

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at  
Chairperson

1:30 ~~AM~~ p.m. on Thursday, January 23, 1992 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Representative Joan Wagnon - Excused  
Representative Clyde Graeber - Excused

Conferees appearing before the committee:

Mary Torrence, Office of the Revisor  
Mary Galligan, Legislative Research  
Lynne Holt, Legislative Research  
Connie Craig, Secretary to the Committee

Chair Sebelius opened the meeting, and announced to the Committee that she would like to see the Committee do action on HB 2010, HB 2224, HB 2452, and HB 2555 to clear the docket.

Chair Sebelius began the briefing on the juvenile detention fund by calling on Sue Lockett, the current Chairwoman of the Juvenile Offender Advisory Commission.

Sue Lockett outlined recommendations and concerns of the Juvenile Offender Advisory Commission, Attachment #1.

Committee members asked Ms. Lockett the following questions:

- Who is on the Commission, and what is the composition of that group? - When do juveniles have to be out of adult jails to comply with the federal mandate?
- Sight and sound separation used to meet the guidelines; has that changed?
- Is there a requirement around the regional area of host counties that the other counties have to participate? What is the lever over the other counties that are not host counties to participate, or is there any?
- Who will pay for transporting juveniles to these host counties? Did the Commission have any way to pay for the cost of transportation?
- How is the Commission defining appropriate placements in communities where there is nothing else but a jail facility?
- How were host counties determined?
- The state will pick up 90% of the construction cost of these facilities, and the local host county picks up 10%? What is the mix of federal and state monies? Who is responsible for operational costs?
- Why would Finney County get cold feet? Chair Sebelius handed out a copy of a fax from Judge Handy, Finney County, to all Committee members, Attachment #2.
- Could a county jail have a separate wing dedicated to juveniles only?

Secretary Whiteman, S.R.S., appeared before the Committee to update them on juvenile detention facilities, Attachment #3.

Committee members asked the following questions:

- What amount of money is jeopardized if the state does not comply with the federal mandate?
- What acts as a lever for surrounding counties that forces them to participate? Is it going to be cost effective for Norton County to send their kids to Trego County?
- Once these regional centers would be completed, would the Attendant Care program cease to exist? Would the federal money used to fund Attendant Care be shifted to the juvenile detention fund?
- What is the triggering mechanism to start the construction of facilities or the issuing of bonds?

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Thursday, January 23, 1992.

Chair Sebelius interrupted the discussion to ask for a motion to introduce a bill. Representative Empson moved to introduce a bill dealing with restrictions and regulations for abortion. Representative Gjerstad made a second to the motion, which passed on a voice vote.

The Committee continued the discussion on the juvenile detention fund and federal mandates. Secretary Whiteman handed to Committee members information on federal mandates, Attachment #4.

Commissioner Louie McElhaney, from Douglas County, appeared before the Committee with an update on the status of planning for Northeast Kansas Regional Juvenile Detention Facility, Attachment #5.

Committee members asked the following questions:

- Following Mr. McElhaney's explanation of interlocal agreements among the participating counties providing guarantees of bedspace in exchange for compensation of operational costs, it was asked over what period of time would this be in effect? And is it anticipated that every year over the 15 year bonding life of the project that the 10% component part would be renegotiated among those 18 participating counties?
- Would this mean that one set of county commissioners would clearly bind future commissioners to a set amount? How realistic is it to vote right now, based on seven beds, if a new set of county commissioners is elected in three years, will they have some authority to be bound to that commitment?
- Why doesn't the state build these facilities and the counties can pay 10% to the state?

Commissioner Carolyn Hill, S.R.S., told the Committee that they are moving ahead with making contract provisions, and they should be out in two weeks. This will be going through the Kansas Developmental Finance Authority with a guarantee of 100% and look to the counties for 10%.

Chair Sebelius adjourned the meeting

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 1-23-92

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
JUDY D. CHASE	LANDON 1001	KDHE - CCLR
CHRIS ROSS	LANDON 1001	KDHE CCLR
Doug Bowman	Topeka	Children & Youth Advisory Comm
Karen DeViney	SRS - Docking Bldg	SRS
Margaret Robinson	Topeka	Interim
John Flecken	Manhattan	Doc. Program
Jane Zepher	Lawrence	Lawrence Journal World
Marty Kennedy	Topeka	SRS
MARTY Bloomquist	TOPEKA	KDFA
Anne Smith	Topeka	Ks. Assoc. of Counties
Steven Weckman	Topeka	Attorney for Kans. Assn. Co.
Louie McElroy	Lawrence, KS	Co. Commissioner
Chris McKee	Lawrence, KS	Dg. Cty. Administrator
Judy Culler	Lawrence, Ks.	The Stella, Inc.
Peggy Jarnon	Wichita, KS	PCAL
R. Lipsy	Topeka	AP
Sue Lockett	Topeka	JOP
Key Farley	Topeka	OJA / ACJOP
Helen Stephens	-	KPOA
Darney Hardman	Lawrence	KS Action for Children
Pete Rowland	1621 Merchant	Wichita
Dave O'Brien	Topeka	SRS - Youth/Adult Services
Carolyn Kelley Hill	Topeka	SRS - Youth/Adult Services
James Whitman	Topeka	SRS
Bruce Luchs	Lawrence	KALPCCA

TESTIMONY

SUE LOCKETT

Chairman, Juvenile Offender Advisory Commission

January 23, 1992

On December 13, 1991 the following motion was moved, seconded and unanimously passed by the committee:

That ACJOP continue to follow and support its initial course - to work towards the construction of the regional detention centers, particularly with those counties already in the development stage;

To support the 90% funding level for construction of the detention centers;

To encourage signing of the contracts;

The Committee continue to encourage the Host Counties to pursue any alternatives available to the detention of juveniles.

On January 10, 1992, following discussions with the Governor's office and SRS the Committee again supported the above position.

*Miss General, State Affairs  
1-23-92  
relax mail # 1*



DISTRICT COURT  
**Twenty-Fifth Judicial District**  
 STATE OF KANSAS

J. STEPHEN NYSWONGER  
 District Judge, Div. 1  
 PAUL D. HANDY  
 District Judge, Div. 2  
 PHILIP C. VIEUX  
 District Judge, Div. 3

P.O. BOX 798  
 GARDEN CITY, KANSAS 67846-0798

(316) 276-3051

January 22, 1992

Representative Kathleen Sebelius  
 State House  
 Topeka, KS 66612

Dear Representative Sebelius:

It is my understanding that a funding update hearing will be conducted January 23, 1992, concerning juvenile detention centers in Kansas.

In that regard, please accept this letter in support of any assistance your office can extend to assure that this area receives the necessary funding for a juvenile detention center.

As you know, in light of federal and state mandates, the prohibition against juveniles in jail places not only our local government but the judiciary in a precarious position when we are compelled to lodge a juvenile to protect the community or because of the child's dangerous propensities to harm himself or others. In Finney County alone 38 juveniles were incarcerated, separated by sight and sound, during the past calendar year. This figure does not encompass those juveniles who have been placed on probation; who continue to violate the conditions of their probation; who are neither working nor going to school; and who, for the lack of being appropriately detained, are on the streets committing new offenses against persons and property.

This epidemic of juvenile crime is not an issue that we can afford to ignore; it warrants prompt and immediate attention. The funding of a juvenile detention center in Garden City, Kansas, is a step towards giving it the appropriate attention.

The Board of County Commissioners of Finney County has already purchased the land for the site of the proposed center; and in addition to having the property rezoned, they have contacted

Post-It™ brand fax transmittal memo 7671 # of pages 2

To Rep Kathleen Sebelius	From Paul D. Handy
Co. State House	Co. Adm. Judge
Dept. 316-276-0251	Phone # 316-277-3599
Fax #	

*House Federal State Affairs  
 January 23, 1992  
 Attachment # 2*

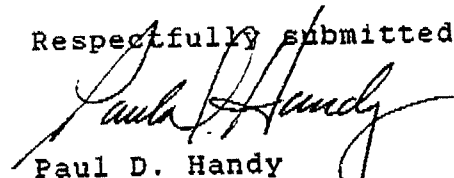
Representative Kathleen Sebelius  
page 2  
January 22, 1992

an architect for preliminary construction plans. All is in waiting; and currently we, the Court and the County, are in the dark as to what we can do to further emphasize the need in this regard.

Certainly, if I can be of any assistance in assuring these funds are allocated, I would be more than pleased to cooperate with your office, any committee or agency to accomplish that end.

Your attention and assistance is sincerely appreciated. Thank you.

Respectfully submitted,



Paul D. Handy  
Administrative Judge

PDH/dc

copy: Donna Whiteman, SRS

HF 3 SA  
1-23-92  
#2-2

KANSAS STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Legislative Testimony on Juvenile Detention Facilities  
January 23, 1992

Prepared for the House Federal and State Affairs Committee  
Secretary Donna Whiteman

The State of Kansas has been struggling for several years now to meet its obligation to remove juveniles from adult jails. The Advisory Commission on Juvenile Offender Programs has been the group responsible for planning and recommending action to the executive and legislative branches to ensure that the state complies with the federal mandate. Included in the information before you are several documents which detail the history of these efforts and our present circumstances.

I would like to call your particular attention to ATTACHMENTS A AND B. These summarize the actions taken over the years since 1980 by the Congress and the courts with regard to the issue of juveniles in adult jails; by the state with regard to implementing alternatives in the form of intake services and youth attendant care; and the actions of the Advisory Commission in studying the problem and recommending the creation of five regional detention centers to serve the rural areas of the state which would result in adding 59 beds to the already existing 157 beds in urban counties.

As SRS moves forward to implement the recommendations of the Advisory Commission on Juvenile Offender Programs, there are several questions which need to be considered.

1. Will the state be overbuilding?

Although only 59 additional beds are proposed, everyone seems to recognize that once they are built, they will be filled. Will this result in widening the net with the inclusion of youth who are not presently being jailed? Based upon incomplete data, there appear to have been approximately 1,100 juveniles jailed in 1991, of whom about 200 were held for less than six hours for processing purposes. Assuming that 900 needed to be held for an average of 15 days, the additional number of detention beds needed statewide would be 37.

*House Federal & State  
Affairs  
1-27-92  
Attachment # 2*

2. Will the addition of these beds result in more youth being placed in SRS custody rather than community solutions being sought and developed?

A specific concern is any widening of the net resulting in an increase of youth in SRS custody for placement purposes. This comes at a time when we believe the state should be reversing the trends of placement of children and youth out of their homes and communities. A full array of community services needs to be developed so that placement in SRS custody will be limited to those juveniles who have failed in community programs and/or whose behavior actually warrants youth center placement. We believe the building of these facilities should be contingent upon the development of alternatives in the community which must exist if we are to reverse the trends toward institutionalization of children and youth.

3. Are the funds available to build and support the facilities?

ATTACHMENT C details the collections to date in the funds approved by the Legislature. The collections are presently exceeding those required to support the statewide bond issue for construction purposes. Although the legislation enables the funds to be used for operations and the Advisory Commission recommended the funding of operational costs of both the new and existing facilities, the funds are not adequate to make any meaningful contribution to operational costs. Counties continue to express concerns about the lack of funds to operate the facilities. If operational costs become an issue, it is anticipated facilities will seek and receive additional revenues for operations which will diminish the resources needed to develop community alternatives.

4. Should the state "guarantee" 100% of the costs of construction even though only 90% of construction costs are coming from state funds? See ATTACHMENT D on this issue. As noted in the Kansas Development Finance Authority letter, a state guarantee will ensure a higher rating for the bonds. There would be mechanisms for the state to recover funds from the counties should they default on their contractual obligations.

The Advisory Commission recommended and the Department accepted a plan in July to cover 90% of the costs. We are now advised the bond issue is much more marketable if the state guarantees all the funds. The expected savings are \$1,250,000 over the life of the bond issue. See ATTACHMENT D--K DFA letter of January 6, 1992.

HF 35A  
1-23-92  
#3-2



5. What choices exist for the state given the federal mandate?

The existing urban facilities are almost continuously full with juveniles from the home counties and even if that were not the case the transportation issues for rural counties are so grave that the option of utilizing existing beds is not feasible.

Kansas could withdraw from participation in the Juvenile Justice and Delinquency Prevention Act. The consequences of this action would reach far beyond the loss of \$480,000 per year: (a) The nation as a whole is moving rapidly toward compliance on jail removal. Based on the most recent data (1990) supplied to the Justice Department, 39 of the states are in compliance; three, due to recent entry into the Act, do not have to show compliance for several more years; the remainder are in various stages of implementing programs and projects which will bring them into compliance shortly. All four of our bordering states are in compliance and only New Hampshire and Alaska are further behind Kansas in moving to complete compliance. (b) Counties will continue to face liability issues and there is some possibility of liability for the state based on the Hendrickson v Griggs case in Iowa.

The continued use of jails to house juveniles is simply not going to be possible in the next few years. Only 34 of the state's 122 adult jails and lockups can provide minimal sight and sound separation for juveniles. They are overcrowded and understaffed and cannot provide education, recreation, counseling and other program activities the federal courts say juveniles require.

From the Department's perspective, none of these choices is ideal. The construction of these beds is not consistent with where we believe this state must put its resources. However, given the prospect of both loss of the federal funds and the potential for litigation, we recognize we must move ahead toward solutions. If the beds are to be constructed, we must expect the communities to develop the other services which help ensure detention is not overused. Examples include intake services, attendant care, electronic monitoring, day reporting and/or some sort of "tracker" system. Ultimately prevention and early intervention with children and families at risk hold the most promise for our clients and will maximize scarce state dollars.

Donna L. Whiteman  
Secretary  
Department of Social and  
Rehabilitation Services  
(913) 296-3271

HF35A  
1-23-92  
#3-3

**ATTACHMENT A**  
**JUVENILE DETENTION SERVICES FOR KANSAS**

Kansas joined the Federal Juvenile Justice and Delinquency Prevention program in 1978. One of the mandates of the Act is the removal of juveniles from adult jails. Congress found that juveniles in adult jails were in jeopardy of abuse and could not receive necessary services. Parallel with the development of the Federal Act, state and federal courts began to intervene in two areas: (1) the conditions of confinement for juveniles; and (2) the liability of local officials for harm to juveniles placed in adult jails and lockups. In a succession of cases in the 1970s and 1980s, courts found that the conditions of confinement in adult jails could not meet the special solicitude requirements needed by detained juveniles. Such considerations as counseling, recreation and education were simply not available in adult jails, nor were jailers trained to deal with the special needs of juveniles. Concurrently, courts found for juveniles who were harmed while in adult jails, and local officials began to ask for changes in the system.

In Kansas, the Advisory Commission on Juvenile Offender Programs began to review the situation in which about 1800 juveniles a year were being held in adult jails and lockups, and in June 1983 adopted a policy of moving forward to remove juveniles from adult jails and lockups. Utilizing federal funds, the Advisory Commission started removal programs in the form of intake services or alternative housing for non-violent youthful offenders.

In 1986, the Kansas legislature, urged by the Advisory Commission, required each county to develop a plan for removing juveniles from adult jails. An analysis of those plans made clear that the rural areas of the state needed an array of services, with regional detention facilities at the top of a pyramid of services. At the time only the four metropolitan counties had detention facilities; in most instances their beds were fully occupied by in-county youth; and the transportation of youth from the most distant rural areas presented insurmountable difficulties.

During 1987 and 1988 the State, using federal funds, began a plan to provide intake services and attendant care to some of its rural areas. Intake services had proved to be very effective in reducing the number of juveniles detained in adult jails. Utilizing federal funds, the Advisory Commission provided seed money to Lyon, Douglas, Finney, Riley, Crawford, Bourbon, Linn and Miami Counties to initiate intake programs which have proved effective in reducing jailings in those counties. In 1988 Kansas received the first of two special discretionary grants to initiate a youth attendant care program for rural counties. This program called for a local-State partnership in which the counties locate a non-secure room and the State provides training and an hourly fee to local volunteers who sit with youth on a one-to-one basis for a maximum of 24 hours while other arrangements are made for the youth. Some 76 counties are currently participating through 32 sites, and another 6 sites

are in development. Some 807 youth had been provided services through September of 1991, with dramatic reductions in the number of youth placed in adult jails.

In 1989, the Advisory Commission determined to take jail removal legislation to the 1990 session of the legislature. The result was the passage of H.B. 3041, which provides that no Children in Need of Care can be held in Kansas jails after January 1, 1991 and no other categories of juveniles may be held in jails after January 1, 1993. In addition, the legislature provided approximately \$740,000 per year for the construction and operation of detention centers through an increase in the docket fee and driver's license reinstatement fees. In the same year the Commission contracted with a private consultant to perform a needs assessment and preliminary planning for detention beds. The recommendations which emerged called for the creation of 59 new detention beds to be located in five rural counties. The facilities were designed to be regional in nature and were recommended to be located in Trego, Finney, Crawford, Douglas and an undesignated county in the northcentral part of the state.

During the summer of 1990 public meetings were held in various regions of the state and the Kansas Association of Counties held a statewide meeting for county officials in Salina. This activity was followed by a public forum in October at which the Advisory Commission received input from county officials. In November the Commission made preliminary designations of Trego, Finney, Douglas and Crawford Counties as the host counties for new regional detention facilities, and a designation of the existing Reno County facility as the center for the southcentral region.

In May 1991, the Commission formally advised the Secretary of Social and Rehabilitation Services to contract with Trego County to provide a seven bed regional facility to serve the northwest; with Finney County to provide a 14 bed regional facility to serve the southwest; with Douglas County to provide a 14 bed regional facility to serve the northeast; with Crawford County to provide a 14 bed regional facility to serve the southeast; and with Reno County to make its existing 12 bed facility available as a regional facility for the southcentral counties. Designation of a host county for the northcentral area was postponed pending further developments. The contractual arrangements between the State and the counties are to be based upon State participation in construction bond debt retirement.

In October 1991, Attorney General Stephan issued an opinion that the Kansas Development Finance Authority has the authority to issue bonds for the construction of juvenile detention facilities. Negotiations between the K DFA, SRS and the designated host counties have continued.

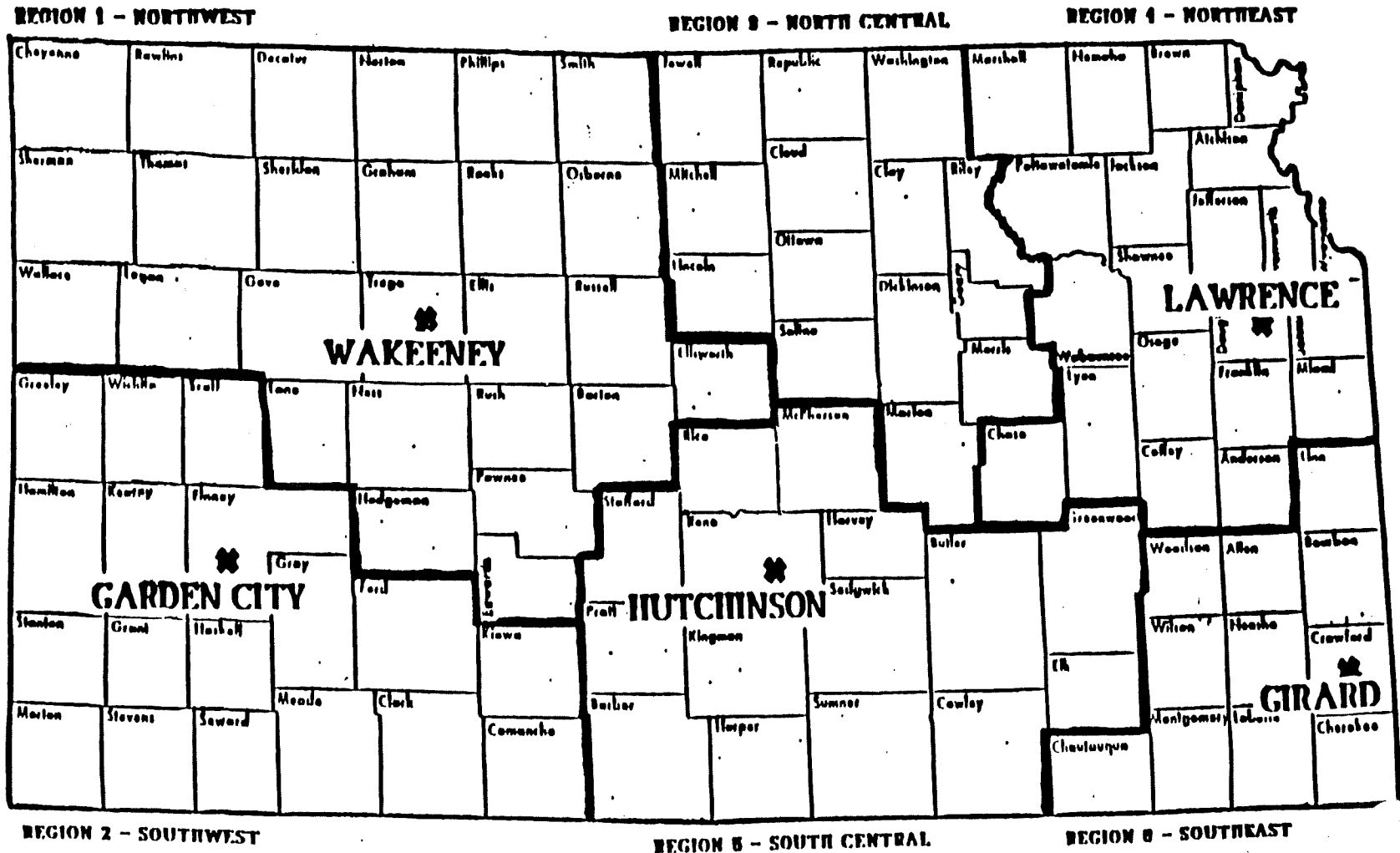
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#3-5

At present, the State has six detention centers with a total of 157 beds located in urban areas:

Johnson County	30
Reno County	12
Saline County	5
Sedgwick County	40
Shawnee County	22
Wyandotte County	48

The five proposed facilities will add 59 new beds to serve the rural areas of the State.

# REGIONAL CACHIEMENT AREAS



HFB:AK  
 1-23-92  
 7-3-97

## **The Kansas Youth Attendant Care Program**

During the last three years a network of Attendant Care programs has been developed in the rural areas of the State. The Attendant Care concept was first developed in the State of Michigan as an alternative to placing youth in Adult Jails and Lock-ups. The program was adapted to meet these same needs in Kansas. The goal of Attendant Care is to provide a short-term alternative to jail. A juvenile can be supervised in Attendant Care up to 24 hours, excluding weekends and court holidays. Youth in the program are constantly supervised by trained, same-sex attendants.

In December of 1988 the first two Attendant Care programs in Lyon and Clay counties received licenses to operate. There are currently 32 operational sites that serve a total of 76 counties. One county has their licensing application in to the Department of Health and Environment. Seven other counties have expressed interest in developing programs. (Please refer to the Kansas map.)

The Attendant Care program has successfully served 807 youth since it's inception. Fifty-eight percent (58.11%) of the juveniles served have been runaways or Children in Need of Care, nearly fifteen percent (14.62%) for Auto Theft, ten percent (10.03%) for crimes against property, nine percent (9.29%) for outstanding warrants or violation of probation, nearly five percent (4.95%) for alcohol and drug violations and finally three percent (2.97%) for violent crimes or crimes against persons. (Please refer to the pie graph.)

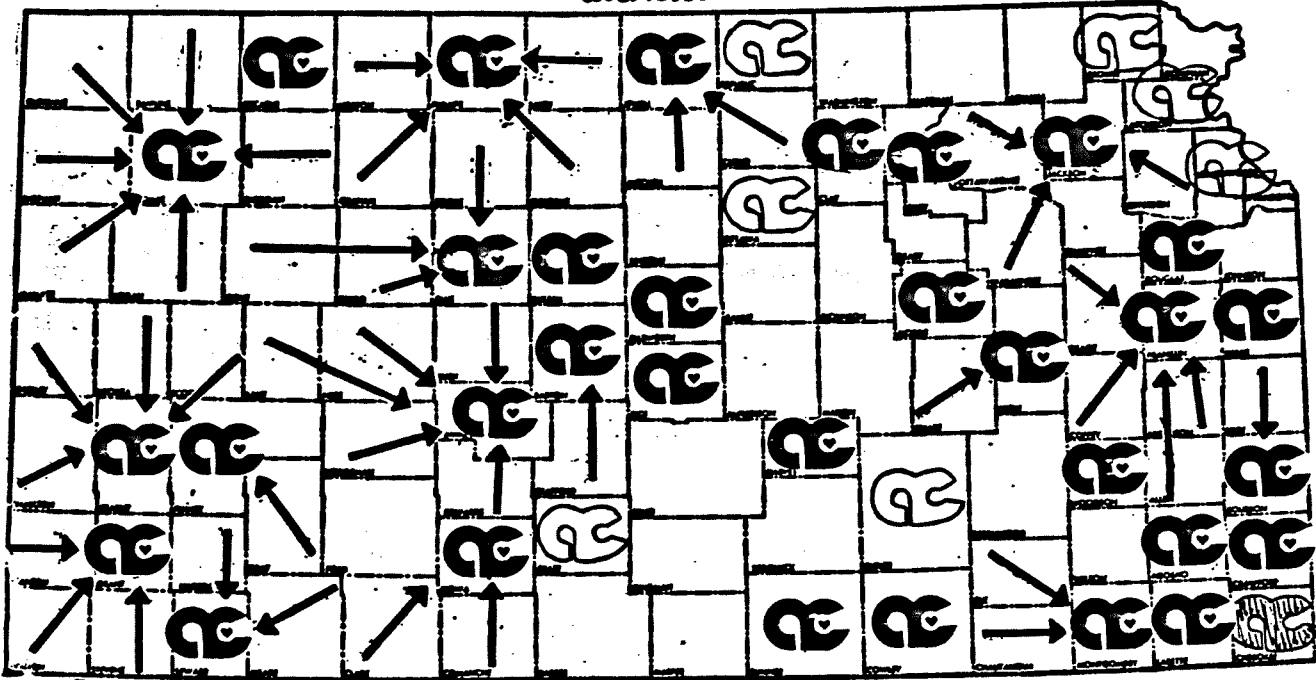
Five hundred and ninety-five adults have been trained as Youth Attendants. The two main sources of attendants are retirees and college students. They receive sixteen hours of training in listening, communication, crisis intervention and de-escalation, adolescent development, short-term relationships, suicide and substance abuse. The Attendant Care program consistently attracts people who care about adolescents and want to make a contribution to their community.

The mission of the Attendant Care program is to provide a safe environment for youth and the Attendant and to treat youth in care in a humane manner. This program works because of the level of supervision: Youth Attendants focus on being good listeners to young people in crisis.

H-35A  
1-23-92  
#3-8

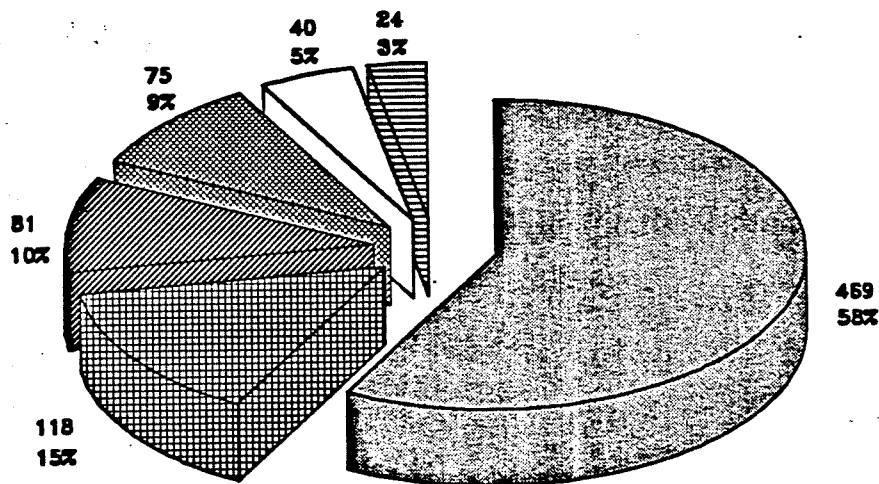
# Attendant Care

KANSAS



 Operational Site  
  Licensing Submitted  
  Development

YOUTHS IN ATTENDANT CARE DEC 1988 - SEPT 1991



■ RUNAWAY/CINC   ■ AUTO/FELONY THEFT   ■ PROPERTY/MISC.   ■ WARRANT/PROB. VIOL.  
 □ ALCOHOL/DRUG   ■ VIOLENT CRIMES

11-23-91  
 # 3-9

**TO:** Acting Secretary Robert C. Harder  
Acting Commissioner Carolyn Risley Hill

**FROM:** The Advisory Commission on Juvenile Offender Programs

**RE:** Recommendation Adopted June 14, 1991

**ACTION:** FORMALLY ADOPTED BY SECRETARY HARDER AT THE SRS OPEN MEETING ON JULY 2, 1991

The Advisory Commission on Juvenile Offender Programs, after lengthy study, analysis and adoption of a detention services plan, and pursuant to KSA 79-4803 and KSA 75-5389, advises the Secretary of the Department of Social and Rehabilitation Services and the Commissioner of Youth/Adult Services to underwrite the construction of regional juvenile detention facilities from the Juvenile Detention Facilities Fund and the Juvenile Detention Facilities Capital Improvement Fund.

The Advisory Commission recommends that the Secretary should contract with the following counties to underwrite the financing of the construction of regional juvenile detention facilities of the size stated; in the annual amount stated; and for the duration stated:

Crawford County	14 beds	\$137,558 or 90% of the actual annual cost, whichever is lessor, for a 20 year period
Finney County	14 beds	
Douglas County	14 beds	
Trego County	7 beds	\$88,479 or 90% of the actual annual cost, whichever is lessor, for a 20 year period
Reno County	12 beds	\$40,000 to underwrite an existing bond issue for a 10 year period

The Advisory Commission further advises the Secretary and the Commissioner that all other counties should be notified that no additional construction of juvenile detention facilities will be underwritten from the Juvenile Detention Facilities Fund, except that funds may be made available for a regional North Central facility. The Secretary and the Commissioner are further advised that the conditions in the attached draft contract be incorporated into the agreements entered into by the Secretary and the named counties.

The Advisory Commission further advises that the balance of funds in the Detention Facilities Fund should be made available for operational purposes only to the counties named in this recommendation and to Johnson, Saline, Sedgwick, Shawnee and Wyandotte Counties, which currently have licensed juvenile detention facilities.



STATUS OF JUVENILE DETENTION FACILITIES CAPITAL IMPROVEMENT FUND AND JUVENILE DETENTION FACILITIES FUND

JUVENILE DETENTION FACILITIES CAPITAL IMPROVEMENT FUND (FUND NO. 2232)

	FY 1991											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Beginning Balance	0	244	6,993	14,033	20,951	28,047	34,224	41,522	48,820	58,111	68,289	77,967
Motor Vehicle Licenses	244	1,013	950	956	935	984	1,143	1,225	1,275	1,596	1,306	644
Drivers' Reinstatement Fee	0	5,736	6,090	5,961	6,161	5,194	6,155	6,073	8,016	8,582	8,372	8,386
Subtotal Revenue	244	6,749	7,040	6,918	7,096	6,177	7,298	7,298	9,291	10,178	9,678	9,029
Expenditures	0	0	0	0	0	0	0	0	0	0	0	0
Ending Balance	244	6,993	14,033	20,951	28,047	34,224	41,522	48,820	58,111	68,289	77,967	86,996

	FY 1992					
	Jul	Aug	Sep	Oct	Nov	Dec
Beginning Balance	86,996	96,347	106,908	116,470	126,123	135,310
Motor Vehicle Licenses	1,819	1,451	1,475	1,788	1,643	1,573
Drivers' Reinstatement Fee	7,532	9,111	8,087	7,985	7,543	8,649
Subtotal Revenue	9,351	10,562	9,562	9,773	9,186	10,223
Expenditures	0	0	0	120	0	0
Ending Balance	96,347	106,908	116,470	126,123	135,310	145,532

Statutory Basis : 1990 Session Laws, Chapter 43, Sections 3(b) & 8(c)

JUVENILE DETENTION FACILITIES FUND (FUND NO. 2696)

	FY 1991											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Beginning Balance	0	0	0	0	0	0	0	64,956	120,696	172,806	228,823	290,418
Court Docket Fees	0	0	0	0	0	0	64,956	55,741	52,110	56,016	61,595	57,084
Expenditures	0	0	0	0	0	0	0	0	0	0	0	0
Ending Balance	0	0	0	0	0	0	64,956	120,696	172,806	228,823	290,418	347,502

	FY 1992					
	Jul	Aug	Sep	Oct	Nov	Dec
Beginning Balance	347,502	403,313	457,969	518,179	579,891	634,318
Court Docket Fees	55,811	54,656	60,210	61,712	54,427	49,825
Expenditures	0	0	0	0	0	0
Ending Balance	403,313	457,969	518,179	579,891	634,318	684,143

Statutory Basis : 1990 Session Laws, Chapter 202, Section 26 (f)

ATTACHMENT C

#3-11  
1-23-92  
HP/SA



STATE OF KANSAS

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

915 S.W. Harrison, Docking State Office Building, Topeka, Kansas 66612-1570

JOAN FINNEY, Governor

January 14, 1992

SOCIAL & REHABILITATION  
SERVICES

JAN 15 1992

Youth Services

Ms. Carol Kelpin  
Kansas Development Financing Authority  
Accounting Unit  
Capital Towers, 400 SW 8th, Suite 100  
Topeka, KS 66603

Dear Ms. Kelpin:

This is in response to your request for information concerning the history and status of the Juvenile Detention Capital Improvement and Juvenile Detention Facilities funds. The monthly status of these funds are shown on the following page.

Please do not hesitate to call if you need additional information.

Sincerely,

Phil Anderson  
Budget & Reports Unit

PA:mv

Att.

HF SA  
1-23-92  
773-12



# KANSAS

## KANSAS DEVELOPMENT FINANCE AUTHORITY

Joan Finney  
Governor

ATTACHMENT D

Terence J. Scanlon  
President

### MEMORANDUM

**DATE:** January 6, 1991

**TO:** Dave O'Brien, Department of Social and Rehabilitation Services (SRS)

**FROM:** Marty Bloomquist, Program Manager *MAB*

**SUBJECT:** State of Kansas Juvenile Detention Facilities Project

The purpose of this memo is to further discuss items addressed at the January 2 meeting on the above-captioned project. The members of the finance team that were present included the financial advisor, myself and the bond attorney via speaker phone. Also present were representatives from Trego, Crawford and Douglas Counties, the Chairperson of the ACOJOP, John House of the SRS legal group and yourself.

The main topic of discussion by the group was the proposed contract between each host county and SRS. Also discussed were comments on the current draft of the contract from Secretary Whiteman and Chris McKenzie of Douglas County.

Pursuant to our discussion at that meeting, I have discussed certain terms of the contract further with our bond counsel and financial advisor. Here are some thoughts concerning the issues raised by Section C. 2 of the contract that would strengthen the marketability of the bonds and would result in substantial savings to SRS.

SRS will agree to pay to KDFA the debt service on the bonds from the Juvenile Detention Facilities Capital Improvement Fund and the Juvenile Detention Facilities Fund. The counties will have the option to contribute their share of the project costs or include up to 10 percent of such costs in the bond issue. To the extent that the counties finance their share of the the project costs, the counties would enter into an agreement to pay SRS for their share of the debt service.

This structure will result in a more favorable interest rate on the bonds and reduce the costs to the state throughout the life of a 21 year bond issue by an estimated \*\$1,250,000. This figure alone represents a 15% savings in interest expense to SRS. This structure provides an additional \$1.25 million to SRS throughout the next 21 years to use for other purposes.

BOARD OF DIRECTORS  
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This structure creates a simpler, stronger and more understandable bond issue, with one borrower making disbursements for four projects, as opposed to the state and four counties of varying credit qualities, all borrowing using a 90 percent/10 percent debt service repayment funding formula.

You had also inquired about how the risks assumed by SRS would be minimized. In the event that a county does not pay their portion, the documents will provide certain protections to SRS. Here are some ideas from previous KDFA bond issues that are considered typical remedies in public purpose bond issues:

1. SRS can break the lease with the host county and declare the entire principal and interest amount, representing the county's portion, due and payable.
2. If a county doesn't pay their share, KDFA can direct the Director of the Division of Accounts and Reports to intercept monies channeled through the state ear marked for the county, for repayment. KDFA and the Department of Administration have used this intercept mechanism in the state's equipment lease purchase program since 1984. For example, when SRS purchases equipment through this program, the Department is subject to this mechanism in the event that SRS cannot make a lease/purchase payment.
3. SRS can sue for judgement and may exercise any other remedy available at law or in equity.
4. If a county cannot make a payment, that portion could come from a debt service reserve fund. Almost all of KDFA's bond issues have had reserve funds. This is an amount that can be funded from cash, but in KDFA's case, has usually been funded through bond proceeds. This is a general practice in "annual appropriation" government bond issues and acts as a form of self-insurance in the event that a debt service payment cannot be made. By Federal Tax law, it cannot exceed 10% of the bond issue. Debt service reserve funds are invested at just below the yield rate of the bonds, pay for themselves and, if not tapped for debt service payments earlier in the bond issue, are collapsed to make the final debt service payment(s).
5. Other risks on the facilities that would be jointly shared by the counties and outlined in the bond documents would include responsibilities to maintain, repair and insure the facilities.

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Once again these are suggestions and have been condensed from the legal transcripts of other KDFA bond issues. If after you've discussed these items with Secretary Whiteman, she would like to discuss the financing, the financial advisor, myself and the bond counsel would be available in person or by phone to give an overall briefing.

\* This \$1,250,000 savings calculation is based on a 100 basis point reduction in average coupon rates for a 21 year bond issue in a principal amount of \$8,055,000.

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**Kansas Development Finance Authority**  
**Insured Lease Revenue Bonds**  
**(State Juvenile Services Facilities Project) Series 1992**

Annualized Estimated Income	\$736,000
Average Annual Net Debt Service Requirement	\$641,362

State Participation Level	90.00%
---------------------------	--------

Region	Cost	%	
Northeast (Douglas)	1,493,025	22.69%	130,993
Southeast (Crawford)	1,493,025	22.69%	130,993
North Central	1,200,000	18.24%	105,284
South Central (Reno)			40,000
Northwest (Trego)	900,000	13.68%	78,963
Southwest (Finney)	1,493,025	22.69%	130,993
<b>Total Debt Requirement</b>	<u>6,579,075</u>	<u>100.00%</u>	<u>617,226</u>
 Balances For Operations			 116,774

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Kansas Development Finance Agency  
\$8,055,000 Insured Lease Revenue Bonds  
(State Juvenile Service Facilities Project) Series 1992

SOURCES AND USES

Dated 1/01/1992	Delivery 1/01/1992
Par Amount of Bonds.....	\$8,055,000.00
<b>Total Sources</b>	<b>\$8,055,000.00</b>
Total Underwriter's Discount (0.950%).....	876,522.50
Costs of Issuance.....	60,000.00
Gross Bond Insurance Premium.....	86,302.91
Deposit to Debt Service Reserve Fund (DSRF).....	800,000.00
Deposit to Capitalized Interest Fund (CIF).....	615,275.56
Deposit to Project Construction Fund.....	6,415,366.05
Contingency.....	1,532.98
<b>Total Uses</b>	<b>\$8,055,000.00</b>

*this amount is reinvested to reduce the annual debt service payment.*

**ACTUAL PROJECT COST**

The Boatmen's National Bank of St. Louis  
Public Finance Department

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*then it is collapsed at the end of the bond issue to make the final debt service payments*

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Kansas Department of Social and Rehabilitation Services

Legislative Testimony on Federal Mandates  
January 30, 1992

Prepared for House, Federal and State Affairs Committee

Secretary Donna Whiteman

I want to thank the Committee for the opportunity to speak to the issue of federal legislative mandates. Such mandates have had a pronounced impact on the benefits and operation of our Department in recent years.

I have attached a list of the major federal mandates imposed upon SRS programs over the last six years. As you can quickly see, the Medicaid program has been the principle focus of Congressional mandates. Within Medicaid the one mandate that stands head and shoulders above the rest is the requirement that younger children and pregnant women receive Medicaid coverage if their families are below specific percents of the federal poverty level. Also attached is a profile of the evolution of this mandated coverage. Note that the first liberalization of Kansas policy in this area came one year prior to Congressional passage of the mandate.

Many of the other mandates listed under Regular Medical Assistance were also created to directly or indirectly address the national focus on improving our infant mortality and early childhood development picture. The United States infant mortality and low birth weight situation is among the worst when compared to other industrialized nations. Item #2 on the attached list was created to insure that when a physician diagnosed early health problems in a child he or she was not impeded by state Medicaid coverage policies in ordering appropriate remedial treatment. Item #4 was an attempt to insure that each state's payment rates for Obstetric and Pediatric care was competitive with rates of other third party payors and covered the physicians cost of doing business. This is especially critical in the Obstetrics area where poor pregnant women are often considered higher legal risks and more difficult patients because of patterns of behavior adversely affecting birth outcomes.

The Adult Care Home mandates of the last 6 years have naturally focused on improved patient care. These include more active involvement of staff in the care of the mentally retarded, better trained health care aides, and a greater presence of professional nursing staff. Also among these mandates are several eligibility related matters, including #16, the highly publicized Division of Assets law. I should note that in this case too, Kansas enacted its own Division of Assets legislation one year in advance of Congressional action.

In the area of welfare assistance, the major federal initiative was

*House Federal & State Affairs  
January 23, 1992  
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Legislative Testimony on Federal Mandates  
January 30, 1992  
Page Two

the enactment of the Job Opportunities and Basic Skills (JOBS) program in 1989. Once again Kansas had already begun a nearly identical work and training program for cash assistance recipients in select counties a year earlier.

Child Support Enforcement legislation has been on the front burner in Congress for over a decade. Many of the mandates imposed upon states are in keeping with the goals of the states and are often self-funding. Our main problem with these mandates is that they have often taken away our freedom to set our own child support priorities.

While the goals of most of these mandates are difficult to argue, they have often required reallocation of static revenue, human resources, and technology. Recent proposals to severely restrict the General Assistance and MediKan programs are more than casually related to the fiscal demands of these mandates. It seems now that the price of these mounting mandates will be covered by the receipt of substantial amounts of disproportionate share funds. However, due to recent actions by Congress this revenue will not rise further. We are capped at our present level of reimbursement. Other revenue sources to maintain the rising cost of Medical care and job program efforts will need to be developed for FY 1994 and beyond or other SRS programs will be adversely affected.

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# Estimated Present Cost of Major Federal Mandates Created Since 1986

Kansas Department of Social and Rehabilitation Services  
Division of Management Services

FY When Begun:	Program—Issue	Estimated Present Cost		
		State	Federal	All Funds
<u>Medical—Regular Assistance</u>				
1 1989	Expanded Coverage of Pregnant Women and Children	\$19,800,000	\$28,200,000	\$48,000,000
2 1990	No Coverage Limits on Kan Be Healthy Children	3,500,000	5,000,000	8,500,000
3 1991	Open Formulary in Medicaid Pharmacy Coverage	3,300,000	4,700,000	8,000,000
4 1990	Minimum OB and Pediatric Rates	3,300,000	4,700,000	8,000,000
5 1990	12 Months Med Asst to AFDC Client Obtaining Employment	2,800,000	4,000,000	6,800,000
6 1988	Disproportionate Share Payments to General Hospitals	650,000	950,000	1,600,000
7 1989	Qualified Medicare Beneficiary Coverage (QMB)	600,000	900,000	1,500,000
8 1990	Continuous Eligibility for Pregnant Women & Infants	550,000	750,000	1,300,000
9 1991	On—site Eligibility Staff required in Certain General Hospitals	250,000	300,000	550,000
10 1989	Various Medicare—related Changes Affecting Medicaid	200,000	300,000	500,000
11 1988	Emergency Medical Services to Illegal Aliens	<40,000	<60,000	<100,000
12 1990	Continued M*Caidd to Formerly SSA/SSI Disabled (QWD)	<40,000	<60,000	<100,000
13 1988	Limited Medical Services to Illegal Aleins in Amnesty Prgm	<40,000	<60,000	<100,000
	Total, Reg Med	\$35,070,000	\$49,980,000	\$85,050,000
<u>Medical—Adult Care Homes (ACH)</u>				
14 1986	Reimbursement of ICF—MR for Active Treatment	\$2,500,000	\$2,500,000	\$5,000,000
15 1989	24 Hour Nursing Coverage in Nursing Facilities (NF)	2,100,000	1,500,000	3,600,000
16 1989	Division of Income/Assets for Well Spouse/Dependent	1,500,000	1,500,000	3,000,000
17 1990	Shift of VA Nursing Home residents to Medicaid	1,100,000	1,100,000	2,200,000
18 1986	Account for Re—Evaluation of NF's/ICF'sH Assets in Rate Setting	1,000,000	1,000,000	2,000,000
19 1989	Expanded Training of Adult Care Home Nurse Aides	700,000	800,000	1,500,000
20 1988	Combining SNFs and ICFs for Aged into "Nursing Facilities"	500,000	600,000	1,100,000
21 1989	Medical Director/Social Worker Required in Nursing Facilities	400,000	400,000	800,000
22 1989	Mandated Increase in ACH Personal Needs Allowance to \$30	400,000	340,000	740,000
23 1989	Standardized Patient Assessments in Adult Care Homes	250,000	250,000	500,000
	Total, ACH	\$10,450,000	\$9,990,000	\$20,440,000
<u>Cash Assistance and Related Work Programs</u>				
26 1989	KanWork and Other Federally—Mandated Work Activities	\$7,100,000	\$11,100,000	\$18,200,000
27 1989	Increased Earnings Disregard for Working AFDC Clients	350,000	450,000	800,000
28 1990	Eliminate Ks Penalty for AFDC Client Voluntarily Quitting Job	300,000	400,000	700,000
29 1989	Eliminate Earned Income Credit in AFDC Grant Calculation	180,000	220,000	400,000
	Total, Cash/Work Prgms	\$7,930,000	\$12,170,000	\$20,100,000
<u>Child Support Enforcement</u>				
30 1992	Mandated Changes to Collection Processing/Distribution System	\$1,000,000	\$1,000,000	\$2,000,000
31 1986	Expansion of Legal Collection Avenues	600,000	1,100,000	1,700,000
32 1986	Pass Thru First \$50 of AFDC Collections to Family	750,000	750,000	1,500,000
33 1989	Expanded Requirements on Collection of Medical Costs	200,000	500,000	700,000
34 1992	Modification of Support Orders when Circumstances Change	250,000	250,000	500,000
	Total, CSE	\$2,800,000	\$3,600,000	\$6,400,000
<u>Social Services</u>				
35 <1986	Prohibition on Juveniles in Adult Jails	\$1,300,000	\$0	\$1,300,000
36 1992	No FFP for FC/AS Rate Increases in Certain Years	430,000	0	430,000
37 1992	Increased Med/Education Documentation in FC Case Record	120,000	180,000	300,000
	Total, Soc Serv	\$1,850,000	\$180,000	\$2,030,000
<u>Administrative Costs</u>				
38 1993	Americans with Disabilities Act	\$100,000	\$100,000	\$200,000
XX NA	10% of Above for Staff, Contractors, Systems, etc	9,327,000	12,600,000	21,927,000
		\$9,427,000	\$12,700,000	\$22,127,000
		<u>\$67,527,000</u>	<u>\$88,620,000</u>	<u>\$156,147,000</u>

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**GROWTH OF SPECIAL PREGNANT WOMEN/CHILDREN MEDICAID COVERAGE**

Kansas Department of Social and Rehabilitation Services  
Division of Management Services

**Fiscal Year 1989**

	<u>Persons</u>	<u>Expenditures</u>	
JUL 88	677	\$1,694	*Kansas began voluntary coverage of pregnant women and children THRU age 1 whose family income was below 100% of the federal poverty level.
AUG 88	1,076	72,874	
SEP 88	1,351	205,537	
OCT 88	1,425	288,490	
NOV 88	1,405	278,240	
DEC 88	1,388	287,881	
JAN 89	1,310	294,389	
FEB 89	1,187	269,294	
MAR 89	1,347	418,547	
APR 89	1,614	347,853	
MAY 89	1,884	378,472	
JUN 89	2,147	401,114	
	<u>16,811</u>	<u>\$3,244,385</u>	

**Fiscal Year 1990**

	<u>Persons</u>	<u>Expenditures</u>	
JUL 89	3,166	\$583,791	*Kansas raised it's coverage limits to the following effective July, 1 1991. These limits were at or above the initial federally-mandated levels :  Pregnant Women if family income below 150% of FPL. Children UNDER age 1 if family income below 150% of FPL. Children age 1 THRU age 4 if family income below 100% of FPL.  *To conform with amended federal legislation coverage changed to the following effective April 1, 1990 :  Pregnant Women if family income below 150% of FPL. Children UNDER age 1 if family income below 150% of FPL. Children age 1 THRU 5 if family below 133% of FPL.
AUG 89	3,705	552,376	
SEP 89	4,478	1,282,299	
OCT 89	4,815	1,170,717	
NOV 89	4,942	1,348,738	
DEC 89	5,035	1,402,625	
JAN 90	5,397	1,495,843	
FEB 90	5,365	1,917,055	
MAR 90	6,416	2,915,318	
APR 90	7,493	2,064,056	
MAY 90	8,209	2,222,673	
JUN 90	<u>8,860</u>	<u>1,248,811</u>	
	<u>67,881</u>	<u>\$18,204,302</u>	

**Fiscal Year 1991**

	<u>Persons</u>	<u>Expenditures</u>	
JUL 90	9,045	\$3,624,540	* Only change in FY 91 was update to federal poverty levels effective April 1, 1991.
AUG 90	9,527	2,889,081	
SEP 90	9,689	2,192,091	
OCT 90	9,885	2,269,437	
NOV 90	10,556	2,918,838	
DEC 90	10,688	1,965,832	
JAN 91	9,588	1,815,362	
FEB 91	10,588	2,959,905	
MAR 91	11,143	2,554,804	
APR 91	13,306	2,715,342	
MAY 91	13,375	3,713,460	
JUN 91	<u>13,696</u>	<u>2,527,181</u>	
	<u>131,086</u>	<u>\$32,145,873</u>	

**Fiscal Year 1992**

	<u>Persons</u>	<u>Expenditures</u>	
JUL 91	13,560	\$2,394,896	*To conform with federal legislation coverage changed to the following effective July 1, 1991:  Pregnant Women if family income below 150% of FPL. Children UNDER age 1 if family income below 150% of FPL. Children age 1 THRU 5 if family below 133% of FPL. Children age 6 THRU 18, IF BORN AFTER 10/1/83, if family income is below 100% of FPL.
AUG 91	14,768	3,325,643	
SEP 91	15,238	2,777,736	
OCT 91	15,670	3,377,123	
NOV 91	16,658	3,954,736	
DEC 91	16,594	3,120,388	
JAN 92	17,728	3,711,653	
FEB 92			
MAR 92			
APR 92			
MAY 92			
JUN 92			

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# Douglas County

TO: House Federal and State Affairs Committee

FROM: Louie McElhaney, Douglas County Commissioner

DATE: January 23, 1992

SUBJECT: Status of Planning for Northeast Kansas Regional Juvenile Detention Facility

Thank you for your invitation to appear before you today and provide you with an update on the status of planning by Douglas County for the construction of the Northeast Kansas Juvenile Detention Center. Since I took office in 1989 I have spent a considerable amount of time studying the need for a juvenile detention center in our region. I am pleased to report to you today that Douglas County is prepared to begin the final stages of implementing the 1990 jail removal mandate for the 18 county Northeast Kansas region.

Our involvement with this project began in 1990 with our County's selection as a host county for the Northeast region by the Advisory Commission on Juvenile Offender Programs (ACJOP). In the attached copies of Commission Resolution No. 90-43 and in my October 15, 1990 testimony to the ACJOP, the County strongly endorses the concept of a regional approach to address this need. Since the County's selection as a host county by the ACJOP, we have worked with the ACJOP, SRS staff, and representatives of the other host counties to work out the details of this state-county partnership.

By the summer of 1991 we felt there were only two remaining details about our contracts with SRS that required resolution. First, Douglas County and the other host counties requested 90% state funding of the cost of the construction of the facilities since we had learned how difficult it would be to secure funding from other counties to construct a facility in the host county. Since the counties would be shouldering operating costs that are three to four times the annual cost of debt service on the bonds for the facilities, we felt 90% state funding was reasonable. We were very pleased last summer when both the ACJOP, and SRS Secretary Harder and SRS Secretary Whiteman, agreed to 90% funding.

Our second concern was that the original procedure proposed for financing the construction of the four regional facilities was that the counties would issue the bonds with a 90% reimbursement from SRS each year. We had two problems with this approach. First, it would be significantly more expensive to have four (4) bond issues than a single bond issue. Second, without a firm state funding commitment for the term of the bonds, the counties could be placed in the position of having to default on the bonds if the state failed to appropriate the funding in any given year. In response to these

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Eleventh & Massachusetts / Lawrence, Kansas 66044 / (913) 841-7700

*House Federal & State Affairs  
January 23, 1992  
Attachment #5*

concerns we have proposed that the Kansas Development Finance Authority (KDFA) issue the bonds, and that the counties pay SRS and the KDFA 10% of the debt service each year. In the event of nonpayment by the county, the county's state aid payments could be withheld to satisfy the obligation. We understand such an approach will yield significant savings to the state--in excess of \$1 million.

Where are we today? Well, the County has spent hundreds, if not thousands, of man-hours on this project in working with the state, communicating with the other 17 counties in the region, interviewing and negotiating a contract with a consultant to plan and design the facility, and in soliciting applications for the Center's director. We accepted applications for a two week period recently and we received 75 applications. In short, we are ready to go.

Recent experience tells us that there is a stronger need than ever to construct this important facility and meet the juvenile detention needs of Northeast Kansas. I have been asked by our District Attorney, Jerry Wells, and our juvenile judge, Judge Jean Shepherd, to communicate their sense of urgency about the need for the facility. If we do not get started soon, we will surely miss the January 1, 1993 deadline for removing juveniles from adult jails by a wide mark.

We hope this important project can get underway soon.

RESOLUTION NO. 90-43

A RESOLUTION DECLARING THE INTENTION OF DOUGLAS COUNTY, KANSAS TO PARTICIPATE IN AND USE GUARANTEED BEDSPACE AT A PROPOSED NORTHEAST KANSAS REGIONAL JUVENILE DETENTION FACILITY; AGREEING UNDER CERTAIN CONDITIONS TO BE THE HOST COUNTY FOR THE SITE OF SUCH FACILITY IF SELECTED; AND AGREEING TO NEGOTIATE INTERLOCAL AGREEMENTS WITH OTHER COUNTIES PARTICIPATING IN THE FACILITY

WHEREAS, the Board of County Commissioners of Douglas County, Kansas (the "Board") is authorized by K.S.A. 12-2904, et seq. to enter into interlocal agreements with other counties; and

WHEREAS, the Kansas Advisory Commission on Juvenile Offenders has authorized the development of a Juvenile Detention Facility in the Northeast Kansas Region; and

WHEREAS, the Commission has requested that counties within the region provide a resolution of intent to use such a facility in order to expedite its planning and funding; and

WHEREAS, the Board has determined that Douglas County does not and will not have adequate facilities within the County to provide for the legal confinement of its own juvenile offenders; and

WHEREAS, the cost of confining juvenile offenders in the proposed facility will be determined by an interlocal agreement among the participating counties that will be negotiated at a future date; and

WHEREAS, Douglas County has been advised that it can expect the County will be guaranteed a fixed number of beds in the proposed facility if it enters into the interlocal agreement; and

WHEREAS, the Board deems it advisable for the County to agree to be the host county for such facility and serve as the administrative county for operating such facility.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The Board hereby declares its intention and desire to participate in a Regional Juvenile Detention Facility in the Northeast Kansas Region, pending the successful negotiation of a binding interlocal agreement among the participating counties. The Board also declares its willingness to work closely with the Kansas Advisory Commission on Juvenile Offenders and other counties in the

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Northeast Kansas Region to secure the development of such a facility to meet the juvenile detention needs of Northeast Kansas.

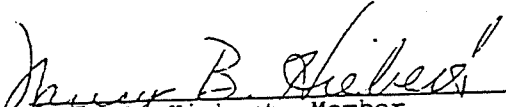
Section 2. The Board further declares its willingness to be actively considered by the Kansas Advisory Commission on Juvenile Offenders as a host county for such facility and to supervise its administrative operations. Such consideration shall be contingent, however, upon full public hearings at the County level, significant state financial participation in the cost of constructing and/or operating such a facility for the Northeast Kansas Region, agreement among the participating counties to share in any local start-up funding costs of such a facility, and the successful negotiation of interlocal agreements among the participating counties providing guarantees of bedspace to participating counties in exchange for compensation to Douglas County for the direct and indirect cost of operating such facility. The Board supports the formation of a Regional Advisory Board from participating counties to advise the Board on the operations of a regional juvenile detention facility.

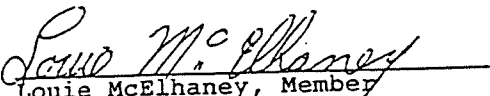
Section 2. This resolution shall take effect and be in force from and after its adoption.

ADOPTED this 10th day of September, 1990.

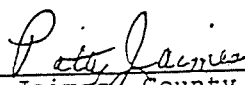
BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

  
Mike Amyx, Chairman

  
Nancy B. Hiebert, Member

  
Louie McElhaney, Member

ATTEST:

  
Patty Jaimes, County Clerk

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#5-4

# Douglas County

## TESTIMONY TO THE KANSAS STATE ADVISORY COMMISSION ON JUVENILE OFFENDER PROGRAMS

October 15, 1990

Commissioner Louie McElhaney  
Douglas County, Kansas

I appreciate this opportunity to appear before the Advisory Commission today in support of the recommendations of the Westridge Group of Associates. The Douglas County Commission is a strong supporter of the concept of having a regional juvenile detention facility in Northeast Kansas, and we have worked closely with our fellow county officials in studying this issue. It will only be through intergovernmental cooperation at the county level and between the counties and the State of Kansas that we will achieve a cost-effective juvenile detention facility in our area of the state.

Last year Douglas County Sheriff Loren Anderson took steps far in advance of 1990 House Bill 3041 to remove juveniles from the County jail. Since that time we have joined other counties in the frustrating search for detention space not just in Northeast Kansas but throughout the state. We believe the recommendation you are currently considering would provide the counties in our area with much improved access to detention space in those instances when detention of a juvenile offender is clearly justified.

The Douglas County Commission also endorses the conclusion by your consultant that Douglas County is the most appropriate location for a new regional detention facility in Northeast Kansas. In virtually every evaluation category, from distance for transportation to availability of community services, etc., Douglas County presents the greatest opportunity to meet the juvenile detention needs of this region of the state. We also look forward to working with our fellow county officials in developing and operating a facility that meets the needs of every county in the region.

I am pleased to advise you that Douglas County has begun preliminary inquiries regarding possible sites for a juvenile detention facility. While our efforts are in the early stages only, we have initiated conversations with the City Manager of the City of Lawrence about possible sites and we have started to review other publicly owned sites. At this stage of our investigation we believe a number of convenient sites exist that would serve this region effectively. If Douglas County is selected, we will step up our efforts in this area and formalize our site selection process.

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While we support the general direction and recommendations of the Westridge Group, let me mention two of the concerns of the Douglas County Commission with regard to the proposed program. Our first concern is that the Advisory Commission is considering a cost-sharing plan for the initial capital costs of the facility that would result in a major impact on County taxpayers. As you well know, counties are extremely reliant on the property tax to pay the costs of most programs. The jail removal mandate of HB 3041 is an action by the State of Kansas that will result in additional local property taxation unless a major portion of the cost of compliance with the mandate is shouldered by state government. With this in mind, I strongly recommend that the Advisory Commission work actively with county governments to request the legislature to appropriate adequate funds during the 1991 legislative session to fund 100% of the cost of constructing regional juvenile detention facilities. Such an action would leave counties with the responsibility for the operating costs over the long term life of the facilities. While we believe the State should play a role in financing operating costs as well, full funding of the construction costs would be a major improvement.

Our second concern deals with the financing of the costs of construction of the facilities. Rather than request county governments to arrange for debt financing for four separate facilities, we urge the Advisory Commission to endorse the issuance of a single state bond issue for this purpose with the appropriate contractual arrangements with the host counties to assure that the facilities are maintained properly on a long term basis. In this manner the cost of issuing such bonds could be kept to a level lower than it would be for four separate issues, saving precious tax monies. I would respectfully suggest that the amount of state money that will be invested in this program provides a sufficient justification for state involvement in the long-term debt financing arrangements.

The Douglas County Commission sincerely appreciates your interest in locating a regional juvenile detention facility in Douglas County. We look forward to cooperating with the Advisory Commission in securing additional state funding for this program and we look forward to a long term relationship with the cooperating counties in the Northeast Region.

Thank you.

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