portion of those populations.

HJUD  
Attachment # 11  
3-5-91



Our third concern is whether it is necessary or desirable to create an incarceration penalty for failing to pursue achievable educational goals. While we agree that education is an important component in equipping an offender to lead a crime free lifestyle, we believe this can be achieved by effective casework on the part of the parole officer, intensive supervision officer, or court services officer. Our experience has been that it is less expensive to obtain educational services in the community as opposed to providing them in an institutional setting.

One possibility to enhance the performance of field service agencies in obtaining these educational goals is to earmark resources specifically for the education of adult and juvenile offenders in the community. This might encourage community based educational programs to tailor some services specifically to the needs of offenders.

Our fourth concern relates to the 60 day review period mentioned on line 14 of page 3. Oftentimes offenders present problems of addiction, emotional instability, homelessness, or extreme poverty which must be addressed first before an educational commitment can be considered. A 60 day deadline may simply be insufficient to resolve these problems and become involved in educational or vocational training.

Attached to this testimony is information provided to Representative Cozine in response to our discussions with her about House Bill 2310.



## DEPARTMENT OF CORRECTIONS

## OFFICE OF THE SECRETARY

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900 S.W. Jackson—Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317

Joan Finney  
Governor

Steven J. Davies, Ph.D.  
Secretary

March 5, 1991

Representative Ann Cozine  
State Capitol  
Room 112-S  
Topeka, KS 66612

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Representative Cozine

March 5, 1991

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Sincerely,



ROGER WERHOLTE  
Deputy Secretary  
Division of Community and Field Services Management

RW/ja

cc: Steven J. Davies, Ph.D.  
Secretary of Corrections  
David R. McKune, Deputy Secretary  
Division of Program Management  
Roger Haden, Director of Academic and Vocational Education  
Evelyn Gates, Office of the Judicial Administrator

**File**

MARCH 1, 1991

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OFFICERS

Rod Symmonds, President  
James Flory, Vice-President  
Randy Hendershot, Sec.-Treasurer  
Terry Gross, Past President



DIRECTORS

Wade Dixon  
Nola Foulston  
John Gillett  
Dennis Jones

## Kansas County & District Attorneys Association

827 S. Topeka Ave., 2nd Floor • Topeka, Kansas 66612  
(913) 357-6351 • FAX # (913) 357-6352  
EXECUTIVE DIRECTOR • JAMES W. CLARK, CAE

Testimony in Support of

**HOUSE BILL NO. 2532**

The Kansas County and District Attorneys Association appears in support of House Bill No. 2532, as we requested such a measure in the first place. The bill simply clarifies the intent of the Legislature where jurisdiction is dependent on the nature of the offense, and the nature of the offense is changed by jury verdict. For example: 1) It amends the statute of limitations in criminal cases to extend the exemption for murder to cases in which a defendant initially charged with first or second-degree murder is convicted of a lesser included offense. This extension of jurisdiction is important, as Kansas law requires giving jury instructions on lesser included offenses if there is any evidence to support them. If a jury returns a verdict of voluntary or involuntary manslaughter, without the amendment, the court no longer has jurisdiction if the incident occurred more than two years prior to the filing of charges; and 2) continues jurisdiction of the adult court over a juvenile felon charged with an A or B felony, where a jury returns a verdict of a lesser included offense. The amendment is needed because it is not clear in such cases what happens to the juvenile. Would the case be referred back to juvenile court for adjudication, or would double jeopardy attach, precluding further proceedings.

We respectfully request the House Judiciary Committee to approve this bill in order to clarify the question of jurisdiction in homicide and juvenile felon cases.

*Attachment #12*

Department of Social and Rehabilitation Services

Testimony before

House Judiciary

Regarding

House Bill 2490

March 5, 1991

Carolyn Risley Hill  
Acting Commissioner of Youth Services  
Kansas Department of Social and Rehabilitation Services  
(913) 296-3284

*Attachment # 13*

Department of Social and Rehabilitation Services

Robert C. Harder, Acting Secretary

Testimony in Support of H.B. 2490

(Mr. Chairman,) Members of the Committee, I appear today in support of House Bill 2490.

**Background:** The 1990 Legislature created a new class of offenders known as juvenile felons. Juvenile felons are 14-15 year old youth who were certified as adults and were convicted of a Class A or B felony. The Secretary of Corrections has authority to place these youth in the Youth Center at Topeka or the Youth Center at Beloit until they are at least 16 years of age. The issue of medical consent was not addressed at that time.

**Discussion:** This bill would provide the superintendents of the youth centers the same authority to authorize medical care for juvenile felons in their care as they now have for juvenile offenders. This authority is needed when the parents or guardian are unavailable or unwilling to provide consent. Because of the nature of the crimes committed by these youth, these conditions frequently exist.

**Action Required:** Your favorable consideration of this bill will authorize the agency to meet the medical needs of these youth.

Robert C. Harder,  
Acting Secretary  
Department of Social and  
Rehabilitation Services  
(913) 296-3271



TOPEKA

DON M. REZAC  
REPRESENTATIVE, SIXTY-FIRST DISTRICT  
PARTS OF POTTAWATOMIE,  
WABAUNSEE, MARSHALL & LYON COUNTIES  
(913) 535-2961

COMMITTEE ASSIGNMENTS  
CHAIRMAN: PENSIONS, INVESTMENTS AND BENEFITS  
VICE CHAIRMAN: AGRICULTURE  
MEMBER: ENERGY AND NATURAL RESOURCES  
TRANSPORTATION

HOUSE OF  
REPRESENTATIVES

TESTIMONY ON HB 2481  
JUDICIARY COMMITTEE  
March 5, 1991

Thank you, Mr. Chairman and members of the Committee.

I am here today to testify in favor of HB 2481. I requested that this bill be drafted as a committee bill and I want to thank the members of the committee for that.

At the beginning of the session, I received a letter from Mrs. Lois Peterson of Lincoln, Nebraska. Most of you in the committee also received this letter. In Mrs. Peterson's divorce settlement, she was given one-half of her husband's retirement benefit with KPERS.

In visiting with Chairman Solbach, he made me aware that a policy change was needed to allow a pension to become part of a divorce settlement. I was not aware of this.

This bill is needed now in a time when many long marriages are ending in divorce. In most cases the wife has been supported by the husband in exchange for rearing the children and maintaining the home with the full expectation of sharing retirement benefits. When the couple divorce, the spouse who has not worked is left without adequate income plus is at an age that makes it difficult to acquire employment or to work long enough before retirement to accumulate a retirement fund.

I can see nothing wrong with couples using a retirement fund as part of their divorce settlement. The Statute needs to be changed so that pensions can be divided in divorce settlements.

The Revisor's Office informed me that the words (in line 30) "including decrees for support," should be stricken; therefore an amendment is needed to clarify line 30.

(Please see attached copy of Mrs. Peterson's letter)

DON REZAC

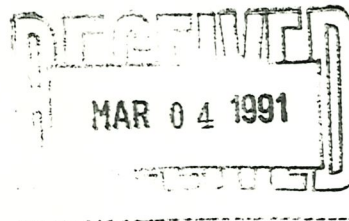
*Attachment # 14*



Telephone 402-421-1539-home  
402-464-8385-work  
at noon 402-464-6253

5515 Canterbury Lane  
Lincoln, NE 68512  
March 1, 1991

Representative Don Rezac  
Chairman House Committee on Pensions  
Kansas State Legislature  
State Capitol  
Room 278 West  
Topeka, Kansas 66612



Dear Representative Rezac:

I understand that Mr. Don Rezac has made possible a bill to be introduced into the Legislature through the Judiciary Committee in my behalf on Tuesday, March 5th at 3:30 p.m.

I should like to ask you to let my concern <sup>be</sup> known to your Committee with the following:

I was married to my ex-husband for 34 years.

I saw him through 18 years of college and three degrees at the expense of my own.

I was awarded, and he agreed that I should receive one-half of his Kansas Public Employees Retirement in our divorce decree of November, 1981.

Because of the statute in the KPERS system, I cannot garnish that retirement. He took all of the retirement for himself leaving nothing for me.

I will be 65 this July, 1991 and am forced to retire.

If I can garnish the KPERS that I had planned on, I will be able to survive.

I reared our four children almost singlehandedly as he attended summer school at Lincoln every summer. We always lived outside of Lincoln so my responsibility for the children was all mine.

I typed all of his undergraduate themes, his Master's Thesis and the first 3 drafts of his Doctoral Dissertation with footnotes etc.

He married within 4 months of our divorce to a former part-time secretary when we lived at McCook, Nebraska. She is 18 years younger and she left three children; a daughter aged 13, two sons aged 15 and 17 for her ex-husband to rear. My husband fathered a son 6 years before he would admit it to me and at that time asked for the divorce. She lived in Topeka at that time and my husband and I lived in Dodge City, Kansas. When my husband's School Board knew of his involvement, he was fired. He was unemployed for two years. I worked full time those two years to support him because he could not get a job and would not move out of Dodge City to anything less. He had been Superintendent there for 7 years. After two years time he got a job at Ell-Saline Schools outside of Salina, Kansas and after we had been there 8 months and he had signed a contract for another two years, he asked me for a divorce. His child he fathered was 6 years old at that time. His School Board at Ell-Saline discharged him, fired him, after

those two years. It was after he asked for the divorce (but he would not admit that he was involved with anyone not alone being father to a son) that I moved to Lincoln, Nebraska to be nearer my support system, my family. He was released from the Ell-Saline School System when they learned that he had betrayed me. He then signed a contract with the Wymore, NE school system but was fired in February because he was going home at noon for a nap and not returning until school was dismissed. He then moved to Topeka and could never get a job doing anything. For two more years, while I waited for him to retire. I did not receive any compensation. Now I am faced with the fact that he also stole my retirement benefits that he promised my in our divorce decree. Because of the way the statute in the KPERS plan, I cannot get any retirement benefits. For that reason I am asking for a Legislative ammendment that would allow me to receive my benefits. It it vitally important to me as I face retirement in July, 1991.

I have been fortunate enough to have a job that I've loved with 5 ear, nose and throat surgeons and have worked every day since I left for Lincoln back in November of 1981. But, because I was 55 years of age when I arrived in Lincoln, I am not able to accummulate any retirement funds.

I am asking your Committee for help and I want you to know I will appreciate all you can do for me.

I was in communication with your office this morning and since I do not have a typewriter at home and I wanted to get this support letter to you, you will need to excuse if it seems fragmented. Ordinarily I do not do private letters at my work at all but time is important so that you get this communication.

Again, thank you so kindly for your interest and concern and I will be awaiting positive results to my plea.

Gratefully yours,

*Lois L. Peterson*

Lois L. Peterson

P.S. A copy of this letter is being sent to Representative Don Rezac, also.

# Amendments to HB 2481

KSA 1990 Supp 20-2618

**20-2618.** Benefits nonassignable and exempt from state and local taxes and legal processes, exception for decrees for support. Every annuity or other benefit received by any judge or other person pursuant to the retirement system for judges under the acts contained in article 26 of chapter 20 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto is exempt from any tax of the state of Kansas or any political subdivision or taxing body thereof; shall not be subject to execution, garnishment, attachment or any other process or claim whatsoever, ~~including decrees for maintenance~~ except such annuity or other benefit or any accumulated contributions due and owing from the system to such judge are subject to decrees for support. The Kansas public employees retirement system shall not be a party to any action under article 16 of chapter 60 of the Kansas Statutes Annotated and is subject only to orders from such actions issued by the district court of Shawnee county. The system shall satisfy its obligation by making payments otherwise due to such judge in care of the clerk of the Shawnee county district court. All distributions shall be made by the clerk and the system has no further liability upon delivery of the benefit or benefits to the clerk of the district court; and shall be unassignable.

and maintenance

**History:** L. 1981, ch. 129, § 1; L. 1982, ch. 152, § 20; L. 1990, ch. 282, § 3; July 1.

**12-5005.** Retired members and certain active members of local plans made special members of KP&F system; employee contributions; preservation of local plan entitlements for special members, exceptions; exemption from taxes and legal claims and process, exception for decrees for support; employer pickup of member contributions. (a) Every retired member of a local police or fire pension plan and every active member of the plan who is entitled to make an election to become a member of the Kansas police and firemen's retirement system pursuant to K.S.A. 12-5003 or 74-4955 and amendments thereto and who does not so elect shall become a special member of the Kansas police and firemen's retirement system on the entry date of the city which is affiliating with the Kansas police and firemen's retirement system with regard to all active members and retired members of the local police or fire pension plan under K.S.A. 74-4954 and amendments thereto.

(b) Beginning with the first payroll for services as a policeman or fireman after an active member of a local police or fire pension plan becomes a special member of the Kansas police and firemen's retirement system under this section, the city shall deduct from the compensation of each special member the greater of 7% or the percentage rate of contribution which the active member was required to contribute to the local police or fire pension plan preceding the entry date of the city, as employee contributions. The deductions shall be remitted quarterly, or as the board of trustees otherwise provides, to the executive secretary of the Kansas public employees retirement system for credit to the Kansas public employees retirement fund. All deductions shall be credited to the special members' individual accounts beginning on July 1 of the year following the entry date of the city for purposes of all active and retired members of the local police and fire pension plan.

(c) Except as otherwise provided in this act, each active member of a local police or fire pension plan who becomes a special member of the Kansas police and firemen's retirement system under this section shall be subject to the provisions of and entitled to pensions and other benefits, rights and privileges to the extent provided under the local police and fire pension plan on the day immediately preceding

the entry date of the city which is affiliating with the Kansas police and firemen's retirement system with regard to all active members and retired members of the plan.

(d) Each retired member of a local police or fire pension plan who becomes a special member of the Kansas police and firemen's retirement system under this section shall be entitled to receive from the Kansas police and firemen's retirement system a pension or any other benefit to the same extent and subject to the same conditions as existed under the local police or fire pension plan on the day immediately preceding the entry date of the city which is affiliating with the system with regard to all active members and retired members of the plan under K.S.A. 74-4954 and amendments thereto, except no retired special member shall be appointed in or to a position or office for which compensation is paid for service to the same state agency, or the same police or fire department of a city, township, special district or county or the same sheriff's office of a county. This subsection shall not apply to service rendered by a retiree as a juror, as a witness in any legal proceeding or

action, as an election board judge or clerk or in any other office or position of a similar nature. Any retiree employed by a participating employer in the Kansas police and firemen's retirement system shall not make contributions or receive additional credit under the system for that service. This subsection, except as it relates to contributions and additional credit, shall not apply to the employment of any retiree by the state of Kansas, or any county, city, township, special district, political subdivision or instrumentality of any one or several of the aforementioned for a period of not exceeding 30 days in any one calendar year.

(e) Every pension or other benefit received by any special member pursuant to subsection (c) or (d) is hereby made and declared exempt from any tax of the state of Kansas or any political subdivision or taxing body of this state; shall not be subject to execution, garnishment, attachment or any other process or claim whatsoever, ~~including decrees for maintenance~~ except such pension or benefit or any accumulated contributions due and owing from the system to such special member are subject to decrees for support. The Kansas public employees retirement system shall not be a party to any action under article 16 of chapter 60 of the Kansas Statutes Annotated and is subject only to orders from such actions issued by the district court of Shawnee county. The system shall satisfy its obligation by making payments otherwise due to such special member in care of the clerk of the Shawnee county district court. All distributions shall be made by the clerk and the system has no further liability upon delivery of the benefit or benefits to the clerk of the district court; and shall be unassignable.

*and maintenance*

(f) (1) Each participating employer, pursuant to the provisions of section 414(h)(2) of the United States internal revenue code, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (a) commencing with the third quarter of 1984. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto.

(3) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive secretary for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member commencing with the third quarter of 1984 may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.

History: L. 1976, ch. 348, § 5; L. 1981, ch. 77, § 1; L. 1982, ch. 152, § 19; L. 1984, ch. 289, § 1; L. 1990, ch. 282, § 1; July 1.