

**MINUTES**

**JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION**

September 8-9, 2011  
Room 144-S—Statehouse

**Members Present**

Representative Joann Pottorf, Chairperson  
Senator Marci Francisco  
Senator Jeff Longbine  
Representative Steve Brunk  
Representative Bill Feuerborn  
Representative Bob Grant

**Members Absent**

Senator Laura Kelly  
Senator Carolyn McGinn  
Senator Dwayne Umbarger  
Representative Kay Wolf

**Staff Present**

Audrey Dunkel, Kansas Legislative Research Department  
Ryan Weir, Kansas Legislative Research Department  
Amy Deckard, Kansas Legislative Research Department  
Jill Wolters, Office of the Revisor of Statutes  
Daniel Yoza, Office of the Revisor of Statutes  
Jim Wilson, Office of the Revisor of Statutes  
Gary Deeter, Committee Secretary

**Conferees**

Mike Gaito, Director of Capital Improvements, Kansas Department of Corrections  
Keith Bradshaw, Director of Operations, Kansas Juvenile Justice Authority  
John Martello, Director of Operations, Kansas Schools for the Deaf and the Blind  
Pedro Moreno, Deputy Secretary for Disability Behavioral Health Services, Kansas  
Department of Social and Rehabilitation Services  
Gary Grimes, Architect, Kansas Department of Social and Rehabilitation Services  
Greg Harris, Deputy Secretary for Administration, Kansas Department of Social and  
Rehabilitation Services  
Bobby Kosmala, Senior Manager-Operations, Kansas Department of Social and  
Rehabilitation Services

Bill Ossman, Staff Attorney, Kansas Department of Social and Rehabilitation Services  
Kim Torrey, Chief Fiscal Officer, Kansas Highway Patrol  
Richard Gaito, Deputy Director, Division of Facilities Management, Kansas Department  
of Administration  
LTC Tony Randall, Adjutant General's Office  
Janice Harper, Comptroller, Adjutant General's Office  
Kirk Thompson, Director, Kansas Bureau of Investigation

### **Others Attending**

See attached list.

### **Thursday, September 8 Morning Session**

Chairperson Pottorff called the meeting to order and welcomed Senator Longbine as a new member to the Committee.

Members discussed the minutes of the August 4, 2011, meeting and suggested corrections regarding staff reductions and cost savings related to office closings proposed by the Kansas Department of Social and Rehabilitation Services (SRS). A document was distributed giving details regarding the impact of office closures on lease agreements (Attachment 1). *The minutes were then approved as corrected (motion by Representative Grant and seconded by Senator Francisco).*

Mike Gaito, Director of Capital Improvements, Kansas Department of Corrections, commented that high water on the Missouri River flooded the water treatment plant at the Lansing prison, causing an estimated \$575,000 in damages (Attachment 2). Noting that federal dollars from the Army Corps of Engineers might be forthcoming in six to eight months, he was unsure how to apportion costs for repair of the plant. The disaster likely will be considered "manmade," therefore not meeting guidelines for Federal Emergency Management Agency (FEMA) funding, and other projects would have to be deferred to meet the unforeseen costs at Lansing. A Committee member suggested that a Governor's Budget Amendment might be needed to address these unexpected costs.

Mr. Gaito then outlined the agency's five-year capital improvements plan (Attachment 3). He commented on the roof replacements scheduled for various facilities, noting that all roof configurations will be changed from flat roofs to pitched roofs. He provided details regarding each of the corrections facilities' capital improvements needs and responded to members' questions thus:

- If a prison emergency generator fails, some doors would automatically open, but, in most cases, cell doors would remain locked. The emergency system is tested every two weeks.

- When the debt service payments are completed for El Dorado and Larned in FY 2012, the agency is requesting the budgeted amounts be transferred to rehabilitation and repair for the following fiscal year.
- Inmate labor is used as much as is feasible for rehabilitation and repair projects. Such labor saves the agency about 35 percent on each project.
- The \$1,600-per-day cost for emergency water at Lansing is being provided without cost to the agency by the City of Lansing in exchange for rock from the prison quarry.

Keith Bradshaw, Director of Operations, Kansas Juvenile Justice Authority, presented the agency's five-year capital improvements plans (Attachment 4). He said that the backup generator slated for the Kansas Juvenile Corrections Center in Topeka was not needed, because female inmates were transferred to the east facility at KJCC, so the funds were returned to the State Institutions Building Fund (SIBF). The lack of standardization with the locks and communications systems has created serious security situations. Answering questions, he stated the 300,000-square-foot warehouse at Larned would be used for storage only and the construction bonds would be retired in 2021. He replied the Topeka male facility is designed for 210 individuals and currently houses 210 males with 22 females in an adjacent part of the facility. The Larned facility is designed for 152 males and currently houses 105 males. In discussing the sale of the Atchison facility, members requested staff to identify the policies that govern the sale of state-owned property.

### **Afternoon Session**

John Martello, Director of Operations, Kansas Schools for the Deaf and the Blind, reviewed the capital improvement plans for both schools (Attachments 5 and 6). He stated that the \$6.5 million Roth Dormitory renovation will be completed in FY 2013, and he noted several major maintenance/rehabilitation and repair projects. A member suggested that the FY 2014 replacement of heating/ventilation/air conditioning system (HVAC) at the infirmary might be addressed better by a lease-purchase process. Mr. Martello stated the utility upgrade has been delayed because Westar workers were reassigned to deal with the Joplin tornado damage.

Regarding capital improvements for the School for the Blind, Mr. Martello said replacement of the campus security system is a multi-year project and that the roof replacement for the health center building is critical because of ongoing water damage. The new roof would be pitched rather than flat. The school is working with the Division of Facilities Management to identify architect and engineering firms to provide a range of cost analyses for projects.

Pedro Moreno, Deputy Secretary for Disability Behavioral Health Services, SRS, presented the agency's five-year capital improvements plan for the Kansas state hospitals, a presentation that includes enhancement requests for the agency's FY 2013 budget submissions (Attachments 7 and 8). The five hospitals treat about 1,100 Kansans and include 196 buildings containing 2.1 million square feet of floor space. Noting that many of the buildings are 50-plus years old, he stated that the FY 2013 budget request includes \$6.3 million for rehabilitation and repair projects and a supplemental request for funds diverted from Larned in the FY 2012 budget in order to rebuild the laundry building destroyed by fire in 2009. He also commented

that the Larned facility's Sexual Predator Treatment Program had reached capacity, creating a further demand for additional funds.

Gary Grimes, Architect, SRS, said that the new roof at Osawatomie, which would replace a 20-30-year-old roof, would be a tapered membrane roof. Greg Harris, Deputy Secretary for Administration, SRS, replied that the fence at Rainbow is to keep contraband out. SRS conferees knew of no plans to close Rainbow in the near future. Regarding Parsons, Greg Harris replied that the facility is fully occupied and had been cited by the fire marshal for not having a fire-suppressant sprinkling system. Gary Haulmark, Legislative Director, SRS, replied to another question that, based on legislative directives during the previous session, SRS had no plans to close Kansas Neurological Institute. Mr. Grimes replied that the Chanute Service Center, owned by SRS and receiving lease funds from other entities, will use the rental funds for rehabilitation and repair rather than drawing from the SIBF.

Mr. Harris provided SRS responses to questions posed by the Committee at its previous meeting. He stated landlords of the nine SRS Service Center offices slated for closure were sent notices. Five offices, however, will remain open after receiving funding assurances from their respective cities. Bobby Kosmala, Senior Manager of Operations, SRS, stated a portion of funding for SRS offices came from federal sources. Mr. Harris added SRS will lose those funds by closing offices, but the five offices remaining open will continue to receive federal funds. He stated the agency had to close a \$22 million shortfall, and closing various service centers is projected to save \$0.5 million, even though there will be incidental costs associated with moving staff to other offices.

Mr. Harris explained there are ten SRS leases that include an early termination clause with a 180-day notice; however, all SRS leases include a "reasonable notice" clause to end the lease for fiscal necessity. Bill Ossman, Staff Attorney, SRS, stated fiscal necessity is not defined in the lease, but, with the exception of the Lawrence lease, no landlords have questioned the early termination. Richard Gaito, Deputy Director, Division of Facilities Management, Kansas Department of Administration, affirmed that fiscal necessity is standard for nearly all state leases and said, from 2003 to 2005, 60 SRS offices were closed. Fifteen leases have annual payments and the rents for offices being closed is prorated according to the terms of the lease. The projected savings for the entire FY 2012 is \$589,000 from the State General Fund, \$441,000 for a portion of the year. He replied that no further office closures are scheduled. A member expressed concern that SRS facilities include space and personnel that may be underutilized and that a careful evaluation could result in reducing costs without cutting services.

The Chairperson requested that Richard Gaito provide an overview of lease provisions at a future date.

#### **Friday, September 9 Morning Session**

The Chairperson welcomed Kim Torrey, Chief Fiscal Officer, Kansas Highway Patrol (KHP), who reported on the agency's five-year capital improvements plans (Attachments 9 and 10). Ms. Torrey noted the continued debt service payments for the Vehicle Fleet Storage building at Billard Airport in Topeka and the Vehicle Identification Number Inspection facility in Olathe, including roof replacements and a new boiler for the Highway Patrol Training Academy

in Salina. Projects suspended in previous years due to budget cuts are being renewed for the FY 2013 budget. She stated the boiler replacement is becoming critical. The last project, Ms. Torrey said, is relocation of Troop F in Wichita, a project long delayed due to lack of funding. In working with the City of Wichita, Troop F is planning to relocate at the Kansas National Guard's Heartland Preparedness facility. Lt. Colonel Alan Stoecklein stated that the request is included in the agency's FY 2013 budget request, is supported by the Governor, and the project costs, originally estimated at \$6.5 million, have been pared to \$4.2 million. The reduction is, in part, because Troop F will share the location with the National Guard facility. He said that the city, the county, and the federal government support the project and, with the Committee's recommendation, KHP will proceed with the project by hiring an architect.

Richard Gaito reviewed a new lease proposal by the Kansas Department of Health and Environment (KDHE) in Wichita (Attachment 11). He explained the agency received a \$3.1 million federal grant aimed at creating safer home environments by eliminating lead and other toxins from homes and making homes more energy efficient. The Request for Proposal (RFP) elicited seven bidders; however, all seven proposals exceeded cost guidelines. A new RFP produced the present proposed lease for 2.5 years with one three-year renewal option at \$10.00 per square foot (psf). Taxes, insurance, and major maintenance are included in the lease; utilities are an additional \$1.50 psf. Any remodeling will be included in the lease cost. The landlord will perform an energy audit within 12 months.

Tom Langer, Director of the Bureau of Environmental Health, KDHE, added the grants target a city's substandard homes, allocating funds for selected properties for remediation to bring the homes to healthful standards. Noting the \$.75 million in local support and a similar initiative in Wyandotte County, he said the project gives preference to homes with children, use of local contractors, and seeks to minimize inordinate profits by landlords. The project creates relationships with families and often involves assistance from social services agencies.

*A motion was made, seconded, and passed to approve the KDHE lease (motion by Representative Feuerborn and seconded by Representative Grant).*

LTC Tony Randall, Adjutant General's Office, focused primarily on armory roof replacements and debt service for the agency's five-year capital improvements projects (Attachment 12). Building the Liberal Motor Vehicle Storage Compound is too complex a project for staff and that the engineering battalion includes many heavy-equipment transportation vehicles. Janice Harper, Comptroller, Adjutant General's Office, replied that the bonds will be paid in 20 years and that, to date, 18 armories have been closed. When a member commented that \$6 million was spent on armories that are now closed and that those bonds are still the state's obligation, Ms. Harper said unexpected budget cuts were not anticipated when repairs were made. Mr. Randall replied to another question that some federal funds might be available for some construction, but shrinking federal dollars and federal restrictions on types of expenditures mean that the agency's budget cannot anticipate federal support. The member requested more information about the availability of federal funds. Mr. Randall, commenting on a member's observation that, at \$55 psf, the costs of the Liberal storage compound seemed excessive, explained that gravel is not locally available and must be trucked in from a distant location.

Kirk Thompson, Director, Kansas Bureau of Investigation (KBI), introduced David Hutchings, Associate Director; Kyle Smith, Deputy Director; and Dwaine Worley, Forensic Scientist. Newly appointed as director, Mr. Thompson gave a brief sketch of his background, including 30 years with the KBI. He then highlighted the critical maintenance needs for the KBI

buildings in Topeka: asbestos remediation (\$29,500), subbasement repair (\$35,000), sill-plate support, and repairing the electrical panels (\$200,000). The first two items are included in a supplemental request (Attachment 13). For FY 2014, Mr. Thompson itemized the high priority projects: replacing the HVAC system, replacing the tile roof, structural repairs to the parking garage, and replacing the data center HVAC system (the primary HVAC system has failed and currently the backup is providing cooling for the data center). The total cost for these projects is estimated at \$716,100.

Mr. Thompson reviewed the agency's "flagship project," a \$51 million forensic laboratory to be built on property adjacent to the headquarters. The first phase of the project is to allocate funds to purchase the six remaining properties on the block. The total cost for demolition and site evaluation is estimated at \$430,000.

The meeting was adjourned. The next meeting was scheduled for Monday and Tuesday, October 3-4, 2011. Trips to the University of Kansas and Kansas State University are planned.

Prepared by Gary Deeter  
Edited by Audrey Dunkel and Ryan Weir

Approved by the Committee on:

March 13, 2012

(Date)