

MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE AND LABOR.

The meeting was called to order by Chairperson Al Lane at 9:02 a.m. on February 2, 1999 in Room 521-S of the Capitol.

All members were present except: Rep. Broderick Henderson - excused  
Rep. Jerry Henry - excused

Committee staff present: Bob Nugent, Revisor of Statutes  
Jerry Donaldson, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Bev Adams, Committee Secretary

Conferees appearing before the committee: Susan Somers, Board of Accountancy  
Rep. Mary Compton

Others attending: Guest list was not passed

A motion was made by Rep. Grant to approve the minutes of January 27 and 28 as written. The motion was seconded by Rep. Beggs. The motion passed.

Introduction of Bills:

Susan Somers, Executive Director, Board of Accountancy, requested that two bills be introduced by the committee. The first request would establish definitions for accounting services, both attest and not-attest under the practice of public accountancy. (See Attachment 1) Rep. Ruff made a motion to introduce the proposed bill as a committee bill. The motion was seconded by Rep. Grant. The motion carried.

The second bill requested by Ms. Somers provides amendments pertaining to late renewals and reinstatement of permits requirements. Rep. Beggs made a motion to introduce the proposed bill as a committee bill. Rep. Swenson seconded the motion. The motion passed.

**Hearing on: HB 2075 - Definition of employee under the Kansas Tort Claims Act.**

Rep. Mary Compton appeared before the committee to read the written testimony of Judge C. Fred Lorentz, a constituent who requested the bill. The legislation would add *volunteer* to the definition of an employee in the statute so that volunteers would be covered when they supervise community service work done by adults and juveniles who are placed on probation or assigned to community corrections. (See Attachment 2)

No others were present to testify for or against the bill, and the hearing was closed.

The meeting adjourned at approximately 9:20 a.m.

The next meeting is scheduled on February 3, 1999.

STATE OF KANSAS  
BOARD OF ACCOUNTANCY

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INTRODUCTION OF BILLS  
BUSINESS COMMERCE & LABOR  
FEBRUARY 2, 1999

The Board of Accountancy respectfully introduces amendments to the accountancy laws, represented by two separate bills:

1. The first proposed bill establishes definitions for accounting services, both attest and non-attest under the practice of public accountancy.

This bill requires any holder of a CPA certificate to have a permit to practice while performing public accounting services to the public even if their services are restricted to exclusively non-attest functions. It further clarifies that a CPA certificate holder can use his CPA designation as a credential in conjunction with a person's employment in industry, government or education, but may not use the designation while performing or offering to perform accounting services for the public.

In addition, an amendment is made to provide for all types of printed material or media format as prima facie evidence in an injunction action when using the CPA designation.

2. The second proposed bill provides amendments pertaining to late renewals and reinstatement of permits requirements.

In addition, the Board's disciplinary statute has been amended to provide for updating the disciplinary provisions. It should be noted that this language is identical to language found in the Uniform Accountancy Act whose model is being considered nationwide for adoption by the various accountancy regulatory boards.

\* \* \* \*

House Business, Commerce & Labor Committee  
2/2/99  
Attachment 1

# THE THIRTY-FIRST JUDICIAL DISTRICT OF KANSAS

Second Division

Hon. C. FRED LORENTZ  
District Judge  
COURTHOUSE, FREDONIA, KS 66736

MICHAEL BURNS, CSR  
District Court Reporter  
COURTHOUSE, FREDONIA, KS 66736

BECKY THOMAS  
Secretary  
COURTHOUSE, FREDONIA, KS 66736



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Testimony Re: House Bill 2075

From: C. Fred Lorentz  
District Judge  
Fredonia, Kansas

**History:** Over the past couple of years I have tried to put some substance into the ability to assign community service hours to adults and juveniles who are placed on probation or assigned to community corrections.

There is no end to the availability of projects that would be suitable for community service. For example, cleaning up school grounds after ball games or fair grounds after the annual fair; washing school buses; doing light gardening work in the courthouse square or in the city parks; working in the city recycle center sorting trash; etc. The number and types of projects are only limited by our imagination.

Along with availability of projects is the availability of workers. We are all aware of the huge increase in the numbers of people committing crimes. Although we have substantially expanded our prison system, there has been an even larger expansion of those who receive probation or assignment to community corrections.

It is the ability to tap into this latter group that motivates me in using community service hours as an additional alternative sanction to other probation requirements. Community service answers questions dealing with punishment, rehabilitation, restitution and atonement. Extremely important is the ability for the community to see that law-breakers are paying something back for the trouble they have caused.

**First Problem:** Due to limited resources, there are not enough public employees available to monitor the actions of probationers who are performing community service hours. Monitors are necessary, however they are passive. We do not allow them to provide direction, etc. to the probationer. All they do is be present so as to provide some supervision for security reasons. They also fill out a form prepared by the court services office which sets out when the probationer arrived and left, and whether he or she was cooperative in performing the assigned work.

We have used members of our local Rotary club to provide monitoring of those who have been assigned community service hours. Initially the program was very successful. However, the number of hours assigned for community service times the number of probationers results in too heavy a burden on one little service club to provide

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Attachment 2

all the monitors. Although I was successful in persuading the members of my Rotary club to participate, they had some questions about liability. Once I attempted to recruit monitors outside the club, the liability questions really came to the forefront. People seem willing to spend some time monitoring providing they are not liable if something happens.

**Second Problem:** There are many things that community service workers could do. However, those who are in a position to provide projects are often unwilling to do so because of their own questions about liability. Specifically, our local schools are unwilling to allow community service probationers on the premises to do things such as washing buses or picking up trash after a ball game due to concerns about the school being liable in the event of injury, etc.

**Solutions:** HB 2075 attempts to address the first problem above. However, it needs to go a little further in that the proposed definition only appears to involve volunteers relating to juvenile justice programs. It would also need to include volunteers who work through our local court services office or community corrections office in providing volunteer monitoring of community services workers, adult or juvenile, who are on probation or assigned to community corrections.

It would appear additional language needs to be drafted which would also address the problems of liability that might result to a community service project provider (schools, cities, counties, other governmental organizations, and non-profit groups) who might be willing to allow community service work if they were not going to be liable for injury.

I appreciate the opportunity to present this testimony in writing. I am also willing to provide additional information if it would be helpful. What I do know is that community service works and is very popular. However, due to the problems outlined above, we quickly run out of people willing to provide volunteer monitoring as well as providers willing to accept community workers on their projects.

Thank you for looking into this problem

C. Fred Lorentz  
January 28, 1999

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