

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on March 13, 1996 in Room 123-S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Kathy Porter, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ronda Miller, Committee Secretary

Conferees appearing before the committee:

Art Griggs, Attorney, Department of Administration
Ernie Mosher, Lobbyist for the City of Topeka

Others attending: See attached list

SB 721: Appropriations for FY 97, judicial council, state board of indigents' defense services, judicial branch

Judicial Branch

Senator Morris presented the FY 96 and FY 97 subcommittee reports (Attachment 1). In answer to a question, staff noted that revenues in the Judicial Council Publications Fee Fund was higher in FY 96 because it included monies for the purchase of computers (item 2 of the FY 97 report). In answer to a concern about giving unclassified employees the 2.5% movement authorized for classified employees, staff noted that the Governor provides step movement for clerical positions in the executive, judicial and legislative branches and the subcommittee's recommendation would include this provision for these equivalent positions in the judicial branch. Senator Morris moved, Senator Burke seconded, that the subcommittee report be adopted. The motion carried on a voice vote.

Board of Indigents Defense Services

Senator Morris reviewed the FY 96 and FY 97 subcommittee reports (Attachment 2). In answer to Senator Salisbury, Senator Morris stated that the indigent client would pay the \$50 administrative fee recommended in item 9 of the FY 97 report.

Senator Vancrum expressed his opinion that the recommendation to allow the agency to retain money collected as reimbursement for defense (item 7 of the FY 97 report) earmarks a portion but does not reduce the agency's reliance on the State General Fund.

In answer to Senator Salisbury, it was noted that Inservice Education Workshop Fee Fund would be used to pay costs of putting on conferences and that the agency cannot charge for workshops without the fee fund (item 8 of the FY 97 report).

Chairman Kerr urged members to be cautious in their consideration of new crime enhancement bills which will have a major impact on the workload and on costs for the Board of Indigents' Defense Services and the Department of Corrections.

Senator Morris moved that the FY 96 and FY 97 subcommittee reports be adopted. The motion was seconded by Senator Burke and carried on a voice vote.

Judicial Branch

Senator Lawrence presented the FY 96 and FY 97 subcommittee reports (Attachment 3). Senator Salisbury stated that the Senate subcommittee's recommendation (item 6 of the FY 97 report) funds only two additional

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 13, 1996.

Postretirement Judicial Service contracts and expressed concern about the per judge caseloads in Shawnee County. Senator Rock noted that adding contract judges only has an effect on appellate caseloads and will not address the problem of caseloads in Shawnee County.

It was moved by Senator Brady and seconded by Senator Salisbury that item 6 of the FY 97 report be amended to include (as the House recommended) \$100,000 from the Stage General Fund to expand the Postretirement Judicial Service Program from five judicial contracts to ten contracts in FY 97 and to provide \$60,000 from the SGF for capital outlay to cover costs associated with the first phase of the Judicial Center carpet replacement. The motion carried on a voice vote.

Members noted the subcommittee had agreed with the Governor's recommendation to provide \$1.5 million for the Juvenile Intake and Assessment System in FY 97 and asked the agency to explain their request for \$2.95 million (item 3 of the FY 97 report). A representative from the Judicial Branch stated that only about \$50,000 of the funds appropriated for FY 95 were expended in that fiscal year for administrative costs and the balance was expended in FY 96 because that's essentially when the program became operational. He added that another reason the full cost of the program is not reflected in FY 96 appropriations is because not all programs were operational in FY 96. Members asked staff to flag this issue for review during Omnibus considerations, noting that there needs to be a careful study of the amount.

To be consistent with the Committee's policy regarding the salary plan, Senator Lawrence moved, Senator Rock seconded, that item 2 be deleted from the FY 97 report. The motion carried on a voice vote.

It was moved by Senator Morris and seconded by Senator Moran that SB 721 as amended be recommended favorably for passage. The motion carried on a roll call vote.

SB 736: Sale of certain state land

Art Griggs, Attorney for the Department of Administration, appeared before the Committee to testify in support of **SB 736**. He reviewed his written testimony regarding the disposal of the property of Topeka State Hospital and Winfield State Hospital (Attachment 4). In answer to questions, Mr. Griggs stated that any development by private entities would be subject to zoning provisions that are applicable to the land within the cities, but added that he did not know if Winfield State Hospital lies within the city limits. Senator Rock asked if the use of the facilities by the cities was considered and if there were any provisions whereby the state could give the property to the cities. Mr. Griggs stated that cities would be considered other governmental entities that could purchase or lease the property and that a lease agreement would be negotiable. In answer to Senator Salisbury, he stated that the purpose of the review by the Joint Committee on State Building Construction would be to provide a form for legislative input prior to taking action. Concern was expressed that sale of the properties to non-profit corporations would not be subject to appraisals.

Ernie Mosher, City of Topeka, appeared before the Committee in support of **SB 736** and reviewed his written testimony (Attachment 5). He told members about the interest in establishing a "human services campus" on the property of Topeka State Hospital, the basic positions of the Mayor's Task Force and the City Council, and the observation that **SB 736** provides flexibility for the development of the land and property to meet the needs of the Topeka and Winfield communities. Senator Salisbury noted that the bill has a provision allowing legislative review of any potential lease or sale of the property and suggested that the provision be extended to the communities involved.

The Chairman noted that there were several members who had questions and directed them to find the answers on their own and the Committee would take action on the bill at the next opportunity.

It was moved by Senator Salisbury and seconded by Senator Vancrum that bill draft 5 RS 2493 be introduced. The motion carried on a voice vote.

The Chairman adjourned the meeting at 12:15 P.M.

The next meeting is scheduled for March 14, 1996.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: March 13, 1996

NAME	REPRESENTING
Jed M. Howell	Judicial Council
David R. Williams	D.V. of Budget
Art Griggs	Dept. of Adm.
Erica Mackay	City of Poplar
Paul Shelby	OJA
Dodie Lacey	KCS
Mark Muson	OJA
Jerry Sloan	OJA
Barry Greis	DFM
Ric Silber	"
Kathie Sparks	DOB
Pat Lawless	BIDS
Scott B. Roth	"
Ron Green	Gov. Office
Sherry Love	Temporary Lodging for Children
Jim Reardon	DFM

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. –

Bill Sec. –

Analyst: Porter

Analysis Pg. No. 738

Budget Page No. 333

<u>Expenditure Summary</u>	<u>Agency Est. FY 96</u>	<u>Gov. Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 69,656,310	\$ 68,193,268	\$ 0
Aid to Local Units	1,438,737	1,438,737	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal – Operating	\$ 71,095,047	\$ 69,632,005	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 71,095,047</u></u>	<u><u>\$ 69,632,005</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 66,281,109	\$ 64,819,053	\$ 0
Aid to Local Units	1,438,737	1,438,737	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal – Operating	\$ 67,719,846	\$ 66,257,790	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 67,719,846</u></u>	<u><u>\$ 66,257,790</u></u>	<u><u>\$ 0</u></u>
Other Funds:			
State Operations	\$ 3,375,201	\$ 3,374,215	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal – Operating	\$ 3,375,201	\$ 3,374,215	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 3,375,201</u></u>	<u><u>\$ 3,374,215</u></u>	<u><u>\$ 0</u></u>
FTE Positions	1,746.0	1,746.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>1,746.0</u></u>	<u><u>1,746.0</u></u>	<u><u>0.0</u></u>

Agency Est./Governor's Recommendation

The agency's revised FY 1996 estimate is \$71,095,047, or \$547,698 more than the amount approved by the 1995 Legislature. An increase of \$100,000 from the State General Fund reflects a shift

*Senate Ways & Means
March 13, 1996
Attachment 1*

in funding approved for Judicial Center security measures from FY 1995 to FY 1996. The remainder of the increase (\$466,304) is from special revenue funds, including the following:

- Increased expenditures of \$388,079 from the Judicial Technology Fund, which will include expenditures for appellate and district court automation.
- Expenditures of \$43,497 from a federal child welfare grant from the U.S. Department of Health and Human Services. The program is designed to assess current foster care and adoption procedures, laws, and regulations, and to implement improvements. The project coordinator will collect data from eight judicial districts that contain more than 50 percent of the state's population.
- Increased expenditures of \$19,744 from the Bar Admission Fee Fund to fund an additional FTE Appellate Court Clerk position for the Board of Law Examiners, which conducts all activities relating to the admission of attorneys to practice law in the state.
- Increased expenditures from other special revenue funds total \$14,984.

The Governor recommends FY 1996 state operations expenditures of \$68,193,268, a reduction of \$1,463,042 from the agency estimate. Reductions are recommended from estimated expenditures from the State General Fund (\$1,462,056) and special revenue funds (\$986). Of the State General Fund reduction, \$1,015,798 reflects the 1.5 percent State General Fund rescission. Other reductions reflect a downward adjustment for the cost of state employee health insurance and other operating reductions.

Turnover Rate. The Governor recommends an FY 1996 turnover rate of 2.4 percent (\$1,609,540). The Judicial Branch had estimated a 1.4 percent turnover rate (\$933,947).

FTE Positions. The increase of 2.0 FTE positions reflects the addition of the grants coordinator for the federal child welfare grant and the Appellate Court Clerk position for the Board of Law Examiners.

The Governor concurs with adding the 2.0 FTE positions.

Senate Subcommittee Recommendation

FY 1996. The Senate Subcommittee Concurrs with the recommendations of the Governor.


Senator Barbara Lawrence, Subcommittee Chair


Senator Richard R. Rock

SUBCOMMITTEE REPORT

Agency: Judicial Branch

Bill No. 721

Bill Sec. 4

Analyst: Porter

Analysis Pg. No. 738

Budget Page No. 333

<u>Expenditure Summary</u>	<u>Agency Req. FY 97</u>	<u>Gov. Rec. FY 97*</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 72,844,857	\$ 70,288,705	\$ (1,091,550)
Aid to Local Units	0	1,456,003	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal – Operating	\$ 72,844,857	\$ 71,744,708	\$ (1,091,550)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 72,844,857</u></u>	<u><u>\$ 71,744,708</u></u>	<u><u>\$ (1,091,550)</u></u>
State General Fund:			
State Operations	\$ 69,672,067	\$ 67,116,686	\$ (1,013,920)
Aid to Local Units	0	1,456,003	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal – Operating	\$ 69,672,067	\$ 68,572,689	\$ (1,013,920)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 69,672,067</u></u>	<u><u>\$ 68,572,689</u></u>	<u><u>\$ (1,013,920)</u></u>
Other Funds:			
State Operations	\$ 3,172,790	\$ 3,172,109	\$ (77,630)
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal – Operating	\$ 3,172,790	\$ 3,172,109	\$ (77,630)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 3,172,790</u></u>	<u><u>\$ 3,172,109</u></u>	<u><u>\$ (77,630)</u></u>
FTE Positions	1,746.0	1,746.0	1.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>1,746.0</u></u>	<u><u>1,746.0</u></u>	<u><u>1.0</u></u>

* Includes adjustments for Governor's Budget Amendment No. 1.

Agency Req./Governor's Recommendation

The Judicial Branch requests FY 1997 state operations funding of \$72,844,857, an increase of \$3,188,547 or 4.6 percent, above the FY 1996 estimate. The FY 1997 request includes no funding for

aid to local units, which are amounts distributed as grants to local juvenile intake and assessment programs. The requested increase is included in the following items:

Item	Amount of Increase	Percent of Total Increase
Salaries and Wages		
New Positions	\$ 476,768	15.0%
Other Salaries and Wages	2,937,530	92.1
Contractual Services	(73,903)	(2.3)
Commodities	(8,668)	(0.3)
Capital Outlay	(143,180)	(4.5)
Subtotal—State Operations	\$ 3,188,547	100.0%
Aid to Local Units	(1,438,737)	—
TOTAL	<u>\$ 1,749,810</u>	—

Of the total FY 1997 request, \$69,672,067, or 95.7 percent, is from the State General Fund, and \$3,172,790, or 4.4 percent, is from special revenue funds.

The Governor recommends FY 1997 State Operations funding of \$70,084,863, a **reduction of \$2,759,994** from the Judicial Branch request. The Governor adds funding of \$1,500,723 for the Juvenile Intake and Assessment Program for grants to local units (\$1,456,003) and operating costs (\$44,720). Of the reduction from the request for state operations, \$158,615 is a reduction from the request for other operating expenditures and \$2,601,379 is a reduction from the request for salaries and wages. The reduction in salaries and wages is the cumulative result of not adding the requested new positions, a downward adjustment for the cost of state employee health insurance, and an increase in the recommended **turnover rate** (a further reduction of \$605,862, for total FY 1997 turnover savings of \$1,510,902, or 2.2 percent. The Judicial Branch had included a 1.3 percent turnover rate.)

The Governor's recommendation includes a full-year 2.5 percent unclassified merit increase for all Judicial Branch employees (\$1,236,189) who are not at the end of their pay grade and includes no longevity bonus funding.

The Judicial Branch estimates that it has approximately 113 employees who are at the end of their pay grade and would receive neither the 2.5 percent unclassified merit increase or a longevity bonus payment. For those employees, the FY 1997 recommended salary would be less than their FY 1996 salary. The Governor also appears to recommend \$65,532 less than the amount necessary to fund Judges' retirement.

Senate Subcommittee Recommendation

FY 1997. The Senate Subcommittee Concurs with the recommendations of the Governor with the following adjustments:

1. The Subcommittee concurs with Governor's Budget Amendment No. 1, Item 5, which would add \$64,090 from the State General Fund for judicial retirement costs, which were understated by that amount in the Governor's budget recommendation.
2. The Subcommittee concurs with Governor's Budget Amendment No. 1, Item 6, which would add \$139,752 (including \$138,752 from the State General Fund and \$1,000 from special revenue funds) to fund longevity for those employees at the end of their pay grade. This amount was omitted from the Governor's recommendation and would fund longevity in the manner the Governor recommends for all state employees.
3. The Subcommittee concurs with the Governor's recommendation of \$1,500,000 for the Juvenile Intake and Assessment System in FY 1997. The House deleted all funding for the system in FY 1997, but the Senate Committee expressed support for continued funding for the system in FY 1997 during its discussion of the youth center budgets. The system was implemented by the 1994 Legislatures and provides a 24-hour uniform statewide program for juvenile offenders and children in need of care. The Subcommittee notes that, in addition to the services provided by this program, several private entities provide similar services for juveniles. The Judicial Branch testified that, if the program were to be funded fully for FY 1997, a total of \$2,952,114 would be needed for grants (\$2,900,000) and administration costs (\$52,114). The Subcommittee recommends that this item be considered for Omnibus review.
4. Make a technical adjustment to the bill to reflect the Governor's recommendation.
5. The Subcommittee recommends adding proviso language and introducing legislation that would amend the requirements of the Postretirement Judicial Service (Senior Judges) Program enacted by the 1995 Legislature. The program allows retired judges and justices (excluding magistrate judges) to enter into written agreements with the Supreme Court providing that, after retirement, the judge or justice will perform judicial duties for no more than 104 days, or 40 percent of the year. In exchange, the judge or justice is to receive a stipend equal to 25 percent of the current monthly salary of judges or justices serving in the same position as held by the retirant at the time of retirement. Current law requires that the postretirement judicial service contract be entered into within five years of retirement. The Court has learned that at least three judges who retired more than five years prior to the enactment of this law, including two former Chief Justices, are interested in entering into a postretirement contract. The recommended amendment would abolish the five-year requirement.
6. The House added \$100,000 from the State General Fund to expand the Postretirement Judicial Service Program from five judicial contracts (the FY 1996 number of contracts) to ten contracts in FY 1997. The Senate Subcommittee also recommends adding \$100,000 from the State General Fund, but recommends that this amount be used to fund two additional Postretirement Judicial Service contracts (approximately \$40,000) and the first phase of Judicial Center carpet

replacement (approximately \$60,000). The Subcommittee notes that the Judicial Branch has requested funding for the past two years to replace the existing Judicial Center carpeting, which was installed in 1975 and 1976 and is torn and frayed. The amount recommended would replace the carpeting in the second and third floor hallways and would begin replacement of the carpeting in the second floor courtrooms, as funding permits. The Department of Administration had requested a total of \$256,000 in four phases to replace all Judicial Center carpeting.


7. Add \$38,626 from the State General Fund for the salary and benefits for a Central Research Attorney I for the Court of Appeals. The Subcommittee received extensive testimony regarding the Court of Appeals caseload and backlog. The Court's caseload has increased from 760 in 1977 (the year the Court was established) to 2,185 in 1995, which reflects a 187.5 percent increase. At the same time, the Court has increased in size from seven to ten judges.
8. The Subcommittee recommends that Section 8 of 1996 H.B. 2701 (the Claims Bill) be amended when that bill is considered in this Committee. Section 8 of H.B. 2701 provides for the payment of \$26.19 for inspector fees in an election contest for the mayor of Formoso, Kansas. Pursuant to K.S.A. 25-1452, the District Court of Jewell County ordered that the costs of the contested election "be paid by the state from any appropriations therefor," as the statute states. As introduced, H.B. 2701 appropriated \$26.19 from the State General Fund to pay the costs. The House Committee amended the bill to require the Judicial Branch to pay the claim from the judiciary operations account. While neither the Subcommittee nor the Judicial Branch is concerned about the \$26.19 involved in this specific case, both are concerned about the precedent that may be set by requiring the Judicial Branch to pay this claim.
9. Delete \$1,230,176, including \$1,152,546 from the State General Fund, based on the recommendation to delete funding for the six month 2.5 percent unclassified merit pool (\$1,071,781) and the longevity bonus (\$158,395) from individual agency budgets.
10. The Subcommittee recommends that the Court of Appeals implement a trial program using video conferencing to hear appellate arguments from locations outside of Topeka. The Subcommittee notes that Court of Appeals judges traveled a total of approximately 35,800 miles in FY 1995 and 26,900 miles in FY 1994 to hear docketed cases. The Subcommittee further notes that there has been a dramatic increase in the number of cases docketed in the Court of Appeals in recent years. The Subcommittee believes that video conferencing offers an alternative that would save judicial time, but would allow the Court to accomplish its goals of making the appellate process easier, more accessible, and more economical.
11. The Subcommittee requested information about the impact of the four new district court judge positions added by the 1995 Legislature. The Judicial Branch provided the information included in the table below, which compares the caseloads in those districts for half of FY 1995 with the caseloads for the first half

of FY 1996. The Judicial Branch notes that none of the judges began on the first day of the fiscal year and cautions that, because of the short period of time involved, the statistics noted may be more anecdotal than significant or may be based on other factors. The Subcommittee notes that the Judicial Branch will continue to compile this information and recommends that the information be reviewed on an annual basis.


District	Counties	Date Judge Began	Major Cases		Chapter 60, Felony, and Domestic Relations	
			1/2 of FY 1995 Per Judge*	1st Half of FY 1996 Per Judge*	1/2 of FY 1995 Per Judge**	1st Half of FY 1996 Per Judge**
10th	Johnson	Oct.13, 1995	554	492	273	226
16th	Clark, Comanche, Ford, Gray, Kiowa, and Meade	Aug. 1, 1995	329	280	301	194
18th	Sedgwick	Sept. 1, 1995	694	650	276	263
25th	Finney, Greeley, Hamilton, Kearny, Scott, and Wichita	Aug. 18, 1995	534	459	249	141
Statewide			437	401	249	220

* All judges of the district court

** District judges only (Only district judges can hear these cases.)



Senator Barbara Lawrence, Subcommittee Chair



Senator Richard R. Rock

DISTRICT COURT CASELOADS -- STATEWIDE FY 1986 -- FY 1995

Not included in the following statistics are traffic cases, decedent estates, fish and game cases, guardianship and conservatorship proceedings, trusts, and other actions. "Civil-limited action" cases are those involving claims of \$10,000 or less, or seeking judgement for an unsecured debt not sounding in tort or arising out of a contract for the provision of goods, services, or money.

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Filings	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995	Percent Change FY 86-95
Criminal-Felonies	11,111	11,500	12,188	12,631	12,197	11,436	13,412	13,229	14,423	15,267	37.4%
Criminal-Misdemeanors	<u>12,604</u>	<u>13,369</u>	<u>13,234</u>	<u>14,171</u>	<u>15,362</u>	<u>16,919</u>	<u>16,986</u>	<u>16,386</u>	<u>17,762</u>	<u>18,850</u>	49.6%
Subtotal-Criminal	23,715	24,869	25,422	26,802	27,559	28,355	30,398	29,615	32,185	34,117	43.9%
Civil-Regular	25,117	26,385	25,237	24,041	25,733	23,751	23,735	22,347	23,287	21,831	(13.1)%
Civil-Domestic Relations	23,128	23,497	25,351	26,404	29,486	30,210	30,717	33,124	36,469	38,099	64.7%
Civil-Limited Actions	53,396	54,526	57,070	62,051	68,525	77,480	84,514	80,404	90,044	99,030	85.5%
Subtotal-Civil	<u>101,641</u>	<u>104,408</u>	<u>107,658</u>	<u>112,496</u>	<u>123,744</u>	<u>131,441</u>	<u>138,966</u>	<u>135,875</u>	<u>149,800</u>	<u>158,960</u>	56.4%
TOTAL Civil and Criminal	<u><u>125,356</u></u>	<u><u>129,277</u></u>	<u><u>133,080</u></u>	<u><u>139,298</u></u>	<u><u>151,303</u></u>	<u><u>159,796</u></u>	<u><u>169,364</u></u>	<u><u>165,490</u></u>	<u><u>181,985</u></u>	<u><u>193,077</u></u>	<u><u>54.3%</u></u>

COURT OF APPEALS CASES DOCKETED BY CALENDAR YEAR

Calendar	1992	1993	1994	1st Half 1995
Cases Docketed	1,436	1,506	2,028	1,106

SUBCOMMITTEE REPORT

Agency: Board of Indigents' Defense Services **Bill No.** 715

Bill Sec. 6

Analyst: Porter

Analysis Pg. No. 761

Budget Page No. 311

<u>Expenditure Summary</u>	<u>Agency Est. FY 96</u>	<u>Gov. Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 11,927,709	\$ 11,755,352	\$ 0
Aid to Local Units	0	0	0
Other Assistance	438,011	438,011	0
Subtotal - Operating	\$ 12,365,720	\$ 12,193,363	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 12,365,720	\$ 12,193,363	\$ 0
State General Fund:			
State Operations	\$ 11,776,709	\$ 11,604,352	\$ 0
Aid to Local Units	0	0	0
Other Assistance	438,011	438,011	0
Subtotal - Operating	\$ 12,214,720	\$ 12,042,363	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 12,214,720	\$ 12,042,363	\$ 0
Other Funds:			
State Operations	\$ 151,000	\$ 151,000	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 0	\$ 0	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 151,000	\$ 151,000	\$ 0
FTE Positions	146.0	146.0	0.0
Unclassified Temp. Positions	1.0	1.0	0.0
TOTAL	147.0	147.0	0.0

Agency Est./Governor's Recommendation

The agency's revised FY 1996 total operating estimate of \$12,365,720 is a reduction of \$21,133 from the amount approved by the 1995 Legislature as adjusted by June, 1995 State Finance Council action. The FY 1996 revised estimate includes a State General Fund increase of \$867, which reflects the

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March 13, 1996
Attachment 2*

expenditure of a limited reappropriation carried forward from FY 1995. The reduction of \$22,000 from the approved level of expenditures from other funds reflects a reduction from the amounts anticipated from docket fees and misdemeanor contract fees.

The Governor recommends FY 1996 total operating funds of \$12,193,363, a reduction of \$172,357 from the agency estimate. The recommendation includes a downward adjustment for the cost of state employee health insurance, the 1.5 percent State General Fund rescission recommended by the Governor for all agencies (\$122,147), and the \$22,000 reduction from the amount anticipated from docket fees and misdemeanor contract fees.


Senate Subcommittee Recommendation

FY 1996. The Senate Subcommittee concurs with the Governor's recommendations with the following adjustments:

1. The Subcommittee notes that, for the first time in recent years, this agency is not requesting a supplemental appropriation to pay assigned counsel claims. The Subcommittee commends the agency for the giant strides it has taken in providing managerial oversight of services and implementing cost containment measures. Some of the actions taken by the agency include reminding district court judges of their responsibility in the determination of indigency; advising the judiciary that the board of Indigents' Defense Services (BIDS) will no longer pay for services without proof that an affidavit of indigency was filed and that the judge found the defendant to be indigent in part or in full; entering into contracts for private defense services at a rate of less than \$50 per hour where possible, such as the contract entered into with the Leavenworth County Bar that voluntarily reduces claims for out-of-court time to \$35 per hour; working with the courts to initiate changes that will provide for more efficient administration of justice, including reducing costly "wait time" for attorneys; and continuing to expand public defender services in areas where those services are more cost effective than private assigned counsel. Numerous other actions have been taken or are being considered by agency staff and the Board.
2. The Subcommittee concurs with the agency's request that its current year expenditure status be reviewed as an Omnibus item. The agency can provide better information as to whether it anticipates any funding from the capital defense operations or regional expansion line items could be shifted to the operating expenditures account to enable the agency to make it through the fiscal year without a supplemental appropriation.



Senator Stephen Morris
Subcommittee Chairperson



Senator Paul "Bud" Burke

SUBCOMMITTEE REPORT

Agency: Board of Indigents' Defense Services **Bill No.** 721

Bill Sec. 3

Analyst: Porter

Analysis Pg. No. 761

Budget Page No. 311

<u>Expenditure Summary</u>	<u>Agency Req. FY 97</u>	<u>Gov. Rec. FY 97</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 15,410,278	\$ 12,002,994	\$ (65,035)
Aid to Local Units	0	0	0
Other Assistance	<u>628,654</u>	<u>501,110</u>	<u>(85,000)</u>
Subtotal - Operating	\$ 16,038,932	\$ 12,504,104	\$ (150,035)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 16,038,932</u></u>	<u><u>\$ 12,504,104</u></u>	<u><u>\$ (150,035)</u></u>
State General Fund:			
State Operations	\$ 15,272,278	\$ 11,864,994	\$ (65,035)
Aid to Local Units	0	0	0
Other Assistance	<u>628,654</u>	<u>501,110</u>	<u>(85,000)</u>
Subtotal - Operating	\$ 15,900,932	\$ 12,366,104	\$ (150,035)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 15,900,932</u></u>	<u><u>\$ 12,366,104</u></u>	<u><u>\$ (150,035)</u></u>
Other Funds:			
State Operations	\$ 138,000	\$ 138,000	\$ 0
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 0	\$ 0	\$ 0
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 138,000</u></u>	<u><u>\$ 138,000</u></u>	<u><u>\$ 0</u></u>
FTE Positions	182.0	146.0	0.0
Unclassified Temp. Positions	<u>1.0</u>	<u>1.0</u>	<u>0.0</u>
TOTAL	<u><u>182.0</u></u>	<u><u>147.0</u></u>	<u><u>0.0</u></u>

Agency Req./Governor's Recommendation

The agency requests total FY 1997 expenditures of \$16,038,932, an increase of \$3,673,212, or 29.7 percent, above the FY 1996 estimate. The requested increase is proportioned as follows:

Item	Percent of Total Increase
Trial Level Public Defender Offices	43.8%
Assigned Counsel	39.5
Appellate Defender Office	10.8
Legal Services for Prisoners, Inc.	5.2
Death Penalty Defense Unit	1.4
Administration	(0.7)
TOTAL	1.0%

Of the total FY 1997 request, \$15,900,932, or 99.1 percent, is funded from the State General Fund, and \$138,000, or 0.9 percent, is funded from special revenue funds.

The Governor recommends FY 1997 operating funding of \$12,504,104, a reduction of \$3,534,828 from the agency request. The recommendation includes a downward adjustment for the cost of state employee health insurance, step movement for classified employees (\$42,629), a 2.5 percent merit pool for six months for unclassified employees (\$37,132), and longevity for those employees at the end of their pay grade (\$336).

The recommendation states that it includes \$85,000 to provide the Corrections Ombudsman function through contractual services payments to Legal Services for Prisoners, Inc. However, FY 1997 funding of \$501,110 for Legal Services for Prisoners reflects a decrease of \$127,544 from the agency request of \$628,654 and is an increase of \$63,099 above FY 1996 funding of \$38,011.

Senate Subcommittee Recommendation

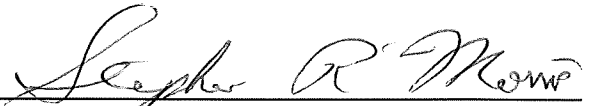
FY 1997. The Senate Subcommittee concurs with the Governor's recommendations with the following adjustments:

1. The Subcommittee requests that Judicial Council undertake a study of the interaction between the Judicial Branch and the Board of Indigents' Defense Services. The study should include suggestions on how to help judges determine indigence, how to ensure that judges are actually scrutinizing the required affidavits of indigence, what factors are appropriate to examine in determining indigence, and any other measures that would help to increase the recoupment efforts of the Board of Indigents' Defense Services. The study also should focus on reimbursement for services and costs from those defendants found to be partially indigent and whether judges should order defendants to reimburse defense costs at the time of sentencing. The Subcommittee

directs any other state agencies that might be of assistance to cooperate with the study.

2. The Subcommittee reviewed a recommendation of the 1995 Senate Ways and Means Committee, which gave the Wyandotte County legal community until December 31, 1995, to implement reforms and lower the costs for assigned counsel to the rate of expenditures that would be made for public defender services, which is approximately \$500 per case. The Subcommittee was informed that goal has been attained. The Wyandotte County legal community has reduced its cost per case to a mid-year figure of \$457 per case (attorney fees only).
3. The Subcommittee encourages the agency to proceed with its plan to open a satellite office in Liberal. The Subcommittee was informed that few private attorneys in the Liberal and Seward County area will accept appointments in indigent cases.
4. Delete \$65,035 from the State General Fund based on the recommendation to delete funding for the six month 2.5 percent unclassified merit pool (\$35,900); classified step movement (\$28,782); and the longevity bonus (\$353) from individual agency budgets.
5. The Subcommittee notes that the enactment of new felonies and the enhancement of penalties for existing felonies contribute significantly to the agency's workload. Included as an attachment to this report is a listing of new felonies and increased penalties enacted from 1982 to 1995.
6. Delete \$85,000 from the State General Fund for the contract with Legal Services for Prisoners, Inc. The Governor recommended \$85,000 in the BIDS budget to provide the Corrections Ombudsman function through contractual services payments to Legal Services for Prisoners, Inc. The Committee has recommended that the Ombudsman for Corrections continue to be funded as a state agency.
7. The Subcommittee concurs with the agency's request to introduce legislation that would allow the agency to retain money collected as reimbursement from indigent and partially indigent defendants. Currently, that funding (which is estimated to be \$850,000 in FY 1996 and \$950,000 in FY 1997) is deposited directly into the State General Fund. The Subcommittee notes that this would decrease the agency's reliance on the State General Fund and could provide an incentive for increased recoupment efforts by the courts, court services officers, and BIDS attorneys.

8. The Subcommittee concurs with the agency's request that it be allowed to establish an Inservice Education Workshop Fee Fund, with a proviso that would allow the agency to charge and collect fees for workshops and conferences that are designed to recover all or a part of the costs incurred for the conferences. This would enable the agency to charge a fee to attorneys from outside the agency who attend workshops or conferences held for agency attorneys.
9. The Subcommittee concurs with the agency's request to introduce legislation that would allow the court to assess an "up-front" administrative fee of \$50 in order to receive the services of court-appointed counsel. The court would be allowed to waive all or part of the fee if warranted by the defendant's indigency status or other factors. The fee would be paid to the clerk of the district court, who would remit the fee to BIDS for deposit into the Indigents' Defense Services Fund.
10. The Subcommittee concurs with the agency's request to introduce legislation that would amend K.S.A. 1995 Supp. 79-5211, which specifies the disbursement of amounts collected as delinquent taxes and penalties resulting from enforcement of the Drug Stamp Tax Act (K.S.A. 79-5201 *et seq.*). Under current law, 25 percent of the amount collected is deposited into the State General Fund and 75 percent is credited to a special law enforcement trust fund of the city, county, or state law enforcement agency that conducted the investigation. The requested amendment would divide any amounts collected between the State General Fund (25 percent), the Indigents' Defense Services Fund (25 percent), and the city, county, or state law enforcement agency that conducted the investigation (50 percent).
11. The Subcommittee concurs with the agency's request to introduce legislation that would amend K.S.A. 60-4117, which specifies the disposition of proceeds when property is forfeited under the Kansas Standard Asset Seizure and Forfeiture Act, K.S.A. 60 4101 *et seq.* Current law provides that any amounts remaining after payment of court preserved security interests or liens, payment of expenses related to the forfeiture proceedings, payment of reasonable attorney fees, and repayment of law enforcement funds expended in purchasing contraband or controlled substances shall be deposited into the state treasury and credited to the state asset forfeiture fund of the law enforcement agency substantially involved in making the forfeiture. The requested amendment would credit half of the remaining proceeds to the Indigents' Defense Services Fund, with the remaining half distributed as provided under current law.

Handwritten signature of Stephen R. Morris in cursive script.

Senator Stephen Morris

Handwritten signature of Paul "Bud" Burke in cursive script.

Senator Paul "Bud" Burke

Enactments of New Felonies and Increased Penalties on Existing Felonies, 1982 to present

1982	Increased minimum sentences Criminal solicitation Driving under the influence Oil and gas equipment theft	H.B. 3104 S.B. 751 S.B. 699 S.B. 61
1983	Consecutive sentence for new crime on probation Intimidation of witnesses and victims Rape statute expanded	H.B. 2212 H.B. 2009 H.B. 2008
1984	False alarm expanded Indecent liberties with child expanded	H.B. 2920 H.B. 2835
1985	Computer crime created Driving under the influence penalties increased Sexual exploitation of a child expanded	H.B. 2044 S.B. 127 H.B. 2105
1986	Parental custody interference penalty enhanced Promoting prostitution of a child penalty enhanced	S.B. 706 S.B. 708
1987	Defrauding a landlord Indecent liberties with a child expanded Alcohol to minors upgraded	S.B. 273 H.B. 2010 H.B. 2008
1988	Prison presumption for drug sale to minor Vehicular battery created Wiretap expansion	H.B. 2010 S.B. 111 S.B. 691
1989	First degree murder expanded New drug crime related to use of pagers Aggravated vehicular homicide penalty enhanced Sexual exploitation of a child	S.B. 48 S.B. 151 H.B. 2026 H.B. 2396
1990	Hard 40 Transferring firearms Maintenance of common nuisance Drug crimes expanded Sale of drugs near schools Desecrating a cemetery	S.B. 77 H.B. 2018 H.B. 2347 H.B. 2770 H.B. 2782
1991	Mandatory arrest for domestic violence	S.B. 356
1992	Drive-by shooting Theft of livestock Recodification and expansion of criminal code Sentencing guidelines Funeral picketing crime created	H.B. 2709 H.B. 2841 S.B. 358 S.B. 479 S.B. 626
1993	Unlawful sexual relations	H.B. 2100
1994	Juveniles waived as adults; juvenile possession of handgun Penalties of various crimes enhanced, <i>e.g.</i> , stalking, weapons, and firearms laws, etc. Sentencing enhanced Death penalty Hard 40 expanded; first degree murder penalty enhanced; double sentences for repeat offenders	S.B. 500 S.B. 551 H.B. 2332 H.B. 2578 H.B. 2788
1995	Injury to pregnant women Crimes related to public officials Various crime penalties enhanced	S.B. 16 S.B. 128 H.B. 2223

PERFORMANCE INDICATORS

	ACTUAL FY 92	ACTUAL FY 93	ACTUAL FY 94	ACTUAL FY 95	*ESTIMATED FY 96	FY 97 A	FY 97 B	FY 97 C
Cases	6,712	8,341	8,485	9,746	11,925	13,217	11,817	10,417
Assigned Counsel Claims Paid	8,159	10,568	10,518	12,016	14,722	16,317	14,589	12,860
Claims Held to July 1	792	0	595	447	0	0	0	0
Number of Personnel/Payroll Transactions	366	435	358	911	2,664	2,664	2,841	3,297
Office Manager Meetings	3	2	1	1	3	2	4	6
Office Visits	10	6	13	45	60	40	60	80
Public Defender Offices	6	6	7	7	8	8	8	10
Recoupment	607,247	704,095	759,664	789,722	850,000	950,000	950,000	950,000
Contracts (\$) Receipts - Docket Fund	169,946	225,111	163,756	168,144	151,000	138,000	138,000	138,000

* Revised estimates will be provided with the Strategic Plan

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. –

Bill Sec. –

Analyst: Porter

Analysis Pg. No. 755

Budget Page No. 331

Expenditure	Agency Est. FY 96	Gov. Rec. FY 96	Senate Sub. Adj.
All Funds:			
State Operations	\$ 306,755	\$ 304,211	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 306,755	\$ 304,211	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 306,755	\$ 304,211	\$ 0
State General Fund:			
State Operations	\$ 236,615	\$ 234,071	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 236,615	\$ 234,071	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 236,615	\$ 234,071	\$ 0
Other Funds:			
State Operations	\$ 70,140	\$ 70,140	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 70,140	\$ 70,140	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 70,140	\$ 70,140	\$ 0
FTE Positions	4.0	4.0	–
Unclassified Temp. Positions	0.0	0.0	–
TOTAL	4.0	4.0	–

Agency Estimate/Governor's Recommendation

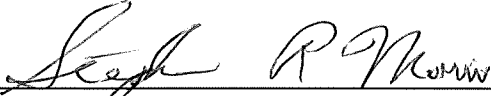
The agency's revised FY 1996 estimate of \$306,755 is \$33,827 more than the amount approved by the 1995 Legislature. The estimate reflects a 1.5 percent reduction from the approved level of State General Fund financing and an increase of \$37,430 from the agency's no-limit Publication Fee Fund. The majority of the increase (\$21,128) is attributed to the agency's purchase of computers, software, installation, and training. The agency consulted with DISC (the Division of Information Systems and Communications) before making the computer purchases.

*Senate Ways & Means
March 13, 1996
Attachment 3*

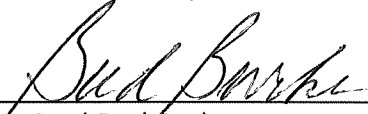
The Governor recommends FY 1996 expenditures of \$304,211, which reflects a reduction of \$2,544 from the amount of State General Fund expenditures included in the agency's estimate. The reduction is all from the amount estimated for salaries and wages and includes a downward adjustment for the cost of state employee health insurance.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations.



Senator Stephen R. Morris
Subcommittee Chairperson



Senator Paul Bud Burke

SUBCOMMITTEE REPORT

Agency: Judicial Council

Bill No. 721

Bill Sec. 2

Analyst: Porter

Analysis Pg. No. 755

Budget Page No. 331

Expenditure	Agency Req. FY 97	Gov. Rec. FY 97	Senate Sub. Adj.
All Funds:			
State Operations	\$ 291,276	\$ 281,650	\$ (2,121)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 291,276</u>	<u>\$ 281,650</u>	<u>\$ (2,121)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 291,276</u></u>	<u><u>\$ 281,650</u></u>	<u><u>\$ (2,121)</u></u>
State General Fund:			
State Operations	\$ 242,257	\$ 232,631	\$ (2,121)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 242,257</u>	<u>\$ 232,631</u>	<u>\$ (2,121)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 242,257</u></u>	<u><u>\$ 232,631</u></u>	<u><u>\$ (2,121)</u></u>
Other Funds:			
State Operations	\$ 49,019	\$ 49,019	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 49,019</u>	<u>\$ 49,019</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 49,019</u></u>	<u><u>\$ 49,019</u></u>	<u><u>\$ 0</u></u>
FTE Positions	4.0	4.0	-
Unclassified Temp. Positions	0.0	0.0	-
TOTAL	<u><u>4.0</u></u>	<u><u>4.0</u></u>	<u><u>-</u></u>

Agency Request/Governor's Recommendation

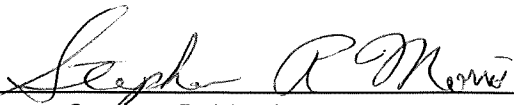
The agency requests FY 1997 state operations funding of \$291,276, a reduction of \$15,479, or 5.1 percent, from the FY 1996 estimate. A reduction of \$21,128 from the FY 1996 level of expenditures for capital outlay is offset by increases totaling \$6,849 in other areas.

The Governor recommends FY 1997 funding of \$281,650, a reduction of \$9,626 from the agency request. Reductions are recommended from the agency request for salaries and wages (\$8,556) and contractual services (\$1,070) and includes a downward adjustment for the cost of state employee health insurance and a 2.5 percent merit pool for six months for all four unclassified employees.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendations with the following adjustments and observations:

1. The Subcommittee commends the members of the Judicial Council and its advisory committees for their service to the State. For the cost of mileage, subsistence, and per diem payments, the State receives thousands of dollars worth of legal work from attorneys and other professionals who are recognized experts in the areas of law studied by the Council. In addition to the time spend in meetings, Judicial Council and advisory committee members may donate many additional hours of uncompensated time for research and preparation for Judicial Council meetings.
2. The Subcommittee notes that the Judicial Council Publications Fee Fund established by the 1992 Legislature has been successful in reducing the Council's reliance on State General Fund financing. The fee fund is designed to recover the direct and indirect costs of the preparation, publication, and distribution of legal publications. The fee fund will finance 23.1 percent of FY 1996 operating costs and 17.4 percent of FY 1997 operating costs.
3. The Subcommittee recommends that, within the funding recommended by the Governor, the Judicial Council should be authorized to give its four unclassified employees the equivalent of the 2.5 percent step movement authorized for classified employees. Because the four Judicial Council employees are unclassified, the Governor's recommendation provides the Judicial Council employees with the same 2.5 percent merit pool for six months authorized for all unclassified employees. The Subcommittee believes that the four Judicial Council employees (two clerical positions and two attorneys) should be treated in the same manner as classified employees and Judicial Branch employees and should receive the equivalent of step movement. The House made this same recommendation.
4. The Subcommittee requests that Judicial Council undertake a study of the interaction between the Judicial Branch and the Board of Indigents' Defense Services. The study should include suggestions on how to help judges determine indigence, how to ensure that judges are actually scrutinizing the required affidavits of indigence, what factors are appropriate to examine in determining indigence, and any other measures that would help to increase the recoupment efforts of the Board of Indigents' Defense Services. The study also should focus on reimbursement for services and costs from those defendants found to be partially indigent and whether judges should order defendants to reimburse defense costs at the time of sentencing.
5. Delete \$2,121 from the State General Fund based on the recommendation to delete funding for the six month unclassified merit pool.



Senator Stephen R. Morris
Subcommittee Chairperson



Senator Paul Bud Burke

PERFORMANCE MEASURES

OBJECTIVE #1

To consider the judicial branch of government and various substantive and procedural codes which are used by or before the judicial branch, to identify problem areas or areas of potential improvement and to take appropriate action.

OUTCOME MEASURES:

Consider the activity of the committees and determine if the Legislature, the Supreme Court, the bench, the bar, the public and the committee members are bringing matters to the attention of the committees for consideration.

FY 1996 COMMITTEE MEETINGS ALLOCATED, HELD SCHEDULED AND AVAILABLE				
Committee	Allocated	Held	Scheduled	Available
Judicial Council	5	3	2	0
Administrative Procedure	2	4	1	(3)
Care and Treatment	5	3	4	(2)
Civil Code	4	1	0	3
Criminal Law	3	1	0	2
Family Law	5	3	1	1
* Municipal Court Manual	*	0	0	*
PIK-Civil	4	4	3	(3)
PIK-Criminal	4	2	0	2
Probate Law	5	5	4	(4)
* Technology	*	0	0	*
TOTAL	37			
* Financed by other than General Revenue Fund, meetings not allocated or limited.				

OUTPUT MEASURES:

Determine if the work of the committees is being completed, considered by the Judicial Council and appropriate action being taken. Determine if proposals which are sent to the legislature or Supreme Court are being considered and if not directly enacted, are bringing about consideration of the subject matter of the studies.

1995 JUDICIAL COUNCIL LEGISLATION

No. of Requests	No. Bills Introduced	Hearing in First House	Passed First House	Hearing in Second House	Passed Both Houses	Carried Over to 1996 Session	Signed by Governor
11	11	11	9	9	6	6	5

**TESTIMONY BEFORE THE
SENATE WAYS AND MEANS COMMITTEE**

By
**Art Griggs, Department of Administration
Concerning Senate Bill No. 736**

I am appearing today to testify on behalf of the Department of Administration in support of SB 736. This bill provides authority for the Secretary of Administration to dispose of the Topeka State Hospital and Winfield State Hospital property through sale or lease or to direct the use of the property by the State of Kansas for other purposes. SB 736 is drafted to provide needed flexibility for development of the property by other governmental units, non-profit organizations or private sector developers.

SB 736 is premised upon the following principles.

- Sufficient statutory authority to make and implement decisions regarding disposition of the property should be put in place so that the time between closure of the hospitals and use of the facilities for new purposes is minimized.
- Options for disposition of the property should provide for maximum flexibility as potential future uses are explored prior to closure of the hospitals. These options should include lease or sale to either public or private sector entities, as well as use of the facilities by other state agencies.
- Because the property is currently used by multiple state agencies, including the Department of Administration (Division of Printing), Department of Agriculture, Department of Corrections, and Department of Social and Rehabilitation Services, the legislation should provide for coordination and in-put from each affected agency. SB 736 provides that the Secretary of Agriculture, Secretary of Corrections or the Secretary of Social and Rehabilitation Services, as appropriate, must approve the sale or lease of any portion of the property which is used by their agency.
- The Secretary of Administration is responsible for space planning and management, is authorized under K.S.A. 75-3651 to assign state agencies to space, and recently conducted a space consolidation study. For these reasons, the Secretary of Administration is well-positioned to coordinate planning and implementation of new uses of the property.
- Any lease or sale of the property to a private sector entity should be conducted through a competitive process.
- Any lease or sale, other than to another state agency, will be presented to the Joint Committee on State Building Construction.

The Topeka State Hospital and Winfield State Hospital properties represent substantial and valuable assets for the State of Kansas. Passage of SB 736 will provide a solid authority for ensuring that these assets are preserved and continue to be used effectively after in-patient hospital services cease.

4-2

**OPTIONS FOR DISPOSITION OF TOPEKA STATE HOSPITAL AND
WINFIELD STATE HOSPITAL PROPERTY UNDER SENATE BILL 736**

I. SALE

Purchaser	Conditions and Limitations
Private Sector Entity	<ul style="list-style-type: none"> • The property must be appraised by three disinterested appraisers, as provided in K.S.A. 75-3043a. • An advertisement for sealed bids will be published for three weeks in the <i>Kansas Register</i>. • Each bid must include a certified check equaling 5% of the bid, which may be forfeited in case of default by the bidder. • The property would be sold to the highest responsible bidder whose bid is at least equal to the appraised value and which is submitted within 30 days after last published notice.
Government Agency	<ul style="list-style-type: none"> • The sale would not be subject to provisions of K.S.A. 75-3043a requiring three appraisals. • The purchase price would be negotiated and agreed upon by the secretary and purchaser.
Non-Profit Corporation	<ul style="list-style-type: none"> • The sale would not be subject to the provisions of K.S.A. 75-3043a requiring three appraisals. • The purchase price is to be negotiated and agreed upon by the secretary and purchaser.
Developer of a Private Sector Project Involving Housing or Other Project Approved by the Department of Commerce and Housing	<ul style="list-style-type: none"> • The sale would not be subject to the provisions of K.S.A. 75-3043a requiring three appraisals. • The sale would be conducted on a competitive basis by soliciting proposals and convening a procurement negotiating committee to conduct negotiations under K.S.A. 75-37,102.

II. LEASE

Lessee	Conditions and Limitations
Private Sector Entity	<ul style="list-style-type: none"> • Proposals are to be solicited. • A procurement negotiating committee is to be convened and the negotiations are to be conducted in accordance with K.S.A. 75-37,102.
Government Agency	<ul style="list-style-type: none"> • A lease agreement is to be negotiated by the secretary of administration. • The lease is not subject to the provisions of purchasing laws (K.S.A. 75-3739 through 75-3740a) or procurement negotiation law (K.S.A. 75-37,102).
Non-Profit Corporation	<ul style="list-style-type: none"> • A lease agreement is to be negotiated by the secretary of administration. • The lease is not subject to the provisions of purchasing laws (K.S.A. 75-3739 through 75-3740a) or procurement negotiation law (K.S.A. 75-37,102).

III. LEASE OR ASSIGNMENT OF SPACE TO ONE OR MORE STATE AGENCIES

The Secretary may lease all or part of the property to any state agency, or may assign any state agency to space on the property under K.S.A. 1995 Supp. 75-3651. K.S.A. 3937 through 75-3740a, and K.S.A. 75-37,102 do not apply.



CITY OF TOPEKA

City Council
215 E. 7th Street Room 255
Topeka, Kansas 66603
Phone 913-295-8710

LEGISLATIVE TESTIMONY CITY OF TOPEKA SENATE BILL 736

TO: Senator Kerr and Members, Senate Ways and Means Committee

FROM: Jim Kaup, City of Topeka

DATE: March 13, 1996

RE: **SB 736 -- Disposition of Topeka State Hospital Property**

The City of Topeka appears in support of SB 736 as we see this bill as providing flexibility for disposition of Topeka State Hospital property consistent with the recommendations of the Mayor's Task Force on the Future of Topeka State Hospital and also consistent with a formal policy position adopted by the Topeka City Council.

The Mayor's Task Force, and the Topeka City Council, have adopted policy positions supportive of a reuse of Topeka State Hospital which will not only help minimize the adverse consequences of closure of Topeka State Hospital for the Topeka community but which will also enhance the ability of the community mental health service network to meet the additional client needs which will follow from closure of the Hospital.

MAYOR'S TASK FORCE ON THE FUTURE OF TOPEKA STATE HOSPITAL

On February 12, 1996 the Mayor's Task Force on the Future of Topeka State Hospital presented its report to the Governor. That report provided the Governor with the community's analysis of closure-related issues and recommendations for action by the State to plan for closure in a way that would minimize adverse consequence. A portion of that report relates to the disposition and reuse of the Topeka State Hospital buildings and grounds.

The following excerpt from the Task Force report reflects the goal of the Topeka community with respect to the reuse of Hospital property -- the creation of a campus for human services.

"The proposed closure of Topeka State Hospital presents the State with a unique opportunity to form a partnership with the City of Topeka to turn the negatives of closure into a positive outcome. The opportunity is to cooperate with the City in providing a family-centered community-based service system in buildings to be vacated by December 31, 1997. The concept of the human services campus is to provide assessment and service delivery in one location, making it easier for families to obtain the services they need, and also making it more cost effective for the agencies delivering the service.

*Senate Ways & Means
March 13, 1996
Attachment 5*

"... This plan for the development of a human services campus environment is in keeping with a state policy of privatizing the delivery of social services to children and families. The plan also assists with the transfer of the care of individuals currently housed at Topeka State Hospital to the local community. The creation of a human services campus environment would support the effort of local private agencies to assume the responsibilities for care for the mentally ill that are being shifted to them by the State's closure of Topeka State Hospital.

"... This proposal creates a human services campus environment to be called the Topeka-Shawnee County Service Campus for Families and Youth. The agencies located on the campus would cooperate in providing family-centered community-based services for individuals in the Topeka community.

"The opportunity to establish a human services campus in the vacated buildings at Topeka State Hospital is unlikely to occur again. Without a partnership with the State of Kansas, the cost of relocating for the community social service agencies would be prohibitively expensive. The closing of the Hospital presents a unique opportunity to realize the community care vision which has been advocated by the State of Kansas.

"First, locating agencies in closure proximity improves the likelihood of more positive outcomes by making it easier for individuals to access the services they need and thus increase the probability that individuals will seek and utilize services.

"Second, delivering service can be more cost effective when agencies are put in a position to utilize common assessment and recordkeeping services, eliminate duplications in service delivery, reduce transportation costs, and benefits from other cost savings that become possible when located close together.

"... The organizations which have met and ... joined together in this request are:

Breakthrough House
Community Resources Council
Family Service and Guidance Center
Family Intervention Resource Support and Treatment Program
Florence Crittenton Services
Kansas Alliance for the Mentally Ill
Kansas Children's Service League
Kansas Mental Illness Awareness Council
Regional Mental Health Inpatient Evaluation and Rehabilitation Facility
Shawnee Community Mental Health Center
Topeka Day Care
Topeka Junior League
Topeka Public Schools, U.S.D. 501
Topeka/Shawnee County Children and Adolescent Assessment Center
United Way of Topeka"

Synopsis of Community's Objectives Regarding Reuse of Topeka State Hospital: The principal objectives of the Mayor's Task Force and the Topeka City Council, with respect to the reuse of Topeka State Hospital, can be summarized as follows:

1. Establishment of a human services campus, as described above. It is the position of the Mayor's Task Force that such a campus proposal can be best advanced by continued state ownership of Topeka State Hospital, with leases to social service agencies on a favorable, long-term basis. However, it is understood that other ownership and leasehold arrangements, including disposition of the property to a non-profit entity or private party, can also be compatible with the human services campus concept.
2. Development of open space on the Hospital grounds, by the State, another governmental entity, a 501(c)(3) or a private party, which is consistent with the plan for a human services campus which would be situated in buildings in the eastern portion of the Topeka State Hospital grounds.
3. State financing of building renovation necessary to bring the structures into compliance with the ADA and building codes.
4. A commitment by the State to not expand, by either size or composition of the inmate population, the Department of Corrections programs presently housed at Topeka Complex West. The Mayor's Task Force and the City of Topeka are opposed to the expansion of correctional programs now housed at Topeka Complex West. We oppose any such expanded presence by the Department of Corrections for two basic reasons: (1) such would be incompatible with the existing residential neighborhoods, and (2) such an expansion would be incompatible with the community's proposal to develop a human services campus.

SENATE BILL 736

SB 736 provides a vehicle by which the objectives noted above may be reached. The bill creates a full range of options, ranging from the continued ownership of the Hospital grounds by the State of Kansas to disposition of all or any part of the property.

By providing the Department of Administration with the flexibility to consider not only continued state ownership, but also sale or lease of all or part of the Hospital to other governmental entities, to 501(c)(3) non-profit entities and/or to private parties, SB 736 will allow reuse of the property in a manner that is mutually satisfactory to the State and the community, and will help the community meet the new demands created by closure of Topeka State Hospital.

SUMMARY

Because SB 736 provides the necessary authority to the State of Kansas to achieve the recommendations of the Mayor's Task Force and City Council regarding reuse of the Topeka State Hospital buildings and grounds, the City of Topeka respectfully urges this Committee's favorable action on SB 736.