

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by Senator Paul Hess at _____
Chairperson

11:00 a.m./p.m./on March 15, 1984 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Research Department: Ed Ahrens, Mary Galligan, Lynne Holt, Bill Gilmore,
Julian Efird, Gloria Timmer, Lyn Goering
Revisor's Office: Norman Furse
Committee Office: Mark Skinner, Doris Fager

Conferees appearing before the committee:

Archie Dykes, Member, Board of Regents
Bob Wooten, Governor's Office
Don Brown, faculty member, Pittsburg State University
Ruth Wilkin, American Association of University Professors
William Scott, American Association of University Professors
Craig Grant, KNEA
Ed Galloway, President KNEA, Pittsburg State University
Tom Walther, Faculty Senate President, Pittsburg State University

HB 2692 - Appropriations FY 1985, Regulatory Agencies

Section 2 - Kansas Commission on Civil Rights

Senator Hein presented the subcommittee report on this section. There was discussion concerning the removal of the full-time hearing examiner's position. Senator McCray made a plea to have the position reinserted.

Motion was made by Senator Doyen and seconded by Senator McCray to reinsert the position of Hearing examiner and delete the pro tem examiners, and to amend the subcommittee report (Items 1 and 2) to show the change.
The motion carried by voice vote.

Section 3 - Attorney General

The subcommittee report on Section 3 was presented by Senator Hein. Committee members were given opportunity to question him.

Section 6 - Governor's Department

There were no questions from members of the committee following Senator Hein's review of the subcommittee report on this section.

Section 9 - Insurance Department

In connection with the subcommittee report on this section, it was noted that SB 442 is in House Ways and Means Committee, and would carry out House recommendation No. 3; and further, that the Senate subcommittee is in agreement with this recommendation.

Section 11 - Lieutenant Governor

Following Senator Hein's presentation of the subcommittee report on this section, members of the committee were given opportunity to question him.

Section 12 - Board of Tax Appeals

Following the subcommittee report on this section, there were questions concerning the Senate subcommittee's action concerning the attorney positions.

HB 2692 - Continued

Section 12 - Continued

There was discussion concerning House subcommittee recommendation No. 2, concerning microfilming of IRB papers. During the discussion it was noted that it is imperative that something be done to bring the information up to date; and further, that perhaps the information should be on a computer. It was decided that the full subcommittee will take another look at this.

Section 13 - Secretary of State

Senator Harder presented the subcommittee report on this section. There was a brief discussion concerning the report.

Section 14 - Soldiers' Home

Senator Harder presented the subcommittee report on this section, and committee members were given opportunity to question him.

Section 10 - Kansas Arts Commission

Senator Hein presented the subcommittee report on this section, and there were questions concerning the additional appropriations recommended by the Senate subcommittee. Senators Hein and Steineger stated that the increased funding is very important to the school children of the state.

Motion was made by Senator Hein and seconded by Senator Steineger to adopt the above subcommittee reports for HB 2692. The motion carried by voice vote.

HB 2703 - Kansas Arts Commission (FY 1984 Appropriations)

Senator Hein presented the subcommittee report on this section, and committee members were given opportunity to question him.

Motion was made by Senator Hein and seconded by Senator Steineger to adopt the subcommittee report for the Kansas Arts Commission. The motion carried by voice vote.

HB 2693 - Appropriations FY 1985, Board of Agriculture and related agencies
HB 2703 - Appropriations FY 1984, Board of Agriculture and related agencies

HB 2703, Board of Agriculture

Senator Werts reviewed the subcommittee report on this section. There were questions from committee members following his presentation.

HB 2693 - Section 2, Board of Agriculture

Senator Werts presented the subcommittee report on this section. There was discussion and some questions from committee members following his report.

HB 2703 - Animal Health Department

There were no questions following Senator Werts presentation of the subcommittee report on this section.

HB 2693, Section 3 - Animal Health Department

Committee members were given opportunity to question Senator Werts following his presentation of the subcommittee report.

HB 2703 - Grain Inspection Department

There were no questions following the presentation of the subcommittee report on this section.

HB 2693 - Section 4, Grain Inspection Department

Senator Werts presented the subcommittee report on Section 4, and committee members were given opportunity to question him.

HB 2693 - Section 5, State Fair

During the subcommittee report on this section, there was discussion concerning the proposed grandstand renovation. It was noted that this has been discussed at length in the Building Construction Committee, and also in the Legislative Post Audit Committee.

HB 2703 - Kansas Wheat Commission

Committee members were given opportunity to question Senator Werts following his presentation of the subcommittee report on this section.

HB 2693 - Section 6, Kansas Wheat Commission

There were questions and comments from committee members as Senator Werts reviewed the subcommittee report on the Kansas Wheat Commission.

HB 2703 - State Conservation Commission

There were no questions from committee members following Senator Werts' review of the subcommittee report.

HB 2693 - Section 7, State Conservation Commission

There was discussion concerning the additional funding provided by House Committee of the Whole and approved by the Senate subcommittee. No changes were made in the report.

HB 2703 - Kansas Water Office

Senator Werts presented the subcommittee report, and committee members were given opportunity to question him.

HB 2693 - Section 8, Kansas Water Office

Committee members were given opportunity to question Senator Werts following his presentation of the subcommittee report on this section.

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

Motion was made by Senator Werts and seconded by Senator Hein to report HB 2693 as amended favorably for passage. The motion carried by roll call vote.

SB 832 - Authorizing Board of Regents to purchase property for parking facilities at Wichita State University

Mr. Kauffman explained the reason for the legislation and distributed a balloon of the bill including some proposed amendments. (Attachment A). This also included a map of the property in question. During his explanation of the amendments, there were questions from committee members.

Motion was made by Senator Werts and seconded by Senator Warren to adopt the amendments proposed by Mr. Kauffman. The motion carried by voice vote.

Motion was made by Senator Werts and seconded by Senator Warren to report SB 832 as amended favorably for passage. The motion carried by roll call vote.

SB 838 - Contracting for collection services for regents and their institutions

Mr. Kauffman appeared in support of SB 838. He explained that the Board of Regents has, in recent years, had contracts with collection agencies for collection of student accounts, and a large portion centers on NDSL accounts. He distributed a proposed amendment (Attachment B). Following a brief period of questioning, Senator Bogina made a motion, seconded by Senator Talkington, to adopt the proposed amendment. The motion carried by voice vote.

Motion was made by Senator Bogina and seconded by Senator Warren to report SB 838 as amended favorably for passage. The motion carried by roll call vote.

SB 841 - Regulation and control of traffic and parking at Regents institutions

Mr. Kauffman explained that SB 841 would amend a statute adopted in 1957 which has been the governing authority relative to traffic and parking regulations. The significant change would be to delete reference to motor vehicles and substitute the term "vehicles". The principal reason for that amendment relates to section 4 of the bill, a provision which permits regents institutions to use funds from mis-use fees. Bicycles are a popular item and there is considerable demand for appropriate bicycle racks. Under existing authority the regents cannot appropriately expend moneys out of fees collected on such facilities. SB 841 would permit use of those moneys. In answer to a question from Senator Bogina, Mr. Kauffman said bicycles would be subject to regulations as promulgated by the Board of Regents.

Motion was made by Senator Warren and seconded by Senator Werts to report SB 841 favorably for passage. The motion carried by roll call vote.

SB 842 - Travel and other expenses for recruitment of personnel at Regents' Institutions

Mr. Kauffman explained that the purpose of the bill is to provide authorization for the Board of Regents to pay moving expenses for persons who are recruited and hired to be chief executive officers for institutions or executive officer of the Board of Regents. According to Mr. Kauffman, these expenses are currently being paid, but the Board asks the Endowment Associations for the funds. The smaller institutions do not have these resources. There were several questions from committee members.

Motion was made by Senator Talkington and seconded by Senator Werts to report SB 842 favorably for passage. The motion carried by roll call vote.

SB 845 - Docket fees, Law Enforcement Training Center

Mr. Kauffman explained the provisions of the bill. The Chairman indicated he had a letter from the Office of Judicial Administration concerning the fiscal note for the program in question, it appears the collections will be increasing. Upon hearing this information, Mr. Kauffman suggested holding the bill in committee.

No action was taken on SB 845.

SB 833 - Relating to higher education faculty relations

(Attachment B)

Mr. Dykes distributed his written statement and reviewed it for the committee. During ensuing discussion, Mr. Dykes indicated that SB 833 would clarify ambiguities in the statute and define what is meant under existing legislation. He stated that the Board of Regents does not believe the Legislature envisioned the subsequent interpretations placed on the legislation by the PER Board and the Kansas Supreme Court.

In answer to questions from Senator McCray, Mr. Dykes said he felt SB 833 would distinguish between the terms "meet and confer" and collective bargaining." He further noted that the present legislation needs to be clarified because of the differences in interpretation.

SB 833 - Continued

During subsequent discussion, Mr. Dykes explained that, under SB 833, the Board would be the governing body of the institution. The actual negotiation would be conducted by the administration of each institution, and the Regents would not be the first-line negotiator. This changes from the Court decision that the Regents do the meeting and conferring.

Mr. Brown spoke in favor of SB 833, and explained that he was speaking only for himself. He said he represents the views of most people within the School of Business and Economics at Pittsburg State University. He indicated the bill, if passed, would allow a much easier inter-action between faculty and administration. He explained that, at the present time, faculty members cannot discuss salary increases with the administration until negotiations are completed, and he feels it creates a low morale. He requested that the committee report SB 833 favorably, since it deals with a number of existing problems.

Ms. Wilkin distributed her written statement (Attachment D) and read it before the committee. Committee members were given opportunity to question her.

Mr. Scott opposed SB 833 because there are very major re-definitions of relationships: (1) the unit determination process is made more difficult; (2) it is more difficult to negotiate binding arbitration into a binding contract; (3) the fact-finding process is removed; (4) there is a provision which gives the Regents the power to declare a budgetary emergency and suspend the meet and confer process. He suggested the process of collective bargaining is not undertaken except by a feeling of compulsion.

Mr. Scott said there is one portion of the bill he would like to praise-- the declaration in favor of consultation between the administration and faculty members. He concluded by stating that faculty members would welcome the opportunity to work on an interim study of the matter.

Mr. Grant indicated SB 833 takes away the right of faculty members to negotiate if they choose to do so; and they will have less input into what constitutes the terms and conditions of their employment. He added that faculty has little input right now; and they can't appear before the Board of Regents. Mr. Grant suggested that SB 833 would throw away everything that has been built in the last nine years in the negotiating process. He requested that the bill be reported unfavorably.

Mr. Galloway appeared in opposition to SB 833, noting that it is retrogressive. He suggested that the Regents are not pleased with the law as they not find it interpreted, and want to make their lives easier by more retrogressive legislation. He added that he feels the present process is workable.

No action was taken on SB 833.

SB 834 - Authorizing reduced-service program to certain faculty members

Attachment C contained Mr. Dykes testimony on SB 834, as well as SB 833. There were questions from committee members concerning the provisions of SB 834. Mr. Dykes reminded the committee that there are a number of major universities who have implemented plans similar to this, and this gives the Regents institutions opportunity for upward mobility. Many would prefer partial retirement if fringe benefits could be continued. When asked about the faculty's attitude toward the bill, Mr. Dykes said it is his understanding that it is favorable.

Mr. Dykes was asked about additional cost if SB 834 is passed. He responded by stating that a faculty member who is 62 years old has a reasonably high level of compensation. He could take early retirement and get only one-fourth of his salary. The remaining money could be used to hire a younger faculty member at a lower salary. The benefits would be the addition of new blood, a reduction in load for the older faculty member, and the compensation is spread between the two. He said this would increase the F.T.E. component; and that the bill would provide a great deal of flexibility for the institutions. He added that one of the problems currently is the inability to shift resources when there is a decline in some enrollment and a growth in other areas.

SB 834 - Continued

Mr. Wooten read his prepared statement in support of SB 834 (Attachment E). Committee members were given opportunity to question him following his presentation.

Mr. Wilkin read her prepared statement in favor of SB 834 (Attachment F). There were no questions from committee members following her presentation.

Marilyn Myers appeared by means of a letter dated March 14, 1984. (See Attachment G).

Mr. Walther indicated he does not want the Faculty Senate to get involved when an organization already exists. He suggested his body is more concerned with academic freedom at Pittsburg State University. They are concerned with curriculum matters, admission policies, etc. He concluded by stating that they do not want to involve themselves with conditions of employment, because they may find themselves dealing with non-academic matters instead of what they want to be working for. His remarks dealt with SB 833.

No action was taken on SB 834.

The meeting was adjourned by the Chairman.

SENATE BILL No. 832

By Committee on Ways and Means

3-8

0015 AN ACT authorizing the state board of regents to purchase
0016 certain real property and construct parking facilities for the
0017 use of Wichita State University.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. (a) The state board of regents is hereby authorized
0020 to purchase from the Wichita state university board of trustees
0021 the following described real property which is located in the city
0022 of Wichita, county of Sedgwick and state of Kansas:

0023 Parcel 1: Lots 18, 20 and 22 on Holyoke avenue, Fairmount
0024 Addition.

0025 Parcel 2: Lots 14 and 16 on Holyoke avenue, Fairmount
0026 Addition.

0027 (b) The real property described in subsection (a) may be
0028 acquired for construction of parking facilities to be utilized by
0029 Wichita state university for a purchase price to be agreed upon
0030 by the state board of regents and the Wichita state university
0031 board of trustees. The purchase price for such real property shall
0032 be paid from the on-campus parking maintenance and construc-
0033 tion fund. The provisions of ~~K.S.A. 75-3403a~~ shall not apply to
0034 the purchase of real property authorized by this section. Before
0035 paying the consideration for the purchase of such real property,
0036 the state board of regents shall secure an approval of the title and
0037 the form of the deed from the attorney general.

0038 (c) ~~The state board of regents is hereby authorized, pursuant~~
0039 ~~to subsection (c) of K.S.A. 76-6a13, and amendments thereto, to~~
0040 ~~construct parking facilities at Wichita state university.~~

0041 Sec. 2. This act shall take effect and be in force from and
0042 after its publication in the statute book.

75-3043a

Wichita state university

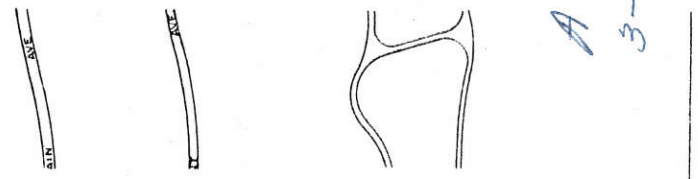
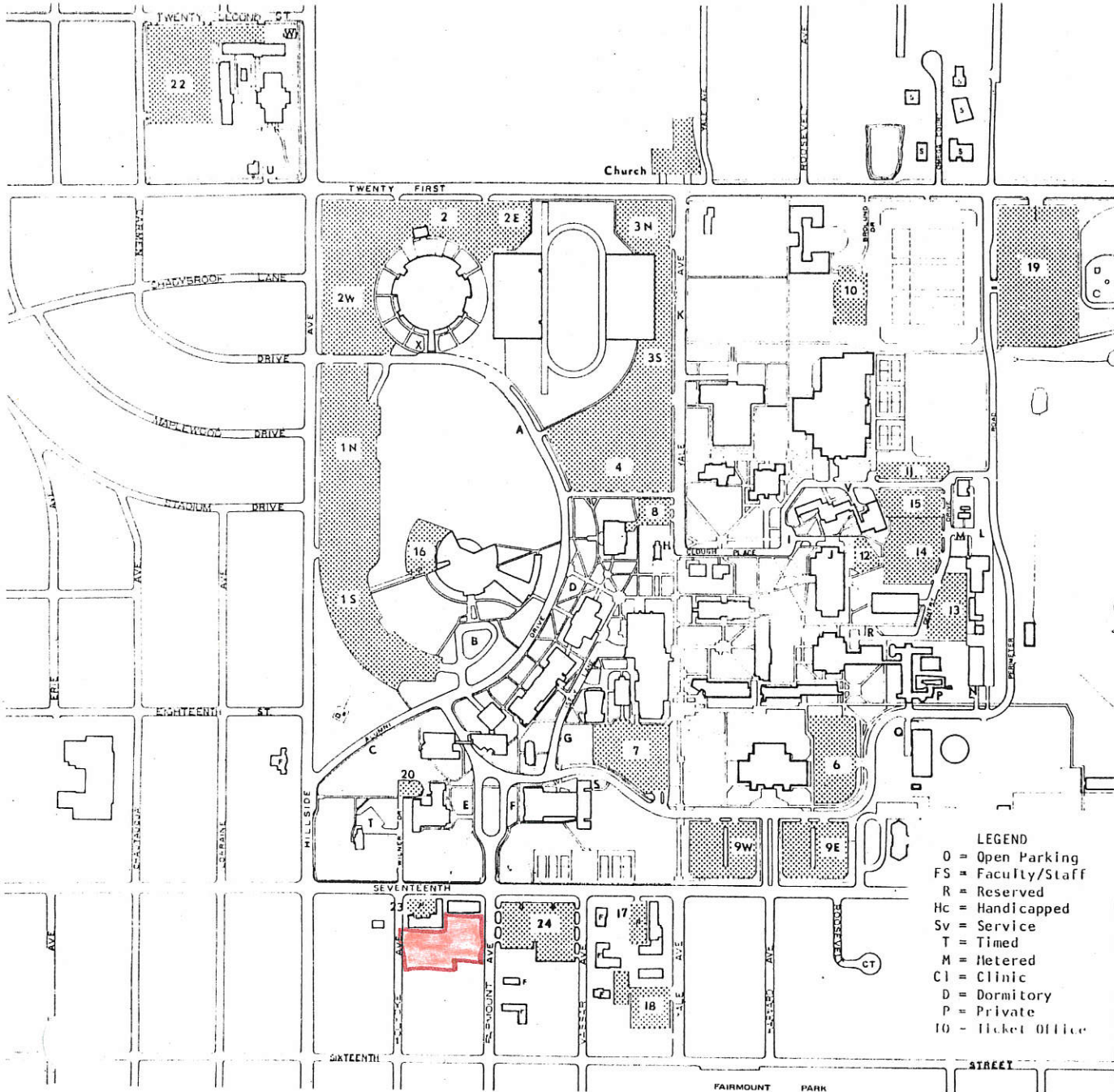
on the real property described in subsection (a) and to pay for such construction in the manner authorized by K.S.A. 74-3213, and amendments thereto.

Kansas register

A-3-15-84

Atch. A

ACI
3-15-84



Lot No.	No. Spaces and Type	Street and Restricted Lots	No. Spaces and Type
15	386 O	A	49 FS, 6 T
1N	609 O	B	21 FS
2	143 O	C	19 FS, 1 T
2W	475 O	D	20 FS, 3 Hc
2E	86 O	E	12 FS, 3 Sv, 4 Hc
3S	206 O, 11 Cl	F	14 FS
3N	99 O	G	12 Sv, 6 Hc, 3T, 1R
4	483 O, 7 Hc	H	3 Sv
6	107 FS, 3 Hc, 3 Sv, 17 Cl, 6 R	I	5 Hc, 4 M
7	189 O, 1 Hc, 1 R, 5 Sv	J	2 Sv
8	18 FS, 21 R, 2 Hc	K	72 O
9E	164 O, 2 Hc	L	9 R, 4 T, 16 Sv
9W	164 O, 2 Hc	M	5 T
10	90 FS, 1R, 1T, 1Hc, 1Sv	N	4 Sv
11	40 O, 10 Hc	P	4 R
12	14 FS, 3 R, 3 Hc	Q	6 R
13	142 O, 1 Hc	R	3 R
14	184 O, 1 Hc	S	2 Sv
15	80 FS, 3 Hc, 5 R	T	13 P
16	67 FS, 5 R	U	20 R
17	39 D	V	3 Sv
18	53 D	W	6 R, 6 Sv
19	568 O	X	6 TO
20	12 FS, 3 Sv		
22	368 D		
23	23 O		
24	220 O, 2 R		
CHURCH	83 O		

Total:		
4336 O	523 FS	63 Sv
93 R	54 Hc	20 T
4 M	28 Cl	460 D
13 P	6 TO	

- LEGEND
- O = Open Parking
 - FS = Faculty/Staff
 - R = Reserved
 - Hc = Handicapped
 - Sv = Service
 - T = Timed
 - M = Metered
 - Cl = Clinic
 - D = Dormitory
 - P = Private
 - 10 = Ticket Office

Wichita State University
Wichita, Kansas

Campus Parking

Figure 4, 10 (Revised 7/78)



SENATE BILL No. 838

By Committee on Federal and State Affairs

3-12

0017 AN ACT relating to contracting for collection services for the
0018 state board of regents and state educational institutions.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. (a) As used in this section "negotiating commit-
0021 tee" means a committee to negotiate as provided in this act, and
0022 consisting of the executive officer of the state board of regents or
0023 a person designated by the executive officer, ~~and~~ two represent-
0024 atives of the state educational institutions as designated by the
0025 state board of regents.

0026 (b) The state board of regents may convene a negotiating
0027 committee to obtain collection services. The negotiating com-
0028 mittee is authorized to negotiate contracts with one or more
0029 qualified parties to provide collection services for the state
0030 educational institutions and such contracts may be entered on a
0031 multi-year basis.

0032 (c) Prior to negotiating for collection services, the committee
0033 shall advertise for proposals, negotiate with firms submitting
0034 proposals and select among those submitting such proposals the
0035 party or parties to contract with for the purposes of collection
0036 services.

0037 (d) Contracts entered into pursuant to this section shall not
0038 be subject to the provisions of K.S.A. 75-3738 to 75-3740a, inclu-
0039 sive, and amendments thereto.

0040 Sec. 2. This act shall take effect and be in force from and
0041 after its publication in the Kansas register.

, and the director of purchases or a person designated by
the director of purchases.

3-15-84

B

Atch. B



SB 8

State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

March 15, 1984

Senator Paul Hess
Statehouse, Room 123-S
Topeka, Kansas 66612

Dear Senator Hess:

Attached is a copy of our fiscal note on S.B. 845. You will notice that our estimates of collections for LETC for FY 1984 are significantly higher than the figure for FY 1983 (\$813,000 compared with \$635,096). We expect the higher figure to represent a more "normal" year's collections, in contrast with the "start up" year in FY 1983.

I thought this information might be of help to you and the committee in considering this bill.

Please let me know if I can provide any other information.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie J. Van Buren".

Marjorie J. Van Buren
Executive Assistant to the
Judicial Administrator

MJVB:dm
Attachment



State of Kansas


Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

March 15, 1984

To: Lynn Muchmore, Director of the Budget
Executive Branch

From: Jerry Sloan, Fiscal Officer
Judicial Branch 

Re: Senate Bill 845

This bill would increase certain docket fees by one dollar and designate this addition to be deposited in the State Treasury and credited to the Law Enforcement Training Center Fund.

Using caseload and collection data since this fee was collected starting in July 1982, I would estimate that revenues for the Law Enforcement Training Center Fund during FY 1984 will be approximately \$813,000. On this basis, for an entire fiscal year, I would anticipate additional revenues for this fund of \$271,000.

It should be noted that any time there is a change in the docket fee or its disbursement, it takes a little while for the impact to be felt. Moneys are collected and remitted to the proper authorities after the change that were actually assessed prior to the change. In the case of this bill, I would expect the first-year impact to be approximately \$225,000.

JS:dm

KANSAS BOARD OF REGENTS



Suite 1416 Merchants National Bank Tower
Topeka, Kansas 66612-1251 913/296-3421

BEFORE THE SENATE WAYS & MEANS COMMITTEE
REMARKS OF REGENT ARCHIE R. DYKES
CONCERNING SENATE BILLS 833 and 834
March 15, 1984

Chairman Hess and members of the Senate Ways and Means Committee, I appreciate the opportunity to appear before you this afternoon on behalf of the Board of Regents. Mr. Kauffman of our staff is also appearing today to represent the Board concerning a number of bills before you that have either been requested by the Board of Regents or are of interest to the Board. Rather than take this Committee's time to restate what he will review with you concerning those many items, I would rather comment briefly about two of those items that the Board views to be of critical importance.

The first such bill is Senate Bill No. 833, an act to establish a higher education faculty relations act to specifically govern meeting and conferring with faculty at Regents institutions. As each of you is aware, the Board of Regents and Pittsburg State University have been engaged in meeting and conferring with faculty under the terms of the Public Employer-Employee Relations Act for over nine years. There have

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been some agreements and there has been protracted disagreement. I am not here to recapitulate that experience. I am here, however, to advise that as a result of the Kansas Supreme Court's July 15, 1983, affirmation of the Public Employee Relations Board, it is the judgment of the Board of Regents that some accommodation must be made in the law to restore the ability of the Board and Regents institutions to meet their obligations to manage those institutions in a meaningful fashion. The Court's acquiescence in the Public Employee Relations Board's administrative amendment to the statutory conditions of employment to include anything "significantly related" thereto has, for example, made the Board's OOE request "mandatorily negotiable" in the words of PERB as it relates to out-of-state travel, as well as mandating discussions as to how much the Board will seek for salaries for fiscal year 1986 -- a process that occurs before an appropriation is known for FY 1985!

The Board is proposing Senate Bill No. 833 as a solution to the problems we view as now existing. As proposed the bill would remove unclassified personnel at Regents institutions from the Public Employer-Employee Relations Act and substitute a new mechanism in its place. The proposal does make some changes in direct response to the Supreme Court's opinion, while other changes are intended to make adjustments in the nature of the relationship of the parties. Let me emphasize that the Board has not chosen to seek an absolute exclusion from such a process. We view communication between the Board, institutions and faculty to be critical in these times of limited resources. In fact, our proposal stresses the importance of such communication and

affirmatively recommends its continuation.

This proposal represents one of the most significant pieces of general legislation to be recommended by the Board in recent years. It is vitally important to us and we urge your favorable consideration.

The other item of considerable importance is Senate Bill No. 834, which would permit the Board to implement a partial early retirement plan for faculty between the age of 60 and 65. This measure, which was developed as a result of a study recommended by the Legislature, seeks to provide appropriate inducements to our faculty to consider early retirement. The benefit to the institution is the ability to more accurately predict retirements, as well as a significant anticipated increase in the ability to reallocate portions of positions and to thereby attract capable faculty to our universities for high demand programs. Two points are to be remembered. First, this program will be voluntary; that is, it will require the consent of the faculty member and the university. Based on our study, however, we think the program when implemented will be utilized by many faculty members. Secondly, we are not seeking additional funds for the program. It will be funded from existing resources. In fact, we anticipate savings to be realized, but in this regard, we also ask the concurrence of this body in permitting the institutions to retain and reallocate those savings. To do anything other than that will materially detract from this proposal.

Mr. Chairman, considerable time and thought has gone into Senate Bill No. 834. The Board is of the judgment that it is a

responsible and fair approach to addressing the need for program realignment and improving educational quality. The Board would appreciate your support in recommending this measure favorably.

KANSAS BOARD OF REGENTS

Suite 1416 Merchants National Bank Tower
Topeka, Kansas 66612-1251 913/296-3421



BEFORE THE SENATE WAYS & MEANS COMMITTEE
REMARKS OF WILLIAM R. KAUFFMAN, GENERAL COUNSEL,
KANSAS BOARD OF REGENTS, CONCERNING SENATE BILL NO. 833
March 15, 1984

Chairman Hess and members of the Senate Ways and Means Committee, on behalf of the Kansas Board of Regents, I am appearing today to testify concerning a number of measures specifically requested by the Board. These remarks are intended to address the substance of Senate Bill No. 833. That measure would remove the unclassified employees of the Board of Regents and Regents institutions from the coverage of the Public Employer-Employee Relations Act and, instead, place the faculty under a new law to be known as the Higher Education Faculty Relations Act.

Since its enactment in 1971, agencies of the State of Kansas have been subject to the Public Employer-Employee Relations Act, a law that requires public employers to meet and confer in good faith over a defined list of conditions of employment. Please remember that I am talking about the Public Employer-Employee Relations Act, not the so-called Professional Negotiations Act applicable to public school teachers and teachers in area vocational technical institutes and community colleges. The Public Employer-Employee Relations Act applies to all state agencies and to those governmental subdivisions that choose to

C-(11)

come under its provisions. During the 70's, there were few amendments to the law and little or no judicial construction of the Act. Several interim committees considered the matter with one concluding in 1975 that the "Act is confusing and has created expectations of collective bargaining in the minds of some." (Report of Special Committee to the 1976 Kansas Legislature, Proposal No. 44 - Public Employer-Employee Relations, p. 805.) Of the Regents institutions, only one, Pittsburg State University, has chosen to select an exclusive representative to represent the faculty. Without going into detail, considerable time and money has been devoted beginning in 1975 through the present. On July 15, 1983, that process was further complicated when the Kansas Supreme Court affirmed two decisions of the Public Employee Relations Board concerning Pittsburg and the law. In concluding that the law is a "hybrid" containing characteristics of a meet and confer law and a bargaining law, the Court stated that the Board of Regents, not the Regents institutions, is the public employer for purposes of the Act and that the conditions of employment subject to the process are not limited to those defined in the Act. In fact, any item that is "significantly related" to a condition of employment becomes a mandatory item for discussion. Thus, even though certain rights are specifically reserved to the employer, such as the right to hire, promote, demote, transfer, assign and retain employees, such authority may not be exercised until the employer "negotiates" (to use the term of the Court and the Public Employee Relations Board) the procedures for taking such action if the contemplated action is "significantly related" to a condition of employment. In fact, the Public Employee Relations Board ruled that:

. . . the employer could not unilaterally implement any decision, be it a management right or otherwise, that would impact on mandatorily negotiable terms and conditions of employment of unit members subsequent to the certification of the representative and prior to full participation in the meet and confer process. (Emphasis the Board's) (Public Employee Relations Board Order, Case No. 75-CAEO-1-1982, p. 5.)

With that as background, Mr. Chairman, the Board proposes that with respect to faculty at Regents institutions, we substitute the existing process with an alternative as contained within the proposed Higher Education Faculty Relations Act. Fundamentally, the laws are more or less parallel in structure. The significant differences are the clarification of the meet and confer nature of the law, a defined limitation on the conditions of employment, a change in the number of individuals required in order to secure a unit determination and to elect a union, a modification of the impasse procedure and a limitation of the scope of a memorandum of understanding.

Notwithstanding these points of limitation, the Act also makes what I view to be a very important policy statement in Section 1(c) in emphasizing the importance of traditional faculty governance mechanisms to higher education and encouraging the preservation of those faculty organizations. In stressing the importance of the academic governance mechanisms, the Act specifically states that notwithstanding the provisions of the Act, the administration is not precluded from discussing any matter with any member of the faculty or group of faculty members at any time.

Chairman Hess and members of the Committee, the Board and chief executive officers of the Regents institution believe in communication with faculty and in involving them in the affairs of

this State's educational institutions. We also believe that the people of this state have charged the Board through the Constitution and through laws you have enacted with the operation, management and control of the State educational institutions. The Board submits that this bill represents an appropriate balance of those very important considerations. We urge your favorable consideration of Senate Bill No. 833.

KANSAS BOARD OF REGENTS

Suite 1416 Merchants National Bank Tower
Topeka, Kansas 66612-1251 913/296-3421



BEFORE THE SENATE WAYS AND MEANS COMMITTEE
REMARKS OF WILLIAM R. KAUFFMAN, GENERAL COUNSEL,
KANSAS BOARD OF REGENTS, CONCERNING SENATE BILL NO. 834
March 15, 1984

On behalf of the Board of Regents, I am appearing in support of Senate Bill No. 834, which would grant the Board authority to implement a partial early retirement program.

Twenty months ago the Board requested the Legislative Coordinating Council to consider the fringe benefit programs available to State employees and consider the rate of employer contributions to the Regents retirement program. As a part of that review, that Committee, on which several of you served, also considered the subject of early retirement options, and as a part of that report stated:

Finally, the Committee recommends that the Board of Regents consider and develop proposals for implementing an early retirement plan and semi-retirement, part-time employment program for its unclassified employees. This recommendation is made with the intent of increasing institutional flexibility. The Committee further recommends that the plan(s) developed by the Board of Regents be submitted for legislative consideration and action. (Report on Kansas Legislative Interim Studies to the 1983 Legislature, Proposal No. 31 - Employee Fringe Benefits, p. 502)

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Mr. Chairman, I am here to report that the Board acted on the Committee's recommendation. It studied several options and finally, at its November 18, 1983, meeting agreed to request the introduction of the proposal represented by Senate Bill No. 834.

The bill as introduced would reduce the age for retirement from 62 to 60 and thereby establish the same minimum age for retirement as for those individuals in the Kansas Public Employees Retirement System. See K.S.A. 74-4914(3). This is relevant to Regents retirement personnel primarily for purposes of payment of accumulated sick leave. See K.S.A. 1983 Supp. 75-5517.

More importantly, the act would permit the Board of Regents to implement a partial early retirement plan. As contemplated, faculty members between the ages of 60 and 65 would be permitted to enter into reduced service agreements which would be less than full-time but at least one quarter time. In exchange, the institution would continue to contribute the same amount to the individual's Regents retirement plan account as if the individual continued to be full-time, that is 5 percent of the full-time rate of pay. Additionally, the faculty member would also continue to receive the same State contribution toward health insurance as is available to full-time employees.

Our study indicated that all Regents institutions are projecting an increase in the number of faculty members approaching the mandatory retirement age of seventy. For example, Kansas State University, the University of Kansas and Wichita State University will experience a more than doubling of the numbers of faculty members projected to retire six to ten years from now, as compared with the next five years. These figures, which represent more than

10 percent of the K-State and KU faculties and nearly 10 percent of the WSU faculty, suggest that desired institutional flexibility can be achieved by implementing an early retirement program for faculty. From the faculty perspective, the Touche Ross Report (1982) commissioned by the Board of Regents, found substantial interest in early retirement among our older faculty members. In fact, 66 percent of those surveyed in the Regents system indicated a preference to retire at age sixty-six or earlier, a fact borne out by historical patterns.

As the Regents look more and more to resource reallocation as a critical component of financing the academic enterprise, this partial retirement program will enhance institutional planning by providing incentives to faculty to decide at an earlier point as to their retirement intentions. For the faculty, this voluntary program will provide a mechanism for beginning to plan for retirement by reduced service with some financial enhancement to the individual's retirement account and with the certainty of medical insurance through this period, a factor found to be a significant consideration by half the respondents in the Touche Ross survey.

The Board of Regents is not seeking any additional funds to implement the proposed program. In fact, in discussions at the time it was approved, the Board indicated that if additional costs are incurred in implementing such a program, the institutions are expected to absorb them. It should be indicated that additional costs are not anticipated; in fact, savings are anticipated. It is important that as a feature of this program, institutions should be permitted to retain and reallocate savings that may result. This

resulting institutional flexibility is the key making the partial retirement program a useful device to better our institutional programs.

The Board of Regents urges your support of Senate Bill 834.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

SB 833

Mr. Chairman and Members of the Committee:

I am Ruth Wilkin, representing the American Association of University Professors. The AAUP was founded in 1915 by a group that included many of the outstanding faculty members of the time, and now has a national membership of 68,000, with nearly 400 members in Kansas. It is the sole national faculty organization concerned directly with higher education above all else.

SB 833 represents a drastic change in the employee-employer relations as far as public employees are concerned. Faculty members are separated from state employees, with an entirely new act known as the Higher Education Faculty Relations Act. The bill was printed on Monday of this week and practically all of the professors I represent are on spring break right now. The president of our organization at the University of Kansas had expressed interest in being informed of any bill of this type which might come before the legislature, but he will not be back in Lawrence until Sunday night.

Surely a change of this magnitude should not be introduced and heard within four days. Faculty members surely deserve an opportunity to read the bill and determine what their action should be. Mr. Chairman, and committee members, I would respectfully suggest that this might be a very good bill to be considered for an interim study. It was very late in being introduced, and it certainly may affect hundreds of professors in our universities. Until they have an opportunity to look at the bill, I feel I can neither support or oppose it, but in fairness I believe changes of this type should not be hastily made. We ask you not to pass the bill now, but recommend it for interim study. Thank you.

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3-15-84

STATE OF KANSAS



OFFICE OF THE GOVERNOR
State Capitol
Topeka 66612-1590

John Carlin Governor

Testimony to
Senate Ways and Means Committee
on Senate Bill 834
by Bob Wootton
March 15, 1984

Mr. Chairman, and Members of the Senate Ways and Means Committee, on behalf of the Governor, I am appearing today to testify in support of Senate Bill 834.

This bill would reduce the age for retirement from 62 to 60 for those persons in the Board of Regents retirement system and, more significantly, permit the Board of Regents to implement a reduced service program for persons between the ages of 60 and 65. This program, which would permit a faculty member to retain the health insurance benefit available to full-time state employees and receive the Regents' retirement contribution as if such member of the faculty were full-time, has significant advantages to both the faculty member and the institution. First, the faculty member would be able to begin to plan for retirement through a planned reduction of service. This reduction, however, would be accompanied by continued retirement contribution by the university based on the full-time salary thus providing for increased financial security. Also of importance is the health insurance feature. I am advised by representatives of the Regents institutions that the fear of not having health insurance or of having to purchase it at very high rates mitigates against early retirement of faculty. This proposal will go a long way to alleviate that concern.

For the institution, the proposal has merit because it will permit institutional planning by having advance knowledge as to an individual's retirement plans and will facilitate resource reallocation. As you know, the Regents and Regents institutions are engaged in a process of reviewing programs. This process has resulted in a decision to shift resources from one academic

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area to another for the benefit of our educational programs. Senate Bill 834 will aid in the ability of institutional reallocation through the partial retirement feature. The result, we trust and expect, will be enhanced educational quality.

In indicating his support for this concept, the Governor in his Legislative Message noted that this program will not require additional state revenues. In fact, the Board of Regents, in approving this legislative request, did so with the expectation that any program to be implemented would be funded out of savings realized through the partial retirement of more highly paid, senior faculty. Implicit therein is the importance of permitting the Regents institutions to retain and reallocate resources gained through this program.

The Governor is convinced that Senate Bill 834 represents a vehicle for enhanced planning at our State educational institutions and is a fair benefit to long-dedicated faculty who wish to consider early retirement. The resource allocation envisioned by the bill will not only promote the ability of the universities to attract new talent, but is designed to result in greater educational quality. We urge your support of this measure.

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

Mr. Chairman and Members of the Committee:

I am Ruth Wilkin, representing the American Association of University Professors, and I am speaking in favor of SB 834. The AAUP was founded in 1915 by a group that included many of the outstanding faculty members of the time, and now has a national membership of 68,000, with nearly 400 members in Kansas. It is the sole national faculty organization concerned directly with higher education above all else.

SB 834 provides an opportunity for faculty to reduce their teaching schedules between 60 and 65 years of age, with the educational institution paying for health insurance and retirement as though the member were on a full time appointment. This arrangement should be beneficial to the state as well as the individual professors, and we urge your support of SB 834.

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WICHITA STATE UNIVERSITY

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March 14, 1984

The Honorable Paul Hess
123 S., State Capitol
Topeka, KS 66612

Dear Senator Hess:

On behalf of the senate presidents of Regents institutions, I wish to reaffirm the group's support for reduced-service agreements for faculty as proposed in Senate Bill 834. For some time, university faculty have expressed interest in opportunities for phasing retirement while safeguarding health and retirement benefits. Institutional benefits include the increased ability to reallocate resources to meet changing economic and curricular needs. Thus these enhancements to the retirement system can provide desired flexibility for both faculty members and the institutions.

The Faculty Senate Presidents urge Committee approval of the proposal currently under consideration. Members of our group will attend the upcoming hearings and will be glad to answer questions the Committee might have about Senate Bill 834.

Regards,

A handwritten signature in cursive script that reads "Marilyn Myers".

Marilyn Myers
Chair, Faculty Senate Presidents

xc: Senate Ways and Means Committee
Mr. Stanley Z. Koplik
Mr. William R. Kauffman

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3-15-84