

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 23, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Melissa Doeblin, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Mike Leitch, Office of the Attorney General  
Heather Morgan, Juvenile Justice Authority

Others attending:

See attached list.

Mike Leitch, Deputy Attorney General, Civil Litigation Division, provided an update on the Wyandotte County Tribal Litigation. ([Attachment 1](#)) The Civil Litigation Division defends the state when it is sued for constitutional violations, civil rights violations, other general tort claims, and also handles litigation with Indian tribes. The 7<sup>th</sup> Street Casino is owned by the Wyandotte Tribe of Oklahoma, and the land used for that casino is known as the Shriner Tract. The building that now houses the casino is a former Masonic temple and has been listed on the National Register of Historic Places since 1985. The state of Kansas has been involved in litigation over that casino since 1996, and the Tenth Circuit noted two years ago, "For ten years, the Wyandotte Nation, the State of Kansas, and the United States have been locked in litigation in multiple fora over the fate of the shriner Tract, ... This long battle has produced a procedural history as complex as a random maze." *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1249 (10<sup>th</sup> Cir. April 7, 2006).

The Wyandotte Tribe is not originally from Kansas, but in the mid 1840s they were given 23,000 acres at the junction of the Missouri and Kaw Rivers, and in 1855, the Tribe was dissolved and all that land was ceded to the U.S., with the exception of what is now known as the Huron Cemetery in KCK. The Huron Cemetery is owned by the U.S. Government for the Wyandottes - and has been since 1855. When the Tribe was dissolved, one group of Wyandottes refused to accept the federal government's citizenship offers and moved to Oklahoma where it was reconstituted as a tribe in 1867, and has remained there since. In 1984, Congress enacted Public Law 98-602, which provided compensation for the Wyandottes for various land ceded to the US in the 1800s. Pub.L. 98-602 included a provision that "a sum of \$100,000 of such funds shall be used for the purchase of real property which shall be held in trust by the Secretary for the benefit of such Tribe".

In 1988 Congress passed the Indian Gaming Regulatory Act, (IGRA) which included a provision disallowing gaming on trust land acquired after 1988, with a few exceptions. One exception would allow gaming on after-acquired land if the "lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on October 17, 1988"; another exception was for land taken into trust "as part of a settlement of a land claim. (See 25 U.S.C. 2719 (b) (1)(B)(I).

In 1995 the Wyandottes agreed to purchase what has become known as the "the Shriner Tract," .52 acres adjacent to the Huron Cemetery, containing an old Shriner Temple; the Tribe maintains it was purchased solely with Pub.L. 98-602 funds. In 1996 the Department of Interior decided to take the Shriner Tract in trust for the Wyandottes and to allow gaming on it, reasoning that the Huron Cemetery was a "reservation" and the Shriner tract was immediately adjacent to it.

Three of the four State's resident tribes, along with the State of Kansas, filed suit in federal court on July 12, 1996, to challenge the Department of Interior's decision, and obtained a temporary restraining order preventing the Department of Interior from taking the Shriner Tract into trust; the Wyandottes intervened and appealed to the Tenth Circuit, alleging that the purchase of the Shriner Tract would fall through if it was not allowed to go into trust immediately. The Tenth Circuit modified the TRO allowing the Dept. of Interior to

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 23, 2008 in Room 526-S of the Capitol.

take the property into trust and to obtain a judicial review of all issues raised whether gaming should be permitted. The Department of Interior again determined that only Public Law 98-602 funds were used, and succeeding challenges be brought in a separate suit.

The second lawsuit was in 2003; Judge Julie Robinson held that only Public Law 98-602 funds were used in the purchase and rejected the Plaintiffs' argument that the purchase price was \$325,000, and thus could not have been purchased with Public Law monies because the realtors commission of 6% in the amount of \$19,500 was paid at closing, which amounts to a \$325,000 purchase price. It was appealed, but the Tenth Circuit failed to reach the issue.

Last November district court Judge Roger was asked to reopen the first case; the motion is fully briefed and is awaiting a ruling. While the litigation was ongoing, the Wyandottes brought two mobile homes to the site and commenced a casino operation. On April 2, 2004, with a state court approved search warrant, KCK Police and the KBI raided the casino and confiscated the gaming machines, and seized a bank account owned by the Wyandottes. The Wyandottes sued and Federal Judge Julie Robinson held that because the land was in trust pursuant to the IGRA, Kansas had no jurisdiction to regulate gaming, only the Federal Government did and ordered the property returned; the injunction was upheld on appeal to the Tenth Circuit.

Since that order the Shriner building has been remodeled and the Wyandottes have opened a casino there; the gambling operation is limited to Class II gaming, bingo and similar games played against other players and not the house. The Tribe has to negotiate a compact with the state in order to conduct Class III gaming, and requested that the Governor begin negotiating a compact; she has declined to begin those negotiation until the legal issue involving the property have been addressed; therefore, the State plans to continue the litigation until at least the Court of Appeals can review whether the Tribe used the right funds to buy the land, and thus whether gambling there is legal.

A history of the Court Decision and Litigation was provided.

Staff provided the committee an overview on **SB 410** and a balloon with the technical changes (Attachment 2).

**SB 410 -Technical changes regarding Kansas juvenile correctional complex**

Chairman Brungardt opened the hearing on **SB 410**.

Heather Morgan, Director of Public and Legislative Affairs, Juvenile Justice Authority appeared in favor of the bill. (Attachment 3) The bill cleans up existing statutory language surrounding the four current juvenile correction facilities and allows for the appointment of Deputy superintendent at each of the juvenile correctional facilities. The bill also eliminates the statutory reference to having an attorney employed at the Kansas Juvenile Correctional Complex; this position has not been filled for a number of years and any legal issues involving the facility can be taken care of by legal staff housed in the JJA Central Office.

Chairman Brungardt closed the hearing on **SB 410**.

The meeting was adjourned at 11:05 am. The next scheduled meeting is January 24, 2008.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE 1-23-08

NAME	REPRESENTING
John Kirk	DOJ
Cory Lawrence	Capital Consulting Co
Heather Morgan	JSA
Mike Leitch	AG's Office
Whisper Jane	Kirkle for Ohio
Jessica Concannon	Intern - Sen Lynn
LA Meade	LGR



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**Testimony of Deputy Attorney General Mike Leitch  
Senate Federal and State Affairs Committee  
January 23, 2008**

**Introduction**

My name is Mike Leitch. I am the Deputy Attorney General responsible for the civil litigation division. Among other things, my division defends the state when it is sued for constitutional violations, civil rights violations, and other general tort claims. We also handle litigation with Indian tribes. I was asked to appear today to provide information regarding the recent opening of a casino in downtown Kansas City, Kansas.

The 7th Street Casino is owned by the Wyandotte Tribe of Oklahoma. The land used for that casino is known as the Shriner Tract. The building that now houses the casino is a former Masonic temple and has been listed on the National Register of Historic Places since 1985.

The State of Kansas has been involved in litigation over that casino since 1996. As the Tenth Circuit noted two years ago, "For ten years, the Wyandotte Nation, the State of Kansas, and the United States have been locked in litigation in multiple fora over the fate of the Shriner Tract, .... This long battle has produced a procedural history as complex as a random maze." *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1249 (10th Cir. April 7, 2006). I will do my best to summarize it for you and then try to answer any questions you may have.

**I. HISTORY OF WYANDOTTE TRIBE**

The Wyandotte Tribe is not originally from Kansas, but in the mid 1840s they were given 23,000 acres at the junction of the Missouri and Kaw Rivers. In 1855, the Tribe was dissolved and all that land was ceded to the U.S., with the exception of what is now known as the Huron Cemetery in KCK. The Huron Cemetery is owned by the U.S. Government for the Wyandottes - and has been since 1855.

When the Tribe was dissolved, one group of Wyandottes refused to accept the federal government's citizenship offers and moved to Oklahoma where it was reconstituted as a tribe in 1867. It has remained there ever since.

In 1984, Congress enacted Public Law 98-602, which provided compensation for the Wyandottes for various land ceded to the U.S. in the 1800s. Pub.L. 98-602 included a provision that “a sum of \$100,000 of such funds shall be used for the purchase of real property which shall be held in trust by the Secretary for the benefit of such Tribe.”

## **II. INDIAN GAMING REGULATORY ACT**

In 1988 Congress passed the Indian Gaming Regulatory Act. The IGRA included a provision disallowing gaming on trust land acquired after 1988, with a few exceptions. One exception would allow gaming on after-acquired land if the “lands are located within or contiguous too the boundaries of the reservation of the Indian tribe on October 17, 1988.” Another exception was for land taken into trust “as part of a settlement of a land claim. *See* 25 U.S.C. 2719 (b)(1)(B)(i).

## **III. SHRINER TRACT LITIGATION BEGINS**

In 1995 the Wyandottes agreed to purchase what has become known as “the Shriner Tract.” It is .52 acres adjacent to the Huron Cemetery, containing an old Shriner Temple. The Tribe maintains it was purchased solely with Pub.L. 98-602 funds.

In 1996, the Department of Interior decided to take the Shriner Tract in trust for the Wyandottes and to allow gaming on it, reasoning that the Huron Cemetery was a “reservation,” and the Shriner tract was immediately adjacent to it.

### **A. The First Federal Lawsuit**

Three out of four of the State’s resident tribes, along with the State of Kansas, filed suit in federal court on July 12, 1996 to challenge the Department of Interior’s decision. The State and resident tribes obtained a temporary restraining order preventing the Department of Interior from taking the Shriner Tract into trust. The Wyandottes intervened and appealed to the Tenth Circuit, alleging that the purchase of the Shriner Tract would fall through if it was not allowed to go into trust immediately. The Tenth Circuit modified the TRO, allowing the Dept. of Interior to take the property into trust, “subject to the conditions . . . that the respective rights of the parties to obtain judicial review of all issues which have been raised . . . including . . . whether gaming shall be permitted on the subject land.”

In this first challenge, the Tenth Circuit ultimately determined that the Huron Cemetery was not a “reservation” for purposes of IGRA. The Court also held that the Department of Interior had a duty to take the land into trust pursuant to Public Law 98-602, but remanded the case back to the Interior Department to determine whether the only funds used in the purchase were the \$100,000 (plus interest) of Pub.L. 98-602 funds. That was in August 2001.

The Department of Interior again determined that only Public Law 98-602 funds were used. When this determination came back to federal court, the judge ordered that any succeeding challenge be brought in a separate suit.

### **B. The Second Federal Lawsuit**

Pursuant to the Court order, the parties brought a new case on July 11, 2003. In that round of litigation, Judge Julie Robinson in May 2006 held that only Public Law 98-602 funds were used in the purchase. In doing so, the Judge rejected Plaintiffs' argument that the real purchase price for the Shriner tract was \$325,000 and thus could not have been purchased with Pub.L. 98-602 funds.

Among the evidence for the State's argument is that the real estate commission of 6% in the amount of \$19,500 was paid at closing – which amounts to a \$325,000 purchase price. Indeed that was the original price, but late in the game, the deal was carved into two agreements – a \$180,000 purchase agreement and a non-compete, nondisclosure agreement for the balance. That commission, we believe, demonstrates precisely that the Tribe did not purchase the land with the right funds.

We appealed, but the Tenth Circuit failed to reach the issue. Instead, it held that because the tract had already been taken into trust when the case was filed, the Federal Quiet Title Act prevented any challenge. This argument was raised for the first time – after a decade of litigation – while the case was on appeal. Nevertheless, the Tenth Circuit vacated the district court and ordered the case dismissed. This means that there has yet to be a final determination by the Court of Appeals that only Public Law 98-602 funds were used in the purchase.

However, in their decision, two of the judges strongly suggested that the first case be reopened. Their reasoning was that the parties had followed all of the Court's orders in filing the second suit, and the jurisdictional bar would not apply in the original 1996 case because it was filed before the Shriner Tract was taken into trust.

### **C. Current Status**

This last November we asked the district court - Judge Rogers - to reopen the first case. That motion is fully briefed, and we await a ruling. In addition, the federal government has asked the Tenth Circuit to reconsider that part of its decision that suggests that the first case be reopened. That petition is also fully briefed.

## **IV. GAMBLING ON THE SHRINER TRACT**

While this litigation was ongoing, the Wyandottes brought two mobile homes to the site and commenced a casino operation. On April 2, 2004, armed with a state court approved search warrant, KCK Police and the KBI raided the casino and confiscated the gaming machines, and seized a bank account owned by the Wyandottes.

The Wyandottes sued. Federal Judge Julie Robinson held that because the land was in trust, pursuant to the IGRA, Kansas had no jurisdiction to regulate gaming. She held that only the federal government has criminal authority over gaming on Indian lands. She enjoined Kansas from exercising jurisdiction over gaming on the Shriner Tract and ordered the property returned. Judge Robinson's injunction was upheld on appeal to the Tenth Circuit.

Since that decision, the Wyandottes have remodeled the old Shriner building, and have opened a casino there. Pursuant to a federal court order that remains in place today, Kansas cannot exercise jurisdiction over it.

The gambling operation is limited to what is known as Class II gaming. That generally means bingo and similar games played against other players and not the house. Class III gaming includes typical slot machines, blackjack, and other table games played against the house. The Tribe has to negotiate a compact with the State in order to conduct Class III gaming. They have requested that the Governor begin negotiating a compact, but she has declined to begin those negotiations until such time as all legal issues involving the property have been addressed.

Therefore, as a practical matter, all we can do - and what we plan to do -- is continue the litigation until at least the Court of Appeals can review whether the Tribe used the right funds to buy the land, and thus whether gambling there is legal.

**Court Decisions and Litigation History Relating to Wyandotte Nation's Acquisition of Shriner Tract for Casino and Legality of Gambling:**

*Sac & Fox Nation of Missouri v. Babbitt*, 1996 WL 512147, Case No. 96-4129, 96-4130 (D.Kan. 1996) (Rogers, J.) (granting Wyandotte Tribe's motion to intervene as a defendant).

*Sac & Fox Nation of Missouri v. Babbitt*, 92 F.Supp.2d 1124, Case No. 96-4129-RDR (D.Kan. March 2, 2000) (Rogers, J.) (dismissing complaint for failure to join an indispensable party, the Tribe; noting that had it been required to address the merits, the court would have ruled that Pub.L. 98-602 was a mandatory trust acquisition statute, and that the non-discretionary nature of the decision exempted it from the application of both NEPA and NHPA).

*Sac & Fox Nation of Missouri v. Babbitt*, 2000 WL 1926262, Case No. 96-4129-RDR (D.Kan. November 14, 2000) (determining that a bond should be required as security for an injunction issued by the Tenth Circuit while this case is on appeal, and setting bond at \$50,000 rather than the Tribe's request for \$5 million).

*Sac & Fox Nation v. Norton*, 240 F.3d 1250, Case No. 00-3063 (10th Cir. Feb. 27, 2001) (holding that (1) Tribe was not a necessary or indispensable party to action; (2) federal legislation appropriating funds to Tribe in settlement of claims, and giving directives as to specified uses of funds, gave Secretary nondiscretionary duty to acquire tract; (3) Secretary thus was not required to comply with NHPA or NEPA in acquiring tract; but (4) evidence did not support finding that appropriated funds were used to purchase tract; and (5) cemetery adjacent to tract, which was reserved to the Tribe in the 1855 treaty but had not since been occupied, was not a "reservation" under provision of IGRA allowing gaming on tracts adjacent to reservations).

*Kickapoo Tribe of Indians v. Deer*, 4 Fed.Appx. 728, 2001 WL 193810, Case No. No. 00-3095 (10th Cir. Feb. 27, 2001) (Wyandotte Tribe was not a necessary and indispensable party to Kickapoo's action challenging the Secretary's determination regarding the Shriner Tract).

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*Wyandotte Nation v. National Indian Gaming Commission*, 2004 WL 3633976, Case No. 04-1727-RMU (D.D.C. 2004) (challenge to NIGC decision that Wyandotte may not conduct gaming on the Shriner Tract - transferred to federal court in Kansas on May 15, 2005).

*Wyandotte Nation v. National Indian Gaming Commission*, 2004 WL 759626, Case No. 04-2140-JAR (D.Kan. April 7, 2004) (denying renewed motion for temporary restraining order).

*Wyandotte Nation v. National Indian Gaming Commission*, 99 Fed.Appx. 836, 2004 WL 1098977, Case No. 04-3135 (10th Cir. May 18, 2004) (dismissing appeal for lack of jurisdiction to review the denial of the TRO).



*Wyandotte Nation v. National Indian Gaming Commission*, 437 F.Supp.2d 1193, Case No. 05-2210-JAR (D.Kan. 2006) (Robinson, J.) (Shriner tract did not qualify for application of the last reservation exception to IGRA's prohibition of gaming on trust lands acquired after October 17, 1988; tract did not qualify for application of the restored lands exception; but NIGC's decision – that tract did not qualify for application of the settlement of a land claim exception to IGRA – was arbitrary, capricious and unsupported by law).

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*Wyandotte Nation v. Sebelius*, 337 F.Supp.2d 1253, Case No. 04-2140-JAR (D.Kan. Oct. 06, 2004) (enjoining Kansas from enforcing its gambling laws on Shriner Tract; ordering State to return money and property seized in raid; and enjoining Tribe from conducting gaming on Shriner Tract).

*Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1249, Case Nos. 04-3431, 04-3432 (10th Cir. April 7, 2006) (“For ten years, the Wyandotte Nation, the State of Kansas, and the United States have been locked in litigation in multiple fora over the fate of the Shriner Tract, a piece of land in downtown Kansas City, Kansas. This long battle has produced a procedural history as complex as a random maze.”) (reversing preliminary injunction barring the Tribe from conducting gaming on the Shriner Tract; affirming injunction against Kansas officials preventing them from enforcing state gaming laws on the Shriner Tract and ordering them to return money and property seized in raid).

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*Governor of State of Kansas v. Norton*, 2004 WL 955398, Case No. 03-4140-JAR (D.Kan. 2004) (denying plaintiffs' motion for leave to conduct discovery and supplement the administrative record).

*Governor of State of Kansas v. Norton*, 2005 WL 1785275, Case No. 03-4140-JAR (D.Kan. 2005) (Robinson, J.) (remanding the case to the agency for the limited purpose of additional investigation or explanation of the evidence set forth in plaintiffs' Exhibit B – an October 12, 1995 letter addressed to Guarantee Title Company and \$5,000 check purportedly drawn on the account of North American Sports Management (NORAM) for initial escrow deposit to buy the Shriner Tract).

*Governor of Kansas v. Norton*, 430 F.Supp.2d 1204, Case No. 03-4140-JAR (D.Kan. 2006) (affirming Secretary's decision that Shriner Tract was purchased with only Pub.L. 98-602 funds).

*Governor of Kansas v. Kempthorne*, 505 F.3d 1089, Case No. 06-3213 (10th Cir. Oct 24, 2007) (holding that Court lacked jurisdiction to review whether Shriner Tract was purchased with Pub.L. 98-602 funds, because case was filed after land was already taken into trust).

**SENATE BILL No. 410**

By Joint Committee on Corrections and Juvenile Justice Oversight

1-10

9 AN ACT concerning juvenile corrections; amending K.S.A. 76-2101, 76-  
10 2125 and 76-2128 and K.S.A. 2007 Supp. 38-2302, 76-2101a, 76-3201  
11 and 76-3202 and repealing the existing sections; also repealing K.S.A.  
12 76-2111.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2007 Supp. 38-2302 is hereby amended to read as  
16 follows: 38-2302. As used in this code, unless the context otherwise  
17 requires:

18 (a) "Commissioner" means the commissioner of juvenile justice.

19 (b) "Conditional release" means release from a term of commitment  
20 in a juvenile correctional facility for an aftercare term pursuant to K.S.A.  
21 2007 Supp. 38-2369, and amendments thereto, under conditions estab-  
22 lished by the commissioner.

23 (c) "Court-appointed special advocate" means a responsible adult,  
24 other than an attorney appointed pursuant to K.S.A. 2007 Supp. 38-2306,  
25 and amendments thereto, who is appointed by the court to represent the  
26 best interests of a child, as provided in K.S.A. 2007 Supp. 38-2307, and  
27 amendments thereto, in a proceeding pursuant to this code.

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

30 (e) "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 subsections (a)(1) through (5) of K.S.A.  
33 72-89b03, and amendments thereto.

34 (f) "Institution" means the following institutions: the Atchison juve-  
35 nile correctional facility, the Beloit juvenile correctional facility, the Lar-  
36 ned juvenile correctional facility, ~~the Topeka juvenile correctional facility~~  
37 and the Kansas juvenile correctional complex.

38 (g) "Investigator" means an employee of the juvenile justice authority  
39 assigned by the commissioner with the responsibility for investigations  
40 concerning employees at the juvenile correctional facilities and juveniles  
41 in the custody of the commissioner at a juvenile correctional facility.

42 (h) "Jail" means: (1) An adult jail or lockup; or

43 (2) a facility in the same building as an adult jail or lockup, unless the

1 be removed at any time by the commissioner. Each superintendent shall  
2 receive an annual salary fixed by the commissioner, with the approval of  
3 the governor. ~~The commissioner may appoint an acting superintendent~~  
4 ~~for any institution which has a superintendent to serve temporarily until~~  
5 ~~a vacancy is filled.~~ Acting superintendents shall have the same powers,  
6 duties and functions as superintendents.

If a vacancy occurs in the position of superintendent, the  
the

7 Sec. 7. K.S.A. 2007 Supp. 76-3202 is hereby amended to read as  
8 follows: 76-3202. (a) Employees of each institution shall be appointed by  
9 the superintendent ~~or director~~ of the institution. All employees so ap-  
10 pointed shall be in the classified service under the Kansas civil service  
11 act, except as provided in subsection (b) and physicians who shall be in  
12 the unclassified service under the Kansas civil service act and as provided  
13 in K.S.A. 75-2935, and amendments thereto, or any other statute.

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

19 Sec. 8. K.S.A. 76-2101, 76-2111, 76-2125 and 76-2128 and K.S.A.  
20 2007 Supp. 38-2302, 76-2101a, 76-3201 and 76-3202 are hereby repealed.

21 Sec. 9. This act shall take effect and be in force from and after its  
22 publication in the ~~statute book.~~

Kansas register

**Testimony on SB 410 – An Act Concerning Juvenile Corrections**

**Senate Federal and State Affairs Committee**

**by Heather Morgan**

**January 23, 2008**



J. Russell Jennings  
Commissioner  
785-296-0042  
[rjennings@ksjja.org](mailto:rjennings@ksjja.org)

Heather Morgan  
Director of Public and Legislative Affairs  
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The Juvenile Justice Authority (JJA) urges your support of SB 410. SB 410 cleans up existing statutory language surrounding the four current juvenile correctional facilities. The bill also allows for the appointment of certain employees, which are not currently specified in statute.

The bill eliminates references to the Topeka Juvenile Correctional Facility. The Topeka Juvenile Correctional Facility (TJCF) stopped housing juvenile offenders in 2005. The juveniles who were housed at TJCF along with the TJCF staff were then moved next door into the new Kansas Juvenile Correctional Complex (KJCC). Upon opening KJCC, TJCF closed and the agency ceased using the title TJCF. All policies, contracts, and documents which previously mentioned the Topeka Juvenile Correctional Facility now refer to the Kansas Juvenile Correctional Complex. SB 410 amends the current statute to reflect this change and remove the term Topeka Juvenile Correctional Facility from this section of statute.

The bill also amends the current statute to allow a Deputy Superintendent be appointed at each of the juvenile correctional facilities, not just at KJCC as currently allowed. Having a Deputy Superintendent at each facility is integral to successful facility operations. A Deputy ensures a clear chain of command in the absence of the Superintendent and also allows the agency to grow personnel in these Deputy positions, who would be able to step into the Superintendent role in the future if needed. JJA is currently operating the four juvenile correctional facilities with two Superintendents; one Superintendent over the Larned and Beloit Juvenile Correctional Facilities and one Superintendent over KJCC and the Atchison Juvenile Correctional Facility. With the passage of SB 410, JJA will appoint a Deputy Superintendent for each facility which will allow the facilities to run more smoothly and efficiently. The fiscal effect of this bill is offset by assigning two facilities per Superintendent. The very small increased cost above current operations will be absorbed within existing resources at the Larned, Beloit, and Atchison Juvenile Correctional Facilities; additionally KJCC will experience a small reduction in administrative costs.

SB 410 also eliminates the statutory reference to having an attorney employed at the Kansas Juvenile Correctional Complex. The attorney position at KJCC has not been filled for a number of years and JJA believes this position is unnecessary as any legal issues involving the facility can be taken care of by legal staff housed in the JJA Central Office. JJA urges your support of SB 410 to clean up existing statutory language and conform with JJA's current operational practices.