

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Pete Brungardt at 10:40 a.m. on Wednesday, January 19, 2005, in Room 231-N of the Capitol.

Committee members absent: Senator John Vratil (E)  
Senator Kay O'Connor (E)  
Senator Mark Gilstrap (E)

Committee staff present: Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Dee Woodson, Committee Secretary

Conferees appearing before the committee: Carol Williams, Executive Director, Kansas Governmental Ethics Commission

Others attending: See attached list.

Chairman Brungardt announced that today's meeting would be shorter than usual in order to allow Committee members time to attend the Legislator Health Policy Orientation in Room 313-S from 11:00 a.m. until 3:00 p.m.

The Chairman called for bill introductions. Tim Madden, Kansas Department of Corrections, appeared before the Committee and requested a bill be introduced which proposes an amendment of K.S.A. 75-5210. The proposed amendment would eliminate the statutory requirement of providing each inmate with his or her personal copy of the department's disciplinary rules and regulations. The proposed bill would permit the department to disseminate disciplinary rules and regulations by placement of copies in inmate libraries or by other means as long as reasonable access to those materials is provided. He furnished copies of the bill draft to Committee members. (Attachment 1)

Senator Barnett made a motion to introduce the requested bill, seconded by Senator Brownlee, and the motion carried.

Chairman Brungardt called upon Carol Williams, Kansas Governmental Ethics Commission, to give a presentation on proposed campaign finance reform.

Ms. Williams said that following the 2004 election year, the Commission felt an obligation to come before the Legislature and ask that certain bills be changed to provide more disclosure in order to allow the citizens of this state more information relating to campaign finance issues. She explained the five recommendations that were approved unanimously by the Commission. The first recommendation related to political action committees and party committees that, by current law, do not have to report the names of any candidates they make expenditures on behalf of when filing a receipts and expenditures report. The Commission believes that full disclosure of the expenditures made by political committees should be made by detailing which candidates are supported or opposed and the amount of money spent on that effort. (Attachment 2)

In regard to the second and third recommendations, Ms. Williams stated that these two items could be combined. They related to the cut-off time for reporting expenditures and filing receipts which is eight days prior to both the primary and general elections. She said the last minute contributions received after this reporting period deadline go unreported until three months after the primary election and two and one-half months after the general election. The Commission recommends that the law be changed to require any contribution in excess of \$50 that is received the last eleven days before an election be reported within 24 hours of receipt by either e-mail, facsimile transmission, telegram, or express delivery service. The Commission also recommends that any political action committee or party committee that makes independent expenditures of more than \$50 during the last eleven days before the primary or general

## CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs at 10:40 a.m. on Wednesday, January 19, 2005, in Room 231-N of the Capitol.

election be required to report the expenditure within twenty-four hours of making the expenditure. This information would then be included on the next report filed by the candidate, political action or party committee.

Ms. Williams said the fourth recommendation pertained to the dramatic increase in the use of recorded phone bank campaign messages used in the past several state elections that either support or oppose specific candidates. She stated that there was no requirement under current law for these messages to include information as to who is sponsoring or paying for the message. The Commission recommends that recorded telephone campaign messages be required to identify who is paying for or sponsoring these mass communication messages at the end of the message.

The fifth recommendation by the Commission relates to issue ads during elections which have become more prevalent. Ms. Williams explained that the Commission believes if expenditures for issue ads are not disclosed, campaign disclosure could be undermined. The recommended revision would be that any person who makes a payment of \$100 or more for a communication that clearly identifies a candidate, but does not expressly advocate the election or defeat of the candidate, be required to file a statement detailing such communication. This would include any communication that is disseminated, broadcast, or otherwise published within thirty days prior to an election. She talked about what the statement should contain for disclosure, and that the report should be filed within twenty-four hours of making the payment or promise to make the payment.

Ms. Williams also shared that in October of 2003, the U.S. Supreme Court ruled that issue advocacy can in fact be claimed when it occurs within 60 days of an election; it truly is being done to influence the election, and can be required to be disclosed. As a result of that ruling, there were several states that enacted this legislation in 2004. She emphasized that the Commission was not asking these groups to register as a political action group, but merely asking them to do the same thing that any source would be required to do as an independent establishment.

Ms. Williams concluded her presentation by stating that she had made a presentation to the Senate Elections Committee, and that the Committee did agree to introduce the above recommendations as Senate bills.

Following general questions and comments, Chairman Brungardt expressed his appreciation to Ms. Williams for her informative presentation.

Minutes for the January 11 and 12 meetings were presented for approval. Senator Reitz moved to approve the minutes as written, seconded by Senator Ostmeier, and the motion carried.

The meeting was adjourned at 11:00 a.m. The next meeting is scheduled for January 20, 2005, at 10:30 a.m.





# KANSAS

KANSAS DEPARTMENT OF CORRECTIONS  
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Request for Bill Introduction Regarding  
Alternative Means for Dissemination of Disciplinary Rules

to

The Senate Federal and State Affairs Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections

January 19, 2005

The Department of Corrections respectfully requests introduction by the Senate Federal and State Affairs Committee of the attached bill draft. A summary of the proposed bill is presented below.

**Alternative Means for Dissemination of Disciplinary Rules**

The department proposes amendment of K.S.A. 75-5210 to eliminate the statutory requirement of providing each inmate with his or her personal copy of the department's disciplinary rules and regulations. The proposed bill would permit the department to disseminate disciplinary rules and regulations by placement of copies in inmate libraries or by other means as long as reasonable access to those materials is provided.

I appreciate your consideration of the department's request, and would be pleased to answer any questions that you might have.

RW/TGM

w/attachment

cc: Legislation file w/attachment



By

AN ACT concerning dissemination of department of corrections regulations to inmates; amending K.S.A. 2004 Supp. 75-5210 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2004 Supp. 75-5210 is hereby amended to read as follows: 75-5210. (a) Persons committed to the institutional care of the secretary of corrections shall be dealt with humanely, with efforts directed to their rehabilitation and return to the community as safely and promptly as practicable. For these purposes, the secretary shall establish programs of classification and diagnosis, education, casework, mental health, counseling and psychotherapy, chemical dependency counseling and treatment, sexual offender counseling, prerelease programs which emphasize re-entry skills, adjustment counseling and job placement, vocational training and guidance, work, library, physical education and other rehabilitation and recreation services; the secretary may establish facilities for religious worship; and the secretary shall institute procedures for the study and classification of inmates. The secretary shall maintain a comprehensive record of the behavior of each inmate reflecting accomplishments and progress toward rehabilitation as well as charges of infractions of rules and regulations, punishments imposed and medical inspections made.

(b) Programs of work, education or training shall include a system of promotional rewards entitling inmates to progressive transfer from high security status to a lesser security status. The secretary shall have authority at any time to transfer an inmate from one level of status to another level of status. Inmates may apply to the secretary for such status privileges. The secretary shall adopt a custody classification manual establishing standards relating to the transfer of an inmate from one status to another, and in developing such standards the secretary shall take into consideration progress made by the inmate toward attaining the educational, vocational and

behavioral goals set by the secretary for the individual inmate. In order to facilitate the reintegration into the community of some inmates who are scheduled for release within the next 90 days, there shall be a presumption of minimum security status for those offenders who have been returned to prison for violating conditions of their postrelease supervision not involving a new criminal conviction and whose last facility security custody status was not either special management or maximum. This presumption shall be applied to the initial security custody status assigned to the offender upon readmission into a correctional facility unless the security custody status is increased pursuant to policies adopted by the secretary. The security custody status designated by the department shall not be subject to judicial review.

(c) The secretary, with the cooperation of the department of health and environment, shall adopt rules and regulations establishing and prescribing standards for health, medical and dental services for each institution, including preventive, diagnostic and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. An inmate may be taken, when necessary, to a medical facility outside the institution.

(d) Under rules and regulations adopted by the secretary, directors of institutions may authorize visits, correspondence and communication, under reasonable conditions, between inmates and appropriate friends, relatives and others.

(e) The secretary shall adopt rules and regulations under which inmates, as part of a program anticipating their release from minimum security status, may be granted temporary furloughs from a correctional institution or contract facility to visit their families or to be interviewed by prospective employers.

(f) The secretary shall adopt rules and regulations for the maintenance of good order and discipline in the correctional institutions, including procedures for dealing with violations. Disciplinary rules and regulations may provide a system of

punishment including segregation, forfeitures of good time earned, fines, extra work, loss of privileges, restrictions and payment of restitution.

The secretary and any persons designated by rules and regulations of the secretary may administer oaths for the purpose of conducting investigations and disciplinary proceedings pursuant to rules and regulations adopted by the secretary under this subsection and under K.S.A. 75-5251 and amendments thereto. For this purpose, the secretary shall adopt rules and regulations designating those persons who may administer oaths in such investigations and proceedings and the form and manner of administration of the oaths.

(g) ~~A copy of the rules and regulations adopted pursuant to subsection (f) shall be provided to each inmate.~~ Other Rules and regulations of the secretary which are required to be published pursuant to K.S.A. 77-415 through 77-437, and amendments thereto, shall be made available to inmates by placing a copy in the inmate library at the institution or by some other means providing reasonable accessibility to inmates.

(h) Any inmate participating in work and educational release programs under the provisions of K.S.A. 75-5267 and amendments thereto shall continue to be in the legal custody of the secretary of corrections, notwithstanding the inmate's absence from a correctional institution by reason of employment, education or for any other purpose related to such work and educational release programs, and any employer or educator of that person shall be considered the representative or agent for the secretary.

(i) The secretary shall establish administrative and fiscal procedures to permit the use of regional or community institutions, local governmental or private facilities or halfway houses for the placement of inmates released for the purposes of this act and for the work and educational release programs under K.S.A. 75-5267 and amendments thereto.

(j) The secretary may establish correctional work facilities

and select inmates to be assigned to such facilities.

(k) The secretary may acquire, in the name of the state, by lease, purchase or contract additional facilities as may be needed for the housing of persons in the secretary's custody.

(l) The secretary is hereby authorized to use any of the inmates assigned to the secretary's custody in the construction and repair of buildings or property on state owned or leased grounds.

(m) For the purposes of establishing and carrying out the programs provided for by subsection (a) and by K.S.A. 75-5267 and amendments thereto, the secretary may contract with qualified individuals, partnerships, corporations or organizations; with agencies of the state; or with the United States or any political subdivision of the state, or any agency thereof.

Sec. 2. K.S.A. 2004 Supp. 75-5210 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



## Commission Recommendations

The Commission is directed by statute to make recommendations to the Governor and Legislature. It recognizes that any major piece of legislation periodically needs revision, modification, and in some cases, major changes. To that end, the Commission makes the following recommendations in the area of campaign finance:

- 1) Under current law, political action committees and party committees do not have to report the names of any candidates they make expenditures on behalf of when filing a receipts and expenditures report. The committee's responsibility is to list the vendor to whom the expenditure is made, not the name of the candidate the committee is advocating the election or defeat of, or the amount expended to support or oppose a candidate. For example, if a political committee pays the postmaster \$2000 and the XYZ Printers \$4000 for a flyer that expressly advocates the election or defeat of Candidates Brown and Smith, the committee is only required to show that expenditures were made to the postmaster for stamps and the printer for campaign flyers. The public has no idea, in reviewing a political committee report, which candidates are the recipient of either in-kind contributions or independent expenditures made by the committee that advocated the election or defeat of state or local candidates. The Commission believes that full disclosure of the expenditures made by political committees should be made by detailing which candidates are supported or opposed and the amount of money spent on that effort.
- 2) All state and local candidates file receipts and expenditures reports eight days prior to both the primary and general elections. The cut-off for reporting purposes for each of these reports is eleven days prior to each election. The last minute contributions received after this reporting period deadline go unreported until three months after the primary election and two and one-half months after the general election. The Commission recommends that the law be changed to require any contribution in excess of \$50 that is that are received the last eleven days before an election be reported within 24 hours of receipt by either e-mail, facsimile transmission, telegram, or express delivery service. The reporting of these late contributions will provide the public with more complete and accurate information concerning the total contributions received by a campaign. The Commission recommends the recipient of the late contribution should report his or her name, address, and the date, amount of the late contribution, and the name and address of the contributor. This information would then be included on the next report filed by the candidate.
- 3) The Commission recommends that any political action committee or party committee that makes independent expenditures of more than \$50 during the last eleven days before the primary or general election be required to report the expenditure within twenty-four hours of making the expenditure. The reporting of the expenditure can be made by e-mail, facsimile transmission, telegram, or express delivery service. The expenditure should be itemized by name and address, the purpose, the name of the candidate supported or opposed, and the amount of the expenditure. This information would then be included on the next report filed by the political action or party committee.
- 4) The past several state elections have seen a dramatic increase in the use of recorded phone bank campaign messages that either support or oppose specific candidates. There is no requirement under

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Attachment 2

current law for these messages to include information as to who is sponsoring or paying for the message. The Commission recommends that recorded telephone campaign messages be required to identify who is paying for or sponsoring these mass communication messages at the end of the message.

5) Issue ads during elections are becoming more prevalent. The Commission believes if expenditures for issue ads are not disclosed, campaign disclosure could be undermined. The Commission recommends that any person who makes a payment of \$100 or more for a communication that clearly identifies a candidate, but does not expressly advocate the election or defeat of the candidate, be required to file a statement detailing such communication. This would include any communication that is disseminated, broadcast, or otherwise published within thirty days prior to an election. The statement should disclose the name and address of such person along with the recipient's name and address, description and amount of the payment, the name of the candidate mentioned, and how much was spent on each candidate mentioned. The report should be filed within twenty-four hours of making the payment or promise to make the payment.