

Approved: 5-31-91  
Date

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairperson George Teagarden at 1:40 p.m. on April 25, 1991 in room 514-S of the Capitol.

All members were present except: All present.

Committee staff present:

Ellen Piekalkiewicz, Legislative Research Department  
Debra Duncan, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Susan Miller, Administrative Aide  
Sue Krische, Committee Secretary

Conferees appearing before the committee:

Art Griggs, Acting Secretary of Administration  
Charles Dodson, KAPE  
Betty Vines, Division of Purchases, Department of Administration  
Cindy Riling, Classified Employee Organization at KU  
Darrel Oldham, State Motor Pool Employee  
Tim Wright, Electrician at the Landon Building  
Norma Ascher, Department of Administration  
Gene Johnson, Kansas Community Alcohol Safety Action Coordinators Association  
Andrew O'Donovan, Acting Commissioner, Alcohol & Drug Abuse Services, SRS  
Clarence Thompson, Dickinson County Council on Alcoholism and Drug Addiction  
Paul Shelby, Office of Judicial Administration  
Al Singleton, District Court Administrator, Manhattan

Others attending: see attached list.

SB 395 - Salaries and compensation increases for state officers and employees.

Art Griggs, Acting Secretary of Administration, reviewed the Governor's pay proposal for state employees and noted the adjustments made in the bill by the Senate (Attachment 1). Staff provided a Legislative Research Department memorandum summarizing the elements of SB 395 (Attachment 2). The Senate removed the 1.5 percent mid-year general adjustment to the classified employees matrix and the 1.5 percent mid-year unclassified employee merit pool. Mr. Griggs noted the Senate also reduced the State General Fund amount by \$1.6 million to account for acceleration of the new KPERs employers contribution rate. He asked the Committee to support all the components of the Governor's pay proposal as introduced prior to amendment by the Senate.

Charles Dodson, KAPE, testified in support of SB 395 with the full salary increase recommendation by the Governor (Attachment 3). He quoted a report prepared last interim by the Kansas Legislative Research Department that stated Kansas has 41,532 FTE positions in state government.

Betty Vines, State Employee, Division of Purchases, appeared in support of SB 395 (Attachment 4).

Cindy Riling, Classified Employee Organization at KU, appeared in support of SB 395. Ms. Riling stated, in her experience, state salaries are not competitive with the private sector and she suggested that the Department of Personnel begin exit interviews in order to document that fact and other reasons for state employees leaving.

Darrel Oldham, State Motor Pool Employee, testified in support of Governor Finney's pay proposal. He emphasized that a majority of state employees are conscientious workers and deserve fair compensation.

Tim Wright, Electrician in the Landon Building, appeared in support of SB 395 (Attachment 5).

Norma Ascher, state employee in the Department of Administration, testified in support of SB 395 (Attachment 6).

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 1:40 p.m.  
on April 25, 1991.

SB 76 - Fee for presentence drug and alcohol evaluations.

Gene Johnson, Kansas Community Alcohol Safety Action Project Coordinators Association, the Kansas Association of Alcohol and Drug Program Directors and the Kansas Alcohol and Drug Addiction Counselors Association, testified in support of SB 76 which would allow the Kansas Community Alcohol Safety Action Project Coordinators Association to raise their evaluation and monitoring fees from \$110 to a minimum of \$125 and up to a maximum of \$200. Mr. Johnson requested removal of the Senate floor amendment allowing the offender to bypass an evaluation if he or she has completed a treatment program subsequent to being charged with DUI. This amendment would ignore prior record, as well as follow-up. Mr. Johnson submitted written testimony (Attachment 7). He emphasized that evaluations should be done independently from treatment programs, because everyone does not need treatment; many need education programs.

Andrew O'Donovan, acting Commissioner of Alcohol and Drug Abuse Services, SRS, testified in support of SB 76 (Attachment 8). Mr. O'Donovan is opposed to the Senate floor amendment and supports the bill in its original form.

Clarence Thompson, Dickinson County Council on Alcoholism and Drug Addiction, appeared in behalf of Judge Robert Royer, Jr., Municipal Judge, Abilene, and presented Judge Royer's written testimony (Attachment 9). Judge Royer supports a fixed rate for presentence drug and alcohol evaluations across the state of approximately \$175 per evaluation to be paid by the offender.

Paul Shelby, Office of Judicial Administration, commented that if SB 76 is enacted the Courts would request one charge be set statewide, as a sliding scale will cause a great many problems (Attachment 10).

Al Singleton, Court Administrator, 21st Judicial District, testified that currently the fee for alcohol and drug safety action programs is \$110 statewide and allowing a sliding scale would create problems for the court in keeping track of how much to charge when individuals will be receiving evaluation in a different area than the one in which they were charged (Attachment 11). He noted he would support statutory language that would prohibit the same agency from doing the evaluation and treatment.

Written testimony in support of SB 76 was submitted by Judge William R. Carpenter, Third Judicial District, Shawnee County (Attachment 12).

Chairman Teagarden announced that due to a lack of time, the hearing on HB 2633 concerning state engineering services scheduled for today is being postponed indefinitely.

The Chairman turned to final action on SB 395. Representative Hensley moved that SB 395 be recommended favorably for passage. Representative Hamm seconded. Staff brought to the Committee's attention a technical amendment needed to SB 395 to correct the numbers in Section 6(a) regarding the Judicial Branch. The corrected figures will result in a net reduction of \$9,361. Representative Solbach made a substitute motion to adopt the technical amendment to SB 395. Representative Hensley seconded. Substitute motion carried. Chairman Teagarden pointed out that the Senate has adopted the accelerated KPERS rate in this bill that Representative Vancrum introduced in a separate bill in this Committee and that reduces the total State General funds in this bill by \$1.6 million. In addition, legal services for prisoners, normally included in this bill, were inadvertently left out; however, the Senate has placed this item in the omnibus bill and it will be considered at that time. Representative Hensley moved that SB 395, as amended, be recommended favorably for passage. Representative Hamm seconded. A member stated he did not feel the state could afford this pay increase this year. Staff reviewed for the Committee the components in the bill currently. Motion carried.

### INTRODUCTION OF BILLS

Chairman Teagarden requested introduction of a bill making a technical amendment to SB 26 and a bill enacting the environmental coordination act. In addition, Representative Heinemann requested introduction of a bill changing the dates workers compensation fund assessments are made by the insurance commissioner. Representative Wisdom moved introduction of the three bills. Representative Heinemann seconded. Motion carried.

Representative Solbach moved introduction of a bill making a clean-up amendment to the perjury statute. Representative Chronister seconded. Motion carried. The meeting was recessed at 3:20 p.m.

Chairman Teagarden reconvened the meeting at 4:05 p.m. and turned to final action on SB 76. Representative Vancrum moved to conceptually amend SB 76 to delete the treatment centers from being the DUI evaluators in those areas where there are other non-treatment DUI evaluators available. Representative Solbach seconded. Motion carried.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS, room 514-S Statehouse, at 1:40 p.m.  
on April 25, 1991.

Representative Kline moved to strike the Senate amendment to SB 76 on page 4, lines 28 through 31 in brackets. Representative Lowther seconded. The amendment states the evaluation fee may be waived at the discretion of the court if the defendant has completed an alcohol and drug treatment program subsequent to being charged with a violation. Representative Hochhauser opposes removing this amendment because she believes that would interfere with the timely treatment of violators. Representative Kline noted the amendment precludes evaluation and follow-up in these cases.The motion failed.

Representative Patrick moved that the minimum of \$125 be deleted from SB 76 so that the bill will read "that the person pay an assessment of not more than \$200." Representative Vancrum seconded. Representative Wisdom made a substitute motion to remove the \$125 floor and state "not more than \$150." Representative Patrick seconded. Substitute motion failed. Representative Gatlin made a substitute motion that the fee for evaluations in SB 76 be set statewide at \$145. Representative Hochhauser seconded. Substitute motion failed. Representative Heinemann made a substitute motion that the fee for evaluations in SB 76 be set statewide at \$125. Representative Wisdom seconded. Substitute motion carried. Representative Chronister moved that SB 76, as amended, be recommended favorably for passage. Representative Heinemann seconded. Motion failed.

Chairman Teagarden called the Committee's attention to the fact that in passing SB 395 earlier today, the Committee adopted the KPERS accelerated contribution rate amended into the bill by the Senate. However, on Tuesday, April 23, during omnibus deliberations, a motion to adopt the accelerated rate was defeated in the Committee. Having voted on the prevailing side, Representative Hensley moved to reconsider Committee action on SB 395. Representative Wisdom seconded. Motion carried. Back on the motion to report SB 395 favorably for passage, Representative Patrick made a substitute motion to delete the FY93 KPERS rate accelerated to FY92 on non-school employees. Representative Hensley seconded. Substitute motion carried. Representative Hensley moved that SB 395, as amended, be recommended favorably for passage. Representative Wisdom seconded. Motion carried.

The meeting was adjourned at 4:55 p.m.

GUEST LIST

COMMITTEE: HOUSE APPROPRIATIONS

DATE: 4-25-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Mary A. Jaimer	927 Glenn Ct	Dept. of Human Resources
Nancy Willett	1830 SW 36th	: " " " "
Marty Kennedy	Topeka	Budget
Bona Zimmer	Topeka	Division of Budget
Mike Dehuff	Topeka	Division of Budget
Dan Carroll	"	Div. of Arch. Serv
Sandy Koker	Topeka	Human Resources
DARREL OLDHAM	Topeka	Dept of Admin. Comp
Jim Wright	Topeka, KS	Div of Admin. Budget Grants
Norma Asche	Topeka, KS	Div of Admin. Adm.
Nancy Echel	Topeka, KS	Dept of Adm. / Mer. Pers. Serv.
Jerry Sloan	"	OJA
Paul Shelby	Topeka	OJA
Al Singleton	Manhattan	Riley Co. West Twp.
WAYNE K WIANECKI	TOPEKA	KS. AFSCME
JACK BRUBAKER	"	KAPE KDOT Ret
Jane Johnson	Topeka	KS. ASAP Council
Glenn Johnson	Udell, KS	Division of Council
Bruce Beale	Lawrence	ASCC Center
Andrew O'Donovan	Topeka	SRS/ADAS
Cindi Biling	1114 W. 25th Lawrence	KU/Law School
Betty M. Vinson	Topeka	OJA Purchases
Keith Hawton	Topeka	KAPE
SUSAN PETERSON	MANHATTAN	KANSAS STATE UNIVERSITY
Jerry Carter	Topeka	Div of Architectural Services

Y...  
STEVE KEARNEY  
Tim Connor  
Ron [unclear]  
George Barber  
Ken Baker  
James Sealey  
John de la Torre

Topeka  
"  
"  
Hwy  
Topeka  
Topeka  
Topeka  
Topeka KA

John Kleson  
KS. DIST. JUDGE  
KAPPE  
FHSA  
KS Consulting Engg  
11th Encl. of USUS  
KDOC  
SOS



Testimony to  
House Appropriations Committee  
Senate Bill 395  
by  
Arthur H. Griggs  
Acting Secretary of Administration  
April 25, 1991

Mr. Chairman and members of the Committee, I appreciate the opportunity to appear before you to offer testimony in support of Senate Bill 395.

As introduced, the bill contained four main components: (1) a 2.5% step movement on the pay matrix for most classified employees for FY 92; (2) continuation of longevity payments in accordance with KSA 75-5541 in FY 92; (3) a 1.5% general adjustment to the pay matrix for the last half of FY 92; and (4) an unclassified merit pool averaging 2.5% at the beginning of FY 92, and an unclassified merit pool averaging 1.5% for the last half of FY 92.

The Senate removed the 1.5% mid-year general adjustment to the classified employees matrix and the 1.5% mid-year unclassified employee merit pool. The Senate also reduced the State General Fund amount by \$1.6 million to account for acceleration of the new KPERS employers contribution rate.

All four elements of the Governor's pay proposal are significant parts of the compensation for our state employees. First, providing uniform step movement through the matrix brings new employees up to the market rate, and ensures the necessary salary spread between newer and longer term employees. Step movement also provides employees with a sense of career advancement and success. In the absence of step movement, employee morale and effectiveness decline. Secondly, the continuation of longevity pay is important in rewarding experienced employees who have made careers in service to the state. Third, providing a general increase of 1.5% to the pay matrix at mid-year helps the state to compete with market rates, and to maintain the rates established for job classifications implemented in the Comprehensive Classification and Job Rate Studies. The proposed mid-year implementation recognizes the limited fiscal resources that are available at present, but helps keep our pay scales competitive. Finally, the unclassified merit pool allocations mirror the increases proposed for classified employees and is an important part of keeping our Regents institutions competitive.

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Attachment 1

Our employees are the most important resources of state government. They must produce more when economic resources are less in delivering services to Kansas citizens. Failure to act positively on this bill will adversely affect employee effectiveness and morale at a time when we are asking them to do more.

Results of failure to enact a fair Pay Plan

- o Short term thinking about employee pay will dig a hole which will have long-lasting negative effects for the future. Our universities and state agencies will lose competitiveness with other employers.
- o Because of high shrinkage factors applied to agency budgets, morale will decline as employees are required to increase their duties without pay increases.
- o The Consumer Price Index for calendar year 1990 rose by 5.4%. Failure to enact these proposed pay plan measures will further erode the purchasing power of state employees. In fact, if the longevity provisions are not provided, employees who received longevity payments for the past fiscal year will experience a pay cut.
- o Failure to pass a pay plan bill results in poor treatment of our employees. With the tight FY 92 budget year, we will be asking them to do more within the limited resources available.

I ask the committee to support all components of the Governor's pay proposal, including the 1.5% increase the Senate deleted. This action would provide the state's work force with the modest increases that are essential to our employees.

9158A

**COST ESTIMATES OF  
GOVERNOR'S SALARY PLAN RECOMMENDATIONS  
FOR FY 1992\***

	Millions	
	General Fund	All Funds
Step Movement -- Classified Service and Nonjudicial Personnel of the Judicial Branch <sup>1</sup>	\$ 7.5	\$13.2
Non-Regents' Unclassified "Merit Pool" (2.5%)	1.0	1.2
Longevity Bonuses	6.5	10.8
<del>Non-Regents' COLA (1.5% Mid-Year)<sup>2</sup></del>	<del>3.8</del>	<del>6.5</del>
Total -- Except Regents' Unclassified	<u>\$18.8</u>	<u>\$31.7</u>
 Regents' Unclassified:		
2.5% Full Year <sup>3</sup>	\$ 8.0	\$ 9.1
<del>1.5% Mid-Year<sup>3</sup></del>	<del>2.4</del>	<del>2.7</del>
Total -- Regents' Unclassified	<u>\$10.4</u>	<u>\$11.8</u>
 Grand Total	<del>\$29.2</del>	<del>\$43.5</del>
	<u>\$23M</u>	<u>\$34.3M</u>

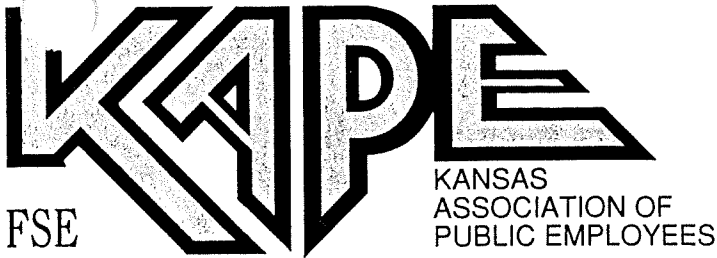
\* Amounts are estimates of the Research Department.

- 1) Additional step movement during FY 1992. Detailed agency budgets include the amounts which annualize step movement that will occur during FY 1991.
- 2) Estimated annual cost per 1 percent of increase is \$5.1 million General Fund, \$8.7 million all funds.
- 3) Estimated annual cost per 1 percent of increase is \$3.2 million General Fund, \$3.6 million all funds.

*KPERS \$1.6M SGF  
\$2.6M all funds*

*excludes KPERS adj.*





400 West 8th Ave. Suite #103 Topeka, Kansas 66603 913-235-0262

Presentation on SB 395  
House Committee on Appropriations  
by  
Charles Dodson  
Kansas Association of Public Employees  
April 25, 1991

Mr. Chairman, members of the Committee, thank you for allowing me the opportunity to speak in support of SB 395.

A paper prepared by the Legislative Research Department, dated October 10, 1990, reported that the total salaries divided by the number of positions and adjusted for the CPI-U in 1990 dollars was \$493 per year less than earned in 1970. If SB 395 with the COLA restored is not passed, the deficit would be \$1,042 per year less than that earned in 1970. Even if SB 395 is passed, the deficit from 1970 would still increase to \$528 each year.

In data compiled from reports by the Bureau of the Census, the annualized average earnings for full time state employees in Kansas ranked us 28th in the nation in 1985. In 1986 we ranked 32nd; in 1987 - 38th; in 1988 - 41st; and in 1989 Kansas full-time state employees ranked 45th in the nation.



One of the measures before you today has nothing to do with a pay increase. Failure to approve funding for the longevity program is not the same as holding down increases, it would be a cut in compensation. A decrease in Classified Employee Compensation.

Classified employees are the only group singled out for such consideration. I am not aware of any measures to reduce funding, or of any bills to determine whether we should continue funding for TIAA-CREF, special per diem increases, special deferred compensation programs, or unclassified employee salaries. The question has to be: Why have classified employees been singled out for this consideration?

I think the people who put the agency budgets together made a grievous error by not including funding for longevity pay in the agency budgets. That's where it belonged, that's where it should be now, and that's where it should always be.

Another aspect of this bill that deserves special consideration is funding for step movement. Many of you are aware of the condition of the pay plan prior to 1985. Steps were a hit and miss affair. Only occasionally did employees receive steps. The result was severe salary compaction. Five or ten-year employees were earning the very same salary as new employees. Morale was rock bottom.

A new pay plan was developed and, since 1985, the changes to the pay plan have resulted in an excellent plan. As a matter of fact, it is one of the best anywhere. The problem is adequate funding, not the plan. One commitment you made to state employees was that annual steps would be made through the plan. For several years now, you have kept that commitment. To fail to fund steps this year would be a serious error. It would damage morale, productivity and the confidence that the policymakers really intended to do everything possible to keep, at least, that commitment.

Several years ago, 1985 I believe, a commitment was made to a three year comprehensive reclassification of positions to bring salaries in line with the private sector. Six years have passed and we still haven't finished that three year program.

Lastly, a bare bones across-the-board increase is recommended by the Governor, a 1-1/2% increase to offset a 6.1% increase in the cost-of-living. If you approve this 1-1/2% increase, starting salaries for positions in state government will have increased 3% in the past two years. In two years starting salaries will have fallen about 7% behind the increase of the CPI-U for the same period. Already this year you have

passed bills which would move classified employees into unclassified status because starting salaries are too low to attract new employees. That's going to continue to get worse unless steps are taken to adequately fund state government.

I urge you to approve as a minimum the full salary increase recommendation of the Governor for FY 92.

Testimony of Betty Vines  
on SB 395  
April 25, 1991

Thank you Mr. Chairman and members of the committee for the opportunity to speak in favor of SB 395.

Thirteen years ago, I entered state service as a Clerk III with the Division of Purchases of the Department of Administration.

I was a single mother. I had to pay rent and utilities, feed and cloth my child, and bear all the other expenses a family incurs every day.

My state pay was below sustenance levels. In order to support my family, I was forced to take a second full-time job. I worked for the state during the day, and I worked at an answering service during the night.

Gradually, I worked my way to a better position with state government. Today, I am an Office Specialist with the Division of Purchases.

Our jobs in the Division of Purchases are to buy products and services at the lowest possible cost. We save the state millions of dollars each year. My job is to purchase freight services, which alone saves the State from \$750,000 to a million dollars a year.

We take pride in our jobs. We feel a sense of duty to the taxpayers of Kansas and, as a result, many of us often work overtime without pay to complete our work.

But, thirteen years after I began working with the state, I am still paid at barely a sustenance level.

My child is grown and I no longer am forced to work a second full-time job. However, I cannot afford to buy a home on my state pay, and I drive an eleven year old car that needs repairs. Repairs that I still can't afford.

I was delighted in 1988 when the Legislature passed a bill to give state employees an annual step raise. A raise in step amounts to only about 2.5 percent, but before 1988 we were given a step once every three years. It seemed wonderful that we could look forward to an annual step raise. I began to hope that someday I could buy my own home.

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Attachment 4

I was pleased also, that the Legislature passed the longevity bonus program to reward career employees for their dedication and expertise. Our morale soared. It seemed that we were finally appreciated.

Today, however, I am told that I must sacrifice to help the state out of its financial mess. I had nothing to do with creating the mess, yet I am told to continue to sacrifice my quality of life.

Frankly, I resent it. And thousands of other state employees resent it.

I want to drive a new car someday. I want to own a home someday. I have sacrificed enough.

I urge you to put the livelihood of thousands of state employees families before new projects. Please support SB 395.

Tim Wright  
SB 395

Thank you for permitting me to speak. My name is Tim Wright and I am a State employee I am involved in Boy Scouts as a Scoutmaster and as an assistant Cubmaster and 13 years as a volunteer with the State Hunter Safety Program. My wife is a State employee and like a great many other State employees I have a second job so we can make ends meet.

I was not impressed with last years raise that we were told we should be grateful for a 2.5% step increase and a 1.5% COLA for a total of 4% annual raise.

Even though the cost of inflation was around 7%, my health insurance was no longer subsidized which cost me about \$60 from my paycheck.

The reappraisal that we felt as home-owners increased my mortgage payment to an amount that my 4% raise was costing me about \$160 per month as a State employee I cannot afford too many raises of that manner.

Reappraisals are back this year and I am afraid to even inquire as to the inflation rate this year.

State employees typically receive about 1/4 to 1/3 less than a comparable job on the outside, but look at what would happen if we did not do our jobs as well as we do. The dedication of State employees should be rewarded and not have their intelligence insulted by being told how great a raise we are getting.

I would like to break down a portion of our raise for example: an employee making \$1,000 per month and getting the 1.5% raise for a 20-day pay period that is \$15 per month raise or a 9 cent per hour raise before we pay our roughly 1/3 tax; therefore, our take home for the gracious 1.5% is 6 cents per hour. Can you live on a 6 cents per hour raise?

Especially after we just read in the newspaper of our local police getting a 5% and 6% raise this year and next. I implore you to pass this bill. For we as State employees wish to be treated with constituents for some of us are your constituents.

Thank you

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Attachment 5



April 4, 1991

My name is Norma Ascher, I am a widow with two grown daughters and I have been a state employee for two years. I would like to provide the Committee on Ways and Means a copy of my monthly income and expenses to show you the difficulty that I have in making ends meet. I also know that many other state employees have a similar problem with their monthly expenses. At this time I would like to review my monthly income and expenses with the committee:

Gross Wages		\$1,232.00
Payroll Deductions:		
Social Security	94.00	
Federal Tax	162.00	
State Tax	44.00	
KPERS	49.00	
Parking	10.00	
Health Ins.	2.00	
	-----	
Total Deductions:		( 361.00)
		-----
Take Home Pay		871.00
Monthly Expenses:		
Tithe	124.00	
Mobile Home Payment	220.00	
Lot Rent	135.00	
K.P.L.	60.00	
Telephone	35.00	
Car Insurance	33.00	
Groceries	100.00	
Mobile Home Insurance	19.00	
Personal Property Tax-Auto	25.00	
Personal Property Tax-Home	30.00	
	-----	
Total Expenses:		(781.00)
		-----
Balance left for clothing, car repairs, gas, medical expenses, miscellaneous supplies, and other unforeseen expenses:		\$90.00

I would like to encourage the committee to pass Senate Bill No. 395. Thank you.

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Attachment 6

TO: House Appropriations Committee

RE: SB 76

DATE: April 25, 1991

Mr. Chairman and Members of the Committee:

My name is Gene Johnson and I represent the Kansas Community Alcohol Safety Action Project Coordinators Association, the Kansas Association of Alcohol and Drug Program Directors and the Kansas Alcohol and Drug Addiction Counselors Association.

SB 76 is a measure which will increase the evaluation and monitoring fee for those programs which are providing the 31 judicial districts in the State of Kansas with the evaluation and monitoring of all DUI offenders. The fee is to be paid by the offender who commits the act of DUI. The concept was placed in the original bill, SB 699 in 1982 in order to have the offender pay for his evaluation and monitoring rather than the taxpayers of the State of Kansas. In 1982 this Legislature established a fee of \$85 to be paid by the offender. In 1985 this Legislature saw the need to increase this fee to \$110. Since that time the alcohol safety action projects were asked to provide our courts in the state quality evaluations and monitoring service in order to educate and/or rehabilitate those offenders who have committed the crime of DUI. Due to the increase in costs both in material and hiring evaluators and monitors it has become exceedingly difficult to make ends meet. In 1990 the Kansas Alcohol Safety Action Project Coordinators Association conducted a survey relating to the actual cost in providing these services to the courts. The costs provided to us by our association members ranged from \$100 to \$398. In order to provide a fair and accurate figure we eliminated the high evaluation cost of the one project and the low evaluation cost of another project. The remaining costs, provided by associations, averaged out to \$167 per case. The associations were also asked to provide the time spent with each individual on the evaluation and monitoring process. We found that the minimum time that was involved was 5 hours and the maximum time was 17 hours. The hours consisted of the actual interviewing and the evaluating of the offender to the

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Attachment 7

typing of the report for the court. In addition, a considerable amount of time is spent to check the arrest reports, traffic violations and other criminal activities of those offenders. After the offenders are sentenced in court there is a considerable amount of monitoring to determine that the offender has completed an alcohol and drug education program, as ordered by the court or the district attorney, in order to comply with their probation or diversion order. The project has a responsibility to monitor those persons who have been ordered to complete a program as alcohol and drug treatment and the offender's progress in that particular treatment program and determine whether the offender has satisfactorily completed the program. In addition, our association has the responsibility of reporting to the court and also to the Motor Vehicle Division, in writing, when that offender has completed their educational requirement or their treatment program satisfactorily.

There is the matter of collection of evaluation and monitoring fees. The court in the case of a conviction has the option of declaring the offender indigent, so there is no fee and the organization that performed the evaluation receives no funds. The statute also gives the same option to the prosecuting attorney in diversion cases. Our members report a collection ration of 50% to 90% on the balance of their cases. Again, for those that are uncollectable, our organizations receive no funds.

We inquired of the State of Missouri what the cost to the offender is for a similar offense of DUI. The report from a program in the State of Missouri stated that the evaluation and monitoring procedure was assessed to the offender in the amount of \$375.

In this legislation we propose the minimum fee be set by the Legislature at \$125. We also recommend that the maximum evaluation and monitoring fee be capped off at \$200. This would give the administrative judge in each individual court the option of determining the level of the evaluation and monitoring fee to be assessed to the offender. Each court may vary in what they expect of the alcohol safety action project as far as evaluation and monitoring is concerned. Keeping in mind that we have lived with this evaluation fee for the past 6 years and even with a normal cost of

living increase, we feel that \$125 may not be sufficient to maintain our services to the court. Our organizations throughout the years provide approximately 9,000 evaluations annually for the courts in the State of Kansas. We feel that we are a vital part in the education of the drinking/driver in the State of Kansas. We also feel that we are a vital part of identifying those individuals who are having difficulty with their drinking and drugging, and are able to make a referral to a treatment program which will offer them the professional assistance in conquering their illness.


We are not comfortable with the floor amendment placed on this legislation by the Senate. I refer to page 4, line 28. This language would suggest the offender could bypass an evaluation if he or she has completed a treatment program subsequent to being charged with DUI. However, nothing is noted as to whether that person's traffic violation record or criminal history has been examined prior to treatment or court action. Also, by waiving this process, who would follow up for that period of time after adjudication to determine if all conditions of diversion or probation are being complied with. In addition, we may create a possibility of treatment programs evaluating offenders who may have good coverage and referring all of those to their treatment program. These programs very easily could build in the evaluation fee into their treatment costs.

Several years ago our organization asked for language eliminating the evaluation fee from the mandated alcoholism/drug addiction coverage. We still feel, the law has been violated and the offender must under go an evaluation at their expense and that that evaluation should be done by an agency which for the most part is free standing.

The three organizations that I represent would urge you to delete the language proposed by the Senate floor amendment and pass the legislation as approved by the Senate Ways and Means Committee.

Thank you.

Respectfully Submitted,

  
Gene Johnson

WICHITA

ROBERT A. THIESSEN, Judge Div. I  
ELLENETH L. INGHAM, Judge Div. II  
HAROLD E. FLAIGLE, Judge Div. III  
MAURICE MOWREY, Clerk of the Court  
JOHN J. EISENBART, Probation Office Supervisor



MUNICIPAL COURT  
CITY HALL — THIRD FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

COURT CLERK  
(316) 268-4431  
JUDGES' CHAMBERS  
(316) 268-4629  
PROBATION OFFICE SUPERVISOR  
(316) 268-4582

April 23, 1991

Appropriations Committee Members

**RE: Senate Bill 76**

Dear Appropriations Committee Members:

I am concerned about a proposed amendment to the DUI law contained in SB76. The bill allows defendants to avoid DUI evaluations, if they have completed treatment prior to sentencing. This amendment is not in the best interests of Kansas citizens or DUI offenders.

Evaluations of drunk drivers contain extensive background investigations, not just alcohol/drug histories. These investigations include information, such as, whether the DUI involved an injury accident, the extent of victim's injuries, prior treatment histories and motivation of offenders. Counselors also determine the most appropriate treatment modality for defendants. These bits of information form a picture to aid judges in properly sentencing DUI offenders.

If offenders bypass these investigations, judges will have to take time from busy dockets to personally investigate offenders' backgrounds. They will need to pull police reports to see if there were injury accidents. They will want to know the extent of injuries to victim(s) and if restitution has been made. Judges may have no idea how many times the defendants have been in treatment before or how many prior convictions they have.

Some defense attorneys will take advantage of this revision by sending all of their DUI clients to the treatment program easiest to complete, instead of, the program best suited to clients' recovery needs.

I request that you delete, "... or that the defendant has completed an alcohol/drug program subsequent to being charged with a violation of KSAS...81567 and amendments thereto..." from SB76.

Respectfully submitted,



John Eisenbart  
Probation Office Supervisor

JE:bcw



# Sunflower Alcohol Safety Action Project, Inc.

Suite F, 112 S.E. 7th / Topeka, Kansas 66603 / Phone (913) 232-1415

April 1, 1991

Senator August Bogina  
Chairman, Ways and Means Committee  
Kansas Senate  
State Capitol  
Topeka, Kansas

RE: SB 76

Dear Senator Bogina:

Following the hearing on SB 76 held on February 18, 1991, we received a report from the Judicial Administrators Office for the year of 1990. We would like to share some of our thoughts on this report. The following chart will summarize the arrest, court adjudication and collection of the past past Fiscal Year of 1990.

FY90	No. DUI Arrests	No. DUI Adjudicated	Total DUI Assessments	Assessments Deposited	Administration Costs	To Certified Programs
City Courts	11,066	9,236	1,015,960	881,878	119,361	706,822
District Courts	8,064	7,101	781,110	630,461	24,218	562,867
Total	19,130	16,337	1,747,010	1,512,339	143,579	1,269,689

Percent of assessments to Certified Programs for DUI Adjudication 70.6%  
Percent of assessments to Certified Programs for Court Collections 84%

These figures would indicated that approximately 13% of those DUI offenders adjudicated by the courts are ruled indigent by the court or have their assessment fee waived for some other reason.

In addition, 9.5% of all monies collected are retained by the District Courts and Municipal Courts for administrative purposes.


The remaining 6.9% of monies collected could be in the process of being paid to certified programs or being paid to programs or individuals who are not certified under K.S.A. 8-1008.

In conclusion the certified programs, on the average statewide, are only receiving 70.6% of the \$110.00 assessment as provided for in K.S.A. 8-1008. This amounts to \$77.60 per case.



We hope this short analysis based on the report furnished by the Judicial Administrator will be used in your committee's decision to pass SB 76 favorably and forward to the full Senate for further legislative action.

Respectfully,



Gene Johnson  
Lobbyist for

Kansas Community Alcohol Safety Action Project Coordinators Association  
Kansas Association of Alcohol and Drug Program Directors  
Kansas Alcohol and Drug Addiction Counselors Association

Department of Social and Rehabilitation Services  
**Senate Bill 76**

Before the House Appropriations Committee  
April 25, 1991

I am Andrew O'Donovan, acting commissioner of Alcohol and Drug Abuse Services, Kansas Department of Social and Rehabilitation Services.

I am testifying in support of Senate Bill No. 76, which would allow the Kansas Community Alcohol Safety Action Project Coordinators Association to raise their evaluation and monitoring fee from \$110 to a minimum of \$125 and up to a maximum of \$200.

The Alcohol Safety Action Projects provide an important role in the state's continuum of care by diagnosing and referring clients to the proper treatment service. This program receives no state or federal funds. Their revenue comes from fees established by state statute.

I do not support the amended language as this would allow the treatment provider to also perform the evaluation. The temptation for the provider would be to refer the client to their services whether they were appropriate or not. In many cases there could be a conflict of interest.

I support S.B. 76 in its original form and encourage the passage of the bill without the amended language.

Andrew O'Donovan  
Acting Commissioner  
Alcohol and Drug Abuse Services  
296-3925

HA  
4-25-91  
Attachment 8



CITY BUILDING  
ABILENE, KANSAS 67410  
PHONE: 913-263-2550  
P. O. BOX 519

April 24, 1991

House Appropriations Committee  
ATTENTION: Representative George Teagarden  
Capitol Building  
Topeka, Kansas 66612

Re: Amended Senate Bill No. 76

Dear Representative Teagarden and Committee Members,

I had hoped to be able to personally testify before your committee in support of amended Senate Bill No. 76; but my schedule does not permit me to travel to Topeka this week.

As a lawyer with sixteen years experience serving as Municipal Judge for several courts in Central Kansas, this letter is written to commend the legislature for the presentence alcohol and drug evaluation system you have previously provided to the people of Kansas.

In the not too distant past, we judges had no effective way of determining how to best handle and treat those drug and alcohol offenders that routinely appear before us. Not many years ago, we had a "simple revolving door", defendants came in and went back out, never having their problems evaluated and we were unable to prevent the recidivism that was running rampant. With the introduction of mandatory presentence drug and alcohol evaluations, we are able to effectively use the limited resources available to the court to serve both the public and the defendants. For every dollar the defendant is required to pay for an evaluation, we ultimately save the state and taxpayers many times that amount. A good presentence report allows efficient use of the limited resources available for drug and alcohol treatment. These reports also give the court a way of determining the best motivational device for the particular defendant.

With the increased complexity of testing techniques, staffing costs, etc., it is understandable that an increase in the assessment rate is necessary. We judges continue to ask for more and more information from the drug and alcohol evaluator. We cannot expect evaluators to maintain and/or substantially increase the quality of their reports to us without providing for corresponding cost increases.

HA  
4-25-91  
Attachment 9

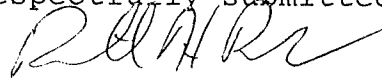
VISIT ABILENE - home of the Dwight D. Eisenhower Memorial

From a budgetary point of view, we should understand that these assessments come from the defendant/drug and alcohol offender and not from public funds. In reality, these assessments are paid for the purpose of saving public funds and are paid for by those defendants that cause the services to be required.

At present, the courts are allowed to assess the defendant only a \$110.00 fee for the evaluation we need. I would endorse Senate Bill No. 76 which does allow that amount to increase to a sum not less than \$125 and not more than \$200. While endorsing the need for an increase, I would respectfully suggest that a fixed fee increased to \$175 would perhaps be better for the state as a whole. In recent years, we have sought uniformity in our treatment of those with drug and alcohol problems and a bill which has a "range" of possible charges to a defendant could create a condition of economic competition between agencies to perform the evaluations. A fixed rate with a uniform charge throughout the state would avoid any "forum shopping" that might otherwise occur.

In summary, I strongly endorse an increase in the assessment fee rate from the present \$110.00 to a sum certain in the neighborhood of \$175.00 per evaluation.

Respectfully submitted,



Robert H. Royer, Jr.  
Municipal Judge  
City of Abilene, Kansas

Municipal Judge  
City of Solomon, Kansas

Municipal Judge  
City of Enterprise, Kansas

Senate Bill No. 76  
House Appropriations Committee  
April 25, 1991

Testimony of Paul Shelby  
Assistant Judicial Administrator  
Office of Judicial Administration

Mr. Chairman:

I appreciate the opportunity to appear today to offer a comment on Senate Bill No. 76 which proposes to increase the fee for Alcohol and Drug Safety Action Programs. The fee would be increased from \$110 to a minimum of \$125 but not more than \$200.

I would like to compare this sliding scale amount concept to traffic fines. In the past, our courts were highly criticized because traffic fines were not uniform statewide. As an example, the judge in each county set his/her own fine for speeding or a D.U.I. Under these conditions it could cost more in one county for speeding 10 miles over the limit than in the next county. The citizens of Kansas certainly did not like the law and criticized us constantly.

In 1984, the legislature enacted a uniform fine structure for traffic infractions which treats Kansans the same in all counties and has virtually ended criticism. I suspect that this proposal for a sliding scale of assessments for ADSAP will cause a similar problem of statewide nonuniformity, leading to criticism of the judicial system similar to that which existed before the 1984 traffic fine change.

Each Administrative Judge will have to find out what the different programs in the district would like to charge and then communicate the different amounts to all Municipal Courts in the judicial district; there could be differences from one county to the next or even between programs in the same county. All in all, it is easy to predict an administrative nightmare.

Another problem I see is that if a person is arrested and tried in Rawlins County and lives in Shawnee County and will be treated in Topeka, the Rawlins court will either under or over charge for the treatment program based on what is charged in Rawlins County. Either way, there will be additional administrative problems which could be easily avoided by sticking to one charge statewide.

We have no problem with the amount of the charge, only that a sliding scale will cause a great many problems; problems which could be avoided by adopting a single amount of assessment. Thank you for your attention.

HA  
4-25-91  
Attachment 10

SENATE BILL NO. 76  
HOUSE APPROPRIATIONS COMMITTEE

Testimony of Al Singleton  
Court Administrator, 21st Judicial District  
Legislative Chairperson KADCCA

Mr. Chairman and Committee Members:

I appreciate the opportunity to appear today to discuss Senate Bill No. 76 which would increase the fees for alcohol and drug safety action programs.

The current assessment for providing this service is \$110.00 regardless of where the program is located. Senate Bill No. 76 would increase this assessment to not less than \$125.00 nor more than \$200.00. Undoubtedly this fee should be increased to cover the cost of providing the service. However, having a range of fees creates a problem for a transient area such as Riley County. Each year the district court in Riley County has several persons, usually college students, who no longer reside in the area or who are home during a school break who are in need of having an evaluation. When this occurs the court orders that the evaluation be conducted where the person lives. With the current set fee schedule the court automatically knows how much to order the individual to pay for the service. This would not be true with a range of fees.

Riley County has more than one provider of these services because no one agency can complete all of the evaluations in a timely manner. If a flexible fee schedule is implemented each of the providers in the county could be charging a different fee. This could prove to be a real challenge when ordering the amount of payment at sentencing.

Another concern with a flexible plan, any provider could arbitrarily raise their fees at any time up to the maximum. This too could create a problem for the court to keep track of.

I encourage you to maintain one standard fee for all providers State wide.

HA  
4-25-91  
Attachment 11

District Court of Kansas  
Third Judicial District

Shawnee County, Kansas

Chambers of  
William Randolph Carpenter  
Administrative Judge of the District Court  
Division No. One  
Shawnee County Courthouse  
Topeka, Kansas 66603

April 25, 1991

Officers:  
Carol A. Meggison, C.S.R.  
Official Reporter  
295-4351  
Pamela S. Patton  
Administrative Assistant  
913-295-4365

Representative George Teagarden  
State Capitol  
Topeka, Kansas 66612-1590


Re: S.B. 76

Dear Representative Teagarden:

Please be advised that our court supports the provisions of S.B. 76 permitting the ASAP assessment fee to be increased to a range between \$125 and \$200. This fee has not been raised for a considerable period of time and this increase would be quite beneficial to the very fine ASAP program in this judicial district.

However, the provision regarding credit for previous drug or alcohol programs creates a concern since some of these programs may not have been designed for the same purposes as the ASAP program. In my view, the bill would be better without such provision.

Sincerely,

  
William R. Carpenter  
Administrative Judge

WRC:psp

HA  
4-25-91  
Attachment 12