

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chair Melvin Neufeld at 9:00 a.m. on March 7, 2003, in Room 514-S of the Capitol.

All members were present except:

Representative Larry Campbell, Excused  
Representative Bill Light, Excused  
Representative JoAnn Pottorff, Excused  
Representative Rocky Nichols, Excused

Committee staff present:

Alan Conroy, Legislative Research Department  
J. G. Scott, Legislative Research Department  
Amy Deckard, Legislative Research Department  
Becky Krahl, Legislative Research Department  
Nicoletta Buonasera, Legislative Research Department  
Carolyn Rampey, Legislative Research Department  
Leah Robinson, Legislative Research Department  
Bill Wolff, Legislative Research Department  
Jim Wilson, Revisor of Statutes  
Mike Corrigan, Revisor of Statutes  
Nikki Feuerborn, Administrative Analyst  
Sue Fowler, Committee Secretary

Conferees appearing before the committee:

Denise L. Everhart, Acting Commissioner, Kansas  
Juvenile Justice Authority

Others attending: See Attached

Chair Neufeld called the committee's attention to **HB 2423 – Center for Health and Environment Statistics fee funding**, which the committee heard the hearing on the March 6, 2003. After conferring with the Staff from the Office of the Revisor of Statutes, it was decided the bill is correctly written.

Representative Bethell moved that **HB 2423** be reported favorably. Motion was seconded by Representative Landwehr. Motion carried.

**Hearing HB 2310 – Superintendent at the Topeka correctional facility may appoint a deputy superintendent and an attorney; unclassified service**

Nicoletta Buonasera, Legislative Research Department, presented an overview on **HB 2310** which would allow the superintendent of the Topeka Juvenile Correctional Facility to appoint an unclassified deputy superintendent and attorney.

Current law requires all staff at the juvenile correctional facilities be members of the classified service. The exceptions to this requirement are facility superintendents, who are appointed by the Commissioner of Juvenile Justice Authority (JJA), and physicians, who are appointed by the facility superintendents. These appointees are required by law to be within the unclassified service under the Kansas Civil Services Act.

Because of the importance and need for these positions, Juvenile Justice Authority (JJA) requested and was granted approval from the Governor's office to fill the unclassified deputy superintendent position on a temporary basis for one year.

**HB 2310** would have no fiscal effect on the JJA or Topeka Juvenile Correctional Facility. The agency would shift funding from other areas to fund these positions.

Denise L. Everhart, Acting Commissioner of Juvenile Justice, presented testimony recommending support and passage of **HB 2310** (Attachment 1). She pointed out that this is not a request to add any additional FTE's, but rather a request to amend K.S.A 76-3202 authorizing staffing these positions within the unclassified service.

Chair Neufeld announced the hearing on **HB 2310** is closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS at 9:00 a.m. on March 7, 2003, in Room 514-S of the Capitol.

Representative Gatewood moved to accept the proposed technical amendment as presented by the Commissioner of Juvenile Justice, line 22 (b) inserting the word "Juvenile" after the word Topeka. Motion was seconded by Representative Ballard. Motion carried.

Representative Feuerborn moved to report **HB 2310** favorably as amended. Motion was seconded by Representative Minor. Motion carried.

**Hearing on SB 73 – Claims against the state**

Dr. Bill Wolff, Legislative Research Department, presented a bill explanation on **SB 73**.

The Joint Committee on Claims Against the State originally recommended Section 5 be paid to the landowner. Dr. Wolff was unsure if any action was taken against the juvenile who reportedly started the fire away from the actual campsite. The fire burned up 250 posts and trees. In discussion whether the Department of Wildlife and Parks should be liable for this, it was pointed out they are self-insured, as is the state of Kansas.

Chair Neufeld announced that the hearing on **SB 73** is closed.

Representative Osborne moved to allow payment in the amount of \$600 to the claimant for fencing costs in Section 5. Motion was seconded by Representative Howell. Motion failed on a tie vote.

Representative Landwehr moved for a three-part amendment: (1) Authorizing the Department of Revenue in Section 6 to reissue a tax refund warrant in the amount of \$82,246 to Journal Communications, Inc. (Attachment 2); (2) Section 7, Line 41, to change the name of the facilities operations funds to the Topeka Juvenile Correctional Facility Operations Account of the State General Fund; and (3) in Section 11, to authorize the University of Kansas to use the correct fund in payment of an overdue bill (Attachment 3). Motion was seconded by Representative Bethell. The motion carried.

Representative Feuerborn moved for an amendment in Section 6 (a) and (b) to strike "office of" from lines 26 and 33. Motion was seconded by Representative Minor. Motion carried.

Representative Minor moved to report the bill favorably as amended. Motion was seconded by Representative Feuerborn. Motion carried.

**Continued Committee discussion and Action on SB 4 – Cash basis law; exemptions for certain expenditures by school districts**

The Chair reopened the Committee discussion on **SB 4**.

Representative Feuerborn withdrew his motion for a substitute motion to amend by inserting "school years 2002-2003, 2003-2004 and 2004-2005" strike "all years thereafter" in the amendment. The second, agreed to the withdrawal.

Representative Shultz withdrew his motion to amend **SB 4** by striking "2001-2002" and inserting "2002-2003" and by striking "Kansas register" and inserting "statute book..." made in the January 28, 2003 Appropriation Committee Meeting. The second, agreed to the withdrawal.

Representative Feuerborn moved **SB 4** be reported favorably. Motion was seconded by Representative Shultz. Motion carried.

The meeting was adjourned at 10:30 a.m. The next meeting is scheduled for March 10, 2003.



Melvin Neufeld, Chair

# APPROPRIATIONS COMMITTEE GUEST LIST

DATE: March 7, 2003

NAME	REPRESENTING
Denise Everhart	JJA
James Frazier	JJA
Lynnaa South	JJA
Dick Kwer+L	KDW+P
Mike Huttles	Ks. Governmental Consulting



JUVENILE JUSTICE AUTHORITY  
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

**HOUSE APPROPRIATIONS COMMITTEE**  
**MARCH 7, 2003**

**Testimony on House Bill 2310**

This bill is a request to amend K.S.A. 76-3202 to include a deputy superintendent and an attorney on the statutory list of approved unclassified regular positions at the Topeka Juvenile Correctional Facility (TJCF). Current statute provides only for superintendent positions and physician positions at the juvenile correctional facilities to be in the unclassified service. This bill does not authorize new FTE positions. In the event that the facility is able to hire an attorney, the position could be filled as an unclassified FTE rather than a classified FTE or an unclassified temporary position.

These positions perform duties at the executive level working in conjunction with the commissioner, deputy commissioner of operations, and superintendent. Appointment of these positions as unclassified will allow for maximum options and flexibility with recruiting, hiring, making assignments, and retaining the incumbents.

A yearlong review of the organizational structure of the four juvenile correctional facilities lead to the determination that the position of deputy superintendent was not only warranted, but necessary. The greater population of the TJCF, its physical plant, the seriousness of the crimes committed by many of the juvenile offenders, and the number of staff needed make overseeing its operation substantially more complex and difficult than at the other three juvenile correctional facilities.

An entirely different organizational structure is mandated in order for the mission of the facility to be fulfilled; the position of deputy superintendent is key to that structure. The position provides more than assistance to the superintendent, but functions as the superintendent when necessary. The deputy superintendent has in conjunction with the superintendent significant latitude in performing his/her duties, as well as responsibility for the facility, its operation, safety, and work toward the mission. A great degree of judgment and complete trust between the superintendent and deputy must be employed in order to achieve required outcomes.

As a means of implementing the necessary organizational changes, the position of deputy superintendent was established in August 2002 at the Public Service Executive IV level, and staffed in October 2002 under the provisions of an unclassified special project appointment.

**HOUSE APPROPRIATIONS**

DATE 3-7-03  
ATTACHMENT 1

There is no attorney in any of the facilities at this time. It is anticipated, however, that an attorney will become necessary in the near future as the system grows in population. When the Kansas Juvenile Correctional Complex is fully staffed and operational, the Topeka system will eventually double in the number of staff and offenders. With the additional number of offenders, employees and programs, it is anticipated that the need for legal advice and representation will increase proportionately; an additional attorney housed at the TJCF will be needed to provide assistance to this more complex system.

Currently, there are two attorneys representing the entire JJA system; both are unclassified. They address the myriad legal issues that any correctional facility system encounters, from internal employment issues to complex litigation. They provide legal advice to the commissioner and senior staff of the central office, as well as the superintendents and senior staff of the four existing juvenile correctional facilities and community case managers for the 31 judicial districts.

The attorneys address interpretation and application of the Kansas Juvenile Justice Code, Kansas Tort Claims Act, and Department of Administration personnel regulations, and many other state and federal acts and regulations. They represent the agency in all employment matters in regard to the agency's more than 600 employees, review employment issues with the agency staff, and represent the agency and facilities during Civil Service Appeals or when complaints are filed with the Kansas Human Rights Commission or similar agencies. Experience indicates JJA has as many as 24 disciplinary actions during a six-month period with slightly fewer than half being appealed to the Civil Service Board. In addition, JJA currently has seven outstanding matters with the Kansas Human Rights Commission or similar agencies.

Over the course of FY 2002, the legal division, which in addition to the two attorneys is staffed by a paralegal and an investigator, conducted nearly 30 investigations.

The legal division provides training on legal issues to all new correctional officers and case managers. Further, the legal division presents training on an annual basis for current employees and at the Governor's Conference on Juvenile Justice.

Additionally, the legal division is coordinating the implementation of Health Insurance Portability Accountability Act (HIPAA) compliance, reviews all contracts and drafts contracts as needed, acts as the Legislative Liaison, and provides assistance to the communities on issues such as interpretation of the juvenile justice code, application of the placement matrix, open meetings, and confidentiality of records.

For clarification purposes, we do support an amendment to the bill. As written, line 22 refers to the Topeka Correctional Facility, which if read out of context would refer to the so named facility operated by the Department of Corrections. Line 22 should read "(b) The superintendent at the Topeka Juvenile Correctional Facility...."

Thank you for the opportunity to appear today in support and for passage of HB 2310.

HOUSE BILL No. 2310

By Committee on Corrections and Juvenile Justice

2-12

AN ACT concerning the juvenile justice authority; relating to unclassified employees; amending K.S.A. 76-3202 and repealing the existing section.

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

Section 1. K.S.A. 76-3202 is hereby amended to read as follows: 76-3202. ~~On and after July 1, 1997, subject to K.S.A. 75-7003, and amendments thereto;~~ (a) Employees of each institution shall be appointed by the superintendent or director of the institution. All employees so appointed shall be in the classified service under the Kansas civil service act, except as provided in subsection (b) and physicians who shall be in the unclassified service under the Kansas civil service act and as provided in K.S.A. 75-2935, and amendments thereto, or any other statute.

(b) ~~The superintendent of the Topeka correctional facility may appoint a deputy superintendent and an attorney for such facility. Such deputy and attorney shall be in the unclassified service under the Kansas civil service act and as provided in K.S.A. 75-2935, and amendments thereto.~~

juvenile

Sec. 2. K.S.A. 76-3202 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Merit Transportation Co, LLC

10330 S 152nd St.

Omaha, NE 68138..... \$17,551.83

Sec. 5. The department of wildlife and parks is hereby authorized and directed to pay the following amount from the parks fee fund as reimbursement for damage to claimant's pasture caused by a fire set by a state park patron, to the following claimant:

Duane W. Walker

1422 27th Ave.

Canton, KS 67428..... \$3,000.00

Sec. 6 5. The Kansas state fair is hereby authorized and directed to pay the following amount from the state fair fee fund as reimbursement for out-of-pocket medical expenses resulting from personal injuries sustained at the state fairgrounds, to the following claimant:

John G. Baird

521 East 25th

Hutchinson, KS 67502..... \$179.00

Sec. 7. There is appropriated from the state general fund the following amount as reimbursement for injuries to claimant's impounded horses while in the custody of the Hutchinson correctional facility following seizure, and related expenses incurred by claimant in obtaining release of such horses, to the following claimant:

Lyle Hanschu

2526 US Hwy 56

Lost Springs, KS 66850..... \$5,000.00

Sec. 8 6. (a) The office of judicial administration is hereby authorized and directed to pay the following amount from the judiciary technology fund for payment for services rendered, the invoice for which was submitted or processed in an untimely manner, to the following claimant:

Storage Technology Corp.

PO Box 996001 99600

Chicago, IL 60690..... \$605.55

(b) The office of judicial administration is hereby authorized and directed to pay the following amount from the judiciary technology fund for payment for services rendered, the invoice for which was submitted or processed in an untimely manner, to the following claimant:

Storage Technology Corp.

PO Box 996001 99600

Chicago, IL 60690..... \$2,422.22

Sec. 9 7. The juvenile justice authority is hereby authorized and directed to pay the following amount from the facilities operations fund for payment of a bill presented in the wrong fiscal year, to the following claimant:

claimant:

PROPOSED AMENDMENT

For Consideration by

Committee on Appropriations

HOUSE APPROPRIATIONS

DATE 3-07-03

ATTACHMENT 2

(c) The department of revenue is hereby authorized and directed to pay the following amount from the income tax refund fund as reimbursement for a canceled corporate income tax refund warrant to the following claimant: Journal Communications, Inc. P.O. Box 661 Milwaukee, WI 53201-0661.....\$82,246.00

# The University of Kansas

Business and Financial Planning

March 5, 2003

The Honorable Representative Melvin Neufeld, Chair  
House Appropriations Committee  
300 S.W. 10th Street  
Topeka, KS 66612

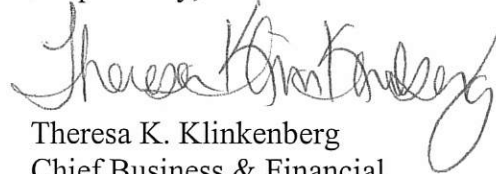
Re: Senate Bill No. 73, Sec. 11; Claim of AM-KO Building Maintenance; amendment to language

Dear Representative Neufeld,

With regard to Senate Bill No. 73, Sec. 11, the University of Kansas supports the claim of AM-KO Building Maintenance, Inc., in the amount of \$4,095.00 for payment of a bill presented in the wrong fiscal year, however, the University requests that the language of that section be amended to indicate authorization of payment from the "General Fees Fund," which is the fund from which this expenditure would normally be made. The corrected section would read as follows:

*Sec. 11. The university of Kansas is hereby authorized and directed to pay the following amount from the general fees fund for payment of bill presented in wrong fiscal year, to the following claimant:  
AM-KO Building Maintenance, Inc.  
PO Box 2277  
Shawnee Mission, KS  
66201.....\$4,095.00.*

Respectfully,



Theresa K. Klinkenberg  
Chief Business & Financial  
Planning Officer

Cc: Representative Clark Shultz  
Bill Wolff, Legislative Research