

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 11:03 a.m. on May 3, 2010, in Room 152-S of the Capitol.

All members were present except:

Senator Terry Bruce- excused  
Senator David Haley- excused  
Senator Mary Pilcher-Cook- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Lauren Douglass, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

Terry Heidner, Legislative Liaison, Kansas Department of Transportation

Others attending:

See attached list.

The Chairman opened the hearing on **SB 587 - Secretary of corrections; rules and regulations; inmate access to information containing personally identifying information**. Jason Thompson, staff revisor, reviewed the bill.

Terry Heidner appeared in support, indicating the Department has a long and successful history contracting with the Department of Corrections for the entry of motor vehicle crash information. Steps have already been initiated to address the concerns raised in **SB 587** to assure the protection of privacy for Kansas citizens while allowing the continuation of KDOT's program. **SB 587** does not contradict actions already taken and support passage of the bill. (Attachment 1)

Written testimony in support of **SB 587** was submitted by:

Roger Werholtz, Secretary, Kansas Department of Corrections (Attachment 2)

There being no further conferees, the hearing on **SB 587** was closed.

The Committee agreed to take final action on **SB 587**.

Senator Vratil moved, Senator Lynn seconded, to amend SB 587 to apply only to inmates employed or working for the benefit of Kansas Correctional Industries, allowing the revisor latitude to word it properly.

Senator Vratil modified his motion to use language suggested by the Department of Corrections and apply only to K.S.A. 75-5272. Senator Lynn agreed to the modification. Motion carried.

Following discussion, Senator Vratil moved, Senator Lynn seconded, to table **SB 587**. Motion carried.

The meeting was adjourned at 11:30 a.m.



**TESTIMONY BEFORE  
SENATE JUDICIARY COMMITTEE  
REGARDING SENATE BILL 587  
RELATED TO PROTECTION OF CITIZEN'S PRIVACY**

**May 3, 2010**

I am Terry Heidner, Legislative Liaison for the Kansas Department of Transportation (KDOT). I am here to provide testimony in support of Senate Bill 587.

The program of motor vehicle crash data entry performed by the Department of Corrections for KDOT has a long and successful history. The Department of Corrections has performed the work at less cost and more accurately than when it was done years ago by KDOT personnel.

The Department of Corrections and the Department of Transportation, in cooperation with the Kansas Highway Patrol, at the direction of Governor Mark Parkinson, have already taken steps to address the concerns raised in Senate Bill 587. This action, announced last week, assures the protection of privacy for Kansas citizens while at the same time allows the continuation of a program that has been a huge success story for both KDOT and the Department of Corrections.

However, because Senate Bill 587 does not contradict action already taken, we do not oppose its implementation.

Thank you for the opportunity to testify in support of Senate Bill 587. I would be happy to stand for questions at the appropriate time.

May 3, 2010

Testimony to the Senate Judiciary Committee on SB 587  
Roger Werholtz, Secretary of Corrections

Mr. Chairman and members of the committee:

I am offering this written testimony in support of legislation that would direct the Secretary of Corrections to issue regulations restricting access of inmates to certain items of personal information. In fact, the Department has already drafted regulatory language consistent with SB 587.

The regulation that will be sought by the Department would prohibit inmates engaged in Kansas Correctional Industries programs from having access to the personal information set out in SB 587. This regulation would prohibit the data entry and microfilming of documents containing that information currently performed by Kansas Correctional Industries for other state agencies and any other endeavor involving inmates receiving or having access to such information. The regulation, however, would permit for example, an inmate working for a convenience store as a privately employed work release inmate who is required to check a drivers license before selling tobacco products to a youthful appearing customer to do so consistent with state law and his or her employer's obligations.

While the correctional industries programs have enjoyed a twenty five year history of performing necessary work at considerable savings to the taxpayer, we are well aware that conditions change and that more ways to misuse sensitive information continually emerge. It is our intention that these changes be accomplished with the least possible additional expense to the taxpayers and our client agencies while providing reassurance to citizens that their personal information is handled in an appropriate manner.

The Department of Corrections and the Department of Transportation, in cooperation with the Kansas Highway Patrol, at the direction of Governor Mark Parkinson, have already taken steps to address the concerns raised in SB 587. This action, announced last week, assures the protection of privacy for Kansas citizens while at the same time allows the continuation of the program that has been a huge success story for both KDOT and the Department of Corrections.

Kansas Correctional Industries, in partnership with our peer state agencies have already begun steps to put in place an orderly transition to the new procedures, including hiring

the necessary civilian employees to handle those items of information to which inmates will no longer have access. I would remind the committee that the primary fiscal impact of these changes will fall on the Kansas Department of Transportation and the Kansas Highway Patrol and would ask that you support the resources required by them to complete this transition.

While I am unable to be present today, I will make every effort to provide you with quick responses to any questions the committee may have. A copy of the proposed regulation is attached.

**Draft**

**44-2-104 Prohibition Against Inmate Access to Personal Identifiers.** (a) Inmates participating in correctional industries programs pursuant to K.S.A. 75-5275 and amendments, thereto, shall not be permitted to have access to personal identification information.

(b) "Personal identification information" means birthdates, social security numbers, taxpayer identification numbers, drivers license numbers, and account numbers of active financial accounts.