

## MINUTES

### JOINT COMMITTEE ON STATE BUILDING CONSTRUCTION

November 30, 2017  
Room 159-S—Statehouse

#### Members Present

Representative Adam Lusker, Chairperson  
Senator Rick Billinger, Vice-chairperson  
Senator Marci Francisco  
Senator Laura Kelly  
Senator Carolyn McGinn  
Senator John Skubal  
Representative John Alcala  
Representative Steve Alford  
Representative J. R. Claeys  
Representative Steve Huebert

#### Staff Present

Mark Dapp, Kansas Legislative Research Department  
Shirley Morrow, Kansas Legislative Research Department  
Mark Savoy, Kansas Legislative Research Department  
David Fye, Kansas Legislative Research Department  
Steven Wu, Kansas Legislative Research Department  
David Wiese, Office of Revisor of Statutes  
Kyle Hamilton, Office of Revisor of Statutes  
Gary Deeter, Committee Assistant

#### Conferees

Bobby Kosmala, Deputy Director of Facilities and Property Management, Kansas  
Department of Administration  
Patricia Scalia, Executive Director, State Board of Indigents' Defense Services  
Joe Norwood, Secretary of Corrections  
Frank Burnam, Director, Office of Facilities and Property Management, Kansas Department  
of Administration  
Damon Hininger, President and CEO, CoreCivic  
Kevin Fulton, Facilities Manager, Kansas Department of Revenue  
Dan Klucas, Deputy Secretary for Operations, Kansas Department for Children and Families  
Joe Morrison, Special Assistant for Operations, Kansas Department for Children and  
Families  
Kirk Thompson, Director, Kansas Bureau of Investigation  
Katie Whisman, Executive Officer, Kansas Bureau of Investigation  
Brent Widick, Superintendent, Kansas Neurological Institute, Kansas Department for Aging  
and Disability Services

## Others Attending

See [Attached List](#).

## Morning Session

### Department of Administration—Lease

The Chairperson called the meeting to order at 9:05 a.m.; welcomed members, conferees, and guests; and recognized Bobby Kosmala, Deputy Director of Facilities and Property Management, Department of Administration (DofA), who presented a proposed lease for the State Board of Indigents' Defense Services (SBIDS) ([Attachment 1](#)). He explained that criminal offenders on "death row" are provided a post-conviction review of their cases; the agency recently employed post-conviction staff to address the review process, staff who will require additional office space. The proposed 7-year lease provides 1,610 square feet of space for 3 staff with a base rate of \$14.00 per square foot; escalator rates at years 3, 5, and 7 bring the average rate to \$14.93. All services except parking are included in the lease. Answering questions, Patricia Scalia, Executive Director, SBIDS, stated additional funding was provided by the 2017 Legislature and, even if the death penalty is abolished, the sentences for the ten death-row inmates will remain.

*A motion was made by Representative Claeys and seconded by Senator Kelly to recommend the lease favorably. The motion passed.*

### Department of Corrections

Joe Norwood, Secretary of Corrections, outlined a proposal to build a new facility at the Lansing prison ([Attachment 2](#)). Noting the central prison facilities were built in 1860 and need costly upgrades and increasingly expensive maintenance, he stated a new prison will provide more effective staffing, lower maintenance costs, and improve security; it will also reduce staff turnover (currently at 36 percent). By building at the present location, the Department of Corrections can utilize existing infrastructure, staffing, and community support. The proposed project includes 2 housing units (a 1,920-bed maximum security unit, a 512-bed minimum security unit with 75 percent 2-person cells and 25 percent 4-person cells) and modern ancillary support systems, all of which will provide significant staffing efficiencies and cost savings.

Reviewing the financing options, Mr. Norwood stated no bids were received for a bond-financed design-build facility and only 2 bids were received for 20-year lease/purchase. CoreCivic was chosen as the vendor for a lease-purchase facility costing \$13.2 million, annually. He stated the 20-year costs to the state with the existing facility total \$950,777,950; total costs for a new facility with CoreCivic, \$927,101,749. Mr. Norwood then provided an overview of the advantages for the proposed project and outlined the consequences of delay.

Mr. Norwood responded to members' questions:

- The City of Lansing offered no financial inducements to keep the prison at Lansing.

- By 2022, the new facility will be at capacity based on current projections.
- Expanding an existing prison at a different location presents a daunting series of complexities.
- A significant cause of prison growth results from re-incarceration of probation violators. Last year about 5,600 inmates were released, but about 5,700 individuals were received.

Damon Hininger, President and CEO, CoreCivic, commented on the architectural renderings of the proposed prison ([Attachment 3](#)).

### **Tour of Topeka State Agency Offices**

Frank Burnam, Director, Office of Facilities and Property Management, DofA, referenced a report from Sarah Shipman, Secretary of Administration, regarding state agency liquidated damage claims ([Attachment 4](#)); he then commented on a memorandum stating a licensed architect's drawings are not required for re-roofing a commercial building ([Attachment 5](#)).

Mr. Burnam announced the arrangements for the Committee's tour of selected local state buildings.

#### ***Kansas Department of Revenue – Scott Building, 120 SE 10th Avenue***

Kevin Fulton, Facilities Manager, Kansas Department of Revenue (KDOR), welcomed the Committee to the Scott Building, which houses the agency's Tax Assistance Center, a 53,000-square-foot facility with public access only to the lobby.

#### ***Department for Children and Families – Athene Building, 555 S. Kansas Avenue***

Committee members were welcomed to the Athene Building by Dan Klucas, Deputy Secretary for Operations, Department for Children and Families (DCF), who guided members through the agency's administrative building; he noted the simulation section of the building used for training staff social workers ([Attachment 6](#)). He said the 25-year lease of \$15.25 per square foot included complete furnishings left by the previous occupant; the building reduced the agency's footprint from 121,572 to 86,700 square feet.

#### ***Department for Children and Families – Myriad Building, 500 Van Buren Street***

Members toured the Myriad Building under the guidance of Joel Morrison, Special Assistant for Operations, DCF. Mr. Morrison noted the agency is purchasing the building through bonding by the Topeka Building Commission; bond payments of \$730,000 are made annually for the 80,000-square-foot structure; an additional 69,000-square-feet of garage space is provided at no additional expense ([Attachment 7](#)). He stated the building houses 302 employees and serves 125-150 clients each day.

## Afternoon Session

After lunch provided by the Kansas Contractors Association, in Room 159-S of the Statehouse, the Committee reconvened at 12:38 p.m. to discuss the proposed Lansing Correctional Facility project. *A motion was made by Representative Claeys and seconded by Representative Huebert to recommend approval for the five-year capital improvement plan for the Department of Corrections.*

A member requested further information regarding the 36 percent of the DOC budget allocated to the Lansing facility.

*Noting that passing the motion would also recommend approval for the proposed Lansing project, Senator Francisco made a substitute motion to approve the five-year capital-improvements plan but making no recommendation on the Lansing prison project. The motion was seconded by Representative Claeys and discussion ensued.*

- If the original motion is passed, the Committee would have no input regarding the prison project. The project could go directly to the State Finance Council without legislative input.
- The Committee needs more information before recommending approval of the project. It appears that the RFP (Request for Proposal) may be too narrow in its financing component.
- The Committee needs to make sure mental health provisions are included in the project.
- A lease-purchase may not be the best option.

*The substitute motion carried.*

*A motion was made by Representative Claeys and seconded by Senator McGinn to recommend DOC not accept the bids, redesign the RFP to include a wider array of options, including a design-build, and send out a new RFP. The motion carried.*

*A motion was made by Senator Kelly and seconded by Representative Claeys to recommend DOC table the project in its current form and redesign the RFP so all stakeholders have input, including the Sentencing Commission and mental health groups. The motion carried.*

***Kansas Bureau of Investigation Headquarters – 1620 SW Tyler Street***

The Committee was welcomed at Kansas Bureau of Investigation (KBI) headquarters by Director Kirk Thompson, who introduced Executive Officer Katie Whisman. Ms. Whisman outlined the two current goals of the agency: increase building security and address staff overcrowding. Noting that all KBI facilities total 94,000 square feet (including buildings in Overland Park, Pittsburg, and Great Bend), she stated the recently vacated laboratory space of 16,000 square feet needs to be re-purposed and that precipitation leaks due to faulty construction of the recently upgraded parking garage, although made structurally sound, need correcting.

***Kansas Department of Revenue – Zibell Building, 300 SW 29th Street***

Mr. Fulton provided a tour of the KDOR Division of Vehicles building, a restructured former supermarket. He stated the agency operates under a 25-year lease.

***Department for Aging and Disability Services – Kansas Neurological Institute, 3107 SW 21<sup>st</sup> Street***

The Committee was greeted at the Kansas Neurological Institute (KNI) by Brent Widick, Superintendent, who announced staff members would lead three groups to tour the facilities. Members observed various initiatives to provide activities and work for residents. Daniel Keck, ARNP, stated the medical unit provides an option for residents too ill for their living units but not requiring off-site hospitalization. Members visited one of the living units and observed staff care for residents. At the end of the tour, Superintendent Widick provided an overview of the agency ([Attachment 8](#)).

The meeting was adjourned at the end of the KNI tour at 4:03 p.m. No further meeting was scheduled.

Prepared by Gary Deeter  
Edited by Shirley Morrow

Approved by the Committee on:

December 18, 2017

(Date)