

Approved: \_\_\_\_\_ 2-11-93  
Date

## MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on February 4, 1993 in Room 526-S of the Capitol.

All members were present except: Representative Darlene Cornfield, Excused  
Representative Kathleen Sebelius, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Lynne Holt, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee: Gary Stotts, Secretary of Corrections

Others attending: See attached list

The Chairman stated there would be hearings on HBs 2125, 2128 and 2129 requested by the Secretary of Corrections.

Gary Stotts, Secretary of Corrections, testified in support of HB 2125, which would repeal KSA 75-52,117. This statute was enacted in 1984 when prerelease centers were established at Winfield and Topeka and no longer reflects the current operating procedure of the Department regarding delivery of prerelease programs at the Winfield and Topeka facilities. (See Attachment #1)

Gary Stotts, Secretary of Corrections, testified in support of HB 2128, which would amend KSA 1992 Supp. 75-3728e regarding benefit funds for persons in state institutions. The amendment would expand the authorized uses of the fund to give greater flexibility to the secretary regarding uses of the funds, including using benefit fund moneys for the entire offender population in the custody of the secretary of corrections, not just those incarcerated in a correctional facility. Benefit fund moneys come primarily from canteen sales and receipts from inmate telephone usage. (See Attachment #2)

Gary Stotts, Secretary of Corrections, testified in support of HB2129, which would amend KSA 1992 Supp. 75-5211 (c). The amendment would provide the cash payment of \$100. (gate money) would no longer be automatically made to each inmate paroled or released on conditional release status. (See Attachment #3)

The hearings were closed on HBs 2125, 2128, and 2129.

The Chairman asked if the committee would like to move these bills out of committee.

Representative Wilk moved and Representative Myers seconded to move HB 2125 out of committee favorably. The motion carried.

Representative Lahti moved and Representative Empson seconded to recommend for passage HB 2128 and HB 2129 and move the two bills out of committee favorably. The motion carried.

The meeting adjourned at 2:20 P.M.

The next meeting will be February 9, 1993.

Date:

2/4/93

## FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Jennie Rogers	Judicial Administration	Supreme Ct. Bldg.
Ken Bahr	4th Financial Corp	Topeka
Christi Huh	Intern for Rep. Blacher	Lawrence
Jill Meyer	KU - Intern	Lawrence
Leah Gilbes	Washburn student	Topeka
Jamie Battle	Washburn - WSSWA	Lawrence
Jan Dietrich	WSSWA	Topeka
Doris Miller	WSSWA	Maple Hill
Barbara Holzman	Nat'l Council of Jew. Women Kansas Choice Alliance	Leawood
Harvey Stearns	Religious Coalition for Abortion Rights In Ks	Topeka
Pat Esten	Congress. Service	Topeka

STATE OF KANSAS



---

DEPARTMENT OF CORRECTIONS

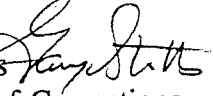
OFFICE OF THE SECRETARY

*Landon State Office Building  
900 S.W. Jackson—Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317*

Joan Finney  
Governor

Gary Stotts  
Secretary

To: House Committee on Federal and State Affairs

From:   
Gary Stotts  
Secretary of Corrections

Date: February 4, 1993

Subject: House Bill 2125

HB 2125, which is requested by the department, would repeal KSA 75-52,117. This statute was enacted in 1984 when prerelease centers were established at Winfield and Topeka. However, subsequent changes in the makeup of the inmate population and programs offered at various correctional facilities have rendered the exclusive use of any facility for prerelease purposes impractical. The statute no longer reflects the current structure of the Department regarding delivery of prerelease programs and with respect to the purposes of the Winfield and Topeka facilities.

Repeal of this statute will not mean that prerelease programs will be discontinued. KSA 75-5210 authorizes prerelease programs.

GS:CES/pa

F-5A  
2-4-93  
Helen

STATE OF KANSAS



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*

Joan Finney  
Governor

Gary Stotts  
Secretary

TO: House Committee on Federal and State Affairs

FROM: Gary Stotts   
Secretary of Corrections

DATE: February 4, 1993

SUBJECT: House Bill 2128

This bill, which is requested by the department, would amend KSA 1992 Supp. 75-3728e regarding benefit funds for persons in state institutions. This statute now provides that benefit fund moneys are to be used to provide property, services, or entertainment to persons in a state institution. The amendments would expand the authorized uses of the fund to give greater flexibility to the secretary regarding use of the funds, including using benefit fund moneys for the entire offender population in the custody of the secretary of corrections, not just those incarcerated in a correctional facility.

Benefit fund moneys come primarily from canteen sales and receipts from inmate telephone usage. In the past the funds have mostly been used to provide recreation and entertainment programs for inmates. I believe that by using the benefit funds for other purposes, such as providing incentives to offenders, more effective use of those funds can be achieved. In addition, I do not believe that use of benefit funds should be limited to only those individuals who are incarcerated. Programs, services, and other needs of offenders who remain in the legal custody of the secretary of corrections after having been paroled or released on conditional release status can be met through use of the benefit funds.

I believe that by looking for ways to use benefit fund moneys that are innovative and not just for the traditional recreation and entertainment programs for inmates, we can develop more effective tools to assist in the management of the offender population, which includes both inmates and those offenders who have been released from incarceration. Enactment of HB 2128 will provide the flexibility to develop other uses for benefit fund moneys.

GS:CES/pa

F&SA  
2-4-93  
Atch #2

STATE OF KANSAS



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*

Joan Finney  
Governor

Gary Stotts  
Secretary

TO: House Committee on Federal and State Affairs

FROM: Gary Stotts   
Secretary of Corrections

DATE: February 4, 1993

SUBJECT: House Bill 2129

This bill, which is requested by the department, would amend KSA 1992 Supp. 75-5211 (c). Specifically, the amendment would provide that the cash payment of \$100 would no longer be automatically made to each inmate paroled or released on conditional release status. This \$100 is known as "gate money" and is now paid to each inmate upon parole or conditional release, regardless of the circumstances of the particular inmate (except those who are in work release, private industry employment, or released to a detainer). An inmate who has financial resources receives the cash payment in the same manner as does an inmate who has no resources, and an inmate who is paroled and later revoked from that status, perhaps on more than one occasion, receives gate money each time the inmate is released from incarceration.

Sentencing guidelines will take effect July 1, 1993. Under guidelines, the maximum time an individual may be reincarcerated for violations of conditions of release is 90 days. With a post release supervision period of one or two years, multiple violations for one individual are possible. I do not believe it is good public policy to have a system where an individual could be released, collect the \$100, be immediately revoked, stay 90 days, be released and again collect the \$100. This cycle could be repeated throughout the one or two year post release supervision period under provisions of KSA 1992 Supp. 75-5211 (c).

In order to not make payments to inmates who have sufficient financial resources at the time of release and to address the situation resulting from enactment of sentencing guidelines, HB 2129 provides that the secretary of corrections would have the authority to establish guidelines to determine eligibility for payment of up to \$100 upon release from incarceration. The payment would not be automatic for all inmates released and could be in amounts less than \$100.

GS:CES/pa

F-5A  
2-4-93  
Atch #3