

## MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Senator August "Gus" Bogina, Chairperson at 11:05 a.m. on March 1, 1991, in Room 123-S of the Capitol.

All members were present except:

Senators Doyen and Kerr, who were excused

Committee staff present:

Leah Robinson, Legislative Research Department  
Gordon Self, Revisors' Office  
Judy Bromich, Administrative Assistant  
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Senator Nancy Parrish, Chairman, Advisory Commission on Juvenile Offender Programs  
Charles Simmons, Chief Legal Counsel, Department of Corrections

**INTRODUCTION OF BILLS**

Senator Allen moved, Senator Gaines seconded, the introduction of the following bill drafts:

1 RS 1264 - An ACT concerning the uniform consumer credit code; loan finance charges for certain loans

1 RS 1053 - An ACT concerning imprest funds of correctional institutions and facilities of the department of corrections

1 RS 1128 - An ACT concerning the state correctional institutions; effecting certain consolidations and name changes; affecting definitions and conforming statutory references

The motion carried on a voice vote.

**HB 2011 - Monies credited to the juvenile detention facilities fund and disposition thereof**

Senator Parrish appeared before the Committee in support of HB 2011, noting that the bill was a product of an interim Judiciary committee. She explained that the passage of two bills during the 1990 legislative session provided two funding provisions (the docket fee and the license fee reinstatement). The moneys from these provisions were put into two funds, the Juvenile Detention Facilities Fund (which can provide for the construction and operation of detention facilities) and the Juvenile Detention Facilities Capital Improvements Fund (which can be used only for capital improvements). One of the purposes of HB 2011 would be to merge the two funds into the Juvenile Detention Facilities Fund in which the Juvenile Offenders Advisory Commission has authority to recommend the usage of the money for construction and operation of detention facilities.

Senator Parrish noted that the entire 10% of moneys from the Gaming Fund has gone to the Correctional Institutions Building Fund (CIBF) and none has been reappropriated to the Juvenile Detention Facilities Fund. The second purpose of HB 2011 is, therefore, to provide 50% of the Correctional Institutions Building Fund for juvenile detention facilities.

Attachment 1 was distributed and reviewed by Senator Parrish. She said that \$1.39 million in additional funds would be provided through HB 2011 and 1/2 of the Correctional Institutions Building Fund. The Advisory Commission at this point has said that it could participate only at the 50% level with available moneys, but counties encourage the state to increase its level of participation in the construction of facilities to comply with the mandate of removing children in need and juvenile offenders from jails. She stated that the Advisory Commission has not yet decided how the grants would be divided regarding the operation of the detention facilities.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, March 1, 1991.

In answer to a question, Senator Parrish noted that the Juvenile Offenders Advisory Commission has the authority to make grants to the counties. She reiterated that the Commission is committed to a regional program. The Chairman noted his objection to the spending of tax moneys without legislative oversight.

Senator Gaines suggested a statewide appraisal of facilities that might be utilized as detention facilities. Senator Parrish stated that because of health and environmental licensing standards and American Correctional Association standards, renovation is oftentimes more costly than construction. She noted that attendant care facilities have been set up for the purpose of keeping juveniles out of jail, but they are not secure settings.

In answer to a question, Senator Parrish stated that the targeted areas are the counties that do not have detention facilities, but the Commission would like to help the counties that have detention facilities with operational costs.

In answer to Senator Rock's question, Senator Parrish noted that the Commission would not fund any facility that is not serving a regional population.

Because the Docket Fee (implemented January 1, 1991) and the License Fee Reinstatement (implemented July 1, 1990) have not been in effect for a full year, the Chairman asked that staff check receipts.

Mr. Charles Simmons appeared before the Committee on behalf of the Secretary of Corrections, Steven Davies, to illustrate the impact of HB 2011 on the Department of Corrections (Attachment 2).

The Chairman stated that HB 2011 would be taken under advisement.

SB 74 - Appropriations for FY91 and FY92, capital improvement for University of Kansas Medical Center

The Chairman noted that there is sufficient moneys in the Educational Building Fund to finance capital improvements at the University of Kansas Medical Center. Senator Harder moved, Senator Feleciano seconded, that SB 74 be amended by providing Educational Building Fund moneys as the funding source for the capital improvements. The motion carried on a voice vote.

Senator Harder moved that SB 74 as amended be recommended favorable for passage. The motion was seconded by Senator Feleciano, and passed on a roll call vote.

Senator Feleciano moved, Senator Allen seconded, the introduction of conceptual legislation regarding liens upon personal injury damages recovered by patients; exception. The motion carried on a voice vote.

The meeting was adjourned by the Chairman at 11:55 a.m.





TO: SENATE WAYS AND MEANS COMMITTEE

RE: H.B. 2011 RELATING TO THE  
JUVENILE DETENTION FACILITIES FUND

FROM: THE ADVISORY COMMITTEE ON  
JUVENILE OFFENDER PROGRAMS

*SWAM*  
*March 1, 1991*  
*Attachment 1*

	Docket Fee	Docket Fee & Lic Reinstate	H.B. 2011	H.B. 2011	H.B. 2011	
Annual Income (Legislative Research est)	\$560,000	\$828,000	\$2,218,000	\$2,218,000	\$2,218,000	
Average Annual Net Debt Retirement						
State Participation Level-----	at 50%	at 50%	at 50%	at 75%	at 85%	
REGION	FACILITY					
Northeast (Douglas)	Det/14	\$76,421	\$76,421	\$76,421	\$114,632	\$129,916
Southeast (Crawford)	Det/14	\$78,448	\$78,448	\$78,448	\$117,672	\$133,361
North Central (east) (?)	Det/7	\$49,155	\$49,155	\$49,155	\$73,733	\$83,564
North Central (west) (Saline)	Renov	\$40,000	\$40,000	\$40,000	\$60,000	\$68,000
South Central (Reno)	Exist ***	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
Northwest (Trego)	Det/7	\$49,155	\$49,155	\$49,155	\$73,733	\$83,564
Southwest (Finney)	Det/14	\$76,421	\$76,421	\$76,421	\$114,732	\$129,916
Total Debt Retirement	\$409,600	\$409,600	\$409,600	\$594,502	\$668,321	
Balance for Operations	\$150,400	\$418,400	\$1,808,400	\$1,623,498	\$1,549,679	

\*\*\* Reno County's remaining bond indebtedness for the 12 bed facility is approximately \$40,000 for 10 years

TO: SENATE WAYS AND MEANS COMMITTEE

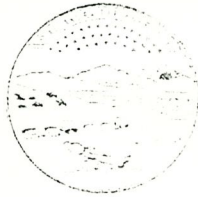
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STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

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Joan Finney  
Governor

Steven J. Davies, Ph.D.  
Secretary

To: Senate Ways and Means Committee

From: Steven J. Davies, Ph.D.  
Secretary of Corrections

Subject: House Bill No. 2011

Date: March 1, 1991

Section 1(a)(1) of House Bill 2011 would require that five percent of the moneys credited to the State Gaming Revenues Fund be credited to the Juvenile Detention Facilities Fund for Fiscal Year 1992.

Currently, the full ten percent amount of State Gaming Revenues Fund moneys is being credited to the Correctional Institutions Building Fund (CIBF) and is being used to finance capital improvements at the state correctional facilities. The impact of House Bill 2011 would be to reduce by half the amount of State Gaming Revenues Fund moneys credited to the CIBF, thereby reducing the amount of resources available to finance capital improvement projects at the state correctional facilities for Fiscal Year 1992.

The impact of this action on the Department of Corrections is shown on the attachment to this memorandum. For Fiscal Year 1992, the amount of Gaming Revenues available to the Department of Corrections would be reduced from \$2,736.848 to \$1,368.424. This would result in a decrease of approximately \$1.4 million in funds available for repair and rehabilitation projects on department facilities. This is based on the assumption that all available funds will be utilized. In the event that a balance is desired, the funds available for capital improvement projects will be reduced accordingly.

While the Department of Corrections certainly supports the concept of increased funding for juvenile detention facilities, it is not in favor of providing the increased funding by reducing the amount of resources available in the Correctional Institutions Building Fund. As an alternative to this reduction, House Bill 2455 would

SWAM  
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Attachment 2



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increase the total percentage of Gaming Revenues credited to the Juvenile Detention Facilities Fund and the Correctional Institutions Building Fund, combined, from ten percent to twenty percent. If the House Bill 2455 increase was enacted, the division proposed in House Bill 2011 would be much more acceptable to the Department of Corrections.

SJD:CES/pa  
Attachment

Correctional Institutions Building Fund - FY 1992

	HB 2011 <u>(Gaming Revenues - 5%)</u>	Current Law <u>(Gaming Revenues - 10%)</u>	Governor's Recommendation <u>(Gaming Revenues - 20%)</u>
Beginning Balance	\$ 2,375,051	\$ 2,375,051	\$ 2,375,051
Property Tax Receipts	1,216,275	1,216,275	1,216,275
Gaming Revenues	<u>1,368,424</u>	<u>2,736,848</u>	<u>5,473,695</u>
Total Available Resources	\$ 4,959,750	\$ 6,328,174	\$ 9,065,021
Estimated Expenditures:			
Steam Generating Plant - LCF*	3,271,900	3,271,900	3,271,900
Wastewater Treatment Improvements - LCF	236,884	236,884	236,884
Kitchen Expansion - HCF	182,641	182,641	182,641
Systemwide Repair and Rehabilitation Projects - DOC	<u>1,268,325</u>	<u>2,636,749</u>	<u>3,000,000</u>
Subtotal	\$ <u>4,959,750</u>	\$ <u>6,328,174</u>	\$ <u>6,691,425</u>
Ending Balance	\$ --	\$ --	\$ 2,373,596

\*Appropriated by the 1990 Legislature

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