

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on February 19, 2003, in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Jill Wolters - Office of the Revisor  
Mitch Rice - Office of the Revisor  
Jerry Ann Donaldson - Legislative Research Department  
Martha Dorsey - Legislative Research Department  
Nicoletta Buonasera - Legislative Research Department  
Bev Renner - Committee Secretary

Conferees appearing before the committee:

Pat Scalia, Executive Director—State Board of Indigents' Defense Services  
Denise Everhart, Acting Commissioner—Juvenile Justice Authority

**HB 2121 - Application fee imposed on defendant entitled to indigent defense services.**

**Chairperson Ward Loyd opened the hearing on HB 2121.**

Pat Scalia, Executive Director of the State Board of Indigents' Defense Services, was welcomed to the committee to speak from a neutral position about HB 2121. Current law charges an assessment fee at the conclusion of a case to be charged to defendants for services from Indigents' Defense Services. This bill would allow assessment of \$50 at commencement of a case as an application fee when defendants have money for bail. The bill submitted to the Senate asks for a \$100 fee.

**Chairperson Ward Loyd closed the hearing on HB 2121.**

**HB 2314 - Kansas juvenile correctional complex.**

**Chairperson Ward Loyd opened the hearing on HB 2314.**

Denise Everhart, Acting Commissioner of the Juvenile Justice Authority appeared in support of HB 2314 (Attachment 1). This bill establishes the language to make the new Kansas Juvenile Correctional Complex subject to the same statutes, rules and regulations as the other facilities operating under the authority of the Commissioner. There is a typographical error on page 8 that needs correction. The term "commission" is used when "commissioner" would be proper.

**Chairperson Ward Loyd closed the hearing on HB 2314.**

**HB 2315 - Juvenile correctional services grants, paid quarterly instead of semiannually.**

**Chairperson Ward Loyd opened the hearing on HB 2315.**

Denise Everhart, Acting Commissioner, JJA spoke in support of HB 2315 (Attachment 2). The bill would amend current law to change the schedule of grant payments to quarterly, rather than semi-annually. This would provide an additional measure of control and oversight of the graduated sanctions programs that are funded; including intake and assessment and community corrections funds. Reports are filed quarterly, not semi-annually.

**Chairperson Ward Loyd closed the hearing on HB 2315.**

**HB 2308 - Medical records of juvenile offenders treatment at a treatment facility available to commissioner of juvenile justice.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on February 19, 2003, in Room 526-S of the Capitol.

**Chairperson Loyd opened the hearing on HB 2308.**

Acting Commissioner Denise Everhart, JJA appeared once more before the committee in support of **HB 2308** (Attachment 3). This bill will provide authority for juvenile correctional facilities to access medical records, including psychiatric records, of juvenile offenders committed to the juvenile correctional facilities. Two statutes will be amended; one, to add a state hospital to the list of exceptions and allow the head of a state hospital to make the determination to release the records, and, the second, adds an exception for juvenile offenders in the custody of the Juvenile Justice Authority when the information is requested by the Commissioner.

**Chairperson Loyd closed the hearing on HB 2308.**

**HB 2314 - Kansas juvenile correctional complex.**

Representative Nile Dillmore made a motion to offer the amendment requested to change "commission" to "commissioner". Seconded by Representative Eric Carter. The motion carried.

Representative Nile Dillmore made a motion to pass **HB 2314** favorably for passage. Representative Eric Carter seconded the motion. The motion carried.

**HB 2315 - Juvenile correctional services grants, paid quarterly instead of semiannually.**

Representative Deena Horst made a motion to move **HB 2315** favorably for passage. Representative Eric Carter seconded the motion. The motion carried.

**HB 2308 - Medical records of juvenile offenders treatment at a treatment facility available to commissioner of juvenile justice.**

Vice-Chairperson Tim Owens made a motion to move **HB 2308** favorable for passage. Representative Donald Betts seconded the motion. The motion carried.

**HB 2312 - Time limitations for defendant to be brought promptly to trial.**

Representative Eric Carter made a motion to report **HB 2312** favorably for passage. Representative Deena Horst seconded the motion.

After discussion of conflicts between scheduling and judicial resources and the problems presented when defendants are in need of competency assessments, the motion failed; 6 for and 10 against.

Representative Sydney Carlin made a motion to reconsider **HB 2312**. The motion was seconded by Vice-Chairperson Tim Owens. The motion carried.

Vice Chairperson Tim Owens made a motion to amend **HB 2312** to include language to indicate the extension of time would be 90 days minus incarceration time before incompetency assessment. The motion was seconded by Representative Sydney Carlin.

Revisor Jill Wolters addressed the proposed amendment by adding, after 5(a) and (b) insert comma, minus number of days defendant was held in jail prior to such finding.

Vice-Chairperson Tim Owens closed on his motion. The result was in doubt. The Chairperson asked for a show of hands; 10 for and 5 against. The motion carried

Representative Nile Dillmore made a motion to pass **HB 2312** favorably as amended. Representative Kevin Yoder seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on February 19, 2003, in Room 526-S of the Capitol.

The meeting was adjourned at 3:05 p.m. The next scheduled meeting is February 20, 2003.

**HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST**

DATE Feb 19, 2003

NAME	REPRESENTING
Julie Jostado	
Kadiduru	
Erika Espino	
Amy Doyen	
Heidi Henderson	
Ann Olsen	
Gail Harvick	
Sarah Summers	University of Kansas
Jamil Dultmein	University of Kansas
Jamie Shelite	"
Brandy Stufflebean	KU
Amy Farrell	KU
Becky Bryant	KU
Jenni Garman	KU
Jamie Miller	Newman University
Charlotte Daniels	Newman University
Michele Diller	Newman University
Jennifer Bowdy	
Rashelle Hensley	Bethany College
Alisha Ellis	Bethany college
Raymond Johnson	Bethany College
Dia Shivers	Bethany College
Amber Conley	University of Kansas
Shereen Dean	University of Kansas





# KANSAS

JUVENILE JUSTICE AUTHORITY  
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

## HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE JANUARY 29, 2003

### Testimony on House Bill 2314

This bill is requested to establish the new Kansas Juvenile Correctional Complex and subject the facility to the same statutes, rules and regulations as all other facilities operating under the authority of the Commissioner.

Appropriations were made during the 2000 session to build the facility and JJA is planning to occupy it in fiscal year 2004. The appropriations for the facility became necessary based upon the increasingly violent characteristics of the juvenile populations, the projected increase in the juvenile correctional facility population through 2007 and the need for a diagnostic and classification center.

The new 225-bed complex will provide 150 beds for offenders who meet maximum security level classification needs, 60 beds for classification and diagnostics services for all new admissions to the JCF system, and a 15 bed infirmary for offenders needing long-term overnight medical care. A total of 200 beds for male juvenile offenders will be added to the system.

The agency currently has a bed capacity of 435 for male offenders. Our average daily population today is 446. It is expected to continue to increase reaching 574 by fiscal 2007.

The facility will operate with a staff of approximately 224 FTE plus some contract personnel.

The bill itself would simply add the Kansas Juvenile Correctional Complex to the facilities operated by the Juvenile Justice Authority and add its name anytime the juvenile correctional facilities are listed by name to ensure clarity when budgeting and operating the facilities.

There is a typographical error on page 8 of the bill and I have attached a proposed amendment to correct this.

I respectfully request passage of this bill.

Denise L. Everhart  
Acting Commissioner

DLE:JF:bt

H. Corr & J.J.  
2-19-03  
Attachment 1

**HOUSE BILL No. 2314**

By Committee on Corrections and Juvenile Justice

2-12

AN ACT concerning the juvenile justice authority; relating to the Kansas juvenile correctional complex; amending K.S.A. 38-1602, 72-978, 74-5344 and 76-3201 and K.S.A. 2002 Supp. 75-3765 and repealing the existing sections; also repealing K.S.A. 75-52,143.

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

New Section 1. (a) There is hereby established, as a separate institution, the Kansas juvenile correctional complex. Any reference in the laws of this state to a juvenile correctional facility or institution as defined in K.S.A. 38-1602, and amendments thereto, shall be construed as also referring to the Kansas juvenile correctional complex.

(b) The commissioner of juvenile justice shall have the management and control of the Kansas juvenile correctional complex.

(c) The superintendent of the Kansas juvenile correctional complex shall remit all moneys received by or for the superintendent from charges and other operations of such institution to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas juvenile correctional complex fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by such superintendent or by a person or persons designated by the superintendent.

Sec. 2. K.S.A. 38-1602 is hereby amended to read as follows: 38-1602. As used in this code, unless the context otherwise requires:

(a) "Juvenile" means a person 10 or more years of age but less than 18 years of age.

(b) "Juvenile offender" means a person who commits an offense while a juvenile which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105, and amendments thereto, or who violates the provisions of K.S.A. 21-4204a or K.S.A. 41-727 or subsection (j) of K.S.A. 74-8810; and amendments thereto, but does not include:

(1) A person 14 or more years of age who commits a traffic offense,



- 1 as defined in subsection (d) of K.S.A. 8-2117, and amendments thereto;
- 2 (2) a person 16 years of age or over who commits an offense defined
- 3 in chapter 32 of the Kansas Statutes Annotated;
- 4 (3) a person under 18 years of age who previously has been:
- 5 (A) Convicted as an adult under the Kansas code of criminal
- 6 procedure;
- 7 (B) sentenced as an adult under the Kansas code of criminal proce-
- 8 dure following termination of status as an extended jurisdiction juvenile
- 9 pursuant to K.S.A. 38-16,126, and amendments thereto; or
- 10 (C) convicted or sentenced as an adult in another state or foreign
- 11 jurisdiction under substantially similar procedures described in K.S.A. 38-
- 12 1636, and amendments thereto, or because of attaining the age of majority
- 13 designated in that state or jurisdiction.
- 14 (c) "Parent," when used in relation to a juvenile or a juvenile of-
- 15 fender, includes a guardian, conservator and every person who is by law
- 16 liable to maintain, care for or support the juvenile.
- 17 (d) "Law enforcement officer" means any person who by virtue of
- 18 that person's office or public employment is vested by law with a duty to
- 19 maintain public order or to make arrests for crimes, whether that duty
- 20 extends to all crimes or is limited to specific crimes.
- 21 (e) "Youth residential facility" means any home, foster home or struc-
- 22 ture which provides twenty-four-hour-a-day care for juveniles and which
- 23 is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
- 24 Annotated.
- 25 (f) "Juvenile detention facility" means any secure public or private
- 26 facility which is used for the lawful custody of accused or adjudicated
- 27 juvenile offenders and which shall not be a jail.
- 28 (g) "Juvenile correctional facility" means a facility operated by the
- 29 commissioner for juvenile offenders.
- 30 (h) "Warrant" means a written order by a judge of the court directed
- 31 to any law enforcement officer commanding the officer to take into cus-
- 32 tody the juvenile named or described therein.
- 33 (i) "Commissioner" means the commissioner of juvenile justice.
- 34 (j) "Jail" means:
- 35 (1) An adult jail or lockup; or
- 36 (2) a facility in the same building as an adult jail or lockup, unless the
- 37 facility meets all applicable licensure requirements under law and there
- 38 is (A) total separation of the juvenile and adult facility spatial areas such
- 39 that there could be no haphazard or accidental contact between juvenile
- 40 and adult residents in the respective facilities; (B) total separation in all
- 41 juvenile and adult program activities within the facilities, including rec-
- 42 reation, education, counseling, health care, dining, sleeping, and general
- 43 living activities; and (C) separate juvenile and adult staff, including man-



1 agement, security staff and direct care staff such as recreational, educa-  
2 tional and counseling.

3 (k) "Court-appointed special advocate" means a responsible adult,  
4 other than an attorney appointed pursuant to K.S.A. 38-1606 and amend-  
5 ments thereto, who is appointed by the court to represent the best inter-  
6 ests of a child, as provided in K.S.A. 38-1606a, and amendments thereto,  
7 in a proceeding pursuant to this code.

8 (l) "Juvenile intake and assessment worker" means a responsible  
9 adult authorized to perform intake and assessment services as part of the  
10 intake and assessment system established pursuant to K.S.A. 75-7023, and  
11 amendments thereto.

12 (m) "Institution" means the following institutions: The *Kansas juve-*  
13 *nile correctional complex*, the Atchison juvenile correctional facility, the  
14 Beloit juvenile correctional facility, the Larned juvenile correctional fa-  
15 cility and the Topeka juvenile correctional facility.

16 (n) "Sanctions house" means a facility which is operated or structured  
17 so as to ensure that all entrances and exits from the facility are under the  
18 exclusive control of the staff of the facility, whether or not the person  
19 being detained has freedom of movement within the perimeters of the  
20 facility, or which relies on locked rooms and buildings, fences, or physical  
21 restraint in order to control the behavior of its residents. Upon an order  
22 from the court, a licensed juvenile detention facility may serve as a sanc-  
23 tions house.

24 (o) "Sentencing risk assessment tool" means an instrument adminis-  
25 tered to juvenile offenders which delivers a score, or group of scores,  
26 describing, but not limited to describing, the juvenile's potential risk to  
27 the community.

28 (p) "Educational institution" means all schools at the elementary and  
29 secondary levels.

30 (q) "Educator" means any administrator, teacher or other profes-  
31 sional or paraprofessional employee of an educational institution who has  
32 exposure to a pupil specified in subsection (a)(1) through (5) of K.S.A.  
33 ~~2000 Supp.~~ 72-89b03, and amendments thereto.

34 Sec. 3. K.S.A. 72-978 is hereby amended to read as follows: 72-978.

35 (a) (1) In each school year, in accordance with appropriations for special  
36 education and related services provided under this act, each school district  
37 which has provided special education and related services in compliance  
38 with the provisions of this act shall be entitled to receive:

39 (A) Reimbursement for actual travel allowances paid to special teach-  
40 ers at not to exceed the rate specified under K.S.A. 75-3203, and amend-  
41 ments thereto, for each mile actually traveled during the school year in  
42 connection with duties in providing special education or related services  
43 for exceptional children; such reimbursement shall be computed by the

1 state board by ascertaining the actual travel allowances paid to special  
2 teachers by the school district for the school year and shall be in an  
3 amount equal to 80% of such actual travel allowances;

4 (B) reimbursement in an amount equal to 80% of the actual travel  
5 expenses incurred for providing transportation for exceptional children to  
6 special education or related services; such reimbursement shall not be  
7 paid if such child has been counted in determining the transportation  
8 weighting of the district under the provisions of the school district finance  
9 and quality performance act;

10 (C) reimbursement in an amount equal to 80% of the actual expenses  
11 incurred for the maintenance of an exceptional child at some place other  
12 than the residence of such child for the purpose of providing special  
13 education or related services; such reimbursement shall not exceed \$600  
14 per exceptional child per school year; and

15 (D) except for those school districts entitled to receive reimburse-  
16 ment under subsection (b) or (c), after subtracting the amounts of re-  
17 imbursement under paragraphs (A), (B) and (C) of this subsection (a)  
18 from the total amount appropriated for special education and related  
19 services under this act, an amount which bears the same proportion to  
20 the remaining amount appropriated as the number of full-time equivalent  
21 special teachers who are qualified to provide special education or related  
22 services to exceptional children and are employed by the school district  
23 for approved special education or related services bears to the total num-  
24 ber of such qualified full-time equivalent special teachers employed by  
25 all school districts for approved special education or related services.

26 (2) Each special teacher who is qualified to assist in the provision of  
27 special education or related services to exceptional children shall be  
28 counted as  $\frac{2}{3}$  full-time equivalent special teacher who is qualified to pro-  
29 vide special education or related services to exceptional children.

30 (b) Each school district which has paid amounts for the provision of  
31 special education and related services under an interlocal agreement shall  
32 be entitled to receive reimbursement under subsection (a)(1)(D). The  
33 amount of such reimbursement for the district shall be the amount which  
34 bears the same relation to the aggregate amount available for reimburse-  
35 ment for the provision of special education and related services under the  
36 interlocal agreement, as the amount paid by such district in the current  
37 school year for provision of such special education and related services  
38 bears to the aggregate of all amounts paid by all school districts in the  
39 current school year who have entered into such interlocal agreement for  
40 provision of such special education and related services.

41 (c) Each contracting school district which has paid amounts for the  
42 provision of special education and related services as a member of a co-  
43 operative shall be entitled to receive reimbursement under subsection

1 (a)(1)(D). The amount of such reimbursement for the district shall be the  
2 amount which bears the same relation to the aggregate amount available  
3 for reimbursement for the provision of special education and related serv-  
4 ices by the cooperative, as the amount paid by such district in the current  
5 school year for provision of such special education and related services  
6 bears to the aggregate of all amounts paid by all contracting school dis-  
7 tricts in the current school year by such cooperative for provision of such  
8 special education and related services.

9 (d) No time spent by a special teacher in connection with duties  
10 performed under a contract entered into by *the Kansas juvenile correc-*  
11 *tional complex*, the Atchison juvenile correctional facility, the Beloit ju-  
12 venile correctional facility, the Larned juvenile correctional facility, or the  
13 Topeka juvenile correctional facility and a school district for the provision  
14 of special education services by such state institution shall be counted in  
15 making computations under this section.

16 Sec. 4. K.S.A. 74-5344 is hereby amended to read as follows: 74-  
17 5344. Nothing contained in the licensure of psychologists act of the state  
18 of Kansas shall be construed: (a) To prevent qualified members of other  
19 professional groups such as, but not limited to, ministers, Christian Sci-  
20 ence practitioners, social workers and sociologists from doing work of a  
21 psychological nature consistent with their training and consistent with any  
22 code of ethics of their respective professions so long as they do not hold  
23 themselves out to the public by any title or description of services incor-  
24 porating the words "psychologic," "psychological," "psychologist" or  
25 "psychology";

26 (b) in any way to restrict any person from carrying on any of the  
27 aforesaid activities in the free expression or exchange of ideas concerning  
28 the practice of psychology, the application of its principles, the teaching  
29 of such subject matter and the conducting of research on problems relat-  
30 ing to human behavior if such person does not represent such person  
31 or such person's services in any manner prohibited by such act;

32 (c) to limit the practice of psychology of a licensed masters level psy-  
33 chologist or a person who holds a temporary license to practice as a li-  
34 censed masters level psychologist insofar as such practice is a part of the  
35 duties of any such person's salaried position, and insofar as such practice  
36 is performed solely on behalf of such person's employer or insofar as such  
37 person is engaged in public speaking with or without remuneration;

38 (d) to limit the practice of psychology or services of a student, intern  
39 or resident in psychology pursuing a degree in psychology in a school,  
40 college, university or other institution, with educational standards consis-  
41 tent with those of the state universities of Kansas if such practice or  
42 services are supervised as a part of such person's degree program. Noth-  
43 ing contained in this section shall be construed as permitting such persons

1 to offer their services as psychologists to any other person and to accept  
2 remuneration for such psychological services other than as specifically  
3 excepted herein, unless they have been licensed under the provisions of  
4 the licensure of psychologists act of the state of Kansas, registered under  
5 the provisions of K.S.A. 74-5361 to 74-5371, inclusive, and amendments  
6 thereto or granted a temporary license under the provisions of K.S.A. 74-  
7 5367 and amendments thereto;

8 (e) to prevent the employment, by a person, association, partnership  
9 or a corporation furnishing psychological services for remuneration, of  
10 persons not licensed as psychologists under the provisions of such act to  
11 practice psychology if such persons work under the supervision of a psy-  
12 chologist or psychologists licensed under the provisions of such act and  
13 if such persons are not in any manner held out to the public as psychol-  
14 ogists licensed under the provisions of the licensure of psychologists act  
15 of the state of Kansas, as registered under the provisions of K.S.A. 74-  
16 5361 to 74-5371, inclusive, and amendments thereto or as holding a tem-  
17 porary license under the provisions of K.S.A. 74-5367 and amendments  
18 thereto;

19 (f) to restrict the use of tools, tests, instruments or techniques usually  
20 denominated "psychological" so long as the user does not represent one-  
21 self to be a licensed psychologist or a licensed masters level psychologist;

22 (g) to permit persons licensed as psychologists to engage in the prac-  
23 tice of medicine as defined in the laws of this state, nor to require such  
24 licensed psychologists to comply with the Kansas healing arts act;

25 (h) to restrict the use of the term "social psychologist" by any person  
26 who has received a doctoral degree in sociology or social psychology from  
27 an institution whose credits in sociology or social psychology are accept-  
28 able by a school or college as defined in the licensure of psychologists act  
29 of the state of Kansas, and who has passed comprehensive examination  
30 in the field of social psychology as a part of the requirements for the  
31 doctoral degree or has had equivalent specialized training in social  
32 psychology;

33 (i) to restrict the practice of psychology by a person who is certified  
34 as a school psychologist by the state department of education so long as  
35 such practice is conducted as a part of the duties of employment by a  
36 unified school district or as part of an independent evaluation conducted  
37 in accordance with K.S.A. 72-963 and amendments thereto, including the  
38 use of the term "school psychologist" by such person in conjunction with  
39 such practice; or

40 (j) to restrict the use of the term psychologist or the practice of psy-  
41 chology by psychologists not licensed under the licensure of psychologists  
42 act of the state of Kansas in institutions for the mentally retarded, in ~~the~~  
43 ~~a~~ juvenile correctional facilities at Atchison, Beloit, Larned and Topeka

1 facility, as defined in K.S.A. 38-1602, and amendments thereto, or in in-  
2 stitutions within the department of corrections insofar as such term is  
3 used or such practice of psychology is performed solely in conjunction  
4 with such person's employment by any such institution or juvenile cor-  
5 rectional facility.

6 Sec. 5. K.S.A. 2002 Supp. 75-3765 is hereby amended to read as  
7 follows: 75-3765. (a) (1) The secretary of administration shall assign space  
8 and facilities in all state-owned or operated property or buildings in Shaw-  
9 nee county, Kansas, except the state capitol, Topeka correctional facility,  
10 the Kansas neurological institute, the *Topeka* juvenile correctional facility  
11 ~~at Topeka, the Kansas juvenile correctional complex~~, the employment  
12 security administrative office building, 401 Topeka avenue, Kansas state  
13 employment service building, 1309 Topeka avenue, state highway shops  
14 and laboratory and property of the Kansas national guard for the use of  
15 the various state agencies. The secretary may determine, fix and establish  
16 a system of rental charges by the square foot and collect the same monthly  
17 for space and facilities occupied by each state agency whenever any ap-  
18 propriation for rental for space and facilities is made therefor, in an  
19 amount not to exceed the amount appropriated.

20 (2) The secretary of administration may assign space and facilities,  
21 establish a system of rental charges and collect rents for property and  
22 buildings owned or controlled by the department of administration in  
23 other parts of the state.

24 (3) The amounts collected under paragraphs (1) and (2) shall be re-  
25 mitted by the secretary of administration to the state treasurer in accord-  
26 ance with the provisions of K.S.A. 75-4215, and amendments thereto.  
27 Upon receipt of each such remittance, the state treasurer shall deposit  
28 the entire amount in the state treasury to the credit of the state buildings  
29 operating fund or other funds of the department of administration as  
30 prescribed by the secretary of administration.

31 (4) On or before December 31 of each year, the secretary of admin-  
32 istration shall present a report to the joint committee on state building  
33 construction concerning any actions taken by the secretary pursuant to  
34 authority granted to the secretary under this subsection. The report shall  
35 describe the action taken and the statutory authority authorizing such  
36 action.

37 (b) The secretary of administration shall require five-year building  
38 space utilization plans from all state agencies and develop a database of  
39 all state-owned or leased building and storage space. This database shall  
40 serve as the central repository of state-owned or leased building and stor-  
41 age space information. All changes made in the ownership or leasing  
42 status of all building space utilized by state agencies shall be reported to  
43 the secretary of administration and entered into this database. The da-

1 tabase shall include the actual and budgeted amount of money paid by  
2 state agencies for building and storage space. The database may include  
3 any other information related to the building space needs of the state as  
4 determined to be necessary by the secretary of administration.

5 All state agencies shall cooperate with requests for information con-  
6 cerning building space and storage space made by the secretary of ad-  
7 ministration or the secretary of administration's designee.

8 On or before December 31 of each year, the secretary of administration  
9 shall present a report of state-owned or leased building and storage space  
10 information to the joint committee on state building construction and  
11 shall provide notice at the same time to the secretary of the senate and  
12 to the chief clerk of the house of representatives that such report is avail-  
13 able to members of the legislature.

14 (c) As used in this section, "state agencies" also shall include any  
15 quasi-state agency.

16 Sec. 6. K.S.A. 76-3201 is hereby amended to read as follows: 76-  
17 3201. On and after July 1, 1997, the commissioner shall appoint the su-  
18 perintendents of the Atchison juvenile correctional facility, the Beloit ju-  
19 venile correctional facility, the Topeka juvenile correctional facility and  
20 the Larned juvenile correctional facility. *On and after July 1, 2003, the*  
21 ~~commissioner~~ shall appoint the superintendent of the Kansas juvenile cor-  
22 rectional complex. Superintendents shall be in the unclassified service  
23 under the Kansas civil service act. A superintendent may be removed at  
24 any time by the commissioner. Each superintendent shall receive an an-  
25 nual salary fixed by the commissioner, with the approval of the governor.  
26 The commissioner may appoint an acting superintendent for any insti-  
27 tution which has a superintendent to serve temporarily until a vacancy is  
28 filled. Acting superintendents shall have the same powers, duties and  
29 functions as superintendents.

commissioner

30 Sec. 7. K.S.A. 38-1602, 72-978, 74-5344, 75-52,143 and 76-3201 and  
31 K.S.A. 2002 Supp. 75-3765 are hereby repealed.

32 Sec. 8. This act shall take effect and be in force from and after its  
33 publication in the statute book.

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JUVENILE JUSTICE AUTHORITY  
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

**HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE  
FEBRUARY 19, 2003**

**Testimony on House Bill 2315**

This bill would amend the present wording in KSA 75-7050(a). The existing statute provides the Juvenile Justice Authority is to make 'semiannual grant payments' to counties (or group of counties organized pursuant to the statute). The amendment would require "quarterly grant payments."

The grants issued pursuant to this statute are the graduated sanctions grants including intake and assessment and community corrections funds.

Allowing the agency to make quarterly payments will provide the agency an additional measure of control and oversight of the programs that are funded by the Juvenile Justice Authority. With the assurance of more frequent contact will come more opportunity to ensure the counties' compliance with the conditions of the grants they have been awarded. More frequent contact will help all parties be more certain that fiscal and data report submissions meet both state standards and federal regulations. It will give us twice the opportunity to identify and respond to problems as they occur, allowing us to implement corrective action if needed.

Furthermore, the practice of making quarterly payments is consistent with JJA's distribution of federal grant payments including JAIBG and JJDP funds.

Amending KSA 75-7050(a) will assist the agency in ensuring effective management of funds. I respectfully request passage of this bill. Thank you for your consideration of this amendment.

Denise L. Everhart  
Acting Commissioner

DLE:RK:bt

H. Corr & J.J.  
2-19-03  
Attachment 2





JUVENILE JUSTICE AUTHORITY  
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

**HOUSE CORRECTIONS & JUVENILE JUSTICE  
COMMITTEE  
FEBRUARY 19, 2003**

**Testimony on House Bill 2308**

This bill is required to provide authority for juvenile correctional facilities to access medical records, including psychiatric records, of juvenile offenders committed to the juvenile correctional facilities. Without these records the treatment providers do not know what previous treatment was provided. In most cases duplicate screening and examinations must be completed costing valuable time and expense. In addition, the lack of needed information may unnecessarily delay needed care.

Currently, laws governing access to psychiatric and medical records do not expressly provide access by a juvenile correctional facility, therefore these records are not available to JJA employees who are responsible for the offenders' care and treatment and have a need to know about the offenders' past medical and psychiatric history.

The bill proposes to amend two statutes so that this access can occur. First, K.S.A. 38-1609 provides for the confidentiality of the medical records of juvenile offenders. These records are not to be disclosed except as provided in the statute. One of the listed exceptions is "upon a determination by the head of the treatment facility, who has the records, that disclosure is necessary for the further treatment of the juvenile offender." The amendment would add a state hospital to this exception and allow the head of a state hospital to make the determination to release the records.

Second, K.S.A. 65-5603 provides the privilege for psychiatric and drug and alcohol treatment records. Again, these records are not to be disclosed except as provided in the statute. The amendment would add an exception for juvenile offenders in the custody of the Juvenile Justice Authority when the information is requested by the Commissioner.

We have attempted to narrowly tailor these requests so that the privacy of medical records is maintained but the treatment needs of juvenile offenders in JJA's custody are met. I respectfully request passage of this bill.

Denise L. Everhart  
Acting Commissioner

DLE:JF:bt

H. Corr. & J.J.  
2-19-03  
Attachment 3