

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANSThe meeting was called to order by Senator Paul Hess at
Chairperson11:00 a.m./p.m./ on March 14, 1983, 19__ in room 123-S of the Capitol.All members were present except:
Senator Steineger

Committee staff present:

Research Department: Sherry Brown, Mary Galligan, Louis Chabira, Lyn Goering
Revisor's Office: Norman Furse
Committee Office: Mark Skinner, Doris Fager

Conferees appearing before the committee:

Dr. Robert Harder, Secretary, Department of Social and Rehabilitation Services
Mary Ellen Conlee, City of Wichita
John Peterson, Kansas Cemetery Association
Bob Clemons, Member, State Board of Education
Stan Koplik, Executive Director, State Board of Regents

Motion was made by Senator Warren and seconded by Senator Werts to approve committee minutes from February 9 through March 7. The motion carried by voice vote.

SB 92 - Appropriations FY 1984, Public Safety AgenciesSection 8 - Industrial Reformatory

Motion was made by Senator Werts and seconded by Senator McCray to reconsider committee action on the subcommittee report for the Industrial Reformatory. The motion carried by voice vote.

Senator Werts indicated that the reason for reconsidering action on the subcommittee report was to consider approving action of the State Building Construction Committee. Senator Bogina explained the Building Construction's action, noting that the \$200,000 recommendation for FY 1984 corresponds to a reduction in capital improvements of \$200,000 from Kansas State Penitentiary. There followed a brief discussion on this transfer of funds.

Section 9 - Kansas State Penitentiary

Senator Werts presented the subcommittee report on this section. He noted that the result of the State Building Construction Committee's recommendations is a reduction of \$200,000 in this budget. Two dorms which were in the original plans will not be built. There followed a discussion and several questions from committee members.

Senator Werts called the committee's attention to the fact that the decision has been made not to fund the Sedgwick County Community Corrections program until July 1, and noted that they will be funded at the 70% level for all of FY 1984. He said that, rather than submit an amendment to the original subcommittee report on the Department of Corrections, it was decided this should be handled in the House committee.

Senator Werts further reminded the committee that FY 1984 will be the first year all community corrections programs will be in place for the full fiscal year. He suggested that, at some time, there should be an intensive evaluation of the full program. It was his opinion that it should be done either next session or during the 1984 interim.

Senator Bogina indicated that a special committee held hearings during the last interim in Wyandotte and reviewed the program there. No conclusions were reached. He suggested there may be a problem in the area of Court Service Officers.

SB 92 - Continued

Motion was made by Senator Werts and seconded by Senator Bogina to adopt the above subcommittee reports. The motion carried by voice vote.

Motion was made by Senator Werts and seconded by Senator McCray to report SB 92 as amended favorably for passage. The motion carried by roll call vote.

SB 182 and
HB 2097 - Cemetery and funeral expenses

Dr. Harder explained the two proposals before the committee. He said there has been no change in expenses allowed since 1974. He said the Department is proposing that the amount be determined by the Secretary. The Department would then anticipate trying to make annual adjustments on a modest scale.

In response to a question from Senator Hess, Dr. Harder said that SB 182 would be similar to HB 2097, except that the expenditures would have statutory basis and would be increased from \$150 to \$550. He added that would have substantial impact on the budget.

Senator McCray indicated that the reason the Sedgwick County Delegation introduced SB 182 was that it was felt the state should pay for a pauper's funeral, and the amount in the proposal is near the actual cost.

Ms. Conlee distributed her prepared testimony (See Attachment A). When asked by Senator Hess if she objected to the concept in HB 2097, she said she did not, so long as payments were large enough to cover costs of burial.

Mr. Peterson appeared briefly to state his association supports HB 2097 as passed to the Senate; and considers it a more appropriate mechanism than SB 182. Committee members were given opportunity to question Mr. Peterson.

Motion was made by Senator Talkington and seconded by Senator Gaines to report HB 2097 favorably for passage. The motion carried by roll call vote.

The Chairman noted that SB 182 would be held in the committee.

SB 266 - Transfer of Community Colleges from Board of Education to Regents

Mr. Clemons appeared in opposition to SB 266. He read from his prepared statement (See Attachment B). Senator Hess asked if the Board of Education had any formal discussion with the Board of Regents. Mr. Clemons said the two boards meet several times each year, and cooperate in several areas common to both boards. When asked if there has been any serious discussion between the two boards about a plan for coordination of higher education in Kansas, Mr. Clemons said he is not aware of any. Senator Hess said that one of the reasons for SB 266 was to initiate a dialogue in this direction.

Mr. Koplik said the suggested legislation is not something the Board of Regents is actively seeking, but if passed in its present form, the new responsibilities will be taken seriously with regard to maintaining integrity of the community colleges. He said the Board had discussed the difference between coordinating and governing; and the present proposal does not provide a true governing function, nor does it take away full governing by community colleges.

SB 266 - Continued

Mr. Koplik offered a personal reaction to the bill, noting that he previously worked in Missouri as Commissioner of Higher Education. The Board in Missouri has responsibility for two year and four year institutions. He stressed that this can work. He said it improved articulation agreements and communication between the two types of institutions in the State of Missouri. He said that, in his opinion, the more institutions having some kind of academic and fiscal planning under a single Board, the greater will be the delivery of education. He added that he would prefer that the responsibility be given to the Board of Regents rather than create a new Board.

In answer to questions from Senator Talkington, Mr. Koplik said the inclination of the Board of Regents is to support SB 266 with some suggestions. For instance, SB 266 omits Washburn University, and it probably should be included.

When asked about communications between the Board of Regents and Community Colleges, Mr. Koplik said he had recently made special arrangements with the Board of Education to discuss course requirements in high school as a pre-requisite to success in Regents institutions. Given his background, Mr. Koplik said he wanted to improve communications, since they were virtually non-existent.

The meeting was recessed until 2:30 p.m.

City of Wichita, Legislative Item II-2 (1983)

SUBJECT: PAYMENTS TO CEMETERIES

PROBLEM STATEMENT

The 1979 Kansas Legislature enacted the "Abandoned Cemeteries Act" which provides that if for a period of one year, 1) there is a failure to cut grass or weeds and otherwise care for cemetery property, or 2) property records are not maintained, the Attorney General can dissolve a cemetery corporation, vest all its assets (if any) in the city in which it is located, and force the city to maintain the cemetery property.

With several older cemeteries in Wichita, the City is facing the responsibility of maintaining cemeteries. In July, 1982 one of Wichita's oldest cemeteries, Highland, was abandoned by its board of directors. Even though the Highland Cemetery Corporation possessed assets exceeding \$200,000, the City was eventually left with no alternative but to operate the property under the provisions of the "Abandoned Cemeteries Act." While the cemetery's assets can be used by the City, maintenance costs will eventually exceed available cemetery revenues. This legislation makes no provision for financing maintenance costs after all assets are exhausted, short of using local property taxes. The state merely assigned another responsibility to cities. The city may not divest itself of responsibility for cemeteries through its home rule powers.

ATA 3-14-83

The 1981 and 1982 Kansas legislature considered legislation which would have created a state abandoned cemetery maintenance fund to provide grants to cities receiving title to abandoned cemetery property. These legislative initiatives were never realized. The City of Wichita would still support such legislation. Failing this solution, there are other remedial actions which the legislature could take to ease the financial burden of abandoned cemeteries.

One of a cemetery's largest problems in remaining solvent involves the expense of pauper burials. Highland Cemetery has long been the site of most Sedgwick County pauper burials, dating from an old agreement with the County and the County's ownership of about 15% of the original plots -- all of which are now full. K.S.A. 39-713(d) provides only \$150 for cemetery and burial expenses. Yet the price of a lot, opening and closing and other expenses related to burials, are estimated to be between \$500 and \$550 for the trimmest of services.

In September 1982, the Wichita City Commission closed Highland Cemetery to future burials, including pauper burials, except where lots have already been purchased, until the matter of pauper burial financing can be addressed.

PROPOSED LEGISLATION

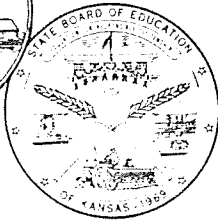
An Act concerning funeral and cemetery expenses, and limitations on payments by the secretary of the Department of Social and Rehabilitation Services for same; amending K.S.A. 39-713d, and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

From and after January 1, 1982, the secretary, on the death of a recipient of assistance, if the estate of the deceased or other available resources are insufficient to pay his funeral and burial expenses, may pay reasonable funeral expenses, not exceeding six hundred dollars (\$600), and pay a reasonable amount for cemetery expense which shall not exceed five hundred and fifty dollars (\$550): Provided, that whenever a cemetery lot has been purchased or acquired for a recipient of assistance, either before or after death, and such cemetery lot was not purchased or acquired with public funds, the cost of such cemetery lot shall not be deducted from the funeral expenses authorized by this section.

RECOMMENDATIONS

Request legislation which would amend K.S.A. 39-713d to provide for SRS supported cemetery expenses which are more in line with actual costs.



Kansas State Board of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

Kay M. Groneman
District 1

Alicia L. Salisbury
District 4

Marilyn Harwood
District 6

Evelyn Whitcomb
District 8

Kathleen White
District 2

Ann L. Keener
District 5

Theodore R. Von Fange
District 7

Robert J. Clemons
District 9

Dale Louis Carey
District 3

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Gordon Schultz
District 10

TO: Senate Ways and Means Committee
FROM: State Board of Education
SUBJECT: 1983 Senate Bill 266

I appreciate the opportunity to appear before you on behalf of the State Board of Education. My name is Bob Clemons, State Board member from Independence.

Senate Bill 266 designates the State Board of Regents as the governing authority in all matters relating to the powers, duties, and functions of Kansas community colleges. This would include the approval of all courses and subjects, approval of all out-district courses, approval of all extension courses, appeals for students to attend a community college and reside in another community college district, approval of all contracts made between community colleges and public/private institutions outside the State of Kansas, determination of maximum amount of out-of-state tuition, adoption of rules and regulations concerning general supervision of community colleges, computation and distribution of community college credit hour and out-district state aid, authorization to conduct audits and investigations, staffing of the community college advisory council, and development of the community college state plan.

The proposed bill would provide that the State Board of Education and the State Board of Regents shall act as a joint board on vocational education and such joint board is designated for the sole supervision of the administration of vocational education by local education agencies. The joint board on vocational education would then prepare and administer the state plan for vocational education.

It appears from reading this bill that the area vocational schools and area vocational-technical schools as defined in Section 26(e) would remain under the jurisdiction of the State Board of Education. Currently, the State Board is required to approve all vocational education programs, compute and distribute state and federal aid, monitor all programs, develop and approve the state plan for vocational education, and approve tuition and fees of students attending the institutions under the guidelines as provided by statute.

The State Board of Education is opposed to the passage of 1983 Senate Bill 266. This opposition is not because we feel that we have found a camelot under the present system, but Senate Bill 266 does raise some concerns which we would like to share with you. The State Board of Education feels that Senate Bill 266 would do the following.

1. Could result in loss of local control for boards of education, boards of directors, and boards of trustees.
2. Increased administrative costs on approval of programs if the State Board of Education and State Board of Regents are required to approve a program in which secondary and postsecondary students are enrolled.
3. Vocational education could become a low priority in the allocation of resources.

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4. Could tend to diminish the effective articulation between secondary schools under the local boards and those institutions administered by the State Board of Regents as it pertains to secondary-age pupils.
5. Requires the boards of an area vocational school/area vocational-technical school to receive approval from the State Board of Education as well as the State Board of Regents for programs which involve secondary and postsecondary students.
6. Could result in an increase in student tuition for students attending an area vocational school/area vocational-technical school or community college if the tuition computation was followed similar to that currently practiced by the Regents' institutions. This would be contrary to the original intent of the postsecondary aid law and the community college law.
7. Could result in area vocational schools/area vocational-technical schools becoming either a secondary or postsecondary institution.

The State Board of Education is now in the process of developing a master plan of educational services for vocational, vocational-technical, and community college education to include the areas of governance, finance, secondary, and postsecondary vocational education. Dr. James McCain is chairing the committee which includes representatives from the State Advisory Council for Vocational Education, the State Advisory Council for Community Colleges, and two members of the State Board of Education. The first phase of this study will be completed in June, 1983. The second phase will be completed in October, 1983. Statewide meetings will be scheduled in the near future to receive input from administrators, board members, and other interested citizens. A major focus of the study will be to help determine efficient utilization of state and local resources. When the study is completed we would like to submit it to the appropriate legislative body for review. At this time I would like to provide you with a progress report of the Inter advisory Council Planning Committee. Please remember that this is only a progress report but it will give you an idea of the work being done.