

MINUTES

SPECIAL COMMITTEE ON FEDERAL AND STATE AFFAIRS

June 16, 1977  
Room 532 - State House

Members Present

Senator John Crofoot, Chairperson  
Representative Ardena Matlack, Vice-Chairperson  
Senator Leroy Hayden  
Senator Frank Smith  
Representative Carlos Cooper  
Representative Stan Gibson  
Representative Anthony Hensley  
Representative Joseph Mikesic  
Representative Tom Slattery  
Representative Kathryn Sughrue

Staff Present

J. Russell Mills, Jr., Kansas Legislative Research Department

Conferees

Dr. Cornelia Flora, Population Research Laboratory, Kansas State University  
Irvin Franzen, Department of Health and Environment  
Ed Rieman, Kansas Department of Economic Development  
William Duitsman, Secretary, Department of Agriculture  
H. Edward Flentje, Director, State Planning and Research Division  
Marilyn Bradt, Legislative Chairperson, Kansas League of Women Voters  
Louis J. Krueger, Director, Division of Architectural Services  
Representative Larry Erne  
B. G. Hanna, Fire Chief, Coffeyville, Kansas  
Mervin Hammel, Building Inspector, Coffeyville, Kansas  
Floyd Dibbern, State Fire Marshal  
Russ Collins, State Fire Marshal's Office

Morning Session

Proposal No. 25 - Annual State Census

Chairman Crofoot called the meeting of the Special Committee on Federal and State Affairs to order at 9:30 a.m. He made introductory remarks and asked that all members be prompt in their attendance at meetings.

The first order of business was consideration of Proposal No. 25 - Annual State Census.

Dr. Cornelia Flora, Population Research Laboratory, Kansas State University, reviewed her evaluation of the Kansas annual population enumeration. (Copies of Dr. Flora's report are in the Committee notebooks.) She noted that Kansas is the only state that takes an annual enumeration. The present enumeration system was started in 1865. She stated that one difference between the federal and state census is that students and servicemen are counted differently. The state generally counts students in their home county while the federal census counts them where they attend school. Servicemen are usually counted at their home by the state and where they are stationed by the federal census. She felt that if the census were done properly every three years, it would be more efficient than the present system. Dr. Flora stated that the U.S. census is improving in accuracy. She also explained in detail how the U.S. census is taken.

Dr. Flora's main conclusions were that the state census is underfinanced, underplanned, undersupervised, and conducted without sufficient authority to assure cooperation. She offered five alternative recommendations for Committee consideration:

1. No change in present system.
2. Continue at the county level in determining methodology used, but provide a series of seminars to make those taking the enumeration aware of alternative methods, especially those most useful for counties of different sizes. Separate the taxation lists from the enumeration lists.
3. Centralize the census-taking procedure and standardize the methodologies under a state agency.
4. Accept the Federal State Cooperative Program estimates, modifying them for differences in the definition of residence.
5. Accept the Federal State Cooperative Program estimates as they are.

Irwin Franzen, State Department of Health and Environment, presented a prepared statement (Attachment I). He testified that census methods are not consistent among Kansas counties and are unlike the methods used by the U.S. Census Bureau. The Department recommends that the annual enumeration of inhabitants of the state be discontinued; that the quinquennial census data hereafter be the official population count for the years conducted by the U.S. Census Bureau; and, that a state agency be designated to establish a population data base and provide the necessary between-census-years estimates and projections by contracting with population laboratories or the U.S. Census Bureau.

Edward Riemann, Kansas Department of Economic Development, presented a prepared statement (Attachment II). Mr. Riemann noted KDED's need for accurate and up-to-date population information. He stated that KDED advocates the continuance of some type of yearly population data for the state, whether it is developed by an annual state census or by alternative methods, as long as the resultant data is constant and accurate for the entire state.

William Duitsman, Secretary, State Board of Agriculture, testified that he feels the State Board of Agriculture is not the proper agency to be in charge of the state census. His department acts only as a clerk in checking the population totals submitted by the counties. He distributed copies of the census booklets to Committee members. These booklets are filled out by the county official and then returned to the Board of Agriculture. He stated that the Department of Agriculture has no way of verifying these census figures. Instructions are mailed to each county clerk in December of each year and the census to be completed and returned to the Department of Agriculture by May 15. As of May 15, 1977, only 43 of 105 counties had returned the booklets to his office. As of June 15, 1977, only 88 had been received.

Mr. Duitsman stated that the Department has approximately \$3,000 allotted for the census and it takes more than that to complete the job. The extra funds come from other budgets within the department. He stated that it requires approximately one full-time employee to compile the census report.

H. Edward Flentje, Director, Division of State Planning and Research, presented a prepared statement (Attachment III). Dr. Flentje stated that the annual enumeration as now prescribed in the statutes and conducted is a major obstacle to developing good quality population data. He stated that the poor quality of the enumeration data is well documented; that the state makes no investment in the annual enumeration; and that the annual enumeration is not cost effective and, given the quality of the data, is a wasteful, costly exercise.

Dr. Flentje also questioned the need for an annual enumeration on the basis of three factors: 1) the federal government will begin in 1980 to provide an official U.S. census every five years; 2) Kansas is the only state which conducts an annual census; and 3) given the slow rate of population change in Kansas (.8% in the last five years), the need for an annual count is highly questionable. Dr. Flentje stated that the task of the Committee is to abolish the annual enumeration and to identify a reasonable alternative for generating the necessary population data. He offered the cooperation of the Division of Planning and Research in this task.

Dr. Flentje distributed a list of statutes which are affected by population criteria (Attachment IV).

Marilyn Bradt, Legislative Chairperson, Kansas League of Women Voters, distributed a League publication concerning the annual state census (Attachment V). She summarized the League's position:

1. Abolish the state census.
2. Utilize the federal census for state purposes.
3. Use the federal census for legislative reapportionment.

If the state census is not abolished, the League recommends the following:

1. Standardization and coordination of the state's enumeration process using residency guidelines.
2. Division of Vital Statistics to be put in charge of census.
3. Use social security numbers for identification purposes.
4. Require mandatory training for census takers.
5. Use age and sex on all census forms.
6. Assure confidentiality of all state census information.

Staff briefly reviewed two proposals assigned to the Committee: Proposal No. 27 - Physically Handicapped Standards and Proposal No. 28 - State Real Estate Transactions.

#### Afternoon Session

##### Proposal No. 26 - Insulation Standards

Louis J. Krueger, Director, Division of Architectural Services, presented a prepared statement (Attachment VI). Mr. Krueger noted that the federal government is currently conducting research on combustibility, smoke distribution, and flame spread determinations for insulation materials. Mr. Krueger felt that combustibility and fire safety standards for insulation materials will soon be incorporated in most of the model building codes. He stated that the Legislature should not institute specific building requirements on one subject, but rather should adopt the latest edition of the Uniform Building Code.

Mr. Krueger noted that existing standards deal only with thermal efficiency and heat loss requirements. Federal regulations for mobile homes also speak only to heat loss standards.

Representative Larry Erne stated that the main reason he requested this study is because there are no standards established in Kansas to protect the individual citizen. He stated that since homeowners now get a tax rebate, some "fly-by-night" insulation companies will cheat the public. He suggested bonding or licensing of insulation companies before they are allowed to operate in Kansas.

Fire Chief B. G. Hanna, Coffeyville, stated that the major safety concern is the addition of insulation to existing homes. If there are no standards set up for insulation materials, it will cause some deaths from fires started by bad insulation. He suggested that the class B flammability standards of Underwriters Laboratories (or any approved laboratory) be used as a guideline. He said people will be cheated, receive inferior insulation, and perhaps even lose their lives if inferior insulation is allowed in Kansas. He stated that nursing homes presently must meet class A flammability standards. The new foam being used for insulation is highly flammable unless treated with a flame-retardant chemical.

Mervin Hummel, Building Inspector, Coffeyville, distributed information on different types of insulation (Attachment VII). He stated that firms mix oxygen with insulation and then install it with a gun-type machine. He said the mixture should be 40% oxygen and 60% fiber; however, there is no law at the present time to prohibit the firms from mixing too much oxygen with the fiber. He stated that Montgomery Wards, Pennys, and Sears are already in the process of selling bagged insulation and renting a machine to their customers so they can install their own insulation.

He compared regulations for insulation to those of the meat industry: they may add to the cost of the product; however, they are necessary for the protection of the consumer. State enforcement of regulations would be difficult. He suggested perhaps a state licensing or bonding program for installers of insulation.

Representative Erne summarized the above presentations by saying that there are no controls or limitations and the public must be protected from unscrupulous firms by either a bonding program, state licensure, or some type of control on insulation quality.

State Fire Marshal Floyd Dibbern testified that no one knows how long the fire-retardant chemicals will last in the shredded-paper insulation. He agreed that many foam insulations are fire hazards. He had no specific recommendations, but noted that there are many problems at this time and he expects even more in the future.

Mr. Dibbern noted that the state has no testing facilities for insulation materials and must rely on independent laboratories. Mr. Dibbern expects the federal government to develop standards concerning insulation at some point. The Committee asked Mr. Dibbern to determine whether there was any place in Kansas where random samples could be tested. He also noted that there are no existing standards in Kansas for insulation.

Russell Collins, Chief Deputy, State Fire Marshal's office, said that the office has been very concerned with the installation of some of the foam insulations. He demonstrated the flammability of commercial foam which was not chemically treated. He stated the office is doing no checking of home insulation at the construction site.

Future Committee meetings will be held on July 28 and 29, August 9 and 10, and September 8 and 9.

The meeting was adjourned.

Prepared by J. Russell Mills, Jr.

Approved by Committee on:

7/29/77  
(Date)

Attachment I

TESTIMONY ON PROPOSAL NO. 25 - ANNUAL STATE CENSUS

presented to the

SPECIAL COMMITTEE ON FEDERAL & STATE AFFAIRS

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Prepared by:  
Kansas Department of Health  
and Environment

Atch. I

# DEPARTMENT OF HEALTH AND ENVIRONMENT

DWIGHT F. METZLER, Secretary

Topeka, Kansas 66620



June 16, 1977

## POSITION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING PROPOSAL NO. 25 - ANNUAL CENSUS ENUMERATION

### Department's Need for Population Data:

We use population data for water pollution control, air quality control, maternal and child health programs, certificate of need, health planning (especially determining health manpower and health facilities needs), communicable disease control, measuring fertility and mortality problems and trends, and responding to many requests for age, sex and geographic specific rates.

### Weaknesses of Present System of Annual Enumeration:

The methods are not consistent with those of the U. S. Census and are not consistent among the counties of the State; and, the Board of Agriculture has not been staffed to exercise quality controls or to give professional supervision to any part of the local or state level process. The reliability and usefulness of the data is therefore questionable. Furthermore, some of the studies conducted by state universities in the past decade have shown that it would be very expensive to conduct a well controlled, professionally staffed annual census within the State.

### Preferred Alternative to Present System of Annual Enumerations:

In light of the expenses of an annual enumeration, plus the fact that the federal government will be conducting a census every five years after 1980, there is no need for an annual enumeration during the four intervening years.

Accordingly, rather than having the annual enumeration continued by any state agency, we would prefer using population estimates professionally prepared and consistent with U.S. Census procedures. We would prefer that a single official data base for the State of Kansas be maintained by a designated state agency and that such a population base would include census data, projections and estimates.

We would recommend that an agency such as the Division of Planning and Research be designated for the following reasons:

It is in a position to maintain an unbiased, neutral stance with respect to program interests of the various agencies at the state and local level.

Its staff has had experience in contracting with the Population Laboratory regarding special projections and in working with the U.S. Census Bureau on population estimations.

Also it has staff capabilities to communicate with the state and local agencies and coordinate the handling of population data. And, in making use of the contracting process, it wouldn't necessarily have to develop a large staff of its own.

Summary of Department's Position:

That the annual enumeration of inhabitants of the State be discontinued; that the quinquennial census data hereafter be the official population count for the years conducted by the U.S. Census Bureau; and, that a state agency be designated to establish a population data base and provide the necessary between-census-years estimates and projections by contracting with population laboratories or the U. S. Census Bureau.

SPECIAL COMMITTEE ON FEDERAL  
AND STATE AFFAIRS

Senator John Crofoot, Chairman

Testimony on  
Proposal No. 25  
Annual State Census

Kansas Department of Economic Development  
503 Kansas Avenue, 6th Floor  
Topeka, Kansas 66603  
Edward G. Bruske, Secretary

June 16, 1977



The Kansas Department of Economic Development (KDED) is extremely interested in the matter which is being given consideration before the Committee today. However, at this time the KDED would prefer not to become involved in discussing the cost or counting procedures relating to the annual enumeration. It is felt that the Division of State Planning and Research and others offering testimony before the Committee are better equipped to discuss such matters.

At this point in time, KDED would not be opposed to the idea of moving the responsibility for the annual state census from the Board of Agriculture to another state agency. Neither would KDED be opposed to an alternate program for developing population data. In view of the fact that the U.S. Bureau of the Census will begin taking a national census every five years starting in 1980, it does not seem as important from KDED's point of view to have an annual state census. However, the availability of some type of population data on a yearly basis is extremely useful information for KDED.

The Department of Economic Development by virtue of its many activities has continuous need of accurate and up-to-date population information. On a yearly basis, KDED receives numerous general inquiries from individuals, industrial prospects, and other business establishments requesting up-to-date population information on cities and counties in Kansas. Currently, KDED generally provides copies of the annual state census in answer to those requests.

As a part of KDED's many activities, there is a need for accurate yearly population data for both the cities and counties of the state. These activities include promotional activities relating to industrial prospecting, development of community profiles for communities within all 105 counties, and other special background research projects to aid those industries desiring to locate in Kansas. In addition, KDED utilizes yearly population data as it carries out its responsibilities related to housing planning and to economic development planning.

In summary, KDED would like to advocate the continuance of some type of yearly population data for the state. It is not important to the Department whether that population data is developed by an annual state census or by other methods so long as the end result is constant and accurate for the entire state.

Attachment III

STATEMENT TO SPECIAL COMMITTEE ON FEDERAL AND STATE AFFAIRS  
ON PROPOSAL NO. 25

H. Edward Flentje  
Division of State Planning and Research

June 16, 1977

Mr. Chairman, Members of the Committee, a primary mission of the Division of State Planning and Research is improving the quality of data that is used by state agencies for purposes of planning, policy and program development. The most basic set of data used by state agencies is knowledge of the state's population. Almost every plan, policy or program advocated by state agencies, the Governor, or the Legislature is based on some assessment of the population and its special characteristics. Therefore, improving the quality of population data in Kansas is one of our primary tasks.

Governor Robert F. Bennett has also made a number of assignments to our Division aimed at improving the quality and availability of population data in the state. On December 8, 1975, Governor Bennett designated our Division as the official state agency to work with the U.S. Bureau of the Census in developing annual population estimates for Kansas counties. These population estimates are used to calculate the distribution of federal revenue sharing funds to local governments in Kansas. Based on an analysis of population estimates, the Division has published Kansas Population 1975, a report prepared by Professor Flora on recent population trends in Kansas.

On January 11, 1977, Governor Bennett issued Executive Order No. 77-20 which directed our Division to prepare official population projections for the State of Kansas and its major political subdivisions. The Governor's action was based primarily on a survey of state agencies which showed that nine separate sets of population projections varying by as much as 40% at the state level were in use by state agencies. To carry out this directive our Division requested budgetary authority for FY 1978 to hire a full-time demographer. This request was supported in the Governor's budget and approved by the 1977 Kansas Legislature. We are currently in the process of recruiting and hiring an individual to fill this position.

What does the annual enumeration of inhabitants have to do with the activities of our Division in the area of population analysis? In my judgment the annual enumeration as now prescribed in statute and conducted is a major obstacle to developing good quality population data in this state. Let me explain my conclusion in this way:

First, the poor quality of enumeration data is well documented. The enumeration is conducted literally 105 different ways. Some counties use voter registration; some counties use tax rolls; some counties go door to door; some counties send out questionnaires; some counties use various combinations of these approaches. Definitions are not uniformly applied. Some counties significantly overcount; other counties significantly undercount. The result is inconsistent, noncomparable, and, for many purposes, useless data.

Atch. III

Second, the state makes no investment in the annual enumeration. To put it bluntly, the state has foisted this exercise upon local officials. Local officials conduct this exercise under great stress with limited time and resources, little guidance or assistance from the state, and clear economic incentives to portray a less than accurate population count. As a result, enumeration figures have become inflated to a point where the enumeration finds 60,000 more people in Kansas than are found by the U.S. Census. Again bluntly, the state has mandated an annual game on local officials, and the outcome of this game helps determine how local governments share in the state's taxes.

Third, the annual enumeration is not cost effective. The cost of the enumeration has been estimated as high as \$4 million each year. While this estimate may be high, average census costs would indicate the annual cost of the enumeration to be about \$1.1 million. Based on this estimate, the annual enumeration costs \$11 million over a ten-year period. These costs are all borne by local governments. Even if the data generated by the enumeration were high quality and valuable, their cost effectiveness would be in question. Given the actual quality of enumeration data, the enumeration is a wasteful, costly exercise.

Three additional factors raise further question as to the need for an annual enumeration. First, the federal government has just adopted a mid-decade census which will provide an official U.S. census every five years. Second, Kansas is the only state in the union which conducts an annual census. Lastly, given the slow rate of population change in Kansas (.8% in the last five years), the need for an annual count is highly questionable.

In my judgment, the state has two basic alternatives in dealing with the problem of the annual enumeration. First, the state can upgrade the census procedures and commit the funds necessary to provide good quality population data. Or second, the state can abolish the enumeration and select other means for generating needed population data.

In conclusion, Mr. Chairman, I do not think that the "upgrade" alternative can be a cost effective solution. I think the task before this committee on Proposal No. 25 is to abolish the enumeration and to identify a reasonable alternative for generating necessary population data. I recommend your pursuing this course of action. If you desire, our Division will work with your committee and your staff to identify an alternative to the enumeration.

HEF:cms  
6-15-77

## STATUTES WHOSE APPLICATION ARE LIMITED BY POPULATION CRITERIA

Tax Distribution

- K.S.A. 12-177 ----- County-wide retailer's sales tax  
 K.S.A. 79-2959, *et. seq.* --- Ad valorem tax reduction fund  
 K.S.A. 79-3327a. ----- Cigarette tax  
 K.S.A. 79-3425, *et. seq.* --- Motor fuel tax  
 K.S.A. 79-4108 ----- Retail liquor sales enforcement tax

Taxation and Regulation

- Tax levies for salaries.  
 Licensing and fees for sale of alcoholic liquor.  
 Tax levies for county health funds.  
 Regulation of hospitals.  
 Regulations for cosmetology schools.  
 Revenue bonds authorized for certain institutions.  
 Issuing and refunding of bonds.  
 Limitation of bonded indebtedness.  
 Tax levy for aid to public or private hospitals.  
 Tax levy for maintenance of city hospitals.  
 Issuance of bonds for addition to hospitals and acquisition of real estate for building and equipment for training of nurses.  
 Levying taxes for municipal airports.  
 Issuance of no fund warrants for purpose of providing revenue for water departments.  
 Issuance of bonds for cemetery improvements.  
 Issuance of bonds or no fund warrants to provide storage and training facilities for national guard units.  
 Levying taxes for extension programs.  
 Levying of taxes to pay for fire protection.  
 Collection and disbursement of revenue and the divisions of departments.  
 Tax levy for welfare and charity fund.  
 Levy of taxes for library fund.

- Levy of taxes for maintenance and operation of flood control works.
- Levy of taxes for light and water funds.
- Levy taxes for maintenance and improvements of city owned cemeteries.
- Procedure for licensing dentists.
- Powers of athletic commission, abstracters' board of examiners.
- Employment agencies, license requirements.
- City clerk and chief of fire department, employees of recreation commission exempt from examination.
- Members of police department subject to examination.
- County seat cities protest being sufficient to block any improvement on streets by special tax levy.
- Division of cities into tax districts for public improvements, sewerage, and drainage.
- Budgets and tax levies on free public library.
- Certification of examination of a plumber; certain cities to establish a board of examiners.
- Decisions as to where proceeds of tax levies, service charges, etc. are to be placed.
- Criteria for enabling cities to levy taxes for bureau of safety and traffic control.
- Issuing additional tax levies for maintenance and operation of the fire department.
- Levying taxes to provide for deficiency of firemen's relief fund.
- Tax levies for repairing and maintaining streets.
- Consolidation of tax levy for police and fire protection.
- Levying of taxes, bonds for benevolent associations in certain cities.
- Requirements for common capital stock of new companies.
- ~~Restriction of issuance of general bonds under the urban renewal law.~~
- Levying of taxes to pay for judgments against counties.
- Tax levies for civil defence.
- Registration of attorney in certain counties; amount of registration fee.
- Price of fees to be taxed on civil and criminal cases.
- Licensing of physicians and surgeons.
- Permits for taking and shipping rabbits and hares.
- Authorization for township trustees to eradicate prairie dogs in certain counties.

## Planning and Zoning

Establishment of first and second class cities.  
Industrial districts and economic development programs.  
Petitions for laying out and opening roads and bridges.  
Setting up railroads and electric lines.  
Designation of bank facilities.  
Disposition of real property by townships.  
Organization of townships and miscellaneous provisions.  
Establishment of a city market house.  
Public utilities zoning.  
Parks, parkways, boulevards, playgrounds.  
Building code ordinance.  
Authorization of Board of Commissioners to disposition of parks and playgrounds adjoining railroad.  
Change in classification of city from third to second class.  
Erecting of shrines.  
Annexation of unplatted land or tract of land.  
Change from second to third class city.  
Disposition of airport.  
Acquiring lands to be used for national defense.  
Attachment of certain unattached territories to districts.  
Establishment of banks.  
Naming of city resulting from consolidation.  
Comprehensive plan for development of city and surrounding territory.  
Public facility zoning and planning--dependent on concentration of population.  
Establishment of regional library.  
Regulations on crossings of railways and streets.  
Establishment of recreation systems.  
Definition of the term municipality.  
Change of classification of a city.  
Validation of certain extensions of boundaries.  
Leasing of certain land to non-profit organizations.  
Incorporation of territories into cities--density and projection determined.  
Location of law library and setting number of trustees.  
Recreational grounds and lakes.  
Sewer districts.

Public Maintenance and Improvement

Improvement of parks, museums, lakes and recreational grounds--density factor also considered.

Cemeteries maintained.

Water supply and distribution--projection of population growth considered.

Drainage and levees.

Purchase of land for test wells.

Public utility rates.

State park and resources authority.

City auditoriums.

Maintenance of free public libraries.

City control of sewage systems.

Refuse collection and disposal.

Improvements of streets in cities.

Highway, street, bridge and viaduct improvements.

Maintenance of municipally owned cemeteries.

Measurement of all water furnished consumers by meters in cities owned and operated water works.

Maintenance of parkway and boulevard systems.

Improvements of bridges.

System of lighting for business district of city.

Improvement and replacement of sidewalks.

Aid to county fairs.

Alteration, repair, construction or reconstruction of sewers.

Rates of sewage service charges by cities and township districts.

Financing improvement of connecting highways.

Improvement and financing of streets or alleys.

Quotas of water supply--determined by changes in population.

General cemetery fund.

Renting of city buildings to any federal, state, or county agency.

Construction of a municipal water supply and recreational area and facilities.

Entering contract to maintain fire department.

Establishment and maintenance of telegraph stations.

Building dams across water course for supplying water.

County buildings, courthouse, jail, county garage.

Repairs and improvements to county buildings.

Establishment of a museum and cultural center.

Election of Public Officials and Provisions for Courts

Ward and precinct boundaries established.  
Election commissioner office created.  
District courts, salaries and fees.  
City courts.  
Board of paroles.  
Magistrate courts.  
Registration of voters.  
Fees and salaries, county engineers.  
Compensation for county superintendents.  
Compensation for county, city court, court of common pleas officers.  
Mileage allowable for county commissioners.  
County attorney salary.  
County clerk and treasurer salary.  
Clerk of district court and register of deeds.  
Annual sheriff salary.  
County auditor salary.  
County assessor salary.  
Selection, summoning and provision for petit and grand jurors.  
Provision for probate court.  
Establishment of a court paper.  
Establishment of boundaries of voting precincts.  
Appointment of city purchasing agent.  
Time of city elections.  
Term of mayor and commissioners.  
Election of commissioners, term, quorum, and how vacancies are filled.  
Salaries of mayors, commissioners.  
Qualifications of auditor.  
Establishment of senatorial district.  
Structure of commission government.  
Structure of city-manager plan.  
Size of district in the mayor-council-city manager plan.  
Designation of municipal courts and judges.  
Qualifications for authorizing government bodies to pass ordinances defining merchant police and their salaries.  
Appointment of civil service commissioners.



- Promotions of subordinates of the chief of the fire department.
- Governing body authority to retire certain officers and employees.
- Division of commissioner districts.
- Monthly meetings of board of county commissioners.
- Organization of townships.
- Appointment of county counselor.
- Duties of counselor and county attorney.
- Election of county assessors, when county clerk can act as an assessor, and abolishment of office of county assessor.
- Appointment of county auditor.
- Duties of county attorney.
- Appointment of special deputies and county matron.
- Provisions for county coroner.
- Election of county surveyor.
- Duties of county engineer.

Establishment of Public Health, Welfare and Education Facilities

- Flood control.
- Fire protection districts.
- Fire district operation of ambulance service.
- Provision for children's homes, detention and parental homes or farms.
- Appointment of probation officers.
- Sale of county farm.
- Emergency assistance to indigent persons.
- Provisions for county homes.
- Firemen's relief fund.
- Defense and public safety.
- Establishment of mental health clinic.
- Inventory and survey of school facilities, tax levies, teacher tenure and retirement, organization of districts--distribution of population data considered.
- Establishment of vocational education--based on concentration of population, school enrollment by grade, number of high school graduates in area, probability of growth in enrollment.
- Unified School Districts set up--knowledge of population increases considered.
- Organization of new community junior college--analysis of the present concentration of population and population trends and projections within the area.

Unification of rural high schools.  
Closing of schools and the changing of uses of schools.  
Provision for hospitals.  
Flood gates and equipment.  
Storm drainage systems.  
Municipal universities.  
Purchase of real estate for schools and hospitals.  
Funds for pension for certain employees in cities.  
Establishment of retirement system for employees of city and not covered by another provision.  
Establishment of recreation commission.  
Acceptance of gift for construction of hospital.  
Authorization of cities to enter into an agreement with hospital districts to pay certain operational costs of hospitals.  
Extension of territorial limits for hospital purposes.  
Historical collections.  
Garbage and trash collection system in certain cities.  
Creation of an art museum board.  
Aid in enforcing laws, call for militia.  
Auditing of charitable or benevolent associations.  
Contracts for group insurance for officers and employees.  
County hospitals and county homes.  
Control of pests.

Attachment II

# THE KANSAS ANNUAL CENSUS

## A LOOK AT POLICIES AND PROCEDURES

A population census provides an instantaneous picture of a community. A series of census reports is much like a motion picture unfolding the entire history of an area. Any enumeration is a complex process that requires careful attention to many details and a standardization of operations to provide a common framework for analysis. According to the United Nations definition, a census is "the total process of collecting, compiling and publishing demographic, economic and social data pertaining, at a specific time, to all persons in a country or delimited territory." U.S. demographer, William Peterson, in his text entitled *Population* lists several conditions necessary for accurate census information.

1. All categories to be measured must be precisely defined.
2. Each instance of the phenomena being measured must be counted once and only once.
3. Respondents must be induced to answer truthfully the questions put to them.
4. Answers must be classified in the appropriate categories and sub-categories.
5. Errors must not be introduced in the compiling, processing and publication of the data.

Peterson continues: "As even this list suggests, perfect accuracy is not attainable. Indeed, it is not even sought. The aim in modern demographic statistics is to reduce error to a small proportion of known human range rather than try to eliminate it altogether."<sup>2</sup>

### U.S. Census History

Census-taking has long been a regular part of human history, with the first recorded census occurring more than 5,000 years ago in Babylon. Governments initiated censuses primarily to inventory people and wealth under their jurisdiction for tax purposes and the fixing of military obligations. However, after the successful revolution of the American states, the newly formed government discovered another use for population data—the determination of electoral representation. Article I, Section 2 of the U.S. Constitution provided that congressional representation would be apportioned among the states and mandated that an enumeration take place once every 10 years. The first federal census, conducted by U.S. marshals, was no more than a listing of males 16 and over. By 1800 the tabulation had expanded to include free white males and females grouped into five age categories. The Secretary of State was responsible for census data then, but by 1880 the Office of the Superintendent of the Census was created within the Department of the Interior.

The censuses in 1880 and 1890 were perhaps the most ambitious in U.S. history. A segment of the total population had to answer approximately 470 questions including the origin of each homeless child, whether each pauper listed was "habitually intemperate", and whether any tramps or idiots existed in the family. Congressmen themselves originally designed the census format and questions—which by today's standards would be considered an invasion of privacy.<sup>3</sup> By 1902 Congress recognized the need for continuity in census work and organized a permanent Census Bureau assigned to the Department of Commerce and Labor. When the Department split in 1913, the Bureau remained within the Department of Commerce. Currently, the Census Bureau is located within the Social and Economic Statistics Administration in the Department of Commerce.

The eighteenth and nineteenth centuries saw the gradual extension of suffrage to all segments of the U.S. population. Census regulations reflected these changes. Though it appears that Caucasian women and children were enumerated for purposes of representation, blacks were not counted as whole persons until the passage of the 14th Amendment. By 1940 the Indian population, previously excluded, was added to the enumeration list.

### The 1970 Federal Census

The 1970 U.S. census is considered by most demographers to be one of the world's most sophisticated enumerations. It was conducted according

to the 1954 Census Act, presidential proclamation and executive order. Population data gathered included questions on age, sex, ethnic background, marital status, size of families, education, employment, migration, and participation in elections. Enumerating the 1970 U.S. population of 204,053,025 required a staff of about 224,900 federal employees at an average cost of approximately \$1.07 per person. The Census Bureau's office in Kansas City, Missouri reports that the cost of enumerating Kansans was slightly higher because of the added expense incurred when counting any rural population.

The 1970 federal census counted people where they were living as of 12:01 a.m. on April 1, 1970 (the census moment). The count included both American citizens and aliens. People were counted on the basis of usual place of residence even if they were temporarily absent due to business, vacation or short-term hospitalization. This usual residence is generally identical to a person's legal residence although this is not the case with all segments of the population.

The Census Bureau reports that the 1970 census was conducted primarily through self-enumeration. A census questionnaire was delivered by mail to every household several days before Census Day. Approximately 87% of the householders returned their forms by mail. If returned forms were judged incomplete or inconsistent, a followup was made. For householders not returning their forms, a followup was made either by a personal visit or by telephone. Three types of questionnaires were utilized throughout the country: 80% of householders answered a short form containing a limited number of questions while the remainder of the population was divided into 15% and 5% samples and required to answer a much longer questionnaire. The 1970 census questionnaires were specially designed to be processed by FOSDIC, a computer input system. Respondents marked the answers in predesignated positions which could then be understood by FOSDIC. Computers were also used to edit and tabulate the information gathered.<sup>4</sup>

In keeping with United Nations guidelines for population enumerations, the Census Bureau had also analyzed its data to determine the strengths and weaknesses of its procedures. The error factor in the 1970 census was estimated at 2.5% of the total U.S. resident population meaning that between 4.8 and 5.8 million persons were not counted.

Who are the people most likely to be missed in the federal count? Highly mobile persons in all parts of the country are frequently missed. Estimates of net civilian migration are uncertain and can create a fairly large error. Approximately two-thirds of the people missed in the 1970 census were males and about two-thirds were white. According to Census Bureau adjusted estimates, the net omission rate for males in 1970 (3.3%) was nearly twice that for females (1.8%). The net omission rate for blacks (7.7%) was about four times that of the white population. Net undercount rates for black males were about 12% from ages 20 to 24 and reached 17% to 19% in the 24 to 44 year group. Of all ages and racial groups, undercoverage was least for white females (1.4%).

Attempts to explain this underenumeration range from suspicion that census information would be utilized against an individual to pure apathy. The Census Bureau's report on the 1970 coverage lists the following obstacles to the last U.S. enumeration: "increased resistance on the part of the population being interviewed, more 'alienation' and 'distrust' of government and authority in general, more organized attempts to protest the census, a decline in the labor market that had traditionally been the source of the supply of enumerators, fear of being in the streets in many sections of the large cities, and increases in the proportion of the population in categories that have traditionally had above average omission rates."<sup>5</sup>

Still, federal census law requires that all census questions be answered under pain of \$100 fine and/or imprisonment of up to 60 days. Any individual who willfully gives misinformation in the federal count is subject to a fine of \$500 and/or a prison sentence of 1 year. This law has been utilized very infrequently and Congress has sought to eliminate any prison sentence. In 1960, two people were fined for refusal to cooperate in the census effort and the verdicts were upheld by the U.S. Supreme Court.

Atch. V

## Confidentiality of Federal Census Records

Regarding confidentiality of records, the U.S. Census Bureau's performance has been impeccable. All current census data is kept in the strictest confidence; no personal information is ever released either to private individuals or to governmental agencies. The Bureau has constantly faced pressure to divulge personal files, the most recent attempt occurring during President Nixon's term when administration officials demanded access to certain files. The Census Bureau staunchly resisted such efforts. Only one very minor exception to the policy of privacy of records has recently been permitted. Individuals engaged in genuine geneological research who have obtained proper authorization may search through Census Bureau files from 1900 back into the past to check family history and relations.

## The History of the Kansas Census

The first census in Kansas was initiated in 1855 when the area was still considered a territory. At that time, the Kansas Department of Agriculture was the primary data collector and the task of enumerating people, along with the horses and cattle, naturally accrued to it. The early censuses were taken primarily to determine the origins of Kansas settlers in the hope that further migration to the territory might be promoted. The publication of 1875 shows that the majority of immigrants were coming to Kansas from Missouri, followed by Illinois and Iowa. Occupations included saloon keepers, livery stable keepers, steambotmen, wagon makers, bootmakers, coopers and miners. When statehood was attained, the Kansas Constitution, Article II, Section 26 provided the legal basis for census-taking and the Department of Agriculture was given responsibility over the process. Today Kansas is the only state to conduct an annual state census.

## Kansas Census Procedures

The Statistical Division of the Department of Agriculture, along with K.S.A. 11-101 et seq., structures Kansas census-taking. It is basically a decentralized process. The law instructs the county assessor, or county clerk acting as assessor, to enumerate persons residing within the county boundaries as of January 1 of each year. The Department of Agriculture has determined that the scope of the census will be focused only on name, address and age of local inhabitants. The county assessor hires and trains local enumerators as well as overseeing the process in his area. Further, the county assessor by law must maintain a continuous register of county residents, recording their names in alphabetical order according to townships or city wards and precincts. Population reports (schedules) are also sent to the Department of Agriculture where they are checks for internal consistency, grouped into aggregate data and readied for publication. The Department is mandated to publish census results: it does so in the fall of each year in the Annual Report of the State Board of Agriculture. The published data is a list of the number of people residing in each Kansas county and city. No attempt is made at the state level to group data into age or sex categories, although the counties are free to compile such aggregate data on the local level if they so desire. County assessors may further determine if additional data items will be included in the county census. In practice, the more populous urban areas of the state do request more population information in their enumeration. The Department's population information is delivered to the State Historical Society and is maintained by them.

## The Uses of the Kansas Census

The Kansas census is utilized in various ways by the state government. In the past, legislative reapportionment has been based on the population figures of the Kansas census. Though discrepancies exist between federal and state census counts, no Kansas court cases have questioned the validity of utilizing the Kansas count for reapportionment. Traditionally, the federal enumeration of areas like Riley, Leavenworth, Douglas and Geary Counties—containing large military and/or student populations—shows a much larger population than is reflected in the Kansas census. Only those individuals judged to be actual county residents are enumerated in the Kansas census. While not denied the right to become county residents, military personnel are presumed to have the same residence as when joining the military. They do not pay state income taxes and hence are not included in reapportionment plans. A clear majority of other states likewise exclude federal enclaves from reapportionment considerations. When utilizing federal census data, these states will "shave" their federal population from state totals prior to reapportioning. In Kansas, legislative reapportionment will again occur in 1979, just one

year before the federal census is taken. The Kansas Attorney General has rendered the opinion that since equality of representation is a goal of reapportionment, the most recent population figures available are logically the ones on which to base such calculations. Though state law does not mandate usage of the state census data for reapportionment, past practices are likely to prevail. Local redistricting, such as the establishment of local county commission districts, is also determined by Kansas census data.

The state of Kansas also uses annual census data as a basis for distributing some state taxes to local governments. According to Marcene Grimes' article entitled "The Significance of the Kansas Annual Census", fifty percent of the cigarette tax collected is distributed to the counties on the basis of the Kansas population count; within the county half of these funds are distributed to cities on the basis of annual census figures. Ninety-seven percent of the liquor enforcement tax is returned to the counties; half on the basis of Kansas population figures. Money collected from the fifth cent of the gasoline tax is distributed directly to the cities on the basis of Kansas population figures alone. A share of the money returned to the county from the local ad valorem tax reduction fund is also apportioned to the counties on the basis of the population as recorded in the Kansas census.

Lastly, the Kansas census figures are utilized as a basis for county salaries. Counties with larger populations are authorized to pay larger salaries for their officials presumably because their duties are more extensive. Approximately 40 increments in the salaries of county commissioners currently exist; these increments are based on Kansas census reports. Other county salaries contingent upon the state census figures are those of the county attorney, clerk, treasurer, register of deeds, sheriff, auditor and county assessor.

## Changes in Kansas Census Procedures

The Kansas statutes relating to the annual census have undergone a number of changes. The most recent occurred in 1971 when Section 11-101a was repealed by the state legislature. This section provided that the state census "shall be made in the same manner and all inhabitants enumerated as they are in the Federal Census." This regulation, from all appearances, had never been followed by the majority of county assessors. Other major changes in the census statutes include: the repeal of Section 11-106 requiring the county assessor to take the state census by a personal visit to each dwelling; the repeal of Section 11-107 requiring each county assessor to actually begin the state enumeration on January 1 (January 1 is still the state's census date; however, few counties would conduct the enumeration on that holiday); the repeal of Section 11-108 requiring that county assessors report to the Department of Agriculture on or before June 1; and the repeal of Section 11-109 providing that the enumeration take place simultaneously with county assessments.

Interestingly, there has been one exception to the annual nature of the Kansas census. In 1970 no state census was taken. Instead, federal census data was substituted in the state's annual census report. This procedure of omitting the annual census in federal decennial census years was originally intended to become state policy, however, this practice has since been abandoned. The state legislature had second thoughts about utilizing federal census data for state purposes. Rather than use federal data for returning tax monies to local governments (and hence federal criteria), the Kansas legislature mandated that 1969 state census figures be substituted for 1970 federal figures as a basis for returning 1970 revenues to the local governments.

## The Residency Debate in Perspective

This action underscores the major differences between the Kansas and the federal censuses. The problem is mainly one of determining state residency. The federal policy has been to enumerate people where they live and sleep most of the time. Kansas policy is more complicated in that it requires some determination of legal residency before a person is counted in a particular county. The Kansas Department of Agriculture, however, has not provided county assessors with a clear, noncontradictory definition of legal residency. In practice, many definitions of legal residency exist. Some counties utilize the federal definition while others require evidence of intent to be a resident, such as registering to vote or the purchase of an automobile license, before enumerating a person as a county resident. The instructions pertaining to the counting of Kansas inhabitants, provided by the state Department of Agriculture, require county assessors to "list all persons who have established a permanent residence in the county, including those who are temporarily absent therefrom." State guidelines for enumerating certain segment of the population differ widely from the federal as the following chart will demonstrate.

# COMPARISON OF KANSAS AND FEDERAL CENSUS-TAKING GUIDELINES

Population Segment	Kansas Guidelines	Federal Guidelines	Discrepancies
Minors	"List all children under 18 at the residence of the father. If father is dead, at the residency of the mother."	List children under the legal age at the place where they normally live and sleep.	According to Ks. guidelines, children are always counted at the father's residence, even though their parents may be divorced or separated with the children living with their mother.
Persons over 18	"...may establish a residency separate from their parents if they so intend. The place where such a person registers to vote may be accepted as an expression of intent..."	Lists persons over 18 where they normally live and sleep most of the time.	Kansas does not deny the right of students over 18 to establish their own residency. State guidelines assume that students will have the same residency as their parents & place the burden of establishing a different residency on the student.
Military personnel	"...are presumed to have the same residence they had at the time of induction. They may abandon this residence & establish another."	They are counted in the community where they are stationed, whether living on or off post.	Kansas guidelines consider military personnel member of a federal enclave, constituting a "federal population" rather than residents of Kansas.
Persons in institutions	"List adult persons living in state hospitals as residents of the township or city where they resided before going to the institution."	Inmates of institutions for mentally ill, orphans, longterm hospital patients are counted as members of the community where the institution is located.	Kansas guidelines show an inherent bias in favor of the individual's former county of residency.
Rest & nursing home residents	"List those persons living in a rest or nursing home, who have a spouse, at the residency of the spouse."	Residents of nursing homes and rest homes are counted as residents of the community containing the home.	The presumption in Kansas guidelines is that such persons are only temporarily away from "home".

Discrepancies such as those listed above make the process of enumeration more difficult for the county assessors who must evaluate county residency within a framework of many extenuating circumstances. Currently, for student, military and institutionalized segments of the population, residency in Kansas is biased in favor of the county where residency was previously established.

Kansas presumably does not choose to fund areas containing large military, student or institutional populations in the same manner as counties that have no such population. Furthermore, the state does not choose to reapportion its legislature or local governmental districts by acknowledging these "transient" populations. States are within their constitutional rights when they act to excuse the military from state residency. In two opinions of the U.S. Supreme Court in 1965 and 1970, the Court stressed that states may not bar the military from obtaining state residency. "The Court ruled that while a state may impose reasonable residency requirements for voting, it may not deny the ballot to a bona fide resident merely because he is a member of the armed forces without at the same time violating the Equal Protection of the Laws Clause of the 14th Amendment."<sup>8</sup> Further, the military have a right to an equal opportunity for political representation and may not be "fenced out" because state and local authorities fear how such residents may vote. In a like manner, inhabitants may not be barred from voter registration because they are personnel at federal reservations and, by implication, from inclusion in the state for census purposes. States are not required by law to automatically include such populations as residents; however, they must not place barriers to such persons becoming state residents if they so desire.<sup>9</sup>

## Problems and Limitations of the Kansas Census

Lack of standard enumeration procedures governing the census-taking process is the major complaint against the Kansas census. Most decisions regarding residency and all other areas of the process are made by the 105 county assessors acting independently. Even the basic decision on method of enumeration is left to the county assessors. The following chart, based on material from Joseph Disanto's 1970 study of the Kansas census, indicates the variety in methods of enumerating county populations. Note that the categories are constructed on the basis of the primary procedure utilized in each county. One or more additional procedures may also be employed (i.e. in Ellis County, cities are enumerated in a house-to-house canvass, while the census in rural areas is taken from assessment registers).

## ENUMERATION PROCEDURES - KANSAS CENSUS

Procedures	No. of Counties	Location of Counties
Primarily a house-to-house canvass	43	Counties containing large and medium sized urban areas, Shawnee County the only exception.
Primarily automobile registration	22	Counties with medium to low population concentrations.
A Combination of 1 & 2	6	Counties with medium to low population concentrations
Other methods	30	Primarily located in southern and western Kansas.
Not ascertainable	4	Primarily rural counties. <sup>10</sup>

County assessors determine local enumeration procedures as well as hire and train census personnel. A brief survey of selected Kansas counties conducted by the League of Women Voters of Kansas (October, 1975) revealed that training sessions for local enumerators consisted of one meeting.<sup>11</sup> Enumerators receive printed instructions from the Department of Agriculture to guide them in the process and some areas, such as Sedgwick County, provide supplemental materials. When the enumeration is completed, census schedules are checked locally for serial consistency but other, more sophisticated methods for error control are generally not employed.

The scope of the census focuses on name, address and age of residents. Name can change over time. Further, an individual reporting a full, legal name one year may choose to give his nickname the next. The spelling of residents' names is recorded by hand and is frequently subject to misinterpretation. When determining an individual's age, demographers suggest that birth date be obtained rather than a specific age. Surveys have reported that people tend to round-off their age or even give false information when required to state a specific age. Most of the urbanized counties ask for birth date as an identifier. Of the three identifiers, address is the most concrete and consistently accurate.

State census data is not separated into age and/or sex groupings as is federal data. The Kansas census provides a head count of residents, but does not describe the population any further. Thus planners who are in need of more specific information cannot utilize state census figures. In more populous counties, assessors will expand the census to facilitate

local planning. However, seeking additional information tends to be more for the county.

## Views Favoring the State Census

Proponents of the state census argue that the state needs up-to-date information and the annual census fills this need. Federal census data becomes old (and hence inaccurate) after a few years but the Kansas data is always current. Because only 3 data items are included, cost can be kept to a minimum. These 3 items are basically all the state needs for purposes of reapportionment, local redistricting and the return of revenues to local governments—the primary uses of the Kansas census. The costs of the state census, though difficult to estimate accurately, are presumably much lower than federal census costs. While the estimated cost of the 1970 federal census in Kansas was slightly higher than \$1.07 per person, the state census costs were estimated at less than 30¢ per person in 1969. Any state agency requiring more specific population data for planning purposes has access to U.S. Census Bureau figures and yearly estimates of population.

## Alternatives to the Present System

Reformists have proposed various plans for dealing with the state's need of current population information. Some suggest major changes in the administration of the census to encourage a higher degree of standardization. Such measures would generally strengthen the state's control over the census process and increase accountability. For reasons of cost, some reformists would like to see the annual census changed to a decennial or mid-decade count. Other reformists, like Disanto, would seek to combine the present data collecting agencies into just one informational bureau. He argues that the Statistical Division can be merged with the Bureau of Vital Statistics so all population data can be located in one agency. Others hope to form a totally new governmental informational agency encompassing all matters relating to demography. Inherent in both these changes is an increase in the cost of managing the Kansas census. More personnel and presumably more computer hardware will be needed to increase the efficiency and accuracy of the state census effort. While census expenses are now dispersed among 105 counties, a new demographic agency would require state funding.

Still other reformists would eliminate the Kansas census altogether. They believe the federal efforts are superior and cannot be duplicated without considerable expense. They note that Congressional legislation to establish a mid-decade federal census along with the decennial count has been in preparation since 1955. This census legislation, forthcoming in 1972, was shelved during the Watergate crisis. The need for current population data in the newly instituted federal revenue sharing program adds impetus to the establishment of a mid-decade census. Census Bureau administrators fully expect this legislation to be operative by 1985.

The federal government is currently reinforcing the use of federal census data. In a recent circular distributed by the President's Office of Management and Budget, administrators state that only U.S. Census Bureau reports on population may be utilized in the distribution of federal funds. The purpose of the circular was to promote the use of standard data in all federal programs. Any unit of government seeking to utilize another population source must include in its report to OMB "an identification of program(s) affected, . . . justification for use of alternate data, and a report on consultations with the Bureau of the Census in respect to data sources."<sup>12</sup>

Currently, the Census Bureau provides yearly reports of demographic data in its U.S. Estimates Program. The reports include estimates of city and county population for every area in the United States. They are provided free of charge to the state planning agency and are then made available to other agencies or planners upon request. Many states rely solely on these estimates for annual population data.

In conclusion, it bears repeating that Kansas is the only state in the U.S. to conduct an annual state census. Although Hawaii, Massachusetts and Rhode Island conduct a state census for purposes of legislative reapportionment, their censuses are decennial in nature. Other states demonstrate an overwhelming reliance on federal census data for local and state uses. With the possible introduction of a federal mid-decade census in addition to the decennial count, the tendency of federal agencies to use only U.S. Census Bureau reports on population in the distribution of federal funds and the differences in population figures for counties when comparing the Kansas and federal censuses, a close look at the purpose and procedures of the Kansas census in light of present needs would seem appropriate.

6 Marcene Grimes, "The Significance of the Kansas Annual Census" Your Government, Bulletin of the Governmental Research Center, Lawrence, Kansas.

7. Kansas Department of Agriculture, "Instructions to Enumerators", 1975.

8. Massachusetts Legislative Research Council Report, Changing the Size of the House of Representatives and the Census Basis of Legislative Redistricting, May, 1973, p. 339.

9. Ibid.

10. Joseph E. Disanto, Some Considerations for a Population Information System in Kansas, KOED Planning Report No. 29a, January, 1970, p. 14.

11. League of Women Voters of Kansas, Survey of Census Procedures in Selected Kansas Counties, October, 1975

12. "Standard Data Source of Total Population Used in Distributing Federal Benefits", Exhibit I, Circular No. a-46, Revised.

## The Cost of the Kansas Census

The Kansas annual census is financed in total by each of the 105 counties. Each county appropriates the census expenses from its own local operating budget. The expenses incurred by the Statistical Division are paid from the Department's general operating fund rather than being listed as a line item or program. According to 1970 figures, approximately \$3,000 was budgeted for printing of the instructions and schedules sent to the counties.

To complicate matters on the local level, many counties will not or cannot compute the cost of their enumeration. In the League of Women Voters of Kansas' survey, over half of the returned questionnaires did not contain information on cost. Assessors reported an inability to estimate costs either because they were closely tied with assessment cost or because local personnel were transferred from their regular jobs to work on the census. Sedgwick County estimated their census expenses at \$115,000 in 1974, compared with \$50,000 for Wyandotte County and \$20,000 for Shawnee County. Less populated counties generally reported expenses of about \$5,000. Joseph E. Disanto's thorough study of the state census in 1970 reported that at least \$400,000 per year was spent on the state enumeration. Critics of the census are disturbed by the state's inability to compute costs. They cite United Nations recommendations suggesting that no part of the census work is too small to be clearly recognized as a component of the total cost.

## Confidentiality of Kansas Census Records

Critics of the current state census cite the lack of the state policy of confidentiality of records as another weakness of the Kansas enumeration. K.S.A. 45-201 states that "all official public records of the state and counties . . . which records by law are required to be kept and maintained. . . shall at all times be open for personal inspection by any citizen, and those in charge of such records shall not refuse this privilege to any citizen." Likewise, K.S.A. 19-2601 also provides that "every county officer shall keep his office at the seat of justice of his county. . . and all books and papers required to be in their offices shall be open for the examination of any person. . ." The Kansas Supreme Court, in Bayland vs. Warren, 39 Kan. 301, considered this provision and concluded that all books and papers without any exception must be open for examination by any person without any exception. Further, any person may copy and/or extract memoranda from all county records. Later court rulings established that computer tapes, used to maintain records, must also be subject to public examination and copying.

It should be re-stated here that the scope of the Kansas census includes only 3 identifiers; name, address and age. Access to such information is not likely to arouse the emotions of the public as would access to information about housing or social and economic status. It can be argued by defenders of the system that information such as name, address and age constitute public knowledge and access to this information would not violate an individual's constitutional right to privacy. But what happens to the right to privacy in counties requiring additional information in their local enumeration? The Sedgwick County assessor, in cooperation with other governmental agencies, has expanded the number of items included in the county census. Data such as number of persons in the household, number of automobiles, income, number of bathrooms and similar categories were added. Concerned about the confidentiality of such information, the Sedgwick assessor requested an opinion from the Attorney General with regard to the public's right to unlimited access to census data. In opinion No. 74-281 dated August 16, 1974, Vern Miller advised that only data items required by the census statutes are subject to mandatory disclosure under K.S.A. 45-201. Other data items are presumed to be beyond the scope of disclosure statutes and may be kept private by the county. The other major data collector in Kansas, The Bureau of Vital Statistics, located within the Department of Health and Environment, allows access to its records and files only upon certification of the applicant. Generally, access to vital statistics files is open for research purposes only. A few exceptions, specifically listed in K.S.A. 65-2422, are also permitted.

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4 U.S. Department of Commerce, Bureau of the Census, "1970 Census of Population - Number of Inhabitants - US Summary", Publication PC (1) - 1 (Washington D.C. U.S. Government Printing Office, 1971), p. iii-iv

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### Order from

League of Women Voters of Kansas 3127 Huntoon, Topeka, Kansas 66604

30¢ per copy

January, 1976



Attachment VI

DIVISION OF ARCHITECTURAL SERVICES

Telephone 296-3811

State Office Building, 12th Floor

Topeka, Kansas 66612

June 15, 1977

Re: Proposal No. 26

Honorable John Crofoot  
Chairman, Special Committee on  
Federal and State Affairs  
Room 252 E - State House  
Topeka, Kansas 66612

Hon. Sen. Crofoot and Committee Members:

I appreciate the opportunity to discuss the consideration of establishing fire and safety standards for insulation materials. There are several areas in which this subject can become quite complex and it is my opinion that the State of Kansas should not enter this field by establishing a separate statute.

The model building codes do refer to insulation materials in some areas and permit in specific construction sequences, combustible insulation products. These products may be installed under floors, under roofing materials as well as inside of walls of buildings.

The Federal Government has been making studies and research into combustibility, smoke distribution and flame spread determinations for insulation materials. Presently I am not aware of any definitive federal measures in this area as yet.

In view of the fact that insulation in most cases is installed in concealed spaces of building construction, I am of the opinion that combustibility and fire safety of insulation materials will soon be incorporated in most of the model building codes throughout the country.

In view of the above statements it is my feeling that the State of Kansas should not institute specific building requirements on one subject but preferably to adopt the last edition of the Uniform Building Code which is the code in use by most metropolitan areas in the State of Kansas. It can become a serious conflict with National and Federal regulations when the State attempts to regulate building construction by regulating only one element with construction practices.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Louis J. Krueger'. The signature is fluid and cursive, with a large, sweeping 'L' and 'K'.

Louis J. Krueger  
Director

LJK:ks

Atch. VI

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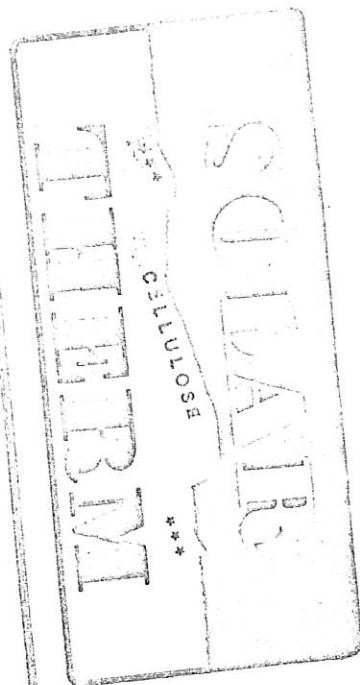
Issue No. 292

When examined in accordance with the methods and procedures of ASTM C-703 for Density, Thermal Resistance, Moisture Absorption, Odor Emission, Corrosiveness, Starch Content, and Flame Resistance Permanency, the following were determined:

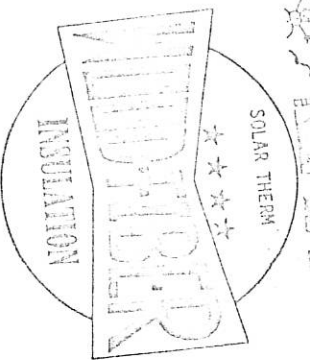
Density .....	2.1 pcf.	Concealment .....	Negative
Thermal Resistance .....	3.75 R/in.	Starch Content .....	Negative
Moisture Absorption .....	5.5%	Flame Resistance Permanency .....	Acceptable
Odor Emission .....	No Apparent Difference		

SEE UL CLASSIFIED BUILDING MATERIALS INDEX





**LOOSE FILL CELLULOSE FIBER NON-COMBUSTIBLE INSULATION**  
 Designed for Application in Existing and New Construction  
 Also Applicable for Insulation in other Structures



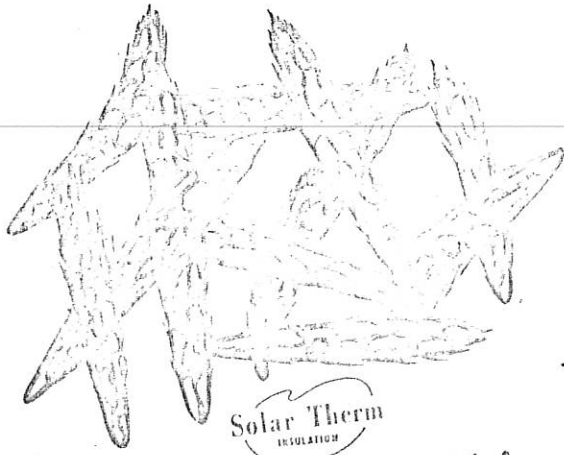
**CLIMATE CONTROL**  
 Distributors of Solar Therm Cellulose Insulation  
 Phone 405-363-1551  
 P.O. Box 608  
 Blackwell, Oklahoma 74631

U. L. LISTING  
 Fire Hazard Classification  
 1,5  
 Flame spread  
 20  
 Fuel contribution  
 0  
 Smoke developed  
 0

Manufactured By B & D Manufacturing Co., Marshall, Texas

## ORGANIC

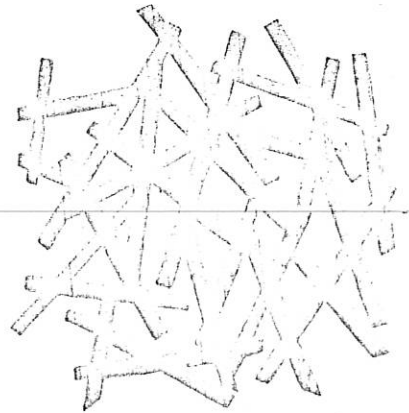
**CELLULOSE**  
 (Natural Air Cells)



**Air Trapped Within  
 And Between Fibers**

## INORGANIC

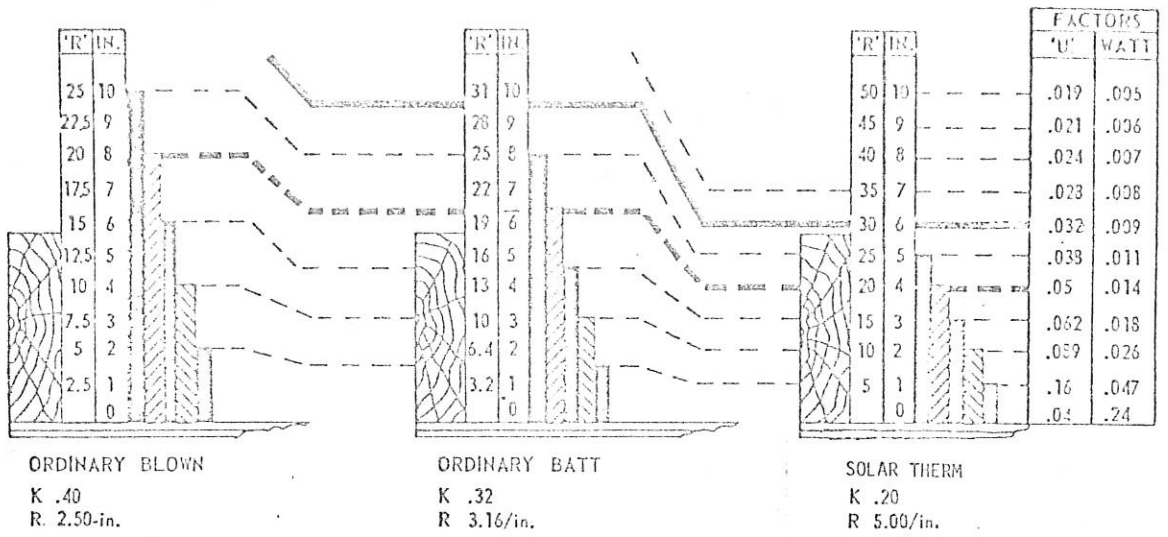
**MINERAL**



**Air Trapped Between  
 Fibers Only**

**DEFINITION OF INSULATION**  
 Insulation can be described as being a material containing a large number

# EQUIVALENT 'R' VALUE CHART FOR CEILING



### LEGEND

- EQUIVALENT LINES FOR "R" VALUES AND INCHES.
- ||||| NATIONAL ALL WEATHER COMFORT CONDITIONS.
- ===== SOLAR THERM MINIMUM RECOMMENDED VALUES.

UNEXCELLED  
SOLAR THERM  
INSULATION

**PAVS FOR ITSELF** -----  
 SAVES UP TO 60% ON FUEL BILLS  
 SAVES UP TO 60% ON COOLING BILLS  
 SAVES ON HEATING AND COOLING SERVICE BILLS  
 SAVES ON FOOT DETRIMENTATION  
 SAVES ON REFRIGERATING EXPENSE  
 SAVES ON INSECT AND VERMIN DAMAGE  
 SAVES ON CLEANING BILLS

PAVS A MINIMUM OF A 30% RETURN ON THE INVESTMENT  
ON HEATING AND COOLING SAVINGS ALONE

**GIVES YOU COMFORT** -----  
 15 TO 25 COOLER IN THE SUMMER  
 COOLER ALL DAY AND ALL NIGHT  
 EVENLY HEATED HOUSE IN THE WINTER  
 FRESH FRESH-FREE FLOORS  
 WARMER WALLS  
 LESS DUST  
 A HEALTHIER HOME TO LIVE IN

LESS IRRITATION AND MORE ENERGY FOR THE FAMILY  
IN SUMMER \* FEWER DOCTOR BILLS IN WINTER.

**GIVES YOU PROTECTION** -----  
 AGAINST FIRE  
 AGAINST TERMITES AND VERMIN  
 AGAINST HEATING BILLS  
 AGAINST HEATING CONSUMPTION  
 AGAINST LOW-TEMP  
 AGAINST RAINING CEILINGS (LIGHT RAIND)  
 AGAINST SOILING OF CEILINGS AND WALLS  
 AGAINST DETRIMENTATION  
 AGAINST SICKNESS

PROTECTION FOR FAMILY, HOME, POSSESSIONS, AND INVESTMENT  
FOR THE LIFE OF THE STRUCTURE

**AN INSULATION THAT** -----  
 IS OCEANIC  
 IS MOISTURE RESISTANT  
 IS FREE OF SCOT, GRIT AND SAND  
 DOES NOT ABSORB AND RETAIN HEAT  
 HAS NO CRACKING OR ABRASIVE QUALITIES  
 IS PEAKPERFORMANT  
 WILL NOT DETRIMENTATE  
 REPAIRS TO SCROPS AND VERMIN  
 IS HIGHLY FIRE RESISTANT  
 HAS LOWEST "K" FACTOR

**EHMKE CONSTRUCTION** INSTALLED BY FACTORY TRAINED MEN ACCORDING TO STRICT  
FACTORY SPECIFICATIONS

Commercial and Residential Local Dealer:  
Coffeyville, Kansas 67337

W. EHMKE PH. 316-251-4376

# SOLAR THERM CELLULOSE BUILDING INSULATION

## INSULATION CERTIFICATION

### SPRINKLER OR POURED INSULATION

CONFORMS WITH FEDERAL SPECIFICATIONS N.M. 1-512 3 TYPE 1 CLASS

R VALUE	MINIMUM THICKNESS	MINIMUM NET COVERAGE	WEIGHT PER SQUARE FT.	BAGS PER 1000 SQ. FT.
1 1/2	1 1/2"	80	.40	20
2	2"	75	.45	23
2 1/2	2 1/2"	70	.50	26
3	3"	65	.55	30
3 1/2	3 1/2"	60	.60	34
4	4"	55	.65	38
4 1/2	4 1/2"	50	.70	42

### BUILDER AND APPLICATOR'S STATEMENT AND SIGNATURE

THIS IS TO CERTIFY THAT THE INSULATION HAS BEEN INSTALLED IN CON-  
FORMANCE WITH THE REQUIREMENTS ON THIS CARD TO PROVIDE VALUE  
OF \_\_\_\_\_ USING \_\_\_\_\_ BAGS OF INSULATION TO  
COVER \_\_\_\_\_ SQUARE FEET AREA.

DATE

BUILDER'S CO. NAME

BUILDER'S SIGNATURE

APPLICATOR'S CO. NAME

APPLICATOR SIGNATURE

Grade 4044X  
Lower Full Material  
BA D Mc Coy, Marbach, Texas 75670  
Cellulose fiber (chemically treated) for fire retardation  
Fire Hazard Classification  
1.5 lb Density  
Flame spread  
Fuel contribution  
Smoke developed  
0  
0  
0  
R. L. Moa 3345 Carriage Rd.

LOOK FOR THE CLASSIFICATION MARKING  
The classification marking of Underwriters Laboratories, Inc. is the only method  
provided by Underwriters Laboratories, Inc. to identify products prepared under its  
program and follow up service. See General Information card 9-2000-910  
designation.

August 6, 1975 (9)

IC3338

Glue



COMPARATIVE INSULATING VALUES

<u>Material</u>	<u>K Factor</u>	<u>Authority</u>
Mono-Therm (cellulose fibre)	.24	Illinois Institute of Tech.
Balsam Wool (wood fibre blanket)	.25	Illinois Institute of Tech.
Palco Wool (redwood fibre)	.26	Illinois Institute of Tech.
Cotton (blanket)	.262 to .298	U. S. Bureau of Standards
Fibre Glass (glass wool)	.272 to .303	University of Minnesota
Sprayo-Flake (asbestos & binder)	.28	U. S. Bureau of Standards
Rock Wool (machine blown)	.30	University of Minnesota
Rock Wool (hand applied granular)	.30 to .33	University of Minnesota
Regranulated Cork	.31	U. S. Bureau of Standards
Cotton (loose fill)	.31	U. S. Bureau of Standards
Zonolite (expanded vermiculite)	.32	Illinois Institute of Tech.
Rock Wool (blanket)	.30 to .33	University of Minnesota
Corkboard	.32	U. S. Bureau of Standards
Temlock (wood fibre board)	.33	Illinois Institute of Tech.
Celotex (cane fibre board)	.33	Illinois Institute of Tech.
Insulite (wood fibre board)	.34	U. S. Bureau of Standards
Rock Cork	.37	U. S. Bureau of Standards
Foam Glass	.40 to .50	Manufacturer's Test
Shavings	.40	U. S. Bureau of Standards
Sawdust	.41	U. S. Bureau of Standards
Aluminum Foil & Air Space	.46	A. S. H. A. E.
Concrete Block (3 core standard)	.53	University of Minnesota
Concrete Block (3 core standard)	.78	University of Minnesota
Yellow Pine (6% moisture)	1.00	Illinois Institute of Tech.
Maple	1.20	Illinois Institute of Tech.
Built up Roofing	1.33	University of Illinois
Brick	4.60	University of Illinois
Slate Shingles	10.00	University of Illinois

The K Factor is the number of BTU's (British Thermal Units) that will pass through one square foot of material one inch thick in one hour for a one degree Fahrenheit temperature change. The LOWER THE K FACTOR THE BETTER THE INSULATION.

The K Factor assumes equal thickness. For example, Mono-Therm's K Factor is .24 while corkboard's is .32. Mono-Therm is therefore 33-1/3% more efficient than corkboard in equal thickness. An installation of 4" of Mono-Therm as against a 1" corkboard would result in many times greater efficiency for Mono-Therm.