

Approved: March 21, 2000
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:00 a.m. on March 16, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee:

Representative Nancy Kirk
Michael Goren, Ks. Assoc. for Blind & Visually Impaired
Bryce Miller, National Alliance for Mentally Ill
Denny Burgess, Kansas Plumbing, Heating, Cooling Contractors

Others attending: See Attached List

Chairman Oleen recognized Denny Burgess, who represented the Kansas Plumbing, Heating, Cooling Contractors. Mr. Burgess requested the introduction of a bill that provide for state certification. Senator Becker moved for the introduction of the bill. Senator Biggs seconded the motion, the motion carried.

Chairman Oleen ask for action on the committee minutes for the meeting which had been held at the rail on March 14, 2000. Senator Biggs moved to accept the minutes, Senator Vidricksen seconded the motion. The motion carried.

Russell Mills reviewed **HB 2355** for the committee. He stated that this bill would authorize a memorial for people who are buried on the grounds of the former Topeka State Hospital. The state would retain title to the portion of the grounds where the burial plots. Mr. Mills stated that a plaque inscribed with the names of people buried in the cemetery and fencing would be added to the cemetery from private funds.

Chairman Oleen stated that the house is on final orders and Representative Kirk will appear before the committee and she will be allowed to testify when she arrives.

Chairman Oleen recognized Michael Goren, a proponent to **HB 2355** representing Kansas Association for the Blind and Visually Impaired, Inc. Mr. Goren reported that the KABVI has an amendment for **HB 2355** which would provide that Secretary of Administration shall convey to the Kansas Division of services for the Blind land located on the Topeka State campus as near to the current services for the Blind location as possible. (Attachment 1) Mr. Goren stated that this matter had been brought before the legislature last session but that legislation was not specific enough.

Chairman Oleen stated that Representative Kirk had arrived and recognized her as a proponent for **HB 2355**. Representative Kirk stated that the Shawnee County Delegation had been working on this piece of legislation since the notice of the closure of The Topeka State Hospital. She stated that there were 1157 persons buried in the cemetery, although there are only 16 head stones. Representative Kirk stated that many of the persons buried there had been forgotten or ignored by relatives because of the stigma of mental illness. She stated that because of the closing of The Topeka State Hospital, these persons should be remembered with a memorial and a plaque that would list all their names; and that a fence be put around the area to set it apart. Representative Kirk also addressed some of the concerns expressed by Mr. Goren in his amendment and stated that SRS had been working to place employees of the Kansas Association for the Blind in jobs of equivalent salary and also be able to continue their health insurance.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:00 a.m. on March 16, 2000.

In response to questions from the committee Representative Kirk stated that the cemetery is small, no larger than 150 X 50 yards and the only costs would be the fence around the site and the design of the memorial and the plaque. She stated that the secretary of administration shall maintain the memorial and its grounds.

Chairman Oleen recognized Bryce Miller, a proponent to HB 2355. Mr. Miller stated that he is a mental health advocate and has served on the Governor's Mental Health Services Planning Council from 1989 to 1997. (Attachment 2) He told the committee that the first person was interned in August, 1879 and the last one buried in July, 1954. The Kansas Historical Society has the names of all the persons who are buried in the cemetery. Mr. Mills ask for the committees favorable support of HB 2355.

Chairman Oleen stated that written testimony had been received from Michael Byington, Director of Envision in support of HB 2355 and endorsing the proposed amendment. (Attachment 3).

Chairman Oleen closed the hearing on HB 2355.

Chairman Oleen ask for committee action on HB 2592. Senator Becker moved to change the appointment process of the chairperson, vice-chairperson and secretary-treasurer. Senator Jones seconded the motion. After discussion by the committee and additional consideration, Senator Becker withdrew his motion and Senator Jones his second. Senator Biggs moved to report the bill favorably to the full Senate. Senator Becker seconded the motion. The motion carried.

Chairman Oleen called the committees' attention to language concerning the sale of fetal organ or tissue that has been distributed. Senator Vratil moved that Substitute for HB 2007 by stricken in its entirety and the language of the fetal tissue bill be inserted and the bill be reported favorably to the full Senate. Senator Becker seconded the motion. After discussion by the committee. The motion carried.

Senator Biggs gave a report from the subcommittee on SB 652 He stated that concerns that were brought up at the hearing, as well as the balloon suggested by SRS, have been addressed in the Proposed Sub SB 652 which staff had prepared for the committee. After discussion by the committee, Senator Becker moved to report Sub SB 652 favorably to the full Senate, Senator Vratil seconded the motion. The motion carried.

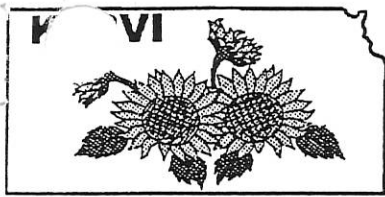
Chairman Oleen stated that the committee would meet after the session on Friday at the rail for the introduction of a bill.

The meeting adjourned at 12:12 p.m. The next regular meeting will be Tuesday, March 21, 2000 at 11:00 a.m.

**SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST**

DATE: MARCH 16, 2000

NAME	REPRESENTING
Denny Burgess	KPHCC Assoc
BRYCE MILLER	NAMI TOPEKA
MICHAEL GORDON	KARBI
Dave Wilson	Kansas Arts Commission
R.S. McKenna	SRS
Gary Hibbs	Div Fac Mngmnt
Bob Longino	KDR ABC
D.S. Koch	UST Pub Aff
John C. Botterby	P/M
John C. Botterby	HW
Tom R. H.	KABUI



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March 14, 2000

TO: THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

PLEASE AMEND HOUSE BILL 2355!

(Wording for the needed amendment is on page two.)

My name is Michael Goren and I am the Chair of the Communications and Technology Committee for the Kansas Association for the Blind and Visually Impaired. I am filling in for our organization's President, Sanford Alexander, who is meeting with Kansas Congressional Staff in Washington, D.C. concerning some national issues which impact blind Kansans. Michael Byington, whom you see around the Capitol quite a bit, and who works for Envision, also supports the testimony and the requests I will make today. Our two organizations have worked together on this testimony. Mr. Byington is also submitting written testimony of his own supporting the positions I will take. He too had to be in Washington, D.C. today on the federal issues.

House Bill 2355 certainly makes an important addition to the transition of the Topeka State Hospital grounds in its own right. It is our request, however, that you amend this bill to deal with an additional issue germane to the transition of the Topeka State Hospital campus for other uses. To explain our issue, let me quote our organization's President, Mr. Alexander, who has observed that it is ironic that we are making better provisions to care for our dead Kansas residents who were SRS clients than we are for living blind clients who are working with the SRS Kansas Division of Services for the Blind.

As you all probably know, the northwest corner of 6th and Mac Vicar in Topeka has housed three buildings which have handled all of the State blind services functions for the State for the past 50 years. The Kansas Legislature has now declared these buildings to officially be a part of Topeka State Hospital, and the current blind services corner is being sold along with the rest of the Topeka

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3509 E 2nd
Wichita, Kansas 67208

mm.

Sen. Federal & State Affairs Com

Date: 3-16-00

Attachment: # 1-1

State Hospital campus. In fact, a buyer has already been found for the blind services corner. A firm called MRV Inc. wants to demolish the blind services buildings and build a grocery store there. Blind Services has thus been told that it must move.

Blind Kansans were concerned about this issue last year, so our organization and Envision worked together to get some legislation adopted which we thought was sufficiently specific in order to protect the blind services functions and insure that they will be moved to other suitable facilities in tact. We are now finding that last year's Legislation was apparently not specific enough to get the job done. We will explain the problems later in this testimony, but we now need a clean-up amendment attached to 2355 in order to achieve our original purpose of moving the blind services functions and facilities in tact to another appropriate location.

PLEASE ADD A NEW SECTION (2) TO HOUSE BILL 2355 AND MAKE THE EXISTING SECTION (2) BECOME SECTION (3). THE NEW SECTION WOULD READ AS FOLLOWS: (A) "Prior to the sale or vacation of the current facilities on the Topeka State Hospital grounds used by the Kansas Division of Services for the Blind, the Secretary of Administration shall convey to the Kansas Division of Services for the Blind, a tract of land located on the Topeka State campus as near to the current Services for the Blind location as possible. Said property shall contain a building or buildings containing no less than 33,000 square feet of space suitable for, or adaptable to, the purposes of continuing all functions of the Kansas Division of Services for the Blind which shall include: (1.) program administration (2.) operation of a rehabilitation center for the blind serving persons who are newly or recently blinded (3.) Some residential housing for persons studying at the rehabilitation center for the blind; and (4.) facilities for the continuation of Kansas Industries for the Blind.

(B) The Kansas Division of Services for the Blind shall re-locate all existing programs, services and functions taking place at the 6th and Mac Vicar location, including Kansas Industries for the Blind, and shall continue to operate these programs, services, and functions at the new location.

(C) No function of the Kansas Division of Services for

the Blind or Kansas Industries for the Blind which was operating as of January 1, 2000 shall cease without specific approval of the Kansas Legislature.

(D) Monies deposited in the State Buildings Operating Fund from the sale of other parts of the Topeka State Hospital campus shall be used for the re-location of the Kansas Division of Services for the Blind and the Kansas Industries for the Blind, and for any necessary renovation of facilities conveyed to the Kansas Division of Services for the Blind for the purposes of re-location."

BACKGROUND

The above amendment does not add to the Kansas Division of Services for the Blind's budget. It does not increase services. It only assures that blind Kansans maintain the services currently available to them without the move of facilities causing cuts or downsizing. The 33,000 square feet minimum space figure establishes only very slightly greater space than the current facilities have as a minimum.

The two pieces of Legislation which we got passed last year were as follows:

"75-37,123 (4) (d) If that portion of the Topeka state hospital campus which includes the division of services for the blind is sold or otherwise becomes unavailable for its current use, ample time shall be allowed for the division of services for the blind to acquire replacement facilities of equal or better usefulness for services to the blind. If the Kansas industries for the blind must be closed as a part of the sale of Topeka state hospital property, the Kansas industries for the blind shall not be closed until suitable alternatives, including similar wages and benefits, for persons employed by Kansas industries for the blind have been arranged."

and

"1999 Session Law 160, Section 12

(i) In addition to the purposes for which expenditures may be made by the above agency (The Department of Administration) from the state buildings operating fund for the fiscal year ending June 30, 2000, as authorized

by section 42 (b) of 1999 Senate Bill No. 325, expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2000 for relocation of blind services and the Kansas Industries for the Blind."

We thought these pieces of legislation would be specific enough to achieve our purposes of saving all of the functions of Services for the Blind. This has not proven to be the case.

SRS officials have informed us that they feel it is meeting the provision of providing facilities "of equal or better usefulness for services to the blind" if they close the residential facilities of the Rehabilitation Center for the Blind entirely and downsize the overall Services for the Blind facilities from about 32,000 square feet to 11,000 square feet. (They were originally proposing 9,100 square feet, but advocacy on behalf of the blindness community has managed to recover the concession of an additional 1,900 square feet.)

SRS officials have announced that they will simply close down Kansas Industries for the Blind as of May 1, 2000 rather than move it. Although some attempts are being made to get the people working there other jobs, we do not feel that appropriate attention is being paid to the "similar wages and benefits" issue. Also, we do not feel SRS has met the standard in last year's legislation that Kansas Industries for the Blind "MUST be closed." There are other alternatives to closure. SRS is now attempting to make it sound as though Kansas Industries for the Blind has been losing mounds and mounds of money. This simply is not true. In early 2000, SRS was still bragging on their web page that Kansas Industries for the Blind receives no allocation of tax dollars and essentially supports itself. This statement was only taken off of their web page when Michael Byington embarrassed them in front of another Legislative Committee by pointing out that it was still there. It is in fact a true statement. Kansas Industries for the Blind has not made much money in the past five years or so, but they have not lost much either. They have kept it within \$15,000. of break even each year for the past five years with some years showing slight positive gains and some showing slight negatives.

Unemployment among blind citizens is still running at about 74% among working aged people who are legally or totally blind. We frankly do not believe that this is the time to give up or downsize any employment opportunities which may be able to impact these figures.

Make no mistake. SRS is using the excuse of the sale of the Topeka State Hospital campus to downsize and discontinue parts of longstanding, and still effective Services for the Blind programming. Just as 2355 acknowledges that it is necessary for the Legislature to move in to commemorate and protect the sanctity of the dead, blind Kansans are going to need a little more legislative help to keep SRS from using the closure of the Topeka State Hospital Grounds as an excuse to cut and render ineffective longstanding services for blind Kansans. SRS officials have been announcing that the closure of the State Hospital grounds impacts the timing of changes in services for the blind but that it provides an opportunity to make program improvements which have been needed for a long time. Please do not believe this propaganda. No rational person could look at what SRS is doing to blind Kansans and call it an improvement in services.

The SRS leadership is in fact quite new to their jobs. None of them were in the jobs they have now prior to about last October. None of the new leadership have ever worked in blind services, had training under blindfold, or had experience in helping blind people seek or maintain employment. They are not qualified in these areas and they should not try to make extensive changes when they do not know what they are doing.

A wiser solution is simply to listen to what blind consumers and experts in the field of blindness are saying. Legislation which as been introduced in the House and which would remove Services for the Blind from the inefficient and unknowledgeable SRS bureaucracy, and put blind people and blindness experts in charge of serving blind Kansans has not moved through the process yet this year. Until it does, please do not allow SRS to change and ruin those services about which the SRS leadership knows nothing.

**Testimony on Topeka State Hospital Cemetery Preservation Project presented to the
Senate Federal and State Affairs Committee
Submitted by Bryce Miller
March 16, 2000**

I am Bryce Miller, mental health advocate. Senator Oleen and members of the Senate Federal and State Affairs Committee, I appreciate the opportunity to speak to you briefly about House Bill 2355, the Topeka State Hospital Cemetery Preservation Project.

First however, a bit about myself. In 1974 I was diagnosed with bi-polar illness; also known as manic-depression illness. There are an estimated 2,000,000 bi-polar consumers in this country. With proper medication and good treatment, I have been able to continue working. I worked 19 years for the State of Kansas; all in the Kansas Dept of Human Resources and retired about six years ago.

During my active state service I also was a volunteer and served as the President for the Mental Health Association in Kansas, 1985-86; Board Member of the National Alliance for the Mentally Ill, 1990-1996 and at present a member of the Board of Directors, National Alliance for the Mentally Ill, 1990- 1998 (located in Arlington, VA).

I served on the original Governor's Mental Health Services Planning Council, 1989-1997. You will remember the Planning Council helped trigger off the mental health reform era. Recently I was appointed by Governor Graves to serve on the Kansas State Employees Health Care Commission representing the retired employees.

About 14 years ago I went to the greenhouse on the Topeka State Hospital grounds. I noticed a row of concrete pylons lined up west to east and south to north. It really took my breath away when I realized this was the Topeka State Hospital cemetery. There are today only 16 headstones markers, yet I discovered later there were 1,157 persons buried in the cemetery. About 1% of the graves for people buried there have a headstone. The first person buried in the cemetery was interned August 18, 1879, just two months after the cemetery was opened. The last person was buried there on July 23, 1954.

We don't know whether the stigma of dying in a state hospital, poverty or some other reason kept families and relatives from purchasing grave markers.

We in the mental health advocacy business do believe it is important for the citizens of the State of Kansas to maintain and protect this Topeka State Hospital cemetery.

Michael Jaenza, President and CEO of the National Mental Health Association, Alexandria, VA, is a compelling and visible advocate for improved treatment and stigma reduction. He recently stated "We need to get to a place in America where people see mental health as a continuum, a part of being human, and recognize it is as important to treat mental health problems as it is physical health problems."

Preservation of the Topeka State Hospital cemetery will help to show where we have been. I hope you will act favorably on passage of H2355.

Sen. Federal & State Affairs Comm.
Date: 3-16-00
Attachment: # 2-1

Choices & resources for people who are blind or low vision



Envision®

**PLEASE REPLY TO: Michael Byington, Director
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March 14, 2000

TO: Senate Committee on Federal and State Affairs

RE: House Bill 2355

I am writing to state that Envision supports the testimony to be given concerning this bill by the Kansas Association for the Blind and Visually Impaired, Inc. We support the amendments they are proposing. I am sorry I can not be present to express support in person. Appointments with our federal Kansas Congressional Delegation are causing me to be out of State on the date of your hearing.

We believe the amendments proposed concerning the Kansas Division of Services for the Blind are quite germane. After all, the Kansas Legislature has designated the Blind Services buildings on the northwest corner of 6th and Mac Vicar in Topeka to be a part of the Topeka State Hospital campus. House Bill 2355 is about transitioning the Topeka State Hospital campus to other uses, and about making sure that things which need to be kept on the campus and honored there are indeed retained.

When the language in House Bill 2548 (referenced in the Kansas Association for the Blind . . . testimony) was passed into law last year concerning the continuation of the Kansas Division of Services for the Blind we thought this would be sufficient to protect the blind services programming offered by the State of Kansas. This has not proven to be the case. The language has been misinterpreted by SRS and blind services functions are suffering. The solutions provided in the amendatory language you are receiving today, and proposed for addition to House Bill 2355, however, are consistent with the Legislation which was adopted last year. In fact when last year's language concerning Blind Services was added to House Bill 2548 in the Senate Ways and Means Committee, Senator Kerr commented that he felt the best solution for the Blind Services functions would be to move them all elsewhere on the Topeka State Hospital campus. He commented that he thought the language in 2548 would allow for this to happen. It has not worked out that way, but the language proposed for addition here to House Bill 2355 would offer this assurance.

Thank you for your consideration of this matter. I will be back in town next week. Please contact me if you have questions.

Sen. Federal & State Affairs Corr
Date: 3-16-00
Attachment: # 3-1