

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 18, 1996 in Room 123-S of the Capitol.

All members were present except: Senator Moran, who was excused

Committee staff present: Alan Conroy, Legislative Research Department
Laura Howard, Legislative Research Department
Patricia Pierron, Legislative Research Department
Leah Robinson, 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:
Secretary Charles Simmons, Department of Corrections

Others attending: See attached list

SB 718: Appropriations for FY 97, department of corrections and correctional institutions and facilities

Ellsworth Correctional Facility

Senator Lawrence reviewed the FY 96 and FY 97 subcommittee reports for the Ellsworth Correctional Facility (Attachment 1). It was moved by Senator Lawrence and seconded by Senator Rock that the reports be adopted. The motion carried on a voice vote.

Lansing Correctional Facility

The FY 96 and FY 97 subcommittee reports were reviewed by Senator Lawrence (Attachment 2). Senator Lawrence moved, Senator Rock seconded, that the subcommittee reports be adopted. The motion carried on a voice vote.

Larned Correctional Mental Health Facility

Senator Karr reviewed the FY 96 and FY 97 subcommittee reports (Attachment 3). He pointed out that the Governor had recommended providing operating expenditures for the addition of 32 beds at Larned to house a minimum security detail which would provide work at the state hospital and the correctional facility. Secretary Simmons stated that no specific cost estimate has been made for renovating the space.

Senator Vancrum complimented the subcommittee for determining the number of inmates that are incarcerated for sexually violent crimes, but urged the Committee to not give up on the 30 bed wing at Larned Correctional Mental Health Facility because he is hopeful that "sex predator" can be redefined as a mental illness so that the courts will uphold the law.

Winfield Correctional Facility

Senator Morris reviewed the FY 96 and FY 97 subcommittee reports (Attachment 4). It was moved by Senator Morris and seconded by Senator Karr that the subcommittee reports for Larned Correctional Mental Health Facility and the Winfield Correctional Facility be adopted. The motion carried on a voice vote.

Systemwide Observations

Senator Salisbury reviewed the reports which were applicable to the El Dorado Correctional Facility, the Hutchinson Correctional Facility, and the Norton Correctional Facility (Attachment 5).

El Dorado Correctional Facility

The FY 96 and FY 97 subcommittee reports were reviewed by Senator Salisbury (Attachment 6).

Hutchinson Correctional Facility

Senator Salisbury reviewed the FY 96 and FY 97 subcommittee reports (Attachment 7).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS, Room 123-S Statehouse, at 11:00 a.m. on March 18, 1996.

Norton Correctional Facility

Senator Salisbury reviewed the FY 96 and FY 97 subcommittee reports (Attachment 8).

Members discussed at length the problems associated with inmate idleness at the El Dorado Correctional Facility and the Hutchinson Correctional Facility. It was noted that this is an ongoing problem that needs attention and is further exacerbated by the fact that all Pell Grants are now gone. In responding to a question about what can be done to address inmate idleness, Secretary Simmons stated that the Department is looking for options but hasn't identified any funding source to create industry slots. He told members that there is currently a lack of space within the facilities where industries can locate and although a fund has been created for this purpose, it is insufficient to provide for the creation of industries space. In answer to the Chairman, Sec. Simmons stated that he believes that private industries are interested in providing work programs within the facilities if space were available. He noted that there is a successful program at Lansing and the Department is investigating other programs.

Senator Salisbury moved, Senator Petty seconded, that the Systemwide report be amended to include language stating that the Secretary of Corrections believes there is private industry interest to help relieve problems associated with inmate idleness if space is made available and that this report as amended and the El Dorado, Hutchinson, and Norton Correctional Facilities reports be adopted. The motion carried on a voice vote.

Topeka Correctional Facility

Senator Vancrum reviewed the FY 96 and FY 97 subcommittee reports (Attachment 9). It was moved by Senator Vancrum and seconded by Senator Brady that the reports be adopted. The motion carried on a voice vote.

Department of Corrections

Senator Vancrum reviewed the FY 96 and FY 97 subcommittee reports (Attachment 10). In discussing the subcommittee's recommendation regarding funding for visitor centers, it was clarified that the subcommittee rejects a portion of the Governor's budget (the recommendation to provide \$93,000 from the IBF).

Members inquired whether there was an estimate of the impact of privatization on the number of FTE positions and on the KPERS unfunded liability (item 4, Attachment 10-5). It was noted that an estimate of the total number of layoffs is not available. Secretary Simmons noted that the Department tried to identify everything that was related to the delivery of food service and those items were factored into the Department's costs, but the retirement issue was not factored in. The Chairman stated that he would ask the Department of Administration if the impact on the unfunded liability for not meeting basic assumptions could be identified on a per capita basis.

The Chairman suggested that the systemwide observations as amended be included in the Department of Corrections subcommittee report. There were no objections and it was noted that this would be done.

Senator Vancrum moved, Senator Brady seconded, that the subcommittee reports on the Department of Corrections (which now include the systemwide observations as amended) be adopted. The motion carried on a voice vote.

It was moved by Senator Vancrum and seconded by Senator Burke that SB 718 as amended be recommended favorably for passage. The motion carried on a roll call vote.

HB 2585: Authorizing set-off of certain inmate moneys for court ordered restitution

Secretary Charles Simmons appeared before the Committee in support of **HB 2585** and reviewed his written testimony (Attachment 11). He told members that the bill is a product of the House subcommittee on the Department of Corrections, and it provides a means whereby monies owed by an inmate for restitution can be set-off from funds received as settlement of a claim. He noted that the bill was amended, at the Department's request, to include parolees. Senator Rock moved and Senator Morris seconded that HB 2585 as amended by House Committee be recommended favorably for passage. The motion carried on a roll call vote.

SB 727: Provision of community services to persons with developmental disabilities

Concern was expressed about whether reimbursement rates would be increased for the category of "special

CONTINUATION SHEET

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care persons" created on page 2, line 28 of the balloon (Attachment 12). Senator Rock confirmed that there would be additional costs for these persons that have not been addressed in the current tiered method of compensation. Mike Hutfles, Department of SRS, concurred that there will be a fiscal impact, but stated that there is no way to estimate those costs now. He added that the Department has visited with the CDDOs to determine how to care for this group of persons and the concern has become greater with the selection of Winfield State Hospital for closure.

Senator Rock moved, Senator Karr seconded, that SB 727 be amended by adoption of the balloon (Attachment 12). He noted that the balloon primarily deletes the loan guarantee and bonding language contained in the original version of the bill. The motion carried on a voice vote.

In answer to questions, the Assistant Secretary, Department of SRS, stated that under the SRS plan the CDDOs would provide a single point of entry, would supply information to families and consumers who would choose a provider. In answer to the Chairman, it was stated that if SB 727 becomes law, SRS would contract directly with all providers who would have to go through the licensing procedures that are currently in place.

Concern was expressed that the bill would change the single point of entry (page 3, line 41). Dr. Michael Strouse, a proponent of the bill, noted that that was not the intent. He stated that other service providers just wanted to be able to contract potential clients directly at some point, but not on the single point of entry. Senator Rock moved and Senator Morris seconded that SB 727 be amended by reinserting the word "single" in line 41, page 3 of the bill and wherever else necessary to provide for a single point of entry. The motion carried on a voice vote.

It was moved by Senator Rock and seconded by Senator Vancrum that SB 727 as amended be recommended favorably for passage. The motion carried on a roll call vote.

It was moved by Senator Rock and seconded by Senator Lawrence that the minutes of March 13 and 14 be approved. The motion carried on a voice vote.

The Chairman adjourned the meeting at 12:20 P.M. The next meeting is scheduled for March 19, 1996.

SUBCOMMITTEE REPORT

Agency: Ellsworth Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 299

Budget Page No. 181

Expenditure	Agency Est. FY 96	Gov. Rec. FY 96	Senate Sub. Adj.
All Funds:			
State Operations	\$ 8,204,220	\$ 8,071,102	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 8,204,220	\$ 8,071,102	\$ 0
Capital Improvements	6,425	6,425	0
TOTAL	<u>\$ 8,210,645</u>	<u>\$ 8,077,527</u>	<u>\$ 0</u>
State General Fund:			
State Operations	\$ 8,194,820	\$ 8,061,702	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 8,194,820	\$ 8,061,702	\$ 0
Capital Improvements	0	0	0
TOTAL	<u>\$ 8,194,820</u>	<u>\$ 8,061,702</u>	<u>\$ 0</u>
FTE Positions	190.5	190.5	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u>190.5</u>	<u>190.5</u>	<u>0.0</u>
Average Inmate Census	579	579	–

Agency Estimate/Governor's Recommendation

The agency's revised FY 1996 estimate of operating expenditures totals \$8,204,220, and is a reduction of \$46,124 from the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. The agency's estimated State General Fund expenditures total \$8,194,820, a reduction of \$48,024 from the approved amount.

The Governor recommends FY 1996 operating expenditures totaling \$8,071,102, a reduction of \$133,118 (all in salaries and wages) from the agency's revised estimate. The reduction in salaries and wages reflects adjustments for reduced health insurance rates, and an increase in the shrinkage rate in the security program from the 2.5 percent estimated by the agency to 3.8 percent. The increased

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Attachment 1*

shrinkage accounts for the facility's share (\$51,042) of the Department of Corrections' 1.5 percent current year State General Fund reduction. The Governor concurs with the balance of the agency's estimate for FY 1996.

Senate Subcommittee Recommendation

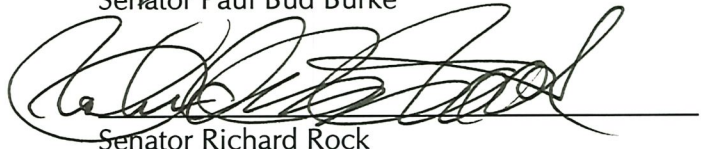
The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Barbara Lawrence
Subcommittee Chair



Senator Paul Bud Burke



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Ellsworth Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 299

Budget Page No. 181

Expenditure	Agency Req. FY 97	Gov. Rec. FY 97	Senate Sub. Adj.
All Funds:			
State Operations	\$ 8,989,222	\$ 8,470,261	\$ (131,968)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 8,989,222	\$ 8,470,261	\$ (131,968)
Capital Improvements	484,130	0	0
TOTAL	\$ 9,473,352	\$ 8,470,261	\$ (131,968)
State General Fund:			
State Operations	\$ 8,969,822	\$ 8,450,861	\$ (131,968)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 8,969,822	\$ 8,450,861	\$ (131,968)
Capital Improvements	0	0	0
TOTAL	\$ 8,969,822	\$ 8,450,861	\$ (131,968)
FTE Positions	200.5	193.5	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	200.5	193.5	0.0
Average Inmate Census	584	608	-

Agency Request/Governor's Recommendation

The agency's FY 1997 request for operating expenditures totals \$8,989,222, an increase of \$785,002 over the revised FY 1996 estimate. The request includes funding for 200.5 FTE positions, an increase of 10.0 over the currently approved number.

The Governor recommends FY 1997 expenditures of \$8,470,261, a reduction of \$518,961 from the amount requested by the agency. Most of the reduction is in salaries and wages (\$434,273), with other reductions in contractual services (\$302), and capital outlay (\$121,919). The Governor's recommendation increases commodities (\$37,533) over the agency's original request. The Governor recommends a total of \$71,931, including fringe benefits, for 3.0 new Correctional Officer I positions.

The recommendation to add the new positions is based on a systemwide capacity expansion plan recommended by the Governor. As part of the systemwide capacity expansion project, the Governor recommends FY 1997 operating expenditures of \$108,600 at ECF, including \$67,800 for the salaries and wages of 3.0 Corrections Officer I positions and \$40,800 for other operating expenditures. The renovation project, which added 48 beds to the facility is complete, but no operating moneys have been appropriated as yet.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustment:

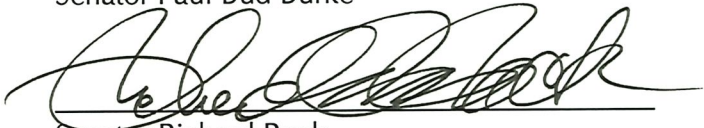
1. Delete \$131,968 (all from the State General Fund), based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$462); classified step movement (\$130,013); and longevity (\$1,493) from individual agency budgets.



Senator Barbara Lawrence
Subcommittee Chair



Senator Paul Bud Burke



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Lansing Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 331

Budget Page No. 379

<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	\$ 29,973,337	\$ 29,493,066	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 29,973,337	\$ 29,493,066	\$ 0
Capital Improvements	245,175	245,175	0
TOTAL	\$ 30,218,512	\$ 29,738,241	\$ 0
State General Fund:			
State Operations	\$ 29,887,859	\$ 29,407,588	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 29,887,859	\$ 29,407,588	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 29,887,859	\$ 29,407,588	\$ 0
FTE Positions	719.0	719.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	719.0	719.0	0.0
Average Inmate Census	1,860	1,860	-

Agency Est./Governor's Recommendation

The agency's revised FY 1996 estimate of operating expenditures totals \$29,973,337 and is a reduction of \$57,494 from the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. The agency's estimated State General Fund expenditures total \$29,887,859, a reduction of \$58,172 from the approved amount.

The Governor's recommendation for FY 1996 totals \$29,493,066, a reduction of \$480,271 from the amount estimated by the agency. The recommendation includes reductions in salaries and wages (\$311,605), contractual services (\$66,666), commodities (\$52,000), and capital outlay (\$50,000). The recommended reductions include \$183,666 from the State General Fund for the facility's portion of the 1.5 percent current year State General

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Attachment 2*

Fund reduction required by the Governor. Reduction amounts were provided for each facility by the Department of Corrections. Other reductions are primarily the result of health insurance rate revisions.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendation of the Governor.



Senator Barbara Lawrence, Chairperson



Senator Paul "Bud" Burke



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Lansing Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 331

Budget Page No. 379

<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	\$ 32,085,198	\$ 30,633,145	\$ (383,422)
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 32,085,198	\$ 30,633,145	\$(383,422)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 32,085,198</u></u>	<u><u>\$ 30,633,145</u></u>	<u><u>\$ (383,422)</u></u>
State General Fund:			
State Operations	\$ 32,035,198	\$ 30,583,145	\$ (383,422)
Aid to Local Units	0	0	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 32,035,198	\$ 30,583,145	\$(383,422)
Capital Improvements	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	<u><u>\$ 32,035,198</u></u>	<u><u>\$ 30,583,145</u></u>	<u><u>\$ (383,422)</u></u>
FTE Positions	719.0	719.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>719.0</u></u>	<u><u>719.0</u></u>	<u><u>0.0</u></u>
Average Inmate Census	1,860	1,860	-

Agency Req./Governor's Recommendation

The agency's FY 1997 operating request totals \$32,085,198, an increase of \$2,111,861 over the revised FY 1996 estimate. The Governor's recommendation for FY 1997 totals \$30,633,145, a reduction of \$1,452,053 from the amount requested by the agency. Recommended reductions are made in salaries and wages (\$898,792), and capital outlay (\$580,461), while the Governor's recommendation for commodities is an increase of \$27,200 over the amount originally requested by the agency. The increase in commodities is related to the Governor's recommended capacity expansion project which will add 16 beds at Lansing. The Governor's recommendation includes funding for classified step movement, an unclassified merit pool equivalent to 2.5 percent for six months, and longevity for those employees at the end of the pay range.

As part of a systemwide capacity expansion project, the Governor recommends \$27,200 in additional operating expenditures for the facility. The project would increase capacity by 16 beds at Lansing. The renovation project is complete, but no operating expenditures have been appropriated as yet. The recommendation would provide additional funding for commodities related to the increased average daily population (ADP) which will result from the new beds being brought on-line.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustment:

1. Delete \$383,422 (all from the State General Fund), based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$558); classified step movement (\$353,153); and longevity (\$29,711) from individual agency budgets.



Senator Barbara Lawrence, Subcommittee Chair



Senator Paul "Bud" Burke



Senator Richard Rock

SUBCOMMITTEE REPORT

Agency: Larned Correctional Mental Health Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 342

Budget Page No. 381

<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	\$ 5,919,978	\$ 5,783,070	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 5,919,978</u>	<u>\$ 5,783,070</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 5,919,978</u></u>	<u><u>\$ 5,783,070</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 5,919,978	\$ 5,783,070	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 5,919,978</u>	<u>\$ 5,783,070</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 5,919,978</u></u>	<u><u>\$ 5,783,070</u></u>	<u><u>\$ 0</u></u>
FTE Positions	174.0	174.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u><u>174.0</u></u>	<u><u>174.0</u></u>	<u><u>0.0</u></u>
Average Inmate Census	130	130	–

Agency Est./Governor's Recommendation

The facility's revised FY 1996 estimate of operating expenditures totals \$5,919,978, a reduction of \$84,750 (all from the State General Fund) from the amount approved by the 1995 Legislature, as adjusted by State Finance


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Attachment 3*

Council action. The Secretary of Corrections has the authority to transfer, with the approval of the Governor, State General Fund moneys from the Department of Corrections or any facility to the DOC or any other facility. Transfers have been made from LCMHF to other facilities.

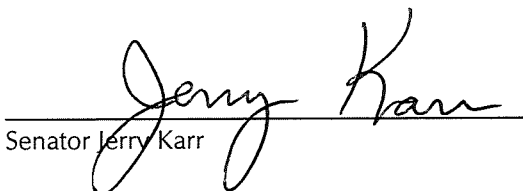
The Governor's FY 1996 recommendation for operating expenditures totals \$5,783,070, a reduction of \$136,908 from the amount estimated by the agency. The recommendation includes reductions in the facility's estimate for salaries and wages (\$102,220), contractual services (\$3,928), commodities (\$21,200), and capital outlay (\$9,560). The Governor's recommendation for salaries and wages reflects downward adjustments for state employee health insurance costs and an increased shrinkage rate in the security program. The increased shrinkage rate and the reduction in capital outlay are recommended to provide for the facility's portion (\$37,200) of the 1.5 percent State General Fund reduction required of the Department of Corrections and the facilities.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendation of the Governor.



Senator Stephen Morris, Subcommittee Chair



Senator Jerry Karr

SUBCOMMITTEE REPORT

Agency: Larned Correctional Mental Health Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 342

Budget Page No. 381

<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	\$ 6,175,877	\$ 6,041,941	\$ (76,858)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 6,175,877</u>	<u>\$ 6,041,941</u>	<u>\$ (76,858)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 6,175,877</u></u>	<u><u>\$ 6,041,941</u></u>	<u><u>\$ (76,858)</u></u>
State General Fund:			
State Operations	\$ 6,175,877	\$ 6,041,941	\$ (76,858)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 6,175,877</u>	<u>\$ 6,041,941</u>	<u>\$ (76,858)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 6,175,877</u></u>	<u><u>\$ 6,041,941</u></u>	<u><u>\$ (76,858)</u></u>
FTE Positions	174.0	174.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u><u>174.0</u></u>	<u><u>174.0</u></u>	<u><u>0.0</u></u>
Average Inmate Census	134.0	144.0	--

Agency Req./Governor's Recommendation

The facility's FY 1997 operating budget request totals \$6,175,877, an increase of \$255,899 over the revised FY 1996 estimate. The entire operating request is from the State General Fund. The Governor recommends FY 1997 operating expenditures of \$6,041,941, a reduction of \$133,936 from the amount requested by the agency. Reductions are recommended in the agency's request for salaries and wages (\$169,458), contractual services (\$3,318), and capital outlay (\$350). The Governor's recommendation for commodities is an increase of \$39,190 over the agency's original request and is related to a systemwide capacity expansion project which would add 32 beds at the facility. The Governor's recommendation includes funding for step movement for classified employees, and for longevity for those employees at the end of the pay range.

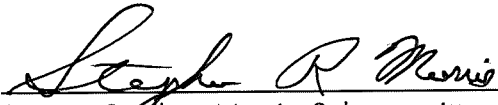
As part of a systemwide capacity expansion project designed to add a total of 312 beds systemwide, the Governor recommends other operating expenditures of \$57,200 to provide for the addition of 32 beds at Larned. Under the Governor's recommendation the facility would occupy the Jenkins Building at Larned State Hospital, which currently houses the Chemical Dependency Recovery Program (CDRP).

Senate Subcommittee Recommendation

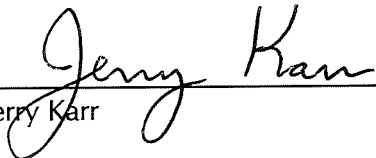
The Senate Subcommittee concurs with the recommendation of the Governor, with the following observations:

1. Delete \$76,858 from the State General Fund, based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$0); classified step movement (\$72,444); and longevity (\$4,414) from individual agency budgets.
2. The Subcommittee expresses concern with the recent Supreme Court decision holding the state's sexual predator law unconstitutional. There are currently seven civilly-committed sex predators housed in a 30-bed wing at Larned Correctional Mental Health Facility. Those seven individuals will probably remain at the facility pending resolution of the state's appeal, although there will be no new admissions during this time frame. The concerns are two-fold:
 - a. There are 476 inmates currently incarcerated for sexually violent crimes (as defined by the sexual predator act) who have a mandatory release date within the next three years. That number does not include persons convicted of incest or aggravated incest. If these offenders are included, the number with a mandatory release date during this period increases to 547. Without the provisions of the sexual predator act, these individuals will very likely be released without challenge and could present a danger to the community.
 - b. At the same time, an entire 30-bed wing at Larned Correctional Mental Health Facility is being used to house seven individuals. A federal court order requires that the State Security Hospital at Larned provide 74 inpatient psychiatric beds for DOC inmates transferred to the hospital. The average daily population of that bed space by DOC has been averaging around 30. The other beds have been available for persons placed at the State Security Hospital by District Courts. With an entire wing at LCMHF devoted to the housing of sex predators, the Department of Corrections has often found the need to transfer inmates to the State Security Hospital. Because of the District Court's utilization of those beds, however, it has become more difficult for DOC to obtain placement of inmates at the hospital. DOC is then often placed in the position of "trading" one inmate at the hospital for another to provide the most suitable placement.

As of now, DOC indicates that no inappropriate placement of inmates is occurring. No inmate in need of acute mental health care is being denied that care. In the long run, however, DOC needs the 30-bed wing now being used to house sex predators for placement of its inmates. If the constitutionality of the sex predator act is ultimately upheld, an alternative plan for the housing of the sex predators must be resolved. The Subcommittee recommends that DOC and the Department of Social and Rehabilitation Services continue to consult on what can be done, utilizing the existing physical resources at the hospital, to provide more adequate housing arrangements for DOC inmates, court placements, and sex predators.



Senator Stephen Morris, Subcommittee Chair



Senator Jerry Karr

SUBCOMMITTEE REPORT

Agency: Winfield Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 373

Budget Page No. 563

Expenditure	Agency Est. FY 96	Gov. Rec. FY 96	Senate Sub. Adj.
All Funds:			
State Operations	\$ 4,167,560	\$ 4,106,977	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,167,560	\$ 4,106,977	\$ 0
Capital Improvements	2,127	2,127	0
TOTAL	\$ 4,169,687	\$ 4,109,104	\$ 0
State General Fund:			
State Operations	\$ 4,096,992	\$ 4,036,409	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,096,992	\$ 4,036,409	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 4,096,992	\$ 4,036,409	\$ 0
FTE Positions	110.0	110.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	110.0	110.0	0.0
Average Inmate Census	321	321	0

Agency Estimate/Governor's Recommendation

The facility's revised estimate of operating expenditures for FY 1996 totals \$4,167,560, a reduction of \$1,292 from the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. The agency's revised estimate of expenditures from the State General Fund is an increase of \$3 over the amount originally approved by the 1995 Legislature, as adjusted by State Finance Council action. The Secretary of Corrections has the authority to transfer State General Fund moneys among facilities and has done so at Winfield. No supplemental funding is requested.


The Governor's FY 1996 recommendation for operating expenditures totals \$4,106,977, a reduction of \$60,583 from the amount estimated by the agency. The recommendation includes

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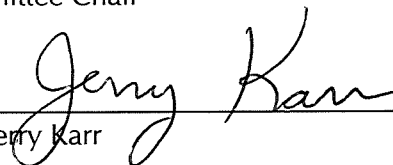
reductions in the agency's estimate for salaries and wages (\$45,683), contractual services (\$2,650), commodities (\$2,250), and capital outlay (\$10,000). The Governor's recommendation for salaries and wages reflects downward adjustments for state employee health insurance costs and an increased shrinkage rate in the security program. The increased shrinkage rate and the adjustments to other operating expenditures are recommended to provide for the facility's portion (\$25,954) of the 1.5 percent current year State General Fund reduction required of the Department of Corrections and the facilities.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Stephen R. Morris
Subcommittee Chair



Senator Jerry Karr

SUBCOMMITTEE REPORT

Agency: Winfield Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 373

Budget Page No. 563

Expenditure	Agency Req. FY 97	Gov. Rec. FY 97	Senate Sub. Adj.
All Funds:			
State Operations	\$ 4,751,347	\$ 4,872,329	\$ 109,996
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,751,347	\$ 4,872,329	\$ 109,996
Capital Improvements	0	0	0
TOTAL	\$ 4,751,347	\$ 4,872,329	\$ 109,996
State General Fund:			
State Operations	\$ 4,685,186	\$ 4,806,168	\$ 109,996
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 4,685,186	\$ 4,806,168	\$ 109,996
Capital Improvements	0	0	0
TOTAL	\$ 4,685,186	\$ 4,806,168	\$ 109,996
FTE Positions	115.0	133.0	5.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	115.0	133.0	5.0
Average Inmate Census	386	430	0

Agency Request/Governor's Recommendation

The facility requests total FY 1997 operating expenditures of \$4,751,347, an increase of \$583,787 over the revised FY 1996 estimate. The request includes \$155,145 for salaries and wages for 5.0 new positions.

The Governor recommends FY 1997 operating expenditures of \$4,872,329, an increase of \$120,982 over the amount originally requested by the agency. The Governor's recommendation includes step movement for classified employees and longevity for those employees at the end of the pay range. As part of a systemwide capacity expansion, the Governor recommends \$257,500 in salaries

and wages for 23.0 new FTE positions, and \$176,600 for other operating expenditures for a capacity expansion project designed to add 132 beds at WCF.

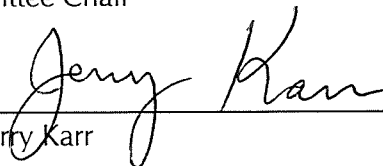
Senate Subcommittee Recommendation

The Subcommittee concurs with the recommendations of the Governor with the following adjustments:

1. Delete \$39,650 from the State General Fund, based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$0); classified step movement (\$37,594); and longevity (\$2,056) from individual agency budgets.
2. Shift funding totaling \$149,646 from the State General Fund, and 5.0 FTE positions from the budget of Winfield State Hospital and Training Center to the budget of Winfield Correctional Facility. This shift would provide for Winfield Correctional Facility to operate the power plant which provides power to both the hospital and the correctional facility. The Subcommittee is concerned that, as the closure date for the hospital approaches, more and more employees will choose to leave positions at the hospital for other employment. The power plant which services the older portion of the hospital campus, including the correctional facility, is a high pressure steam system. The boilers are over 40 years old and in need of replacement. The power plant must be staffed around the clock. The loss of employees who provide that staffing would be extremely harmful to operations at the correctional facility. The Subcommittee believes that it makes sense to transfer responsibility for the power plant operation to the correctional facility to assure uninterrupted operation of necessary services.
3. In addition to the power plant operation noted above, the Subcommittee notes there are other items which will need to be resolved prior to the scheduled closure of the hospital. Issues regarding utilities, laundry services and perimeter security must all be addressed. The Subcommittee was informed that the Department of Corrections and the Department of Social and Rehabilitation Services are working together to prepare for the transition of many of the functions currently provided by the hospital to the correctional facility. The Subcommittee encourages the two departments to continue to work on this transition planning and be prepared to report a plan to the 1997 Legislature.



Senator Stephen R. Morris
Subcommittee Chair



Senator Jerry Karr

SENATE SUBCOMMITTEE REPORTS

El Dorado Correctional Facility

Hutchinson Correctional Facility

Norton Correctional Facility

Systemwide Observations

1. The Subcommittee is highly impressed with the wardens in our correctional facilities and expresses appreciation for the quality of their management.
2. The Subcommittee notes its concern about the impact of increasing inmate populations and reduced funding and availability of offender programs and work assignments. Additional consideration should be given to this matter before the end of the 1996 Legislature.

SUBCOMMITTEE REPORT

Agency: El Dorado Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 309

Budget Page No. 179

Expenditure	Agency Est. FY 96	Gov. Rec. FY 96	Senate Sub. Adj.
All Funds:			
State Operations	\$ 16,420,898	\$ 16,055,845	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 16,420,898	\$ 16,055,845	\$ 0
Capital Improvements	254,683	254,683	0
TOTAL	\$ 16,675,581	\$ 16,310,528	\$ 0
State General Fund:			
State Operations	\$ 16,350,781	\$ 15,985,728	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 16,350,781	\$ 15,985,728	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 16,350,781	\$ 15,985,728	\$ 0
FTE Positions	416.0	404.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	416.0	404.0	0.0
Average Inmate Census	1,049	1,049	-

Agency Estimate/Governor's Recommendation

The agency's revised FY 1996 estimate of operating expenditures totals \$16,420,898, an increase of \$198,427 (all from the State General Fund) over the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. No supplemental funding is requested, however, because the Secretary of Corrections has the authority to transfer, with the approval of the Governor, State General Fund moneys from the Department of Corrections or any facility to the DOC or any other facility.

The Governor recommends FY 1996 expenditures of \$16,055,845, a reduction of \$365,053 from the amount estimated by the agency. The recommendation includes reductions in salaries and wages (\$261,814), commodities (\$2,900), and capital outlay (\$100,339). The recommended reduction in

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capital outlay is the facility's portion of the 1.5 percent current year State General Fund reduction required by the Governor. Reduction amounts were provided for each facility by the Department of Corrections. The Governor's recommendation also includes a reduction of \$98,035 in funding for 12.0 new FTE positions requested by the agency in the current year to staff the units that have been double-celled. Other reductions are primarily the result of health insurance rate revisions.

Senate Subcommittee Recommendation


The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Alicia Salisbury
Subcommittee Chair



Senator Jerry Moran



Senator Marge Petty

SUBCOMMITTEE REPORT

Agency: El Dorado Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 309

Budget Page No. 179

Expenditure	Agency Req. FY 97	Gov. Rec. FY 97	Senate Sub. Adj.
All Funds:			
State Operations	\$ 18,311,073	\$ 16,805,559	\$ (188,859)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 18,311,073</u>	<u>\$ 16,805,559</u>	<u>\$ (188,859)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 18,311,073</u></u>	<u><u>\$ 16,805,559</u></u>	<u><u>\$ (188,859)</u></u>
State General Fund:			
State Operations	\$ 18,240,956	\$ 16,735,442	\$ (188,859)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 18,240,956</u>	<u>\$ 16,735,442</u>	<u>\$ (188,859)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 18,240,956</u></u>	<u><u>\$ 16,735,442</u></u>	<u><u>\$ (188,859)</u></u>
FTE Positions	429.5	404.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u>429.5</u>	<u>404.0</u>	<u>0.0</u>
Average Inmate Census	1,104	1,126	-

Agency Request/Governor's Recommendation

The agency's FY 1997 operating request totals \$18,311,073, an increase of \$1,890,175 over the revised FY 1996 amount. The request includes \$323,689, including fringe benefits, for the salaries and wages of 13.5 new FTE Corrections Officer I positions.

The Governor recommends FY 1997 expenditures of \$16,805,559, a reduction of \$1,505,514 from the amount requested by the agency. The reductions are in salaries and wages (\$1,238,893), commodities (\$21,009), and capital outlay (\$287,630). As part of a systemwide capacity expansion project, the Governor recommends \$37,400 in additional operating expenditures for the facility. The project would increase capacity at the facility by 60 beds by double-celling one half of a cellhouse. The

renovation project is complete and the cells are double bunked, but no operating expenditures have been appropriated as yet. The recommendation would provide additional funding for commodities related to the increased average daily population (ADP) which will result from the new beds being brought on-line.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

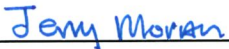
1. Delete \$188,859 from the State General Fund, based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$456); classified step movement (\$184,199), and longevity (\$4,204) from individual agency budgets.
2. The warden of El Dorado indicated to the Subcommittee that with the recent increases in population, the facility is experiencing an idleness problem among inmates. During 1995, a building intended for industries use was converted to dormitory style housing for 115 inmates. In addition, the facility began to double-cell 1.5 cellhouses, adding an additional 184 inmates, for a total of 299 additional inmates. In addition, the remaining half of one cellhouse has been renovated to allow double-celling, although those beds (60) are not yet occupied. When they are, the facility will have approximately 150 inmates without a work or program assignment. Although the facility created some assignments to absorb the population increase, the facility went from an assignment rate of 95-98 percent to 63 percent, later managing to increase that percentage to 88 percent.

Ideally, the facility would like to see the creation of additional industries slots, either through the traditional Kansas Correctional Industries slots or through private employers. The problem is magnified, however, because space that was designed for industries use is now utilized as housing. In order to provide work or program assignments for El Dorado's maximum security population, construction of new industries space could replace that lost to add beds.

The Subcommittee encourages the Secretary of Corrections to consult with the Secretary of Commerce and Housing to seek some creative options, including potential utilization of the Kansas Investments in Major Projects and Comprehensive Training (IMPACT) act to expand the correctional system's private industry program.



Senator Alicia Salisbury
Subcommittee Chair



Senator Jerry Moran



Senator Marge Petty

SUBCOMMITTEE REPORT

Agency: Hutchinson Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 320

Budget Page No. 309

<u>Expenditure Summary</u>	<u>Agency Estimate FY 96</u>	<u>Gov. Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 22,158,596	\$ 21,775,257	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 22,158,596	\$ 21,775,257	\$ 0
Capital Improvements	737,107	737,107	0
TOTAL	\$ 22,895,703	\$ 22,512,364	\$ 0
State General Fund:			
State Operations	\$ 21,892,849	\$ 21,509,510	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 21,892,849	\$ 21,509,510	\$ 0
Capital Improvements	0	0	0
TOTAL	\$ 21,892,849	\$ 21,509,510	\$ 0
FTE Positions	532.0	532.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	532.0	532.0	0.0
Average Inmate Census	1,580	1,580	–

Agency Estimate/Governor's Recommendation

The facility's revised FY 1996 estimate of operating expenditures totals \$22,158,596, a reduction of \$152,401 from the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. The Secretary of Corrections has the authority to transfer, with approval of the Governor, State General Fund moneys from the Department of Corrections or any facility to the DOC or any other facility.


The Governor's recommendation for FY 1996 totals \$21,775,257, a reduction of \$383,339 from the amount estimated by the agency. The recommendation includes reductions in salaries and wages (\$248,977), commodities (\$84,362), and capital outlay (\$50,000). The recommended reductions include

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\$134,362 from the State General Fund for the facility's portion of the 1.5 percent current year State General Fund reduction required by the Governor. Reduction amounts were provided for each facility by the Department of Corrections. Other reductions are primarily the result of health insurance rate revisions.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Alicia Salisbury
Subcommittee Chair



Senator Jerry Moran



Senator Marge Petty

SUBCOMMITTEE REPORT

Agency: Hutchinson Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 320

Budget Page No. 309

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Gov. Rec. FY 97</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 23,751,678	\$ 22,593,642	\$ (225,186)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 23,751,678	\$ 22,593,642	\$ (225,186)
Capital Improvements	0	0	0
TOTAL	\$ 23,751,678	\$ 22,593,642	\$ (225,186)
State General Fund:			
State Operations	\$ 23,491,678	\$ 22,331,104	\$(222,648)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	\$ 23,491,678	\$ 22,331,104	\$ (222,648)
Capital Improvements	0	0	0
TOTAL	\$ 23,491,678	\$ 22,331,104	\$ (222,648)
FTE Positions	532.0	532.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	532.0	532.0	0.0
Average Inmate Census	1,603	1,603	-

Agency Request/Governor's Recommendation

The facility's FY 1997 operating budget request totals \$23,751,678, an increase of \$1,593,082 over the revised FY 1996 estimate. The request includes \$23,491,678 from the State General Fund, an increase of \$1,598,829 over the revised FY 1996 amount. Funds from other sources are budgeted to decrease by \$5,747.

The Governor recommends FY 1997 operating expenditures of \$22,593,642, a reduction of \$1,158,036 from the amount requested by the agency. Recommended reductions are made in salaries and wages (\$706,710), commodities (\$17,374), and capital outlay (\$433,952). The Governor's recommendation includes funding for classified step movement, an unclassified merit pool equivalent to 2.5 percent for six months, and longevity for those employees at the end of the pay range.

Senate Subcommittee Recommendation

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

1. Delete \$225,186, including \$222,648 from the State General Fund, based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$460, all from the State General Fund); classified step movement (\$212,617, including \$210,079 from the State General Fund); and longevity (\$12,109, all from the State General Fund) from individual agency budgets.
2. The Subcommittee is concerned with the availability of offender programming, particularly in light of the continually increasing offender population. Approximately 5 percent (75-85 individuals) of the inmate population at Hutchinson Correctional Facility is on lay-in unassigned status at any given time. These are inmates who are able to work but for whom work or program assignments are not available. According to HCF, this large number of unassigned inmates comes from a loss of program slots as well as increased population. In March 1995, 25 education slots, provided by the Northwest Missouri Community College, were lost with the elimination of Pell funding. In July 1995, 15 vocational and 8 academic slots were lost with the reduction of funding for education programming. In that same month, space previously utilized for education programming was remodeled to provide housing for 76 additional medium security inmates.

With the decreased funding and fewer slots available, waiting lists and waiting periods have grown. One year ago, the average waiting period for academic education placement was 1-2 weeks, but has grown to 2 to 4 months and continues to increase. The waiting list for vocational education programs has doubled from approximately 70-75 one year ago to nearly 140. In the area of sex offender treatment, the waiting list four months ago was 39; the list is now over 100.

The Subcommittee notes its concern about the impact of increasing inmate populations and reduced funding and availability of offender programs and work assignments. Additional consideration should be given to this matter before the end of the 1996 Legislature.

3. Information provided by the facility indicates that over 80 percent of the inmates incarcerated at HCF are serving sentences for crimes in the top five severity levels on the sentencing guidelines grid. This would tend to indicate that sentencing guidelines are having the intended effect of incarcerating the most serious criminals and providing alternatives to incarceration for less serious offenses.



Senator Alicia Salisbury
Subcommittee Chair



Senator Jerry Moran



Senator Marge Petty

SUBCOMMITTEE REPORT

Agency: Norton Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 351

Budget Page No. 411

<u>Expenditure Summary</u>	<u>Agency Estimate FY 96</u>	<u>Gov. Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 10,173,989	\$ 9,972,948	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 10,173,989</u>	<u>\$ 9,972,948</u>	<u>\$ 0</u>
Capital Improvements	63,986	63,986	0
TOTAL	<u><u>\$ 10,237,975</u></u>	<u><u>\$ 10,036,934</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 10,165,802	\$ 9,964,761	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 10,165,802</u>	<u>\$ 9,964,761</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,165,802</u></u>	<u><u>\$ 9,964,761</u></u>	<u><u>\$ 0</u></u>
FTE Positions	252.0	252.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u><u>252.0</u></u>	<u><u>252.0</u></u>	<u><u>0.0</u></u>
Average Inmate Census	608	608	–

Agency Estimate/Governor's Recommendation

The agency's revised FY 1996 estimate of operating expenditures totals \$10,173,989, an increase of \$43,929 (including \$43,742 from the State General Fund) over the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. No supplemental funding is requested, however, because the Secretary of Corrections has the authority to transfer, with the approval of the Governor, State General Fund moneys from the Department of Corrections or any facility to the DOC or any facility. Funding has been transferred by the Secretary to help fund a shortfall in funding for utilities and clothing.

The Governor recommends FY 1996 operating expenditures of \$9,972,948, a reduction of \$201,041 from the amount estimated by the agency. The recommendation includes reductions in salaries and wages (\$142,855), contractual services (\$5,266), commodities (\$28,490), and capital outlay (\$24,430). The recommended reductions include \$63,154 from the State General Fund for the facility's portion of the 1.5 percent current year State General Fund reduction required by the Governor.

*Senate Ways & Means
March 18, 1996
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Reduction amounts were provided for each facility by the Department of Corrections. Other reductions are primarily the result of health insurance rate revisions.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Alicia Salisbury
Subcommittee Chair



Senator Jerry Moran



Senator Marge Petty

SUBCOMMITTEE REPORT

Agency: Norton Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 351

Budget Page No. 411

<u>Expenditure Summary</u>	<u>Agency Request FY 97</u>	<u>Gov. Rec. FY 97</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 11,013,622	\$ 10,381,817	\$ (97,286)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 11,013,622</u>	<u>\$ 10,381,817</u>	<u>\$ (97,286)</u>
Capital Improvements	514,750	0	0
TOTAL	<u><u>\$ 11,528,372</u></u>	<u><u>\$ 10,381,817</u></u>	<u><u>\$ (97,286)</u></u>
State General Fund:			
State Operations	\$ 10,988,622	\$ 10,356,817	\$ (97,286)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 10,988,622</u>	<u>\$ 10,356,817</u>	<u>\$ (97,286)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 10,988,622</u></u>	<u><u>\$ 10,356,817</u></u>	<u><u>\$ (97,286)</u></u>
FTE Positions	259.0	252.0	0.0
Unclassified Temp. Positions	0.0	0.0	0.0
TOTAL	<u><u>259.0</u></u>	<u><u>252.0</u></u>	<u><u>0.0</u></u>
Average Inmate Census	612	612	-

Agency Request/Governor's Recommendation

The agency's FY 1997 request for operating expenditures totals \$11,013,622, an increase of \$839,633 (including \$822,820 from the State General Fund) over the revised FY 1996 estimate. The request includes \$167,839, including fringe benefits, for the salaries and wages of 7.0 new FTE positions. The Governor's recommendation for FY 1997 totals \$10,381,817, a reduction of \$631,805 from the amount requested by the agency. Recommended reductions are made in salaries and wages (\$331,125), contractual services (\$7,980), commodities (\$46,019), and capital outlay (\$246,681). The Governor's recommendation includes funding for classified step movement, an unclassified merit pool equivalent to 2.5 percent for six months, and longevity for those employees at the end of the pay range.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustment:

1. Delete \$97,286 (all from the State General Fund), based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$0); classified step movement (\$88,937); and longevity (\$8,349) from individual agency budgets.
2. The Subcommittee is somewhat concerned with the statistics on program completion provided by the facility. The facility noted that, although raw data has been tabulated over the last several fiscal years on program performance in terms of offenders completing programs, there is no reliable data with which to report ultimate outcomes regarding overall success of inmate programming at NCF or any other facility. The Subcommittee notes, however, that the Department of Corrections is pursuing development of a program evaluation plan to track specific output/outcome measures. Once programming is completed, detailed outcome studies for facility based programs should be possible by January 1997.



Senator Alicia Salisbury
Subcommittee Chair



Senator Jerry Moran



Senator Marge Petty

SUBCOMMITTEE REPORT

Agency: Topeka Correctional Facility

Bill No. –

Bill Sec. –

Analyst: Robinson

Analysis Pg. No. 361

Budget Page No. 499

<u>Expenditure Summary</u>	<u>Agency Estimate FY 96</u>	<u>Gov. Rec. FY 96</u>	<u>Senate Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 12,210,817	\$ 12,002,616	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 12,210,817</u>	<u>\$ 12,002,616</u>	<u>\$ 0</u>
Capital Improvements	402,896	402,896	0
TOTAL	<u><u>\$ 12,613,713</u></u>	<u><u>\$ 12,405,512</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 12,138,349	\$ 11,930,148	\$ 0
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 12,138,349</u>	<u>\$ 11,930,148</u>	<u>\$ 0</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 12,138,349</u></u>	<u><u>\$ 11,930,148</u></u>	<u><u>\$ 0</u></u>
FTE Positions	300.0	300.0	0.0
Unclassified Temp. Positions	3.0	3.0	0.0
TOTAL	<u><u>303.0</u></u>	<u><u>303.0</u></u>	<u><u>0.0</u></u>

Agency Estimate/Governor's Recommendation

The agency's revised FY 1996 estimate of operating expenditures totals \$12,210,817, an increase of \$201,838 (all from the State General Fund), over the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. No supplemental funding is requested, however, because the Secretary of Corrections has the authority to transfer, with the approval of the Governor, State General Fund moneys from the Department of Corrections or any facility to the DOC or any other facility.

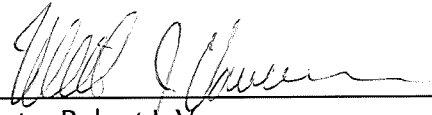
The Governor recommends FY 1996 expenditures of \$12,002,616, a reduction of \$208,201 from the amount estimated by the agency. The recommendation includes reductions in salaries and wages (\$132,070), commodities (\$20,000), and capital outlay (\$56,131). The reductions in commodities and capital outlay reflect the facility's portion (\$76,131) of the 1.5 percent current year State General Fund

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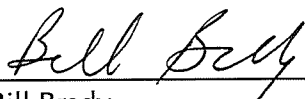
reduction required by the Governor. Reduction amounts were provided for each facility by the Department of Corrections. The salary and wage reductions reflect health insurance rate revisions.

Senate Subcommittee Recommendation


The Senate Subcommittee concurs with the recommendation of the Governor.



Senator Robert J. Vancrum
Subcommittee Chair



Senator Bill Brady



SUBCOMMITTEE REPORT

Agency: Topeka Correctional Facility

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 361

Budget Page No. 499

Expenditure Summary	Agency Request FY 97	Gov. Rec. FY 97	Senate Subcommittee Adjustments
All Funds:			
State Operations	\$ 13,138,147	\$ 12,433,749	\$ (161,934)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 13,138,147</u>	<u>\$ 12,433,749</u>	<u>\$ (161,934)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 13,138,147</u></u>	<u><u>\$ 12,433,749</u></u>	<u><u>\$ (161,934)</u></u>
State General Fund:			
State Operations	\$ 13,057,798	\$ 12,353,400	\$ (160,497)
Aid to Local Units	0	0	0
Other Assistance	0	0	0
Subtotal - Operating	<u>\$ 13,057,798</u>	<u>\$ 12,353,400</u>	<u>\$ (160,497)</u>
Capital Improvements	0	0	0
TOTAL	<u><u>\$ 13,057,798</u></u>	<u><u>\$ 12,353,400</u></u>	<u><u>\$ (160,497)</u></u>
FTE Positions	307.0	300.0	0.0
Unclassified Temp. Positions	3.0	3.0	0.0
TOTAL	<u><u>310.0</u></u>	<u><u>303.0</u></u>	<u><u>0.0</u></u>

Agency Request/Governor's Recommendation

The facility's FY 1997 operating request totals \$13,138,147, an increase of \$927,330 over the revised FY 1996 amount. The request includes \$192,718, including fringe benefits, for the salaries and wages of 7.0 new FTE positions.

The Governor recommends FY 1997 expenditures of \$12,433,749, a reduction of \$704,398 from the amount requested by the agency. The recommended reductions are in salaries and wages (\$406,204), contractual services (\$11,000), commodities (\$82,410), and capital outlay (\$204,784).

As part of a systemwide capacity expansion project, the Governor recommends \$20,400 in additional operating expenditures for the facility in FY 1997. The project at TCF will increase capacity at the facility by 24 beds by double-celling a portion of the women's maximum security facility. The

renovation project is complete, but no operating expenditures have been appropriated as yet. The recommendation would provide additional funding for commodities related to the increased average daily population (ADP) which will result from the new beds being on-line.

Senate Subcommittee Recommendation

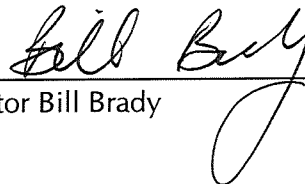
The Senate Subcommittee concurs with the recommendations of the Governor, with the following adjustments and observations:

1. Delete \$161,934, including \$160,497 from the State General Fund, based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$2,560, including \$2,516 from the State General Fund); classified step movement (\$140,039, including \$138,646 from the State General Fund); and longevity (\$19,335, all from the State General Fund) from individual agency budgets.

2. The Subcommittee notes that the current average length of stay at the Reception and Diagnostic Unit (RDU) is 21 days. According to the agency, 17 days are necessary to complete the evaluation process. The facility's goal is to reduce the average length of stay to that amount of time. This would serve to reduce the backlog of inmates held in local jails, and to get inmates situated to receive identified treatment and program needs. In addition, the conditions at the RDU are not suitable for longer stays.



Senator Robert J. Vancrum
Subcommittee Chair



Senator Bill Brady

SUBCOMMITTEE REPORT

Agency: Department of Corrections

Bill No. 715

Bill Sec. 4

Analyst: Robinson

Analysis Pg. No. 273

Budget Page No. 139

<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	\$ 53,323,933	\$ 52,094,014	\$ 0
Aid to Local Units	18,134,777	18,021,092	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 71,458,710	\$ 70,115,106	\$ 0
Capital Improvements	<u>10,671,804</u>	<u>10,671,804</u>	<u>0</u>
TOTAL	<u><u>\$ 82,130,514</u></u>	<u><u>\$ 80,786,910</u></u>	<u><u>\$ 0</u></u>
State General Fund:			
State Operations	\$ 42,701,348	\$ 41,025,668	\$ 0
Aid to Local Units	17,185,093	17,071,408	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 59,886,441	\$ 58,097,076	\$ 0
Capital Improvements	<u>4,835,000</u>	<u>4,835,000</u>	<u>0</u>
TOTAL	<u><u>\$ 64,721,441</u></u>	<u><u>\$ 62,932,076</u></u>	<u><u>\$ 0</u></u>
FTE Positions	399.0	358.0	0.0
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>399.0</u></u>	<u><u>358.0</u></u>	<u><u>0.0</u></u>

Agency Est./Governor's Recommendation

The agency's revised FY 1996 estimate of expenditures from the State General Fund is a reduction of \$228,881 from the amount approved by the 1995 Legislature, as adjusted by State Finance Council action. The Secretary of Corrections has the authority to reallocate State General Fund resources between the Department of Corrections and the correctional facilities. The revised FY 1996 DOC State General Fund estimate reflects reallocation of resources to other facilities to allow the facilities to absorb costs associated with higher than expected average daily populations. The State General Fund amount estimated for FY 1996 includes \$452,070 in Kansas Quality Management (KQM) savings reappropriated from FY 1995 and available to the agency for expenditure in FY 1996.

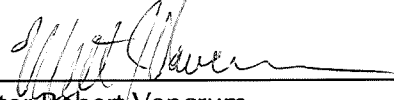
For FY 1996, the Governor recommends operating expenditures of \$70,115,106, a reduction of \$1,343,604 from the amount estimated by the agency. The recommendations include reductions in the agency's estimate for salaries and wages (\$453,430), contractual services (\$365,185), commodities

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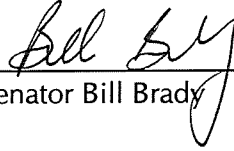
(\$338,250), capital outlay (\$73,054), and \$113,685 for aid to local units. The recommended reductions include \$1,953,532 from the State General Fund, which reflects the DOC's share of the 1.5 percent current year State General Fund reduction required by the Governor.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the recommendations of the Governor.



Senator Robert Vancrum
Subcommittee Chair



Senator Bill Brady

SUBCOMMITTEE REPORT

Agency: Department of Corrections

Bill No. 718

Bill Sec. 2

Analyst: Robinson

Analysis Pg. No. 273

Budget Page No. 139

<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	\$ 57,917,632	\$ 53,813,511	\$(251,201)
Aid to Local Units	20,054,083	18,670,854	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 77,971,715	\$ 72,484,365	\$ (251,201)
Capital Improvements	<u>44,456,228</u>	<u>9,081,228</u>	<u>0</u>
TOTAL	<u><u>\$ 122,427,943</u></u>	<u><u>\$ 81,565,593</u></u>	<u><u>\$ (251,201)</u></u>
State General Fund:			
State Operations	\$ 47,619,294	\$ 43,637,884	\$ (238,802)
Aid to Local Units	19,104,399	17,744,554	0
Other Assistance	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal - Operating	\$ 66,723,693	\$ 61,382,438	\$ (238,802)
Capital Improvements	<u>40,450,000</u>	<u>3,075,000</u>	<u>0</u>
TOTAL	<u><u>\$ 107,173,693</u></u>	<u><u>\$ 64,457,438</u></u>	<u><u>\$(238,802)</u></u>
FTE Positions	397.0	361.0	(61.0)
Unclassified Temp. Positions	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
TOTAL	<u><u>397.0</u></u>	<u><u>361.0</u></u>	<u><u>(61.0)</u></u>

Agency Req./Governor's Recommendation

The Department's FY 1997 request for operating expenditures totals \$77,971,715, an increase of \$6,513,005 over the agency's revised FY 1996 estimate. The request also includes \$44,456,228 (including \$40,450,000 from the State General Fund) for capital improvement projects.

The Governor recommends FY 1997 operating expenditures totaling \$72,577,365, a reduction of \$5,394,350 from the amount requested by the agency. The Governor recommends reductions in the agency's request for salaries and wages (\$925,298), contractual services (\$1,865,265), commodities (\$1,009,750), capital outlay (\$210,808), and aid to local units (\$1,383,229). The Governor's recommendation includes a net increase of 3.0 FTE positions: 2.0 positions related to the jail inspection program are eliminated, as requested by the agency; and 5.0 positions are transferred from the Parole Board to the Department of Corrections as part of an administrative consolidation of parole and postrelease supervision programs. The Governor's recommendation also includes funding for classified

step movement (\$249,913), unclassified merit equivalent to 2.5 percent for six months (\$10,901), and longevity for those employees at the end of the pay scale (\$25,094).

Senate Subcommittee Recommendation

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

1. Delete \$251,201, including \$238,802 from the State General Fund, based on the recommendation to delete funding for the six-month 2.5 percent unclassified merit pool (\$10,618, all from the State General Fund); classified step movement (\$216,142, including \$206,982 from the State General Fund); and longevity (\$24,441, including \$21,202 from the State General Fund).
2. Concur in part with Governor's Budget Amendment No. 4, Item 5, which directs the Department of Corrections to expend \$213,074 to fund visitor centers at the Norton, Ellsworth, Hutchinson, and Lansing Correctional Facilities in FY 1997 from the off-budget inmate benefit fund. The GBA also recommends that an additional \$93,000 from the inmate benefit fund be used to offset State General Fund expenditures for offender programs. The Subcommittee concurs with the recommendation to provide funding for the visitor centers, but notes that an earlier recommendation of the Senate Ways and Committee provided \$85,000 from the inmate benefit fund to provide a portion of the funding of the office of the Ombudsman of Corrections. The Subcommittee believes that this provides a more appropriate use of the funding and to reduce the balance of the inmate benefit any further would not be advisable. In addition, the Subcommittee recommends that a proviso requiring expenditures from the inmate benefit fund for the visitors centers and the Ombudsman of Corrections be included in the agency's appropriation bill. The following table reflects the status of the inmate benefit fund, based on the recommendation of the Subcommittee.

Status of the Inmate Benefit Fund FY 1997

Beginning Balance	\$ 876,739
Receipts from Telephone Commissions	1,000,000
Interest Earnings	25,000
Total Available	\$ 1,901,739
Less Expenditures:	
Offender Programs	1,400,000
Volunteer Coordinator and Victims Notification Positions	95,500
Funding for Visitors' Centers	213,074
Funding for Ombudsman of Corrections	85,000
TOTAL Expenditures	\$ 1,793,574
Ending Balance	\$ 108,165

3. The Subcommittee notes its concern with funding for juvenile community corrections, particularly in the area of extended services. Extended services for juveniles include day reporting, stay in school programs, cognitive skills development, curfew school enforcement, victim restitution programs, sex offender treatment, and life skills programs. The table below reflects amounts recommended by the Governor for Community Corrections extended services for FY 1996 and FY 1997, and the differences in the two fiscal years.

	Gov. Rec. <u>FY 1996</u>	Gov. Rec. <u>FY 1997</u>	Change From <u>FY 1996</u>
Extended Services:			
Adult	\$ 898,217	\$ 409,304	\$ (488,913)
Juvenile	<u>489,216</u>	<u>240,696</u>	<u>(248,520)</u>
TOTAL	<u>\$ 1,387,433</u>	<u>\$ 650,000</u>	<u>\$(737,433)</u>

The 1994 Legislature made a substantial commitment to the provision of juvenile community corrections services. One of the items included in the recommendation of the 1994 Omnibus Super Conference Committee was \$1,500,000 from the State General Fund, added to the DOC budget for the provision of additional community corrections services to provide for the statewide expansion of juvenile services through community corrections agencies. Under the Governor's recommendation, basic juvenile community corrections services, which include drug testing, electronic monitoring, community service work, mental health services, GED programs, and vocational and education services, are funded in FY 1997 at the same level as the current year (\$3,072,300).

The Subcommittee is troubled by any reduction in funding for juvenile extended services. Juvenile community corrections programs are still inadequately funded. Not enough has been done to encourage the provision of juvenile community corrections services, and the Subcommittee cannot concur with a reduction of almost \$250,000 below current year levels. The Subcommittee directs the Department of Corrections to reallocate the total amount of \$650,000 recommended for adult and juvenile extended services to provide funding at the FY 1996 level for juvenile extended services. This necessitates the allocation of \$248,520 in funding from adult extended services to juvenile extended services. The Subcommittee realizes that this would leave only \$160,784 designated for adult extended services, but feels strongly that the juvenile extended services present a more pressing need.

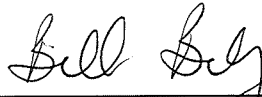
4. Reduce the systemwide FTE position limitation by 61.0 FTE positions. This would meet the 2.0 percent FTE reduction as directed by the Governor for Cabinet level agencies. An additional 91.0 FTE would have to be reduced to meet the additional 3.0 percent reduction required by the end of FY 1997. The Department has indicated that correctional officer and correctional counselor positions would be held harmless from any reduction. The Department plans to

achieve the greatest portion of the reduction by contracting for the provision of food service at the correctional facilities. The bids have been submitted and negotiations are scheduled for later this month. By the end of March, the Department hopes to have a contract in place that would provide for contracted food service beginning in May. This would allow the reduction of 120.0 FTE positions, bringing DOC to within 32 of the total needed. The terms of the contract would provide that the contractor must offer employment to any displaced DOC food service worker, unless the contractor proposes to use fewer staff than the number currently employed. In addition, the contract would require the utilization of inmate labor at the same level currently utilized.

5. The Subcommittee notes with approval the improvement in the average daily population of the Labette Correctional Conservation Camp. The ADP at the Camp has risen from 77 in FY 1995 to 89 through the first six months of FY 1996. In addition, the total number of counties making referrals to the Camp increased from 73 in January 1994 to 89 in July of 1995. Offenders at the Camp provided 41,000 hours of community service work in FY 1995 and have provided 32,223 hours during the first six months of FY 1996. While most placements in the Camp are made by sentencing courts, the Subcommittee notes that the 1995 Legislature authorized the Secretary of Corrections to make direct placements to the Camp. The systemwide DOC capacity totals include 10 beds at the Camp. As of March 8, 1996, however, only one DOC inmate is housed at the camp. This would indicate that sentencing courts are, in fact, viewing the Camp more favorably as a placement option.
6. The Subcommittee notes that the Department's February population reached an all-time high of 7,180 inmates. Based on population projections, the DOC population will exceed the capacity of the facilities sometime during FY 1997. The agency will be presenting an expansion plan to the Governor in the near future to present additional options for capacity expansion. A Governor's Budget Amendment is expected sometime before the Committee will meet to consider items for inclusion in the Omnibus bill.



Senator Robert Vancrum
Subcommittee Chair



Senator Bill Brady



DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson — Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: March 18, 1996
To: Senate Ways and Means Committee
From: Charles E. Simmons, *Secretary*
Subject: HB 2585

If an inmate has unpaid court-ordered restitution obligations and receives money from the state for settlement of a claim or as a result of a settlement or judgment in a civil case, HB 2585 authorizes the Secretary of Corrections to withdraw funds from the inmate's trust account as a set-off of moneys received from the state in order to meet the inmate's restitution obligations. As amended by the House Appropriations Committee, the current form of the bill also authorizes restitution set-off procedures when offenders on postincarceration supervision receive claims, settlements or judgments from the state. In the latter case, no inmate trust account exists, so the set-off would be accomplished through submission of a voucher to the Division of Accounts and Reports.

The Department of Corrections supports this bill because it serves the dual purpose of reinforcing offender accountability and responsibility, and compensating victims, at least in part, for their losses.

CES:jj

Senate Ways & Means
March 18, 1996
Attachment 11

Session of 1996

SENATE BILL No. 727

By Committee on Ways and Means

2-20

9 AN ACT concerning developmental disabilities; provision of community
 10 services to persons with developmental disabilities; ~~establishing the~~
 11 ~~community group home bond guarantee fund~~; amending K.S.A. 1995
 12 Supp. 39-1803, 39-1804, 39-1805, 39-1806 and 39-1807 and repealing
 13 the existing sections.

14
 15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 1995 Supp. 39-1803 is hereby amended to read as
 17 follows: 39-1803. As used in the developmental disabilities reform act:

18 (a) "Adaptive behavior" means the effectiveness or degree with which
 19 an individual meets the standards of personal independence and social
 20 responsibility expected of that person's age, cultural group and commu-
 21 nity.

22 (b) "Affiliate" means an entity or person that meets standards set out
 23 in rules and regulations adopted by the secretary relating to the provision
 24 of services and that contracts with a community developmental disabilities
 25 organization.

26 (c) "Community services" means services provided by a commu-
 27 nity service provider to meet the needs of persons with developmental
 28 disabilities relating to work, living in the community, and individualized
 29 supports and services.

30 (d) "Community developmental disability organization" means
 31 any community mental retardation facility that is organized pursuant to
 32 K.S.A. 19-1001 through 19-1015 and amendments thereto.

33 (e) "Community service provider" means a community develop-
 34 mental disability organization or affiliate thereof entity which has entered
 35 into a contract with the secretary to provide community services.

36 (f) "Developmental disability" means:

37 (1) Mental retardation; or

38 (2) a severe, chronic disability, which:

39 (A) Is attributable to a mental or physical impairment, a combination
 40 of mental and physical impairments or a condition which has received a
 41 dual diagnosis of mental retardation and mental illness;

42 (B) is manifest before 22 years of age;

43 (C) is likely to continue indefinitely;

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 Attachment 12

have severe medical, behavioral, or adaptive disabilities or conditions that require specialized and/or additional community supports to maintain a safe and acceptable community life.

1 (D) results, in the case of a person five years of age or older, in a
2 substantial limitation in three or more of the following areas of major life
3 functioning: Self-care, receptive and expressive language development
4 and use, learning and adapting, mobility, self-direction, capacity for in-
5 dependent living and economic self-sufficiency;

6 (E) reflects a need for a combination and sequence of special inter-
7 disciplinary or generic care, treatment or other services which are lifelong,
8 or extended in duration and are individually planned and coordinated;
9 and

10 (F) does not include individuals who are solely and severely emo-
11 tionally disturbed or seriously or persistently mentally ill or have disabil-
12 ities solely as a result of the infirmities of aging.

13 ~~(E)~~ (f) "Institution" means state institution for the mentally retarded
14 as defined by subsection (c) of K.S.A. 76-12b01 and amendments thereto
15 or intermediate care facility for the mentally retarded of nine beds or
16 more as defined by subsection (a)(4) of K.S.A. 39-923 and amendments
17 thereto.

18 ~~(F)~~ (g) "Mental retardation" means substantial limitations in present
19 functioning that is manifested during the period from birth to age 15
20 years and is characterized by significantly subaverage intellectual func-
21 tioning existing concurrently with deficits in adaptive behavior including
22 related limitations in two or more of the following applicable adaptive
23 skill areas: Communication, self-care, home living, social skills, commu-
24 nity use, self-direction, health and safety, functional academics, leisure
25 and work.

26 ~~(G)~~ (h) "Secretary" means the secretary of social and rehabilitation
27 services.

28 (i) "Special care persons" means individuals who are severely men-
29 tally retarded and who have ~~multiple disabilities~~

30 Sec. 2. K.S.A. 1995 Supp. 39-1804 is hereby amended to read as
31 follows: 39-1804. (a) Except as otherwise specifically provided in this act
32 and subject to appropriations of federal and state funds, the secretary,
33 after consultation with representatives of community developmental dis-
34 ability organizations, community service providers, families and consumer
35 advocates, shall implement and administer the provisions of the devel-
36 opmental disabilities reform act in accordance with the following policies.
37 Persons with developmental disabilities shall:

38 (1) Be provided assistance to obtain food, housing, clothing and med-
39 ical care; protection from abuse, neglect and exploitation; and a range of
40 necessary community services and supports which assist in the determi-
41 nation of individual needs from available community service providers
42 selected by the persons with developmental disabilities or their guardians;
43 and

1 (2) receive assistance in determining their needs; be provided infor-
 2 mation about all service options available to meet those needs; have co-
 3 ordination of services delivered; be assisted and supported in living with
 4 their families, or independently; be assisted in finding transportation to
 5 support access to the community; and receive individually planned ha-
 6 bilitation, education, training, employment and recreation subject to sup-
 7 ports and services available in the community of their choice.

8 (b) To accomplish the policies set forth in subsection (a), the secre-
 9 tary, subject to the provisions of appropriation acts, shall annually propose
 10 and implement a plan including, but not limited to, financing thereof
 11 which shall: (1) Provide for ~~an organized network of community services~~
 12 *a comprehensive array of community service options* for persons with
 13 developmental disabilities; (2) maximize the availability of federal re-
 14 sources to supplement state and local funding for such systems; and (3)
 15 reduce reliance on separate, segregated settings in institutions or the com-
 16 munity for persons with developmental disabilities.

17 (c) The secretary shall report to the legislature the number of persons
 18 with developmental disabilities eligible to receive community services and
 19 shall make a progress report on the implementation of the annual plans
 20 and the progress made to accomplish a comprehensive community serv-
 21 ices system for persons with developmental disabilities.

22 (d) The secretary shall prepare and submit budget estimates for the
 23 department of social and rehabilitation services to the division of the
 24 budget and the legislature and shall establish and implement policies and
 25 procedures within the programs and activities of the department so that
 26 funds for state-level programs and activities for persons who are devel-
 27 opmentally disabled are allocated between services delivered in institu-
 28 tions and community services.

29 (e) Subject to the provisions of this act and appropriation acts, the
 30 secretary shall administer and disburse funds *directly* to each community
 31 ~~developmental disability organization service provider for the coordina-~~
 32 ~~tion and provision of community services.~~

33 (f) The secretary shall establish procedures and systems to evaluate
 34 the results and outcomes of the implementation of this act to assure the
 35 attainment of maximum quality and efficient delivery of community serv-
 36 ices.

37 Sec. 3. K.S.A. 1995 Supp. 39-1805 is hereby amended to read as
 38 follows: 39-1805. In addition to any other power and duty prescribed by
 39 law, and subject to appropriations, a community developmental disability
 40 organization shall have the power and duty to:

41 (a) Directly or by subcontract, serve as a ~~single~~ point of application
 42 or referral for services, and assist all persons with a developmental disa-
 43 bility to have access to and an opportunity to participate in community

or through a regional entity that does not provide community services and is independent of all community providers providing services within that region.

for services provided by community developmental disability organization service providers and non-community developmental disability organization service providers within various regions of the state and commensurate with local conditions.

1 services, except in those circumstances in which the secretary determines,
2 subject to an immediate hearing before the district court located in the
3 county in which the person with a developmental disability resides, par-
4 ticipation in community services is not the appropriate placement for such
5 person because such person is presently likely to cause harm to self or
6 others;

7 (b) provide either directly or by subcontract, services to persons with
8 a developmental disability, including, but not limited to, eligibility deter-
9 mination, *if requested*; explanation of available services and service pro-
10 viders; ~~ease management services~~; ~~if requested~~; assistance in establishing
11 new providers, if requested; and advocacy for participation in community
12 services;

13 (c) organize a council of community members, consumers or their
14 family members or guardians, and community service providers, com-
15 posed of a majority of consumers or their family members or guardians
16 who shall meet not less than quarterly to address systems issues, includ-
17 ing, but not limited to, planning and implementation of services; and
18 develop and implement a method by which consumer complaints, inter-
19 agency and other intrasystem disputes are resolved;

20 (d) provide, directly or by subcontract, information about ~~affiliate and~~
21 ~~referral~~ *all community service providers* services to persons with a de-
22 velopmental disability whose particular needs can be met in the com-
23 munity or through government; and

24 (e) ensure that ~~affiliates~~ *community service providers* have the option
25 to review *all* referrals and waiting lists on a periodic basis to contact
26 potential consumers *directly* with information concerning their services.

27 Sec. 4. K.S.A. 1995 Supp. 39-1806 is hereby amended to read as
28 follows: 39-1806. To carry out the provisions of this act, the secretary shall
29 establish after consultation with representatives of community develop-
30 mental disability organizations ~~and affiliates thereof~~, *community service*
31 *providers*, and families and consumer advocates:

32 (a) A system of adequate and reasonable funding or reimbursement
33 for the delivery of community services that:

34 (1) For persons moving from institutions into the community, direct
35 funding to follow in an amount not less than that which is required to
36 reimburse community service providers for services as set forth in such
37 person's plan for transfer from the institution to community services in-
38 cluding expenses of relocation and initiation of services;

39 (2) consolidates federal and state funding sources;

40 (3) requires an independent, professional review of the rate struc-
41 tures on a biennial basis resulting in a recommendation to the legislature

42 regarding rate adjustments. Such recommendation shall be adequate to
43 support: (A) A system of employee compensation competitive with local

1 conditions; (B) training and technical support to attract and retain qual-
 2 ified employees; (C) a quality assurance process which is responsive to
 3 consumers' needs and which maintains the standards of quality service;
 4 (D) risk management and insurance costs; and (E) program management
 5 and coordination responsibilities;

6 (b) a *consumer-responsive* system of quality assurance, *independent*
 7 *of a community service provider*, based on *uniformly applied* standards
 8 set out in rules and regulations adopted by the secretary which insures
 9 effective service delivery, fiscal accountability and networking coopera-
 10 tion and which allows community service providers to present evidence
 11 of attainment of national accreditation or compliance with state or federal
 12 laws or rules and regulations, or both, to indicate compliance with such
 13 standards; and

14 (c) a system of contracting *directly with community service providers*
 15 that:

16 (1) Authorizes open and equitable negotiation between contracting
 17 parties or their designated agent or agents *and accomplishes the parent's*
 18 *or guardian's choice of providers*;

19 (2) authorizes mediation by an independent entity chosen by the par-
 20 ties to the contract in the event of contract disputes and if mediation is
 21 not completed prior to the end of any existing contract, authorizes an
 22 extension of time of such existing contract or entering into a temporary
 23 contract;

24 (3) requires achievement and maintenance of community services
 25 standards by community service providers;

26 (4) includes compensation for community services which meet the
 27 individualized needs of persons with developmental disabilities for com-
 28 munity services; and

29 (5) requires community developmental disability organizations to
 30 ~~contract with those affiliates from whom a person with a developmental~~
 31 ~~disability chooses services; provides for services for special care persons~~
 32 ~~through contracts by the department of social and rehabilitation services~~
 33 ~~directly with non-profit 501(c)(3) entities which provide services for spe-~~
 34 ~~cial care persons at a special reimbursement rate established by the sec-~~
 35 ~~retary for the care of such persons.~~

36 Sec. 5. K.S.A. 1995 Supp. 39-1807 is hereby amended to read as
 37 follows: 39-1807. (a) Whenever the secretary finds a community service
 38 provider or a community developmental disability organization has failed
 39 to comply with the requirements, standards or rules and regulations es-
 40 tablished pursuant to this act or any other provision of law, the secretary
 41 shall have the power to inspect and review the operations of the com-
 42 munity service provider or community developmental disability organi-
 43 zation and identify deficiencies. The secretary and such community serv-

or through a regional entity that does not provide community services and is independent of all community providers providing services within that region

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1 ice provider or community developmental disability organization shall
2 choose an independent entity to mediate any dispute regarding the se-
3 cretary's finding that such community service provider or community de-
4 velopmental disability organization has failed to comply with such
5 requirements, standards or rules and regulations and the secretary's iden-
6 tified deficiencies. If such mediation is not able to resolve any such dis-
7 pute and the secretary finds that the community service provider or com-
8 munity developmental disability organization has still failed to comply
9 with such requirements, standards or rules and regulations, the secretary
10 shall require a written plan of correction. If, after notice and an oppor-
11 tunity for hearing pursuant to the Kansas administrative procedure act,
12 the secretary finds the community service provider or community devel-
13 opmental disability organization has failed to carry out the plan of cor-
14 rection within 30 days of the submission of the plan of correction, the
15 secretary may assess a civil penalty in an amount not to exceed \$125 per
16 day for each day the provider or organization has failed to carry out the
17 plan of correction or, in the case of a community developmental disability
18 organization, the secretary may in lieu of such penalty remove such or-
19 ganization as a community developmental disability organization under
20 this act. The secretary may extend the time in which the provider or
21 organization has to comply with the plan of correction for good cause.

22 (b) The secretary may require the community service provider to
23 maintain consumers in place until alternative community services can be
24 secured with reasonable compensation for actual costs and to remove the
25 designation as community service provider, except that in the event the
26 secretary makes written findings of fact that there appears to be a situation
27 involving imminent danger to the health, safety or welfare of the person
28 with a developmental disability unless immediate action is taken, the sec-
29 retary may issue an emergency order. Such emergency order shall be
30 subject to the same procedures under K.S.A. 77-536 and amendments
31 thereto. Upon entry of such an emergency order, the secretary shall
32 promptly notify the community service provider subject to the order: (1)
33 The content of the order; (2) the reasons therefor; and (3) that upon
34 written request within 15 days after service of the order, the matter will
35 be set for a hearing which shall be conducted in accordance with the
36 provisions of the Kansas administrative procedure act. If no hearing is
37 requested and none is ordered by the secretary, the order will remain in
38 effect until it is modified or vacated by the secretary. If a hearing is
39 requested or ordered, the secretary, after notice of and opportunity for
40 hearing to the community service provider subject to the order, by written
41 findings of fact and conclusions of law, shall vacate, modify or make per-
42 manent the order.

(43) ~~New Sec. 6. (a) The community group home loan guarantee fund is~~

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① hereby established in the state treasury which shall be for the purpose of
 ② facilitating the financing, construction, acquisition and rehabilitation of
 ③ community group homes for the mentally retarded for specialized hous-
 ④ ing and care of persons who are special care persons and have been dis-
 ⑤ placed because of institutional closure and for the refinancing thereof.
 ⑥ The secretary of social and rehabilitation services shall administer the
 ⑦ community group home loan guarantee fund. All expenditures from the
 ⑧ community group home loan guarantee fund shall be made in accordance
 ⑨ with appropriations acts upon warrants of the director of accounts and
 ⑩ reports issued pursuant to vouchers approved by the secretary of social
 ⑪ and rehabilitation services or by a person or persons designated by the
 ⑫ secretary.

⑬ (b) Subject to the provisions of subsection (a), the secretary of social
 ⑭ and rehabilitation services shall pay from the community group home loan
 ⑮ guarantee fund to the lender, the amounts for any loan which is in default,
 ⑯ which was made to a nonprofit entity which is exempt from income tax-
 ⑰ ation under the provisions of section 501(c)(3) of the federal internal
 ⑱ revenue code, which was made for the financing, construction, acquisition
 ⑲ or rehabilitation of community group homes for the mentally retarded
 ⑳ for specialized housing and care of persons who are special care persons
 ㉑ and have been displaced because of institutional closure and which re-
 ㉒ ceived prior approval by the secretary of social and rehabilitation services.
 ㉓ The total principal amount guaranteed under this section shall not exceed
 ㉔ \$5,000,000 for any one nonprofit entity which is exempt from income
 ㉕ taxation under the provisions of section 501(c)(3) of the federal internal
 ㉖ revenue code.

㉗ (c) For the purpose of facilitating the refinancing of the loans guar-
 ㉘ anteed by the secretary of social and rehabilitation services in accordance
 ㉙ with subsection (b), the secretary of social and rehabilitation services is
 ㉚ hereby authorized to enter into an agreement with the financial institu-
 ㉛ tions participating in such refinancing to guarantee the repayment of any
 ㉜ amounts which are in default on any loans obtained for such refinancing.
 ㉝ Such agreement may contain such terms and conditions as the secretary
 ㉞ of social and rehabilitation services may deem appropriate to carry out
 ㉟ the purposes of this section.

㊱ Sec. 7.6 K.S.A. 1995 Supp. 39-1803, 39-1804, 39-1805, 39-1806 and
 39-1807 are hereby repealed.

㊲ Sec. 8.7 This act shall take effect and be in force from and after its
 publication in the statute book.

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