

Approved: 4-25-97  
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on March 31, 1997 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department  
Kathy Porter, Legislative Research Department  
Mark Burenheide, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Michael Corrigan, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Janet Henning, Committee Secretary

Conferees appearing before the committee: Charles Simmons, Secretary,  
Department of Commerce  
Wendy McFarland, American Civil Liberties Union  
Susan Somers, Board of Accountancy

Others attending: See attached list

**HB 2127: Disbursement of wages paid to inmates**

Charles Simmons, Secretary, Department of Corrections, testified before Committee members in support of **HB 2127 (Attachment 1)**. Secretary Simmons stated 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 certain obligations are satisfied and would prevent inmates from circumventing court-ordered obligations. Secretary Simmons stated this bill would not have any budget impact on the Department of Corrections. The bill establishes priority for all court-ordered judgments and assessments over inmate-initiated payments for family support and could result in increased court collections from inmates for fees and other court-related costs.

In response to questions from Committee members, Secretary Simmons stated he did not believe this would be a deterrent for inmates to seek employment as they are still competing for a minimum wage job against one that would be \$.45 to \$1.05 a day.

Wendy McFarland, American Civil Liberties Union (ACLU), testified before Committee members in opposition of **HB 2127**. Ms. McFarland, in response to a question, stated this bill could potentially remove the incentive for inmates to work. Ms. McFarland stated that the Secretary of Corrections had just testified that without a cap, all money could be removed. This bill does not have any language which stipulates that there would be any limit set by the legislature or any kinds of guidelines on how much money could be taken out. Ms. McFarland requested that Committee members consider putting a reasonable cap on any amount of money which would be taken out of an inmate's account.

Senator Feleciano moved, seconded by Senator Gilstrap, to amend the bill to include a cap of 85% on the hierarchy of deductions and included within the 85% would be the 10% or any amount for the inmate's post release savings, leaving 15% to the inmate's account. The motion failed by a show of hands.

Senator Salisbury moved, Senator Lawrence seconded, that the bill be approved favorably for passage. The motion passed on a roll call vote.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 31, 1997.

**HB 2150:**                    **Inmate employment and training; compensation.**

Secretary Simmons, Department of Corrections, testified in support of HB 2150 by stating the bill was introduced at the request of Department of Corrections to give the Secretary of Corrections more discretion in determine rates of pay for inmates assigned to work details or programs (Attachment 2). 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. Current statutory provisions limits the ability to use inmate pay rates as effectively as possible in promoting offender accountability.

Wendy McFarland, ACLU, testified in opposition of HB 2150 (Attachment 3). Ms. McFarland stated this bill would allow the Secretary of Corrections to arbitrarily decide which inmates will be paid for work and which will not. It allows the Secretary of Corrections total control to determine the amount of pay with no minimum standard.

Senator Lawrence moved, seconded by Senator Ranson, that the bill be approved favorably for passage. The motion carried on a roll call vote.

**HB 2298:**                    **Permitting certified public accountant examinations to be performed by a private service.**

Susan Somers, Executive Director, Board of Accountancy, appeared before Committee members in support of HB 2298, (Attachment 4) Ms. Somers stated the bill makes language changes to allow for an entity other than the Board of Accountancy to administer its CPA examination, to provide for fees to be paid directly to the administering entity, and also to allow the Board to charge for duplicate certificates and permits to practice.

Senator Lawrence moved, Senator Feleciano seconded, that the bill be approved favorably for passage. The motion carried on a roll call vote.

**HB 2498:**                    **Kansas sports hall of fame, separation from state historical society.**

Susan Duffy, Associate Director, Kansas State Historical Society, appeared before Committee members in support of HB 2498 (Attachment 5). The bill was introduced as part of a recommendation by the House Appropriations subcommittee. This bill would eliminate the responsibilities of the Kansas State Historical Society with the Kansas Sports Hall of Fame. Currently, the Kansas State Historical Society is the "middle man" for the transfer of funds collected by the regent universities from the Sports Hall of Fame games to the Kansas Sports Hall of Fame. Passage of the bill would decrease receipts and expenditures by approximately \$31,200 in FY 1998 and eliminate the need for the State of Kansas Sports Hall of Fame fund in the Kansas State Historical Society budget.

Senator Petty moved, seconded by Senator Feleciano, that the bill be approved favorably for passage. The motion carried on a roll call vote.

Chairman Kerr adjourned the meeting at 12:15 p.m.

# SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 3/31/97

NAME	REPRESENTING
Charles Simmons	Dept. of Corrections
Leigh Anne Haton	Division of the Budget
SUSAN SOMERS	Bd. of Accountancy



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

Bill Graves  
Governor

Charles E. Simmons  
Secretary

**MEMORANDUM**

Date: March 31, 1997  
To: Senate Ways and Means 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 request the committee's favorable action on HB 2127.

CES:jj

Senate Ways and Means Committee

Date *3-31-97*

Attachment # */*



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

Bill Graves  
Governor

Charles E. Simmons  
Secretary

### MEMORANDUM

Date: March 31, 1997  
To: Senate Ways and Means Committee  
From: Charles E. Simmons *C. 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.

Senate Ways and Means Committee

Date 3-31-97

Attachment # 2

Testimony on HB 2150

Page 2

March 31, 1997

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



American Civil Liberties Union

Wendy McFarland - Lobbyist  
(913) 575-5749

TESTIMONY ON HB 2150  
MARCH 13, 1997

THERE APPEARS TO BE AN UNUSUALLY LARGE NUMBER OF BILLS IN THE KANSAS LEGISLATURE THIS YEAR WITH THE PURPOSE OF GRANTING MORE ARBITRARY POWER TO GOVERNMENT OFFICIALS. IN THE ABSENCE OF ANY CLEAR AND DEFINITIVE REASON TO WARRANT THE CHANGES REQUESTED IN HB 2150, I WOULD URGE THIS COMMITTEE TO LEAVE THE CURRENT LAW ALONE.

HB 2150 WILL ALLOW THE SECRETARY OF CORRECTIONS TO ARBITRARILY DECIDE WHICH INMATES WILL BE PAID FOR WORK AND WHICH WILL NOT. IT ALSO ALLOWS HIM TOTAL CONTROL TO DETERMINE THE AMOUNT OF PAY WITH NO MINIMUM STANDARD.

THE LEGISLATURE SET THE MINIMUM PAY FOR AN INMATE AT \$.25 PER DAY LAST YEAR AND DIRECTED THE SECRETARY TO AVAIL AT LEAST THAT AMOUNT TO ANY INMATE WHO WORKS. THESE STIPULATIONS ARE REASONABLE AND STILL ALLOW HIM GREAT LATITUDE IN DETERMINING HOW MUCH TO PAY AN INMATE.

IF THIS HAD BEEN THE ONLY REQUEST FOR GREATER POWER SUBMITTED BY THE DEPT. OF CORRECTIONS THIS SESSION, I WOULD NOT BE APPEARING BEFORE YOU TODAY. IT IS THE SHEER NUMBER OF REQUESTS THAT CAUSE ME TO BE WARY OF WHY ONE DEPARTMENT OFFICIAL APPEARS TO REQUIRE SO MUCH AUTONOMY WHEN OTHER STATE OFFICIALS ARE LEFT TO BE ACCOUNTABLE TO THE MORE NARROW LANGUAGE OF STATUTES.

THE LEGISLATURE IS THE ONLY CHECK AND BALANCE OF THE KANSAS PENAL SYSTEM AND IS FAR MORE ISOLATED FROM PUBLIC SCRUTINY THAN OTHER GOVERNMENT AGENCIES. ADMINISTRATIVE DISCRETION THAT GOES UNREVIEWED BY THE PEOPLE THROUGH THEIR ELECTED

Senate Ways and Means Committee

Date 3-31-97

Attachment # 3

OFFICIALS CAN EASILY ALLOW FOR UNFAIR PRACTICES TO FLOURISH.

THE CHANGES THIS BILL REQUESTS APPEAR TO BE SMALL BUT WILL CLEARLY ALLOW NO ACCOUNTABILITY TO ANY OF YOU IN THE AREA OF WHEN AND IF AN INMATE WILL RECEIVE ANY MONEY FOR WORK.

PLEASE DO NOT FORGET THAT IN ADDITION TO PUNISHMENT, A PRISON'S BASIC PURPOSE IS THE REHABILITATION OF THOSE SENT THERE BY SOCIETY. IF WE ARE TO TEACH THEM HOW TO BEHAVE ACCORDING TO LAW, THEN SHOULD WE NOT SET CLEAR AND DEFINITIVE RULES AND EXPECTATIONS FOR THEM TO HAVE AND FOLLOW?

IF AN INMATE KNOWS THAT UPON COMPLETING A DAY'S WORK HE WILL RECEIVE \$.25 AND THAT THOSE WHO INCARCERATE HIM WILL UPHOLD THAT PROMISE WITHOUT ARBITRARY ENFORCEMENT, THEN THE CONSISTENCY OF TREATMENT WILL BENEFIT BOTH THE INMATE AND THOSE WHOSE JOB IT IS TO MAINTAIN ORDER IN PRISONS.

WE MUST TEACH BY EXAMPLE. IF WE ARE ALLOWED TO COMMIT INEQUITABLE ACTS UPON INMATES, THEN WE ARE TELLING THEM NOT TO EXPECT FAIR TREATMENT.

THIS STATUTE, AS IT NOW STANDS, IS FAIR AND REASONABLE. I AM ONLY ASKING YOU TO APPLY THE SAME STANDARDS IN MAKING YOUR DECISION.

PLEASE DO NOT HAND OVER TOTAL CONTROL OF THOSE IN YOUR CUSTODY. AS ELECTED OFFICIALS, YOU SERVE THE PEOPLE AS THE CHECK AND BALANCE NECESSARY TO MAINTAIN FAIR AND JUST APPLICATION OF POWERS.



STATE OF KANSAS  
BOARD OF ACCOUNTANCY

SUSAN L. SOMERS  
EXECUTIVE DIRECTOR  
TELEPHONE (913) 296-2162



LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON STREET, STE. 556  
TOPEKA, KS 66612-1239

TESTIMONY ON HB 2298

By Susan Somers  
Executive Director  
State Board of Accountancy

March 31, 1997

Senate Ways and Means Committee

Date 3-31-97

Attachment # 4

The Kansas Board of Accountancy is the state licensing and regulatory agency for certified public accountants. The board consists of seven members; 5 permit-holding CPAs and two public members.

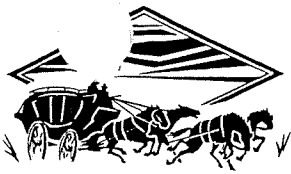
In January of 1997, the Board of Accountancy contracted with CPA Examination Services, a division of the National State Boards of Accountancy, to administer the Uniform CPA Examination in Kansas. Kansas joined 27 other states that have privatized their CPA examinations. HB 2298 makes language changes to allow for an entity other than the Board of Accountancy to administer its CPA examination, to provide for fees to be paid directly to the administering entity, and also to allow the Board to charge for duplicate certificates and permits to practice.

The decision to privatize the administration of the examination was based upon several factors---the need for tighter security, the excessive burden on the members of the Board for an additional four full days each year to monitor the exam, and in the near future, computerizing the exam on a National basis, which, when this occurs, will take the administration out of the hands of the Boards of Accountancy.

Language changes are made to separate the initial certificate fee which is currently incorporated with the initial examination application fee, and further to allow the Board to charge a fee for duplicate certificates and permits.

The Board of Accountancy respectfully requests that the proposed changes be accepted and the bill be passed as presented.

I will be happy to answer any questions that the Committee may have.



*KANSAS  
STATE  
HISTORICAL  
SOCIETY*



Ramon Powers  
Executive Director

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*KANSAS HISTORY CENTER*

Administration  
Center for Historical Research  
Cultural Resources  
Education / Outreach  
Historic Sites  
Kansas Museum of History  
Library & Archives

*HISTORIC SITES*

Adair Cabin  
Constitution Hall  
Cottonwood Ranch  
First Territorial Capitol  
Fort Hays  
Goodnow House  
Grinter Place  
Hollenberg Station  
Kaw Mission  
Marais des Cygnes Massacre  
Mine Creek Battlefield  
Native American Heritage Museum  
Pawnee Indian Village  
Pawnee Rock  
Shawnee Mission

**TO:** Senator Dave Kerr, Chairperson  
Senate Ways and Means Committee

**FROM:** Susan Duffy, Associate Director  
Kansas State Historical Society

**DATE:** March 31, 1997

**RE:** **H.B. 2498**

H.B. 2498 was introduced as part of a recommendation by the House Appropriations subcommittee. During our budget review with the subcommittee, we requested that a bill be introduced which would eliminate our responsibilities with the Kansas Sports Hall of Fame. Currently, we are the "middle man" for the transfer of funds collected by the regent universities from the Sports Hall of Fame games to the Kansas Sports Hall of Fame. Although statute provides for us to be involved in the daily activities of the Kansas Sports Hall of Fame, this has not occurred for over 10 years.

Passage of this bill would decrease receipts and expenditures by approximately \$31,200 in FY 1998 and eliminate the need for the State of Kansas Sports Hall of Fame fund in the Kansas State Historical Society budget.

Senate Ways and Means Committee

Date 3-31-97

Attachment # 5