

Approved: 2-24-97
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson Phil Kline at 1:30 p.m. on February 20, 1997 in Room 514-S of the Capitol.

All members were present except: Representative Ballard - Excused
Representative Dean - Excused
Representative Edmonds - Excused
Representative Spangler - Excused
Representative Wilk - Excused

Committee staff present: Alan Conroy, Russell Mills, Stuart Little, Legislative Research Department;
Jim Wilson, Mike Corrigan, Revisor of Statutes Office;
Marcia Ayres, Appropriations Secretary; Helen Abramson, Administrative Aide

Conferees appearing before the committee: Charles E. Simmons, Department of Corrections
Senator Anthony Hensley, District 19
Representative Rocky Nichols, District 58
JoAnn Peavler, East End Neighborhood Improvement Ass'n.
Jim Kaup, City of Topeka

Others attending: See attached list

Minutes of the February 17 meeting were distributed for review by members.

A motion was made by Representative Minor, seconded by Representative Holmes, to approve the minutes of February 17. The motion carried.

Hearing on HB 2127 - Disbursement of wages paid to inmates

Secretary Simmons was recognized to testify on behalf of HB 2127. The bill amends K.S.A. 75-5268 which pertains to priorities for distribution of moneys received by work release inmates and inmates employed by private industries. He urged the committee's favorable action on HB 2127 because it would prevent inmates from circumventing court-ordered obligations. (Attachment 1)

There was some discussion, and the hearing on HB 2127 was closed.

Hearing on HB 2273 - Topeka correctional facility, new unit use limited to female inmates

Secretary Simmons was recognized to testify on behalf of HB 2273. The bill requires that Topeka Correctional Facility use the housing unit known as I-Cellhouse only to house female inmates. The bill's provisions are consistent with the department's current use of and future plans for I-Cellhouse, and he encouraged the committee's favorable action on HB 2273. (Attachment 2)

Senator Hensley testified in favor of HB 2273. He expressed the concern of the neighborhood residents that if the mission of the facility changed to one requiring guard towers and razor wire fence, it would adversely affect property values. Right now the facility has the appearance of a community college or a vo-tech type school and is a minimum/medium security facility for female inmates. This bill would reassure the residents by state law that administrators could not change the mission of the facility, but that it would require an act of the legislature.

Representative Nichols testified in support of HB 2273 which would simply place into statute the current KDOC policy of only housing female inmates at the I-Max Unit located at Topeka Correctional Facility. Similar legislation has already been passed into law restricting the use of the former KCVTC building to

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, Room 514-S Statehouse, at 1:30 P.M. on February 20, 1997.

house only female inmates at minimum and medium levels. He urged passage of the bill to carry out the wishes and intent of the Department of Corrections and the neighborhood association. (Attachment 3)

Ms. Peavler, vice president of the East End Neighborhood Improvement Association, commended Secretary Simmons and the warden of the facility for their cooperation and support of the bill. The neighborhood improvement association was a direct result of the problems they have experienced in the past with administrators changing the mission of the facility. The neighborhood feels safer with the current mission of female inmates and appreciates the opportunity to have some input into guaranteeing that the facility won't change.

Mr. Kaup, on behalf of the City of Topeka, praised the efforts of the Department of Corrections for being responsive to the concerns of the community. The residents are looking for reassurance, and the city appreciates the efforts made by the department, the secretary, and the Topeka legislators for seeking this bill.

After questions by the committee, the hearing was closed.

Hearing on HB 2150 - inmate employment and training; compensation

Secretary Simmons testified that **HB 2150** was introduced at the request of the department to give the secretary more discretion in determining rates of pay for inmates assigned to work details or programs. The provisions would enable the department to develop a more effective approach to inmate incentive pay than is possible under current law, and he requested favorable action on the bill. (Attachment 4)

There being no discussion, the hearing was closed.

A motion was made by Representative Mollenkamp, seconded by Representative Farmer, to pass HB 2127, HB 2273, and HB 2150. There was a request to vote separately on HB 2150. The motion to pass HB 2127 and HB 2273 carried.

A motion was made by Representative Minor, seconded by Representative Kejr, to pass HB 2150. There was no discussion. The motion carried.

The meeting adjourned at 2:18 p.m.

The next meeting is scheduled for February 21, 1997.



DEPARTMENT OF CORRECTIONS
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Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: February 20, 1997
To: House Appropriations Committee
From: Charles E. Simmons, Secretary
Subject: HB 2127

HB 2127 was introduced at the request of the Department of Corrections. The bill amends KSA 75-5268, which pertains to priorities for distribution of moneys received by work release inmates and inmates employed by private industries. The bill requires that payments initiated by these inmates for family support shall be made only after the following obligations are satisfied: reimbursements to the state for room and board and transportation; court-ordered judgments for child support and restitution; court-assessed filing fees and costs; and other obligations that have been reduced to a judgment. Under priorities set by current law, inmate-initiated payments for family support may supercede court-ordered judgments and assessments.

The bill would prevent inmates from circumventing court-ordered obligations. Under current law, it is possible for inmates with pending court-ordered judgments to send money to family members, who may in turn expend the funds for items, such as magazine subscriptions, that benefit the inmate. The bill has no budget impact on the Department of Corrections. However, since the bill establishes priority for all court-ordered judgments and assessments over inmate-initiated payments for family support, the bill could result in increased court collections from inmates for fees and other court-related costs. The amount of potential increase is unknown.

We believe that it is appropriate for all court-ordered payment obligations to have priority over payments initiated by the inmate for family support, and urge the committee's favorable action on HB 2127.

CES:jj

Appropriations
2-20-97
Attachment 1




DEPARTMENT OF CORRECTIONS
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Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: February 20, 1997
To: House Appropriations Committee
From: Charles E. Simmons, Secretary 
Subject: HB 2273

House Bill 2273 affects Topeka Correctional Facility (TCF) and in particular, the department's use of the facility's housing unit known as I-Cellhouse. The bill requires that the department use I-Cellhouse only to house female inmates.

I-Cellhouse was authorized by the 1992 Legislature as a maximum security housing unit for female inmates. Approval of I-Cellhouse enabled the department to consolidate most of the department's housing for female inmates into a single facility, and to eliminate the practice of housing both males and females at Lansing Correctional Facility's East Unit. I-Cellhouse opened in May 1995, and currently houses maximum security, medium security and special management female inmates. The unit has significantly improved the department's ability to manage the female inmate population.

The neighborhood surrounding Topeka Correctional Facility's Central Unit has been very supportive of TCF and the department's presence in the community. Members of the community, both individually and through the East End Neighborhood Association, have expressed their concern, however, that I-Cellhouse only be used to house female inmates. I have met with the neighborhood association on this issue and have agreed to support their efforts to place in statute what the department is doing in practice, i.e. to use I-Cellhouse for females.

We view this bill as having no impact on departmental operations. The bill's provisions are consistent with the department's current use of and future plans for I-Cellhouse. We therefore encourage the committee's favorable action on HB 2273.

ROCKY NICHOLS
STATE REPRESENTATIVE
58TH DISTRICT
SHAWNEE COUNTY



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON STATE HOSPITALS
AND GENERAL GOVERNMENT
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February 20, 1997

TESTIMONY ON HB 2273

Thank you for allowing me to testify in favor of HB 2273, which would simply place into statute the current KDOC policy of only housing female inmates at the I-Max Unit located at Topeka Correctional Facility. The Secretary of the Department of Corrections has made a pledge to residents of the neighborhood surrounding the Topeka Correction Facility that the I-Max Unit will only house females. The Secretary of DOC supports HB 2273.

A similar type of legislation involving the Topeka Correction Facility has been passed into law before by the Kansas Legislature. KSA 75-52,134 currently places a restriction on the use of the former KCVTC building at the Topeka Correctional Facility to house only female inmates at minimum and medium levels.

The DOC supports this agreement. The residents of the neighborhood surrounding this facility support this agreement. By passing HB 2273 we will in effect be ratifying this agreement into law, and carrying out the wishes and intent of these two entities.

I will stand for any questions.

Appropriations
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Attachment 3



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Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: February 20, 1997
To: House Appropriations Committee
From: Charles E. Simmons, Secretary
Subject: HB 2150

HB 2150 was introduced at the request of the Department of Corrections to give the Secretary of Corrections more discretion in determining rates of pay for inmates assigned to work details or programs.

The changes requested are consistent with, and will enable the department to further pursue, recent management initiatives to make offenders more responsible and accountable for their behavior. On January 1, 1996 the department implemented an offender management system whereby offenders must, through their behavior, earn available privileges. Within KDOC correctional facilities, there are four levels of privileges through which an inmate may advance. One of the privileges addressed in the level system is the rate of incentive pay that an inmate is eligible to earn. However, current statutory provisions limit our ability to use inmate pay rates as effectively as possible in promoting offender accountability. We would like to test an alternative approach to inmate pay, but need approval of HB 2150 in order to do so.

Under KSA 75-5211, inmate pay rates are determined by the governor and must be at least \$.25 per day. Inmates with work or program assignments receive incentive pay ranging from \$.45 to \$1.05 per day, with the amount depending on the assignment. Under current law, inmates who work any portion of the work day are entitled to receive the minimum daily pay rate established by the statute. Under HB 2150, the mandatory minimum rate of pay would be eliminated, as would the requirement that pay be based on a daily rate. The department's intention would be to still set pay rates formally in written policy, through the department's Internal Management Policies and Procedures.

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Attachment 4

If HB 2150 is approved, the department plans to implement a pilot program at Ellsworth Correctional Facility whereby inmates would be reimbursed on an hourly rate of pay for the number of hours actually worked. The purpose of the pilot is to determine whether hourly pay rates will improve inmate productivity and further, to determine whether hourly pay is more effective in reinforcing offender accountability. If the pilot is successful, systemwide modifications to the incentive pay structure will be considered.

HB 2150 would likely result in a change in how incentive pay funds are distributed among the inmate population during FY 1998 and subsequent fiscal years. It is our intention, however, that any modifications to the design of the incentive pay system would be implemented within existing budget authority (exclusive of adjustments necessary for increases in the inmate population).

In summary, we believe that the provisions of HB 2150 will enable us to develop a more effective approach to inmate incentive pay than is possible under current law. We request your favorable action on the bill.

CES:jj