

Approved

Stephen R. Cloud
Date 3-27-84

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Rep. Stephen R. Cloud at
Chairperson

9:05 a.m./p.m. on March 23, 1984 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

- Carolyn Rampey - Legislative Research Department
 - Julian Efird - Legislative Research Department
 - Russ Mills - Legislative Research Department
 - Avis Swartzman - Revisor
 - Jackie Breymeyer - Committee Secretary
- Conferees appearing before the committee:
- Charles Kahn, ^{former} Dean, School of Architecture, Kansas University
 - Fran Hug, President, Kansas Society of Architects
 - Robert Onek, Topeka Architect
 - Ted Heim, Kansas Correctional Association

The meeting of the House Governmental Organization Committee was called to order at 9:05 a.m. by Stephen R. Cloud, Chairman. The first order of business was final action on SB 568, reducing members of Kansas adult authority.

Rep. Smith moved that SB 568 be passed. Rep. Louis gave a second to the motion. Discussion focused on whether more or less members made for a better board. After several committee members had spoken, the Chairman called for a vote. A show of hands count indicated the motion had failed.

SB 481 - projects for which a negotiating committee for engineering of architectural services is concerned.

Rep. Walker explained this bill would raise the cap from \$250,000 to \$400,000 for architectural projects. It would allow the state architect to do more of the work as opposed to contracting it out.

Charles Kahn, ^{former} Dean, School of Architecture, Kansas University, stated that his main concern was not with raising the amount of money, but the lack of definition within the law. A 'lack of specificity' has the potential for clouding and erosion of the original bill. The function of the state building commission has become somewhat eroded. The commission meets infrequently and meets over the phone most of the time. What is needed is to define the responsibility of the state architect.

Mr. Kahn was asked if he could provide appropriate language to the Committee in the short time frame left for consideration of bills. Mr. Kahn volunteered to get back to the Committee by Monday with some language for the bill.

Fran Hug, President, Kansas Society of Architects, spoke next. She questioned the purpose served by governmental agencies moving away from in-house services toward outside, private enterprise. She stated that if the architectural services division is being staffed with such available competency in design capabilities, that division is over staffed.
(See Attachment) I

Robert Onek, Topeka Architect, asked why the small, private firms should have to compete with the state architect. An office of average size could well use the work generated by the state. (See Attachment) II

The Chairman thanked the conferees for their testimony and directed the Committee's attention to SB 535, continuing secretary and department of corrections.

Ted Heim, Kansas Correctional Association, stated that the Association endorsed all 16 recommendations submitted by the Advisory Committee on Prison Overcrowding. He is encouraged that Subcommittee C is working on toward making a number of recommendations that would implement some of these proposals. He hoped the Subcommittee would specifically endorse the recommendation of a state-wide commission representing all aspects of the criminal justice system and the public be established to study and reassess the State's sentencing philosophy.
(See Attachment) III

The Chairman stated the meeting would be continued Monday and adjourned the meeting at 9:59 a.m.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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STATEMENT TO GOVERNMENTAL ORGANIZATIONAL
COMMITTEE - HOUSE OF REPRESENTATIVES
March 23, 1984

Mr. Chairman and Members of the Committee,

As President of the Kansas Society of Architects, the state professional association of architects, I extend our thanks for your time and consideration. Since our statement of concern, our request, and offer of assistance with regard to action on SB481 was duly recorded in January, but subsequently denied by the 1984 Senate Committee, you are now the responsible, accountable legislative body, acting upon this proposed amending legislation.

The current move within governmental agencies is away from "in-house" services, and toward outside or private enterprise/business. State architectural services are managerial and supervisory. Why and what purpose is being served by this build-up or build-in of "in-house" design capability? Since we've been informed that no additional personnel nor funds will be required by the Architectural Services Division with an increase in limits, it's apparent that hiring personnel with the wrong qualifications has been an ongoing practice. The existing permissible limits are already too excessive!

It is strange that as a country we are looking toward reduction, not growth in government, and the architectural services division is being primed for expansion, disguised by the term "flexibility". Again, if the division is staffed with such available competency in design capabilities, that division is over staffed.

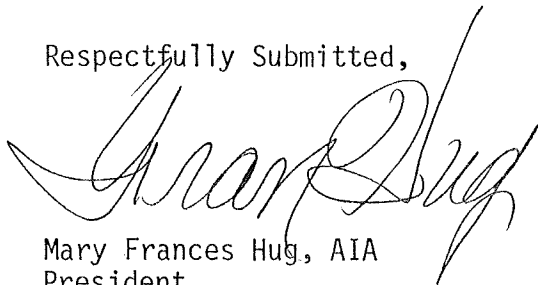
Atch. 2

A brief review of past projects funded by former legislative action, indicates that the demand for architectural services is an uneven variable. It is unreasonable for a state funded division to build in and continue staffing to deal with such a variable demand. It is a self-serving amendment that increases limits to preserve existing staff numbers.

Additionally, it is no great shock, nor a gross generality to recognize the bold truth of a quote by a colleague of our architectural profession, "...it is not in the nature of bureaucracy to excell in creative work".*

Finally, in a state run architectural office, RESPONSIBILITY is difficult to establish, and LIABILITY for errors rests entirely with the taxpayer. There are no liability statutes with the state as architect; responsibility accountability, liability then become all OURS -- the taxpayers.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mary Frances Hug".

Mary Frances Hug, AIA
President
Kansas Society of Architects, AIA

*Bernd Foerster, FAIA
Professor and Dean
College of Architecture and Design
Kansas State University



PRICKETT • ONEK • PA • Architects

TESTIMONY FOR SENATE BILL 481

BY: ROBERT D. ONEK

The private sector in the architectural profession is comprised of offices ranging in size from one individual to several hundred, a singular office to multiple locations. Of the firms with membership in the American Institute of Architects, the average size is one or two principals and three to five professional staff members. For a comparison to the national average, Topeka has fifteen (15) firms in the Kansas Society of Architects. These fifteen firms have a total of twenty-six (26) principals, average 1.7833; and thirty-five (35) professional staff members, average 2.33. The illustration, the national average is the local average also.

Most firms have a reasonably accurate determination of costs. Based upon salary expense and using my firm as an example, we must have 3.0375 times the direct salary expense. In simpler terms, for each dollar of salary expenses, we must generate \$3.04 in gross income. Relate this to a salary of \$15,000.00, \$45,562.50 must be generated.

Let's relate this to fee and state projects.

\$100,000.00	--	Project Cost
8%	--	Architects Fee
<hr/>		
\$ 8,000.00		

Can an office accept a project of this size and break even? YES!

Robert D. Onok AIA
6540 S.W. 10th
Topeka, Kansas 66615

913•272•8252

Atch. II

TESTIMONY
SENATE BILL 481
ROBERT D. ONEK
MARCH 23, 1984
PAGE 2

Let us go to the present upper limit of \$250,000.00.

\$250,000.00	--	Project Cost
7.5%	--	Architects Fee
<hr/>		
\$ 18,750.00		

If the Senate Bill limit is passed and allowed into law, let us see what that would be.

\$400,000.00	--	Project Cost
7%	--	Architects Fee
<hr/>		
\$ 28,000.00		

If a firm of average Topeka, Kansas size would have annual gross receipts of \$120,000.00, the listing below shows what the fees received could mean.

<u>FEE</u>	<u>% OF RECEIPTS</u>
\$ 8,000.00	6.66% of Gross
\$18,750.00	15.63% of Gross
\$28,000.00	23.33% of Gross

What does the State of Kansas gain by using the private firm?

1. Firms that compete for the projects available
 - A. Require professional updating.
 - B. Requires firms to work to remain technically proficient.
2. Professional Liability Insurance is required of private firms.
 - A. This is a major additional cost to the private firm.
 - B. Wording of the state contracts negate the costly insurance.
3. When an Office operation is profit-motivated, cost effectiveness is very important. The private firm relies on efficiency in methods of more production to stay within budget.

TESTIMONY
SENATE BILL 481
ROBERT D. ONEK
MARCH 23, 1984
PAGE 3

In summary, during this period of difficult times, an office of average size could well use the work generated by the state. The technical professional fees are the only fees controlled by the State Statute, medical, legal, accounting, etc. are not set. The small firm in Kansas is the average firm size nationwide and is in the great majority of firms, firms that can handle efficiently projects of any size. In office overhead, a large firm with 50 employees and average salary will require \$750,000.00 per year salary only. The inclusion of employee benefits, overhead and profit will enlarge that to \$2,250,000.00. This comparison can show that fees for eight (8) \$400,000.00 projects could be handled in the private sector for the estimated cost to operate the Division of Architectural Services.

With no intent to be unfriendly or develop animosity, by representing the average sized firms; I want to leave the thought that we in that sector appreciate and need the projects of the size we are discussing. We can and do handle them with efficiency.

THANK YOU!

I AM TED HEIM AND I REPRESENT
THE KANSAS CORRECTIONAL ASSOCIATION WHICH WAS ESTABLISHED IN 1974 AS

A STATEWIDE, NON-PARTISAN ORGANIZATION TO PROMOTE ACCEPTANCE OF CORRECTIONS AS A PROFESSION. I serve as a member of the Board of Directors of the Association and also teach in the area of criminal justice at Washburn University.

As a representative of the Association, I appreciate having the opportunity to appear before the House Governmental Organizational Committee to comment on the recommendations of the Subcommittee(A) on proposals relating to the Department of Corrections. At the outset, I would note that the Kansas Correctional Association, through its Board of Directors, at the February meeting, did endorse all 16 recommendations submitted by the Advisory Committee on Prison Overcrowding to Secretary Barbara.

-2-

THUS WE

we are appreciative of the Subcommittee's recommendations that would implement a number of these proposals that we believe would accomplish significant improvements in the Kansas Correctional system. Specifically, we are encouraged that the Subcommittee has recommended continuation and expansion of the Community Corrections Act which we believe has proved to be an effective alternative to incarceration for targeted "D" and "E" felony offenders, acceleration of the diagnostic process in the correctional system, establishment of a third pre-release center in an urban area, the creation of two additional honor camps, the expansion of minimum security facilities at the Kansas State Penitentiary, and use of local community resources to conduct competency to stand trial examinations and thereby relieve population pressures on the State Security Hospital at Larned.

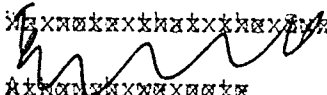
Atch. III

serving an estimated 630 additional person-years under the increased
 minimum sentences provided by ~~xx~~ H.B. 3104. We also would note that as
 the system now operates, ~~xxxxxx~~ the increased minimum sentences
 for "D" and "E" felons ~~xxxx~~ ^{WILL BE SUBSTANTIAL} is having a negative impact on community
 corrections programs in that ~~xxxxxx~~ some targeted
~~xxxx~~ "D" and "E" offenders will be ^{confined} ~~xxxx~~ for longer periods of time ~~and~~ ^{AND}
~~xxxx~~ local costs to ~~xxxxxx~~ programs for chargebacks will
 increase, thereby ^{REDUCING} ~~xxxxxx~~ the funding ^{AVAILABLE TO} of community
 correctional ~~xxxxxx~~ ^{CENTERS} intended to provide acceptable alternatives to confinement.

The problem of providing programs for ~~xxxx~~ the increasing number of
 women offenders in the ~~xxxx~~ Kansas correctional system is one ~~xxxxxx~~ deserving
 of additional study. The Kansas Correctional Association ~~XXXXXXXXXXXXXXXXXXXX~~
~~xxxx~~ believes that co-correctional facilities provide a realistic means for

666

providing a full-range of services for women offenders within the system.

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

In regard to the establishment of some early release mechanism when overcrowding
~~xxxxxx~~ continues, we note that the Committee on Overcrowding recommended
 this as a ~~xxx~~ safety-valve, if other efforts on the part of the State did not
 reduce overcrowding. Admittedly, ~~xxxx~~ an early release mechanism does
 seem to be a drastic measure, but it has been used ~~an~~ effectively in
 Michigan (and other states). In Michigan, studies show that ~~the~~ ~~xxxx~~ emergency
 release mechanism ~~did~~ not result in any increase in ~~out~~ violations by
 those paroled earlier under this procedure. Such a procedure ~~does~~ insure
 that, if other measures to reduce overcrowding ~~can~~ can not be implemented,
 that the staff and inmates of a state's correctional institutions are protected from
~~xxxx~~ the negative and predictable results that come from continued overcrowding.