

Approved February 19, 1986  
Date

MINUTES OF THE Senate COMMITTEE ON Local Government

The meeting was called to order by Senator Don Montgomery at  
Chairperson

9:00 a.m./~~p.m.~~ on February 14, 19 86 in room 531-N of the Capitol.

All members were present except: Senators: Winter, Steineger, and Mulich

Committee staff present: Mike Heim, Theresa Kiernan, Lila McClaflin

Conferees appearing before the committee: Senator Eric Yost, Sedgwick County  
Senator James Francisco, Sedgwick County  
Kim Dewey, Board of Sedgwick County Commissioners  
Harriet Griffith, Sedgwick County Dept. of Mental  
Health Governing Board  
Donald Conrad, Bert Nash Community Mental Health  
Center Board, Lawrence, KS.  
Gordon West, Shawnee County Families for Mental  
Health  
Margaret Gates, Manhattan County Public Library  
Duane Johnson, State Librarian

Hearings on S.B. 503, S.B. 504, S.B. 505, S.B. 506 and S.B. 507,  
were opened, all of these bills are Sedgwick County bills.

Senator Yost briefed the Committee on the bills and explained that  
the Sedgwick County delegation had been asked to introduce them. He  
recommended they be passed favorably except that S.B. 504, relating to  
employee benefits contribution funds, be held in committee at this time.

Senator Francisco stated he supported Senator Yost's recommendation  
on alo bills except for S.B. 503, relating to mental health and mental  
retardation services, a number of persons either on the board or  
beneficiaries of these boards asked that he oppose the legislation. He  
has asked the Legislative Division of Post Audit to look at the "649"  
mental health and retardation funding. He requested the Committee not  
to vote on this bill until some clarification of the misunderstanding  
of the intent and prupose is forth coming. Senator Francisco's remarks  
and two letters that he received from Meredith Williams, Division of  
Post Audit, are a part of these minutes (Attachment I).

Kim Dewey testified in support of S.B. 503. He offered an amend-  
ment that would address the retention of the existing appointed govern-  
ing boards as advisory and requested the bill be localized to Sedgwick  
County, included with his testimony is a copy of "Analysis of Selected  
Program Costs and Funding Sources for January through November, 1985",  
he referred to this statement in his testimony (Attachment II).

Mr. Dewey responded to questions from the Committee members.  
Several members of the Committee expressed that elected officials  
should be in charge of public funds.

Harriet Griffith spoke in opposition to the proposed legislation  
(Attachment III). She stated it would not be in the best interest of  
the citizens that the center serves. She further stated all budgets  
are approved by the County Commissioners now.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Local Government,  
room 531-N, Statehouse, at 9:00 a.m./p.m. on February 14, 1986.

Donald Conrad spoke in opposition, he stated that the problem which prompted proposing this bill can be handled under present law.  
(Attachment IV)

Gordon West stated he was speaking for Howard Snyder, President, of Kansas families for Mental Health and Al Olson, President, of Shawnee County Families for Mental Health, both of these organizations oppose S.B. 503.

S.B. 503 will be continued at a later date.

S.B. 506 relating to fire districts in certain counties, this bill would put Sedgwick County Fire District #1, under a law enacted for Reno County Fire District which was enacted in 1983.

Gary Nichols, Fire Chief of Sedgwick County spoke in support of the bill (Attachment V).

S.B. 507 would allow the motor vehicle tax received by the county and other taxing subdivisions to be credited entirely to the general fund instead of spread among all of the funds.

Margaret Gates, Manhattan Public Library and State Librarian Duane Johnson both spoke in opposition to the bill. Mrs. Gates stated the proposed change in the method of apportionment would be grievous to public libraries. Mr. Johnson statement in opposition is attached (Attachment VI).

Meeting adjourned until February 18, at 9:00 a.m.

  
\_\_\_\_\_  
Senator Don Montgomery

Date: February 14, 1986

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

NAME	ORGANIZATION	ADDRESS
<u>Al Menees</u>	<u>MHRS</u>	<u>5th Floor - St. Office Bldg.</u>
<u>Bill Emi</u>	<u>Div of Accts + Rpts</u>	<u>10th Fl</u>
<u>Barbara Beine</u>	<u>" "</u>	<u>" "</u>
<u>Penela Patterson</u>	<u>ASSOC. of CMHCs of Ks</u>	<u>835 S.W. Topeka / Suite B</u>
<u>Paul M. Klotz</u>	<u>ASSOC. of CMHCs of Ks</u>	<u>835 S.W. Topeka / Suite B Topeka</u>
<u>Kim C. Dewey</u>	<u>SEEG. Co.</u>	<u>WICHITA</u>
<u>Don Dragg</u>	<u>Sedgwick County</u>	<u>525 No. Main - Suite 320 - Wichita, Ks</u>
<u>Anderson B West</u>	<u>Kansas Families for Mental Health Shawnee Co. " " "</u>	<u>Topeka Ks</u>
<u>Dwight F. Johnson</u>	<u>State Library</u>	<u>Topeka</u>
<u>Jana Green</u>	<u>State Library</u>	<u>Topeka</u>
<u>Margaret Gates</u>	<u>Manhattan Public Library</u>	<u>Manhattan</u>
<u>GARY H. WICKERS</u>	<u>SEEG. Co. FIRE DEPT</u>	<u>WICHITA</u>
<u>W.K. Martindale</u>	<u>Sedg. Co. Fire Dept.</u>	<u>Wichita</u>
<u>Willie Mackie</u>	<u>Sedg. Co. Comm.</u>	<u>Wichita</u>
<u>Lisa Paslay</u>	<u>ARC / Kansas</u>	<u>Topeka</u>
<u>Marge Roberts</u>	<u>Shawnee County Insurance</u>	<u>Topeka, Ks</u>
<u>Samuel J. Jeffers</u>	<u>Sedg. Co.</u>	<u>Wichita</u>
<u>Don Conrad</u>	<u>Port Wash Community Health Center</u>	<u>Lawrence</u>
<u>Phil Anderson</u>	<u>BUDGET DIVISION</u>	<u>TOPEKA</u>
<u>Katharine Clark</u>	<u>Intern</u>	<u>Wichita</u>

Senate Bill 503 is legislation which amends the Mental Health and Retardation Services Act. This legislation says simply that any county which establishes a Community Health Center and/or facilities for the mentally retarded may establish the Board of County Commissioners as the Community Mental Health and/or Mental Retardation Governing Board.

Since the introduction of this legislation on January 29, 1986, I have received numerous phone calls and letters wherein I was informed that there are a number of persons who are either members of these boards or beneficiaries of these boards which are very, very opposed to this legislation.

I realize my name is on the legislation, but I ask you, Chairman Montgomery, and the members of the Local Government Committee, to not act on this legislation at this time.

I hope there can be some clarification of the misunderstanding of the intent and purpose of this legislation before we are asked to vote on it.

Mr. Chairman, I would like to state that I do support Senate Bills 504, 505, 506 and 507 and ask that these bills be given your endorsement and favorable recommendation. Thank you for the opportunity to appear before you.



JAMES L. FRANCISCO  
STATE SENATOR  
TWENTY-SIXTH DISTRICT

(Attachment I)

2/14/86

S. LB



*Legislative Division of Post Audit*

109 WEST 9TH, SUITE 301  
MILLS BUILDING  
TOPEKA, KANSAS 66612-1285  
(913) 296-3792

January 14, 1986

Senator James L. Francisco  
136-N, Statehouse  
Topeka, Kansas 66612

Dear Senator Francisco:

Representative Robert H. Miller, Chairperson of the Legislative Post Audit Committee, has just scheduled the Committee's next meeting for Tuesday, January 21, 1986. The meeting will be held in Room 123-S, beginning at 3:30 p.m. A copy of the meeting agenda is enclosed.

As you will note from the agenda, the Committee is scheduled to consider audit requests under agenda item 6. Several weeks ago, you and I discussed a potential audit of the impact of recent changes in "649" mental health and retardation funding. If you would like to proceed with this audit request, please let me know in order that it can be brought to the Committee's attention. We are also available to modify the initial draft scope statement should you so desire.

If you have any questions or if I can be of any further assistance, please don't hesitate to contact me.

Sincerely,

Meredith Williams  
Legislative Post Auditor

enclosure

(Attachment I)

## SCOPE STATEMENT

### Impact of the Recent Change In the Distribution of State Aid To Community Mental Health and Retardation Centers

There are 31 community mental health centers and 28 mental retardation centers in Kansas. In fiscal year 1986, the Legislature appropriated nearly \$13 million for State aid to the centers. This state aid is based on a revenue matching formula that allows the community centers to receive a State match of up to 50 percent of income received from local mill levies, local donations, and private patient payments. Revenue from federal sources, insurance payments and other sources is not eligible for the match. The match rate for fiscal year 1985 was 38.5 percent for both mental health and mental retardation centers. The rate for fiscal year 1986 was 42.75 percent.

In fiscal year 1986, the basis of allocating State aid to the community centers was changed from estimated income to the latest available audited actual income plus an inflation factor. Legislative concerns have been raised about the effect of this change on the funding of individual community centers. An audit in this area would address the following specific questions.

- 1. How has the method of allocating State funds to community mental health and retardation centers changed?** To answer this question the auditors would review State laws and regulations, interim reports, and other documents. They would interview Department of Social and Rehabilitation Services officials to determine changes in Department policies on allocating these funds as well as the reasons for the changes.
- 2. What are the effects of the funding method change on specific mental health centers and mental retardation programs.** To answer this question the auditors would survey mental health and retardation facility directors and interview Department officials to determine the impact the change has had on specific programs. The auditors would determine the methods used before and after the change to allocate the State aid. Using budget information from fiscal year 1986 and 1987, the auditors would determine the difference in the funding of specific programs under the two methods of allocating the funds. This information would be analyzed to determine the actual effects of the difference in the two allocation methods and whether those effects vary by types of centers or by geographic location.

Estimated completion time: 4 weeks

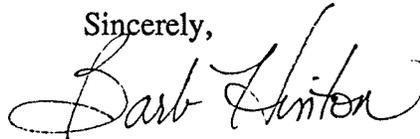
Senator James Francisco  
February 5, 1986

It is my understanding that the Board requested the Department to allow all of the Institute's private client fees to be eligible for State matching funds. The Department turned down this request. Although this issue is a policy question the Department would have to address, it seems possible that the Governing Board or the Institute might develop a separate system to account for client fees received from Kansas residents, and propose that only these fees be matched by the State.

I hope this letter has answered Mr. Field's questions. The Department of Social and Rehabilitation Services has information available about how much funding each center receives, how much of their income is eligible for State matching purposes, how centers' revenues and expenditures compare with each other and with the average of all centers, and the like. If Mr. Field has any questions in these areas, I feel certain that Mr. Clawson or someone in his office could help him.

I will contact you before the next scheduled meeting of the Legislative Post Audit Committee to see if you want to make any changes to the draft scope statement I prepared about the State's indigent defense program. In the meantime, if I can be of any further assistance please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Barb Hinton". The signature is written in dark ink and is positioned above the typed name.

Barb Hinton  
Performance Audit Manager



*Legislative Division of Post Audit*

109 WEST 9TH, SUITE 301  
MILLS BUILDING  
TOPEKA, KANSAS 66612-1285  
(913) 296-3792

January 23, 1986

Senator James L. Francisco  
Room 136-N, Statehouse  
Topeka, Kansas 66612

Dear Senator Francisco:

The Legislative Post Audit Committee met Monday and Tuesday afternoons. As you know, one of the Committee's major agenda items was the consideration of 10 legislative requests for audits. Two of those requests were approved. At the Committee's direction, the staff of the Legislative Division of Post Audit was directed to proceed immediately with audits examining the use of inmate labor for construction and remodeling projects and the construction and repair inspection efforts of the Department of Transportation.

The remaining eight requests, including your request for an audit of the impact of the recent "649" funding changes, will be carried over for Committee consideration at the next meeting. I am sorry that we were not directed to proceed with your request at this time. I hope that the Division and its staff will have an opportunity to serve you on a future occasion. I will keep you informed as the Committee's next meeting is scheduled.

Within the next several days we will do some background work on the indigent defense issue. I anticipate that we will have something for you to look at by early next week.

Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

Meredith Williams  
Legislative Post Auditor

(Attachment I)



*Legislative Division of Post Audit*

February 5, 1986

109 WEST 9TH, SUITE 301  
MILLS BUILDING  
TOPEKA, KANSAS 66612-1285  
(913) 296-3792

Senator James Francisco  
136-N, Statehouse  
Topeka, Kansas 66612

Dear Senator Francisco:

I've finished my preliminary review of the issue raised by Mr. Field during his visit here last week. Essentially, he wanted to know whether all counties' mental retardation centers are being treated the same under the current State funding formula. His concern seemed to be that some centers were able to claim more income than others as eligible for State matching funds. As you know, the 1974 Legislature provided a formula funding mechanism to distribute State funds to community mental health and retardation programs based on a percentage match of "eligible income." Essentially, the centers could receive a State match of up to 50 percent of the eligible income received from three primary sources: local mill levies, other local contributions, and private client fees.

I read the background materials we had available in this office and talked with Bob Clawson, administrator of the Department of Social and Rehabilitation Services' Fiscal Management Section. I did not tell him that I talked with Mr. Field, only that I was doing preliminary research for a legislative inquiry. However, Mr. Clawson was able to provide considerable information on the Sedgwick County Mental Retardation Governing Board's situation. Based on my review and conversations, I am not certain that an "audit" would be needed to answer Mr. Field's question. I think I can address the concerns he discussed with me by passing on the information that has been relayed to me.

**Are all counties' mental retardation centers treated the same under the current State funding formula?**

The answer is no, they are not treated the same. The Department of Social and Rehabilitation Services allows community mental retardation centers to choose to report income and expenditures either an accrual basis or a cash basis of accounting. Centers that report on a cash basis can claim only the amount of income they actually receive during the year from mill levies, local contributions, and client fees as income eligible for State matching fund purposes.

Centers that report on an accrual basis can claim as eligible income the amount of money they received or that was owed to them during the year from mill levies, local contributions, and client fees. For centers that report on the accrual basis, the Department also recognizes such non-cash contributions as volunteer services, donated furniture, equipment, and rent, and the like, as local income eligible for State matching funds. (There are certain income limits for donated moveable and

Senator James Francisco  
February 5, 1986

fixed capital improvements.) As a result, it is to the advantage of centers with non-cash or in-kind contributions to report on an accrual basis of accounting.

According to Mr. Clawson, most community mental retardation centers have chosen to report on the accrual basis. Although the Sedgwick County Mental Retardation Governing Board has had the option of adopting the accrual basis of accounting, it reports on the cash basis. In addition, with the exception of the Institute of Logopedics, which I will discuss later, the Board is apparently not being treated any differently under the funding formula than other centers that use the cash basis of accounting.

### **Can the Governing Board choose to report on an accrual basis of accounting?**

According to Mr. Clawson, the answer is yes. By doing so, the Board would be able to claim local, non-cash contributions as income eligible for State matching fund purposes. Once it adopts that method of accounting, it cannot revert to a cash basis. Mr. Clawson also told me that he had talked on the telephone with Mr. Field on January 24 of this year, and that Mr. Field had indicated he would write a letter to the Department stating that the Board would be reporting on the accrual basis of accounting beginning with the first quarter of calendar year 1986. In addition, six of the eight groups with which the Board contracts for services report on the accrual basis. Only the Institute of Logopedics and the Center of Hope, Inc., report on the cash basis. According to Mr. Clawson, if the Board adopted the accrual basis of accounting, these two agencies could continue to report on the cash basis. Mr. Clawson could provide a more detailed explanation of the Department's policy in this area.

Both Mr. Field and Mr. Clawson told me that the Board reports on the cash basis, at least in part, because Sedgwick County requires the Board to do so. Although that may be true, Bill Ervin, director of the Department of Administration's Municipal Accounting Section, told me that Sedgwick County makes its year-end report to the Municipal Accounting Section on the accrual basis. A County requirement that the Board use the cash basis would appear to be inconsistent with its own year-end reporting method.

### **How is the Sedgwick County Governing Board being treated differently?**

Mr. Field raised an issue about the Institute of Logopedics. Apparently, the Board and the Department of Social and Rehabilitation Services have had a longstanding verbal agreement about the Institute's "eligible" income. The Institute may only count monies it receives from county mill levies or United Way contributions as local income eligible for State matching funds. It may not count income it receives from private pay clients. According to Mr. Clawson, the State's program is designed to help fund services provided for Kansas residents. Consequently, the Department decided it would not match income received from the Institute's clients because so many of them were from out of State.

**AGENDA**  
**Meeting of the Legislative Post Audit Committee**  
**Tuesday, January 21, 1986**  
**Room 123-S, Statehouse**  
**3:30 p.m.**

1. Approval of Minutes
  - a. Meeting of December 18, 1985
2. Committee Organization
3. Completed Financial and Compliance Audit
  - a. State Treasurer's Office
4. Agency Response to Noxious Weeds Law Audit
  - a. State Board of Agriculture
5. Completed Performance Audits
  - a. School Districts' Compliance with Bidding Laws
  - b. Transferring Courses to Regents' Universities
  - c. Improving Collections on-Closed Sales Tax Accounts
6. Legislative Post Audit Operations
  - a. Audits in process
  - b. Budget update
  - c. Out-of-state travel
7. Consideration of Audit Requests
8. New Business
9. Date of Next Meeting



## SEDGWICK COUNTY, KANSAS

### BOARD OF COUNTY COMMISSIONERS

BUD HENTZEN  
CHAIRMAN  
THIRD DISTRICT

DONALD E. GRAGG  
CHAIRMAN PRO-TEM  
FIRST DISTRICT

TOM SCOTT  
COMMISSIONER  
SECOND DISTRICT

COUNTY COURTHOUSE • SUITE 320 • WICHITA, KANSAS 67203-3759 • TELEPHONE (316) 268-7411

Testimony of Kim C. Dewey  
Sedgwick County  
Senate Local Government Committee  
SB 50~~3~~  
February 14, 1986

SB 50~~3~~ effects changes to the Statutes governing community mental health centers and facilities for the mentally retarded which would provide the option to counties to establish the board of county commissioners as the governing body in lieu of the appointed, non-elected governing body now provided by the Statute. CMHC's and MRF's receive funding from a variety of sources including charges for services, federal funding through grants and medicaid payments, State funding commonly called "649" monies, and property tax dollars through one mill levies authorized by statute.

Of the various funding sources, the largest single source in most cases is the mill levy approved by the board of county commissioners. Let's review what the prospects are for funding in the future from the various sources of revenue. It is no secret that substantial federal cuts are occurring and will occur, which will greatly diminish if not eliminate the federal funds that CMHC's and MRF's now receive. Every year, CMHC's and MRF's conduct an intense lobbying effort to encourage the Legislature to increase the level of matching "649" monies. The current level is about 37% which the CMHC's and MRF's would like to see raised to the full 50%. Given the States current fiscal crisis it is not unreasonable to speculate that this will probably not happen. Charges for services can be raised, but given the fact that CMHC's and MRF's serve a large number of indigent or low income clients, this type of action is both counterproductive and ineffective in raising any substantial revenue

That leaves only one source of revenue which CMHC's and MRF's can realistically look to for future funding, the mill levy. In 1986, Sedgwick County will raise \$657,869 for our MRFs and \$1,347,451 for our CMHC through the authorized mill levy.

(Attachment II)

2/14/86

S. LG

The Board of Sedgwick County Commissioners greatly appreciates the work and dedication of the members of the CMHC and MR governing boards. The expertise and concern of these individuals for these important services cannot be replaced and we do not suggest that they should be. However, the focus of the appointed governing board is on programs and services and not on the financial and fiscal aspects of the operations. The latter is the concern and focus of the board of county commissioners and for this reason we are asking that the board of county commissioners be established as the governing board while retaining the existing appointed governing boards in an advisory capacity in much the same manner as local aging services are now administered.

The current form of SB 504 does provide the option to establish the board of county commissioners as the governing board, but does not address the retention of the existing appointed governing boards as advisory. To that end, we would like to offer the attached ammendment to provide for an advisory board. The legislation in current form has statewide application. We feel that it would be prudent, given future prospects for funding, for the Legislature to allow all counties this option. However, we are aware that the Community Mental Health Association and other statewide associations will vigorously oppose this legislation if it has statewide application. Although any such decision on their part to do this is extremely ill-advised we would defer to them and request that SB 504 be localized to Sedgwick County.

We appreciate your consideration of these requests and again would like to emphasize that our desire for this change does not reflect any dissatisfaction with our governing boards. Rather, we feel that a basic question of public accountability is being addressed through this legislation. The actual governance of public services, funded through public sources must be through elected officials. Only elected officials are directly accountable to the public and the taxpayers.

**SEDGWICK COUNTY DEPARTMENT OF MENTAL HEALTH**

**Analysis of Selected Program Costs**

**&**

**Funding Sources**

**for**

**January through November, 1985**

**Juvenile Court**

**Total Expenditures through 11/30/85**

**159,785.93**

**Funding Sources:**

Patient Fees	9,091.30
Insurance Fees	22,676.78
Medicaid	42,835.45
Medicare	266.42
Miscellaneous Income	20.25
Miscellaneous Reimbursement	
Consultant Fees & Evaluations	
Sexual Abuse Grant	21,225.00
Juvenile Court Contract	11,250.00
ATC ADAS Grant	
Wats ADAS Grant	
Special Alcohol Funds	
DTC ADAS Grant	
SCYP Grant	
PACT Grant	
ETC Grant	
<b>Subtotal Program Income</b>	<b>107,365.20</b>
<b>40% State Aid Funding</b>	<b>20,968.29</b>
<b>60% County Mill Levy Funding</b>	<b>31,452.44</b>
<b>SURPLUS</b>	

Wichita  
Propose a new section K.S.A. 19-4002A which could be as follows:

**19-4002A. County Commissioners as Governing Board; creation of advisory board.**

- a) In any county which establishes a community mental health center and/or facility under the provision of K.S.A. 19-4001 et seq., the board of county commissioners of said county may by resolution establish itself as the mental health and/or mental retardation governing board with all the rights, powers and duties set out for the governing board by these statutes. In the event that two or more counties have jointly organized to provide a community mental health center and/or community facility for the mentally retarded, the boards of county commissioners of said counties may by joint resolution establish the board of county commissioners of each participating county as the mental health/mental retardation governing board.
- b) In any county or counties which by resolution has established the board of county commissioners as the mental health/mental retardation governing board pursuant to subsection (a) of this statute, the board of county commissioners of said county or counties shall appoint a mental health/mental retardation advisory board of not less than seven (7) members to be appointed by the board of county commissioners of said county or counties. The term of office of each member of the advisory board shall be for three (3) years, except that of the members first appointed, one-third shall be appointed for a term of one year, one-third for a term of two years, and one-third for a term of three years. The terms of office of the members of the first advisory board shall be begin on dates fixed by the board of county commissioners and any vacancy occurring in the membership of any advisory board shall be filled by appointment by the board of county commissioners of the county in which the vacating member resided at the time of his or her appointment.
- c) In any county or counties which has established a community mental health center pursuant to K.S.A. 19-4001 et seq. and pursuant to these statutes has also established a mental health/mental retardation governing board as of the effective date of this statute, may by resolution adopt said governing board as the advisory board pursuant to this statute.
- d) Membership of each advisory board shall as nearly as possible be representative of public health, medical profession, the judiciary, public welfare, hospitals, mental health organization, as well as education,

rehabilitation, labor, business and civic groups, and the general public.

- e) In any county or counties which has established the board of county commissioners as the mental health/ mental retardation governing board pursuant to this statute, the board of county commissioners shall seek the recommendations of the mental health/mental retardation advisory board prior to adopting the annual plan and budget for county mental health and retardation programs.

COMMITTEE MEMBERS:

I am Harriet Griffith, Past Chairman and presently Vice Chairman of the Sedgwick County Department of Mental Health Governing Board and also, immediate Past President of the Mental Health Association of Kansas.

Today, I find myself in the unenviable position of speaking to you in opposition to legislation proposed by the County Commissioner who appointed me to our Governing Board. Please believe me when I say that bringing this testimony to you is a job that I do not relish. However, I feel that I must take advantage of the opportunity offered by this Committee hearing to express my views on how this proposed legislation could affect our Community Mental Health delivery system and the Executive Committee is in unanimous agreement of my testimony today. When the State Law was passed 20 years ago enabling the establishment of Community Mental Health Centers across the State, the architects of this legislation envisioned that citizen participation in these Centers would be a very vital and integral part of this plan. To ensure citizens' participation, they recommended that every Center be guided by a Governing Board composed of a cross section of local citizens who would set the policy for mental health programs for their Community, and that this Board would be appointed by elected Community leaders.

(Attachment III)

2/14/86 S. LB

In this way, the Board would be answerable to the officials who appointed them and open to the needs of the citizens of the Community they served. They reasoned that a Citizens' Board could give more time and have a higher level of interest in directing mental health programs than County Commissioners could, who of necessity are occupied by dozens of other community affairs and who also must be elected and run for reelection. This system of Citizens' Governing Boards has worked amazingly well over the years since Mental Health Centers have been established in Kansas.

I understand and applaud the efforts of our County Commissioners to make the machinery for running our County Government as streamlined, cost effective, and efficient as possible, but what is best for roads, bridges, Fire Departments, Pollution Control, flood control, airports, etc., etc., etc., in my belief is not what is best for the very human and sensitive area of mental health services. I would suggest that to place all Mental Health/Mental Retardation services under a County Administrator, and that Administrator answerable only to the County Commissioners, is contrary to the original intent of the Community Mental Health Centers Act, and would not be in the best interests of the Citizens of the Community that the Center serves.

TESTIMONY ON SENATE BILL 503

Mr. Chairman and Members of the Committee:

I am Don Conrad, a Lutheran Campus Minister at the University of Kansas. But today I am here as a member of the Bert Nash Community Mental Health Center Board, serving this year as the Chair of the Board. In my three years on that Board I have begun to understand and greatly to appreciate the complex and many skills and expertise which are required to help us offer our community a comprehensive range of mental health services. Even the role and work of a Board member demands considerable amounts of time and study. We in Douglas County are most fortunate and grateful that we have a superb Executive Director and staff which keeps us informed and prepared to make the judgments we must face.

Therefore, I present myself to reflect on the proposed addition to Chapter 19 as presented in subsection (e) of Senate Bill 503. Three matters come to my mind. First, a strength of the mental health system of services -- and communities in general -- lies in active citizen awareness and participation, voluntarily given to assist in making such programs appropriate and successful. Broad citizen engagement is urgently needed to allay some of the fears surrounding mental illnesses. I realize that I and the other 14 members of the Bert Nash Board are part of about 900 citizens who serve on mental health center boards across the State of Kansas.

Second, the proposal of subsection (e) in Senate Bill 503 holds the potential to alter or even abort the traditional role of citizen or public governing boards -- namely to be responsible to elected officials while conducting certain necessary assignments related to a given community need or concern. I could easily imagine that a County Commission under this proposal might devote disproportionate time and energy in administering a mental health program to the detriment of other issues. The reverse would be even worse, to ignore the supervision and conduct of mental health programs because of the press of other duties. In assuming direct governance Commissioners could place themselves vulnerable to possible liability claims, especially if there is a possibility of inadequate professional conduct due to inadequate supervision and governance.

Third, I fail to see any new advance or contribution to society in the proposal of subsection (e) in Senate Bill 503. Already County Commissioners have authority to appoint board members and review fiscal operations for the mental health services offered. As a Board member we are very well aware of the power of the purse strings -- mil levies. Likewise, it would seem that there is nothing in present statutes to prohibit County Commissioners from appointing themselves to their own mental health boards. (I believe this is already the case in some counties). Frankly, I believe we Board members might even welcome such close liaison with this important source of support -- psychologically as well as fiscally. One very unwholesome prospect might be raised by this Bill, namely that the intent would be to eliminate any non-elected citizens from boards for mental health. I can hardly think this is advisable under any circumstance.

It would thus appear to me that the problem which prompts proposing subsection (e) in Senate Bill 503 ought to and can be handled under present law without further legislation. In fact, I believe the the importance of voluntary citizen participation and assistance in developing wholesome attitudes and positive programs in the mental health arena could be jeopardized and thwarted by this measure.

Thank you for allowing me these minutes to speak to the concerns which I have about subsection (e) in Senate Bill 503.

Donald L. Conrad  
1204 Oread  
Lawrence, KS 66044  
913:843-4948

February 14, 1986

(Attachment IV)

2/14/86 S. LG



# COUNTY OF SEDGWICK

## FIRE DEPARTMENT

Chief Gary L. Nichols

Asst. Chief  
Elmer C. Noordhoek

Fire Marshal  
H. A. Hartley

ADMINISTRATIVE OFFICES • 4343 N. WOODLAWN • WICHITA, KANSAS 67220 • TELEPHONE 744-0471

February 12, 1986

Testimony of Fire Chief Gary L. Nichols,  
to the Kansas Senate Committee on State  
and Local Government. Ref: Senate Bill  
No. 506. Friday February 14, 1986 at  
9:00 a.m. Room 529S, Capitol Building,  
Topeka, Kansas.

**STATION LOCATION:**

#1—553 N. Webb Rd.  
#2—200 E. 53rd N.  
#3—5728 N. 151st W.  
#4—3914 W. 71st S.  
#5—651 S. 247th W.  
#6—6400 S. Rock Rd.  
#7—4343 N. Woodlawn  
#8—14300 Timberlakes Rd.  
#9—640 S. Forestview

IN 1947, THE SEDGWICK COUNTY FIRE DEPARTMENT WAS ORGANIZED AS A VOLUNTEER FIRE DEPARTMENT TO FIGHT BRIDGE FIRES. THE ORIGINAL EQUIPMENT WAS A 1917 CHAIN DRIVE PUMPER, PURCHASED FROM THE CITY OF WICHITA, OPERATED BY COUNTY TRUCK DRIVERS, CLERKS, MECHANICS AND LABORERS.

THE DEMAND FOR FIRE DEPARTMENT SERVICE IN THE COUNTY CONTINUED TO INCREASE: THUS, LEGISLATION WAS PREPARED AND SUBMITTED TO THE 1951 KANSAS LEGISLATURE TO ENABLE COUNTIES TO ESTABLISH FIRE DEPARTMENTS. THIS PROPOSAL WAS ENACTED DURING THE 1953 LEGISLATIVE SESSION, ALONG WITH LEGISLATION WHICH AUTHORIZED THE ESTABLISHMENT OF FIRE DISTRICTS IN COUNTIES BY BOARDS OF COUNTY COMMISSIONERS ON THEIR OWN INITIATIVE OR BY PETITION SIGNED BY COUNTY RESIDENT OWNERS OF MORE THAN 60% OF THE PROPERTY WITHIN A PROPOSED FIRE DISTRICT. ON JANUARY 1, 1955, THE VOLUNTEER DEPARTMENT BECAME A COMPENSATED FIRE DISTRICT.

SOME THIRTY THREE YEARS HAVE PASSED SINCE THAT MEMORABLE DAY IN 1953 AND TODAY, AS CHIEF OF THE DEPARTMENT, I STAND BEFORE YOU TO AGAIN REQUEST THE HELP OF THE KANSAS LEGISLATURE TO ASSIST SEDGWICK COUNTY IN ITS EFFORTS TO CONTINUE TO PROVIDE THE LEVEL OF SERVICE TO ITS RESIDENTS THEY HAVE GROWN TO EXPECT.

(Attachment V)

2/14/86

TODAY'S SEDGWICK COUNTY FIRE DISTRICT CONSISTS OF ELEVEN SECOND AND THIRD CLASS CITIES (table 19), TWENTY-ONE TOWNSHIPS AND PORTIONS OF TWO OTHERS, WHICH ENCOMPASS SOME 640 SQUARE MILES. OVER SIXTY SIX THOUSAND CITIZENS RESIDE IN THE DISTRICT WITH FORECASTS OF INCREASED HOUSEHOLDS AND LAND USE BY THE YEAR 1990 (table 19).

SEDGWICK COUNTY CURRENTLY MAINTAINS NINE FIRE STATIONS (map 5) AND HAS A STAFF OF 121 EMPLOYEES (table 7), WHICH OPERATE THIRTY MAJOR PIECES OF FIRE APPARATUS. THE SEDGWICK COUNTY FIRE DEPARTMENT IS THE FOURTH LARGEST COMPENSATED FIRE DEPARTMENT IN KANSAS.

THE DISTRICT IS FINANCED FROM PROPERTY TAXES LEVIED ONLY WITHIN THE FIRE DISTRICT. PROPERTY OWNERS AND CITIES PETITION THE BOARD OF COUNTY COMMISSIONERS TO JOIN OR LEAVE THE DISTRICT. AS A SPECIAL TAXING DISTRICT, ANNEXATION BY CITIES REDUCES THE JURISDICTION OF THE SPECIAL TAXING DISTRICT RESULTING IN LOSS OF REVENUE TO FINANCE THE ANNUAL OPERATING BUDGET. THE OPERATING BUDGET INCLUDES THE FOLLOWING FUNDS: GENERAL, SOCIAL SECURITY/RETIREMENT AND WORKMAN'S COMPENSATION.

THE DEBT AND INTEREST FUND IS NOT AFFECTED IN THE SAME MANNER HOWEVER, AS ANNEXED PROPERTIES MUST CONTINUE TO PAY FOR THE CAPITOL IMPROVEMENTS PREVIOUSLY UNDERTAKEN BY THE DISTRICT FOR THE LIFE OF THE BONDS.

IT IS THE FIRE DISTRICT'S INTENT, THAT AS OF APRIL 15, 1986, THE DATE THE FAIR LABOR STANDARDS ACT AMENDMENTS OF 1985 TAKE EFFECT FOR LOCAL GOVERNMENTS, TO FULLY COMPLY WITH THE LAW AND PAY TIME AND ONE/HALF FOR EACH HOUR OF OVERTIME WORKED BY MEMBERS OF THE BARGAINING UNIT. THESE PAYMENTS WILL RESULT IN AN APPROXIMATE INCREASE OF PAY FOR MEMBERS OF THE BARGAINING UNIT OF 2.8% WITH A FIRST YEAR COST TO THE DISTRICT OF \$45,500.00 DOLLARS.

THE 1986 GENERAL FUND BUDGET FOR THE FIRE DISTRICT WAS SET AT 8.409 MILLS. ALLOWANCE FOR LOCAL ADVALOREM TAX REDUCTION LEFT THE DISTRICT WITH A FUTURE TAXING AUTHORITY OF .122 MILLS. BASED ON THE 1986 DISTRICT VALUATION, THIS WOULD PRODUCE \$42,642.00.

THE EXISTING LEVY LIMIT ON SEDGWICK COUNTY FIRE DISTRICT #1 WILL MAKE IT IMPOSSIBLE TO CONTINUE FINANCING CURRENT OPERATIONS. IN ADDITION, THE PURCHASE OF FUTURE MAJOR REPLACEMENT EQUIPMENT WILL BE IMPOSSIBLE UNDER THE LEVY LIMITATIONS.

THE FIRE SERVICE IS ONE OF THE HIGHEST PRIORITIES OF GOVERNMENTAL SERVICES AND THE FINANCIAL RESOURCES COMMITTED TO THAT SERVICE REFLECT ITS IMPORTANCE. IN THE 1982 SESSION, THE LEGISLATURE PROVIDED RENO COUNTY FIRE DISTRICT #2 THE POWER TO LEVY A TAX IN THE AMOUNT NEEDED FOR THE PURPOSE OF THE FIRE DISTRICT OPERATION. SEDGWICK COUNTY REQUESTS THAT SEDGWICK COUNTY FIRE DISTRICT #1 BE INCLUDED IN THIS PROVISION.

YOUR POSITIVE RESPONSE TO OUR REQUEST WILL ENSURE THAT SEDGWICK COUNTY WILL BE ABLE TO CONTINUE TO ADHERE TO THE FOUR BASIC FIRE PROTECTION OBJECTIVES: (1) TO PREVENT FIRES FROM STARTING BY EXERCISING A COMPREHENSIVE FIRE PREVENTION AND PUBLIC EDUCATION PROGRAM IN FIRE SAFETY, (2) TO MINIMIZE LOSS OF LIFE AND PROPERTY WHEN FIRE STARTS THROUGH AN EFFICIENT AND MINIMAL ATTACK TIME, (3) TO CONFINE A FIRE TO THE POINT OF ORIGIN THROUGH A FIRE PRE-PLANNING PROGRAM, (4) TO EXTINGUISH THE FIRE THROUGH SOUND FIRE FIGHTING TACTICS. IN ADDITION TO FIRE PROTECTION, WE WILL CONTINUE TO STRIVE TO MINIMIZE INJURIES AND FATALITIES BY MAINTAINING A WELL TRAINED EMERGENCY MEDICAL FIRE FIRST RESPONDER SERVICE. (1985 operations and fire prevention report)

I RESPECTFULLY REQUEST YOUR APPROVAL OF SENATE BILL NO. 506 AND I THANK YOU FOR GIVING ME THE OPPORTUNITY TO SPEAK. I WILL ATTEMPT TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

SEDGWICK COUNTY FIRE CHIEF GARY L. NICHOLS

CHIEF NICHOLS CAME TO WORK FOR SEDGWICK COUNTY IN MAY OF 1955 AND WAS APPOINTED CHIEF OF THE DEPARTMENT IN OCTOBER OF 1975. HE HAS HELD THE POSITIONS OF PRESIDENT OF THE KANSAS STATE ASSOCIATION OF FIRE CHIEFS, PRESIDENT OF THE MISSOURI VALLEY DIVISION OF THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS AND CURRENTLY IS A MEMBER OF THE BOARD OF DIRECTORS OF THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS WHO HEADQUARTER IN WASHINGTON D.C.

HIS OFFICE IS LOCATED AT SEDGWICK COUNTY FIRE STATION NO. 7, 4343 NORTH WOODLAWN, WICHITA, KANSAS. (316) 744-0471

Table 19

## Household Forecasts

Second & Third Class Cities in the  
Sedgwick County Fire District, 1980 to 2000

City	1980 Households	Forecast Households			
		1985	1990	1995	2000
Andale	170	190	200	210	210
Bel Aire*	843	960	1,020	1,090	1,160
Bentley	121	130	140	140	150
Eastborough	319	320	320	320	320
Garden Plain	240	270	280	300	320
Goddard	443	490	510	530	550
Haysville	2,428	2,950	3,210	3,440	3,660
Kechi	94	100	110	110	110
Maize	408	500	540	600	640
Park City*	1,167	1,390	1,510	1,650	1,780
Viola	67	80	80	80	80

\*In 1980 this city was an improvement district.

MAPD, March, 1984

### Land Use Forecasts

The Metropolitan Area Planning Commission has adopted the General Development Guide which indicates development trends. The Guide includes forecasts of future land use additions from the base year 1976. In Sedgwick County, future land use additions by 1990 and 2000 are projected to be as follows:

	<u>1990</u>	<u>2000</u>
Residential Land Use	9,605 acres	14,812 acres
Commercial Land Use	454	1,078
Industrial Land Use	1,672	2,666
Public/Semi-Public Land Use	<u>655</u>	<u>1,697</u>
Total	12,386 acres	20,253 acres

General Development Guide, 1978, p. 4

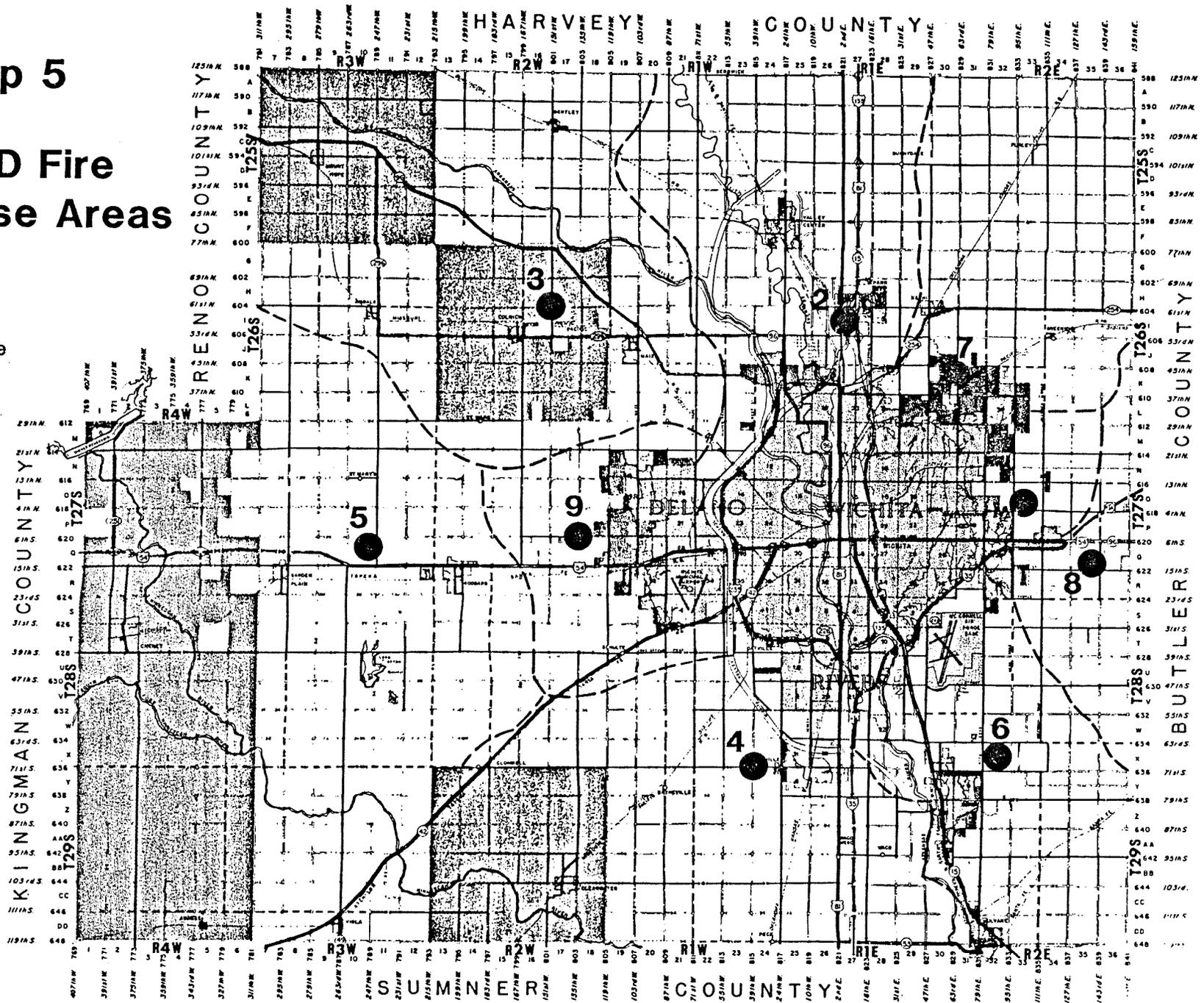
It is thus projected that an additional 19.4 square miles will be developed by 1990 and 31.6 square miles will be developed by 2000 in Sedgwick County.

# Map 5

## SCFD Fire Response Areas

 Fire Response Boundaries  
 Sedgwick County Fire District

SCALE OF MILES



## TABLE 7

The Sedgwick County Fire Department has a staff of 121 people. Five individuals are assigned to the administrative office, and three are assigned to the Fire Prevention Bureau. There are 113 employees who work in the field including 72 firefighters (64 percent), 15 lieutenants (13 percent), 21 captains (18 percent), 3 division chiefs (3 percent), and 2 firefighter mechanics (2 percent). Contingents range from six assigned to the mini-stations (8 and 9) to 18 assigned to Station 4. Over 93 percent of Sedgwick County Fire Department employees work in the field and no station has a preponderance of employees assigned to it.

Table 13

Sedgwick County Fire Department  
Apparatus and Positions, 1984

<u>Station</u>	<u>Address</u>	<u>Apparatus Description</u>	<u>Positions</u>
1	553 N. 95th St. E.	1000 GPM Pumper 750 GPM Pumper Pickup w/200 gal. tank	3 Captains 3 Lieutenants 9 Firefighters
2	200 E. 53rd St. N.	1000 GPM Pumper 400 GPM Midi-Pumper 1750 gal Tanker w/750 GPM pump	3 Captains 3 Lieutenants 9 Firefighters
3	5728 N. 151st St. W.	1000 GPM Pumper 2500 gal Tanker w/600 GPM pump Pickup w/200 gal truck	3 Captains 9 Firefighters
4	3914 W. 71st St. S.	1000 GPM Pumper 400 GPM Midi-Pumper 1750 Gal Tanker w/750 GPM Pump 100 ft. Pierce/LTI w/1250 GPM Pump	3 Division Chiefs 3 Captains 3 Lieutenants 12 Firefighters
5	651 S. 247th St. W.	1000 GPM Pumper 1750 gal Tanker w/600 GPM Pump Pickup w/200 gal. tank Boat and trailer	3 Captains 6 Firefighters
6	6400 S. Rock Road	1000 GPM Pumper 1750 Gal Tanker w/600 GPM Pump Pickup w/200 gal tank	3 Captains 9 Firefighters
7	4343 N. Woodlawn	1000 GPM Pumper 1750 gal Tank w/500 GPM Pump 65 ft. Snorkel w/750 GPM Pump Pickup w/200 gal tank Boat and Trailer	3 Captains 12 Firefighters
8	1400 E. Timberlakes Dr.	300 GPM Mini-Pumper	3 Lieutenants 3 Firefighters

Table 13 (continued)

9	640 S. Forest View	300 GPM Mini-Pumper	3 Lieutenants 3 Firefighters
Main- tenance Shop	3914 W. 71st St. S.	(2) 1750 gal Tanker w/600 GPM Pump 1000 GPM Pumper 600 GPM Pumper 500 GPM Pumper	2 Mechanics



# COUNTY OF SEDGWICK

## FIRE DEPARTMENT

Chief Gary L. Nichols

Asst. Chief  
Elmer C. Noordhoek

Fire Marshal  
H. A. Hartley

ADMINISTRATIVE OFFICES • 4343 N. WOODLAWN • WICHITA, KANSAS 67220 • TELEPHONE 744-0471

JANUARY 6, 1986

ACTIVITIES OF THE FIRE DEPT. FOR THE MONTH OF  
DECEMBER & YEAR 1985

### FIRE OPERATIONS DIVISION

**STATION LOCATION:**  
 #1—553 N. Webb Rd.  
 #2—200 E. 53rd N.  
 #3—5728 N. 151st W.  
 #4—3914 W. 71st S.  
 #5—651 S. 247th W.  
 #6—6400 S. Rock Rd.  
 #7—4343 N. Woodlawn  
 #8—14300 Timberlakes Rd.  
 #9—640 S. Forestview

Total number of alarms for the Month of December 266, for the year 3332.

Classification of alarms:

	<u>MONTH</u>	<u>YEAR</u>		<u>MONTH</u>	<u>YEAR</u>
Structure -----	25	-- 158	Service -----	27	-- 298
Grass-Field -----	9	-- 231	First Aid-----	161	-- 1,834
Dump-Rubbish -----	3	-- 125	Mutual Aid -----	4	-- 40
Auto-Truck -----	9	-- 132	False Alarm -----	1	-- 70
Farm Equipment -----	0	-- 4	Good Intent -----	25	-- 388
Aircraft-Boat -----	0	-- 3	Rescue -----	1	-- 18
Emergency Landing -	0	-- 0	Miscellaneous ---	1	-- 31

	<u>MONTH</u>	<u>YEAR</u>
Total Value of Buildings -----	\$9,960,785.00	\$41,041,625.00
Total Loss of Buildings -----	133,885.00	864,069.00
Total Value of Contents -----	4,993,150.00	71,885,118.00
Total Loss of Contents -----	70,640.00	372,856.00

Total Alarms Per Station:	<u>MONTH</u>	<u>YEAR</u>
Station #1 -----	34	----- 423
Station #2 -----	35	----- 570
Station #3 -----	10	----- 158
Station #4 -----	66	----- 787
Station #5 -----	16	----- 187
Station #6 -----	53	----- 526
Station #7 -----	18	----- 203
Station #8 -----	7	----- 136
Station #9 -----	27	----- 342

ECN:mms

*Elmer C. Noordhoek*  
 ACTING CHIEF, ELMER C. NOORDHOEK

70  
FIRE PREVENTION ACTIVITIES  
FOR THE MONTH OF DECEMBER 19 85

					MONTH	YEAR
Number of Fire Deaths					( )	( 2 )
Number of Fire Injuries					( 3 )	( 17 )
Number of Violations Found					( 12 )	(2377)
Number of Violations Corrected					( 50 )	(2198)
<b>INVESTIGATIONS</b>	<b>72</b>	<b>74</b>				
Origin - Accidental	8	3			11	49
Origin - Undetermined						6
Origin - Incendiary	1	2			3	24
Origin - Suspicious						2
Follow-Up Contacts	3	1			4	55
Burn Injury Investigations	3				3	17
Internal Investigations						1
Investigations Assisted		1			1	3
<b>ACTIVITIES</b>	<b>72</b>	<b>74</b>	<b>75</b>			
Complaints Handled	4	1			5	28
Plans Examined		2			2	93
Meetings Attended	5	1	1		7	231
Classes Attended	3	4			7	49
Fire Protection Systems	1				1	11
Juvenile Counseling						27
Number of Children	( )	( )	( )		( )	( 26 )
Programs Presented	1	4	27		32	209
Number of Children	( )	(180)	(642)		( 822 )	(10321)
Number of Adults	(108)	(254)	( 30 )		( 392 )	( 2443 )
<b>INSPECTIONS</b>	<b>EC</b>	<b>72</b>	<b>74</b>	<b>75</b>	<b>79</b>	
A 1						3
A 2						27
A 2.1			1		1	24
A 3						99
A 4						6
B 1						43
B 2						553
B 3						4
B 4						68
E 1						31
E 2						3
E 3						10
H 1						14
H 2						17
H 3						27
H 4						126
H 5						3
I 1						3
I 2						1
I 3						5
M 1						
M 2						
R 1						20
R 3				3	3	51
Home Inspection						4
Vacant Buildings						132
Misc. Inspections						22
Fireworks Permits		1			1	40
Open Burn Permits			13		13	372
Open Burn Denied						26
Agr. Burn Permits	29				29	1182
Road Permits			1		1	38
Road Perm. Denied						
Hydrant Test						1139
Summons Issued						31
Follow-Up Inspec.			50		50	1183
Violation Warning						56
<b>TOTAL NUMBER OF CONTACTS</b>	<b>29</b>	<b>30</b>	<b>84</b>	<b>31</b>	<b>174</b>	<b>6168</b>

*H.A. Hartley*  
H.A. Hartley, Fire Marshal

# KANSAS STATE LIBRARY

State Capitol, Third Floor  
Topeka, KS 66612-1593

913-296-3296 800-432-3919

Established August 25, 1855



DATE: Friday, February 14, 1986  
TO: Local Government Committee of the Senate  
Don Montgomery, Chair  
Audrey Langworthy, Vice-Chair  
FROM: Duane Johnson, State Librarian  
RE: Senate Bill 507

Individuals to testify:

Duane Johnson  
Margaret Gates, Librarian, Manhattan Public Library

1. The proposed change in the method of apportionment of the motor vehicle tax will have an effect on the ability of a local library to maintain eligibility for state aid.

State law (K.S.A. 75-2556) bases local library eligibility for state aid on annual maintenance of local effort in support of the library. Maintenance of effort is based upon the total of four tax revenue factors, one of which is the motor vehicle tax. If the pattern of distribution of the motor vehicle tax to the library is disrupted, a possible effect will be the loss of the library's eligibility for state aid.

The time schedule of the distribution of the motor vehicle each year is such that the local property tax to the library could not be increased to make up for the loss of the motor vehicle tax within the library's maintenance of effort.

2. The further effect of the change proposed in S.B. 507 is to cause the local library to become almost solely dependent upon the ad valorem property tax for its operational budget.

Local government, which levies on behalf of the library, tends to divert the funds with discretionary apportionment away from the library fund.

As property valuation declines, or as the future affects of re-appraisal become known, the public library in each community bears the negative impact of these changes more than any other public service.

(Attachment VI) 2/14/86 S.L.G