

Approved _____ Date 3-14-85

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Bunten at _____
Chairperson

1:30 ~~xxx~~ p.m. on Tuesday, March 5, 1985, 19__ in room 514-S of the Capitol.

All members were present except: all present

Committee staff present:	Gloria Timmer	-	Legislative Research
	Robin Hunn	-	Legislative Research
	Jim Wilson	-	Office of the Revisor
	Sharon Schwartz	-	Administrative Aide
	Nadine Young	-	Committee Secretary

Conferees appearing before the committee:

- Representative Wagnon
- Susan Ludmer Glibe, Topeka Mayor's Commission on the Status of Women
- Mr. Merle Duncan, Instructor-WU Law School
- Tom McLaughlin, Association of Federal and State Municipal Employees
- Janet Brunton, Adult Activity Director, YWCA
- James Apodaca, Executive Director, Kansas Advisory Committee on Mexican-American Affairs
- Lynn Hausemann, Kansas State University
- Barbara Ballard, Director of Women Resources, Kansas Univ.
- Elizabeth Taylor, Kansas Association for education of young children.
- Susan Seltsam, State Treasurer's Office
- Jim Maag, Kansas Bankers Association
- Representative Marvin Smith
- David Smith, Miami County Commission
- Leo Bohn, Wabaunsee County Commission
- Sarah Stephens, Volunteer for out-district tuition auditor for Tecumseh Township.
- Representative Hassler
- Representative Laird
- Merle Hill, Kansas Association of Community Colleges
- Ed Walbourn, Washburn University
- Representative Dean
- John Allen, Associated Students of Kansas
- Representative Blumethal
- Ethel M. Miller, Kansas Association of Retired Citizens
- Jan Strickler, Kansas Advocacy Protective Services
- Joan Wesselowski, Kansas Association Rehabilitation Facilities
- Dr. Robert Harder, SRS
- Others present (Attachment I)

Chairman Bunten called the meeting to order at 1:30 p.m.

HB 2408 -- an act establishing a pay equity commission; relating to the composition, powers, duties and functions thereof; requiring reports and recommendations.

Representative Wagnon presented the bill which would establish a pay equity commission. The Commission would hold hearings, receive testimony, study and analyze relevant information for the purpose of developing quantifiable criteria to measure the comparability of the value of work performed by state officers and employees.

The Revisor's office estimated \$65,000 to be the cost of operating the Commission over a 3-year period. This would include mileage and substance pay for the members of the Commission.

Susan Ludmer Glibe appeared before the committee and testified in support of the legislation. Her testimony was aimed primarily on the status of women in the work force.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 1:30 ~~xx~~m./p.m. on Tuesday, March 5, 1985

Merle Duncan, who teaches employment discrimination law at Washburn Law School cited an incident pertaining to a discrimination law suit in the state of Washington. However, he told the committee he has no idea how that suit will come out because there does appear to be some problems with it. Duncan spoke in support of HB 2408.

Tom McLaughlin also testified in support of the bill and expressed opinion that the State Government should lead the way in eradicating discrimination.

Janet Brunton in support of the bill on behalf of the YWCA and provided a handout (Attachment II).

James Apodaca appeared in favor of the bill and provided written testimony which suggests the bill be amended to include representatives from minority advocacy groups on the Commission. (Attachment III)

Lynn Hausemann spoke in support of the pay equity commission and feels that the pay scale for men and women should be reviewed.

Barbara Ballard, who works in placing women students in jobs after graduation from KU, also appeared before the committee in support of the legislation.

Representative Laird spoke in opposition to HB 2408. He did preface his remarks with the statement, "I favor equal pay for equal work". He feels the question of pay equity commission has absolutely nothing to do with equal pay for equal work. He read an article from the February 18, 1985 Moral Majority Report which states that the Supreme Court upholds comparable worth ruling and has joined huge opposition to the concept of comparable worth.

The following written testimony was distributed to members of the committee relative to HB 2408:

Lynelle King - Attachment IV
Nancy Sargent - Attachment V
Donavene D. Liggett - Attachment VI
Dr. Lois Scibetti - Attachment VII
Marilyn Flannigan - Attachment VIII

Chairman turned to HB 2334 -- an act concerning certain homes for children; directing the post auditor to perform an audit of licensed boarding homes for children and registered family day care homes.

Representative Wagnon presented the bill which was introduced at the request of groups interested in child care across the state. The bill would direct Post Audit to perform periodic checks on day care homes to see whether or not registration forms are in order.

Elizabeth Taylor testified in support of the bill and provided a handout (Attachment IX). She suggested an amendment which would direct an audit of licensed facilities versus those which are registered. (Lines 22, 36 & 42). She said her organization would like to put at rest the controversy over whether or not registration works.

Representatives Rolfs and Fuller, both stated they had heard no such controversy concerning this matter.

Robert Epps provided a handout (Attachment X) which supports the measure on behalf of Department of Health and Environment.

HB 2122 -- an act concerning public moneys; relating to securities for deposits thereof; amending K.S.A. 75-4218 and K.S.A. 1984 Supp. 9-1402 and repealing the existing sections.

HB 2122 would increase the pledging requirements from 70% to 100% of market value on all money in state bank accounts above FDIC \$100,000 insurance limit.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,

room 514-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Tuesday, March 5, 1985

Susan Seltsam, representing State Treasurer's office, appeared before the committee in support of HB 2122 and distributed written testimony (Attachment XI).

Representative Louis told the committee that the bill was introduced at the request of Kansas Bankers Association and there were no opponents to the bill when it was heard by Pensions and Investments.

Jim Maag addressed the committee and asked for favorable consideration. He told the committee that the Kansas Banking Industry and this bill is offered in the continuing desire to assure taxpayers that tax revenues deposited in Kansas banks will always be fully covered. He did emphasize that there has never been a dime of public funds lost. (See Attachment XII).

Richard Ryan of Legislative Research called the committee's attention to page 6, section 2(f), Line 197, which refers to KSA 75-4259. That section was repealed in SB 10 and that section can be obliterated. Representative Heinemann moved that Section 2(f) be removed from the bill. Representative Louis seconded. Motion carried. Representative Louis then moved that HB 2122, as amended, be recommended favorable for passage. Representative Chronister seconded. Motion carried.

HB 2341 -- an act concerning certain publicly funded institutions of post secondary education; relating to entitlements of community colleges and municipal universities to out-district tuition and state aid and credit hour state aid; amending K.S.A. 13-13a29, 13-13a30, 71-601, 71-604, 71-605, 72-6501 72-6405 and 72-6506 and KSA 1984 Supp. 13-13a26, 71-301, 71-602, 71-607 and 72-6503 and repealing the existing sections.

Representative Smith presented the bill which would provide for improved accountability for enrollment and statement of charges for out-district tuition. (Attachment XIII) lists the proposed changes in present statute.

David Smith, representing Miami County Commission, testified in support of the bill. He claims it's unfair for his township to have to pick up the tab of students who drop out soon after enrollment. He stated that Miami County this year would be paying out about \$180,000 in out-district tuition.

Leo Bohn, representing Wabaunsee County Commission, also testified in support of the new legislation. He said passage of this bill would not totally solve the problem, but would go a long way (Attachment XIV).

Sarah Stephens, a volunteer auditor for Tecumseh Township, also asked for favorable recommendation of the bill. (Attachment XV)

Representative Hassler appeared before the committee in support of the bill, representing commissioners from Dickinson and Geary Counties. She proposed that more money should be paid to those students who complete their classes and no payment made for those who drop out.

Merle Hill addressed the committee as an opponent. He maintains that dropouts are completely beyond their control and changing the date for payment of state aid and out-district tuition would create enormous cash flow problems for the community colleges and would probably also result in increased tuition costs. (Attachment XVI).

Ed Walbourn, representing Washburn U. also opposed the bill, much for the same reasons as Mr. Hill. (Attachment XVII).

Chairman turned to HB 2330 -- an act concerning the Kansas civil service act; relating to credit for employment as a student employee of an educational institution under the state board of regents.

Representative Dean presented the bill which is designed to give state employees a head start in their career, by giving them credit for part time work while at a state funded school. Dean maintains this legislation would entice some of those people to go to work for the state and would be an asset to the state. There is no fiscal note at the present, but it was determined there would be a cost to the state at some point.

CONTINUATION SHEET

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John Allen, Campus Director at Fort Hays and representing the Associated students of Kansas, also appeared in support of HB 2330. He viewed the bill as a logical extension of the current civil service system. (Attachment XVIII)

HB 2300 -- an act concerning the department of social and rehabilitation services; directing the secretary thereof to provide for transitional planning for continuity of services to mentally retarded or otherwise developmentally disabled persons whose age no longer entitles them to services under special education programs.

Representative Blumenthal presented the bill which would require SRS to prepare a case file and develop a list of possible services which would assist the parents of these young adults in getting them established in the community.

Ethel Miller testified in support of the bill on behalf of the Kansas Association of Retarded Citizens. She endorses the bill as a concept because it would be a good start in an effort to specify responsibility and give authority for the gathering of data to be used to assist the families in getting these confused adults settled.

Joan Strickler addressed the committee and merely endorsed the sentiments of others supporting the bill.

Joan Wesselowski also testified in support of the bill, speaking for the Association of Rehabilitation Facilities. She said the two-year plan that would be developed by SRS would be very important from her standpoint.

Lastly, Dr. Robert Harder presented the views of his agency. He distributed a handout (Attachment XIX) which states that SRS supports the concept of identifying and determining the service needs of mentally retarded and disabled individuals graduating from special education programs. He did point out, however, that the Department is concerned about the potential fiscal implications of this legislation as it is estimated that by 1990, over 1,100 MR/DD individuals will exit from special education programs. SRS supports addition of language to HB 2300 which clearly stipulates that the Secretary will have responsibility for preparation of the plans only if funding and staff are available. A copy of SRS's proposed amendment is included with Attachment XIX.

Representative Mainey suggested the word "may" in the amended language be changed to "shall" which would make it a directive. Dr. Harder stated he did not object to changing the word back to "shall" as long as the language "within available funding and staffing" remain a part of the legislation.

Meeting adjourned at 4:00 p.m.

Date 3-5-85

Name	Address	Representing
Charles Dodson	TOPEKA	KAPE
Myrl Duncan	" "	Washburn U-
Tom McLAUGHLIN	TOPEKA	AFSCME
Dan Hughes	Topeka	HSAX
D.O. Smith	Rt-1 Louisburg ⁶⁶⁰⁵³ KS	Co County Commissioners
Marie Copeland	Topeka	YWCA
Nancy Sargent	Topeka	LWUC
Lana Balke	Topeka	Self
Kathy Payne	Tecumseh	Ks. Parents Assoc. for Deaf-Blind/Multi-Handicap
Karen Testa	Topeka	GAP ^{SMA} Group Homes & Alternative Programing
Eleanor Bell (#2408)	Topeka	Self & Public Works Admin.
Connie Johnson	Overland Pk	Stonement Church
Paul Jarmosel	"	"
Donna Renea Jaggitt	Topeka	Mid Day Chapter ABWA
Lela Ruthph	"	self
Kim Austin Smith	"	City of Topeka
Jean Hathaway	Topeka	
Betty Booth	Topeka	
Marilyn Anst	Topeka	self
Kath Swanson	Topeka	KCCO
Jessie De Haan	Topeka	STO
Adelle Koshkin	Topeka	Off Admin
Marilyn Tomlinson	"	City of Topeka
Gaurie Hull	Topeka	KACMAA
James M. Goddard	"	"
Margaret Williams	"	"
Sally Fahrenthold	Prairie Village	Post Audit metropolitan lutheran ministry

3/5/85

Date 3-5-85

Name

Address

Representing

Norman Parkowsky

74th St & Lowell
Overland Park KS 66204

self

Emily Ballentine

6101 Reinhardt Fairway 66205

Joe Mooneyham

800 W. 1st, Topeka, Ks

Revenue Dept

RE: HB 2048 ~~2408~~
Pay Equity Commission

I am here today to speak in favor of HB 2048 which seeks to establish a Pay equity Commission for the purpose of evaluating the pay equity study recently performed by the State of Kansas Dept. of Administration.

The YWCA believes the next step in this process is to establish an independent third party, namely the Pay Equity Commission, which can evaluate the study findings. This commission would assume the burden of evaluation, removing from the Department of Administration the potential double-jeopardy situation of evaluating its own study.

The commitment of the Dept. of Administration, the Governor, and the Legislature to Pay Equity is commendable and wisely tempered by the concern for the fiscal welfare of our state. Thus, all of the above parties will eventually be faced with the problem of dealing with the study findings; and answering the questions:

What are we going to do?

When are we going to do it?

How much is it going to cost?

These questions must be addressed equitably for their potential impact upon the workers of this state, and realistically for their impact on the state's pocket-book. These are difficult questions and the state's welfare would be best served by answers which respond to all of the various interests concerned with the outcome of the pay equity study.

HB 2048 includes in its scope all of these interests: labor, the business community, state employees, state administration and personnel departments, women's advocacy groups, and civic and community organizations. In short, all of the groups monitoring the state's progress toward pay equity.

I also believe the establishment of this commission will safeguard this state from the type of situation presently faced by the state of Washington. As you probably know Washington State performed its study, but did not choose to act upon it until a lawsuit had been filed. The result has been the successful litigation of a class action suit against Washington State.

The establishment of a Pay Equity Commission as described in HB 2048 gives the State of Kansas an opportunity to place itself in a pro-active stance of setting up a mechanism which will produce long-range pay equity goals, plans, and costs palatable to this state. Now that we have our study, we are faced with the same decisions as Washington State and we need not be forced to swallow the bitter pill of costly lawsuits.

3/5/85

JX

Testimony to the House Ways and Means Committee

Concerning H.B. 2408

by James M. Apodaca
Executive Director

Kansas Advisory Committee on Mexican American Affairs

Mr. Chairman and Committee Members:

A major function of the Kansas Advisory Committee on Mexican American Affairs (KACMAA) is to serve as the liaison between the Kansas Hispanic community and Kansas state government. We are charged with the responsibility to inform the Legislature on policy issues affecting Kansas Hispanics. Such an issue is H.B. 2408, which would establish a Pay Equity Commission.

KACMAA would like to express support for H.B. 2408. We feel it is a viable idea to establish a Pay Equity Commission, since equitable pay is an important issue for the Hispanic Community and other minority groups. We would also like to urge the Committee to amend the bill to include representatives from minority advocacy groups on the Commission.

A recent report by the United States Commission on Civil Rights, entitled Unemployment and Underemployment Among Blacks, Hispanics, and Women, indicated that majority (white) males received inequitable pay less frequently than Hispanics, blacks, and women. Furthermore, the report demonstrated that majority males were overeducated for their occupation less often than any other group except majority females. The report concluded that it is highly probable that discrimination continues to have a major effect on blacks, Hispanics, and women in their struggle to find jobs commensurate with their qualifications and experience.

KACMAA views the passage of H.B. 2408 as an important step in meeting the employment needs of Hispanics in Kansas. As a representative of KACMAA, I ask for your support on H.B. 2408.

Tuesday, March 5, 1985

3/5/85 III

KSNA

the voice of Nursing in Kansas

Statement of the Kansas State Nurses' Association
by Lynelle King, RN, MS, Executive Director
before the House Ways and Means Committee
March 5, 1985

In Support of HB 2408 Pay Equity Commission

Mr. Chairman and members of the Committee, my name is Lynelle King and I am Executive Director of the Kansas State Nurses' Association, the professional organization for Registered Nurses in Kansas.

There are approximately 17,000* RNs residing in Kansas, about 11,000 working full-time with approximately 1,000 employed by the State.

For the first time in history KSNA has a male president, Michael Goodwin, MN, MEd., RN of Wichita. Because he worked last night and has to work tonight (at Wesley Medical Center) he was unable to be here today to testify. But he wanted this committee to know that he as President and KSNA in general strongly support the notion of formation of a Pay Equity Commission.

Registered Nurses are a prime example of the single-sex-dominated profession. Nationwide and in Kansas 97% of RNs are female. The Equal Pay Act has not been assistive to classes, such as RNs, since the Equal Pay Act addressed discrimination against persons within the same class or type of position.

Community Health Nurses in Denver first brought national attention to the situation. They did careful study and fact-finding on other classes of health department employees and found male-dominated groups, such as sanitarians, had much higher salaries yet had lower educational requirements, much less responsibility (fewer employees to supervise), less experience requirements and so on.

* Annual Report, State Board of Nursing, 1983.

3/5/85

III

There have been any number of examples from many states: nurses in charge of critical care units paid less than garbage collectors or parking lot attendants, and so on. In the State of Washington a study by an independent firm of highly reputed researchers/social scientists found the category receiving the highest number of points (for difficulty, etc) was a "Nurse IV" within the State Health Department. You will not be surprised to learn that she was paid 50% less than was the highest male category in the study.

And there are complaints of the same type of pay-inequities by state-employed nurses in Kansas.

We support the Pay Equity Commission because it would give a forum for such complaints and would study the situation objectively, providing information needed by the Kansas Legislature and other governmental officials. It would be a way to begin to address the situation in a constructive, reasonable way.

Thank you for the opportunity to comment. I will be happy to answer questions.

LK/mm

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

March 5, 1985

Statement to the House Ways and Means Committee

in support of HB ²⁴⁰⁸ 2048

Mr Chairman and Members of the Committee:

I am Nancy Sargent speaking for the League of Women Voters of Kansas, a group with a long history of support for equal rights. The proposed commission would be another step forward for the State of Kansas in pursuit of fair treatment of all of its citizens. We support the formation of a pay equity commission and await its findings with interest.

Thank you.

Nancy Sargent

Nancy Sargent

LWVK
909 Topeka-Annex
Topeka, Ks. 66612
354-7478

3/5/85 *AS*

TO: HOUSE WAYS AND MEANS COMMITTEE
WILLIAM BUNTEN, CHAIRMAN
BY: DONAVENE D. LIGGETT, PRESIDENT
MID DAY CHAPTER, AMERICAN BUSINESS WOMEN'S ASS'N
RE: HOUSE BILL NO. 2408
TO ESTABLISH A KANSAS PAY EQUITY COMMISSION
DATE: MARCH 5, 1985

(THE AMERICAN BUSINESS WOMEN'S ASS'N IS AN ORGANIZATION DEDICATED TO THE PROFESSIONAL, EDUCATIONAL, CULTURAL AND SOCIAL ADVANCEMENT OF WOMEN. IT HAS OVER 110,000 MEMBERS AND 2,000 CHAPTERS IN THE UNITED STATES AND PUERTO RICO. THE NATIONAL HEADQUARTERS OF ABWA IS LOCATED IN THE HEART OF AMERICA...KANSAS CITY, MISSOURI WHERE IT WAS FOUNDED IN 1949.)

TESTIMONY: THE AMERICAN BUSINESS WOMEN'S ASS'N UNEQUIVOCABLY AND EMPHATICALLY SUPPORT AND PUBLICLY ENDORSE EQUAL PAY FOR WORK OF COMPARABLE WORTH.

THERE IS A GROWING AWARENESS THAT CLASSIFICATION OF WORK WITHIN STATE GOVERNMENT AND ELSEWHERE MUST BE IN CONFORMANCE WITH THE EXPECTATIONS OF AN ENLIGHTENED SOCIETY.

MANAGEMENT'S AWARENESS OF ITS OBLIGATIONS, TECHNOLOGICAL ADVANCEMENTS, CHANGING EMPLOYEE EXPECTATIONS AND ATTITUDES, ALTERED FAMILY UNIT STRUCTURES, AND THE SHATTERING OF OLD FASHIONED AND INEQUITABLE STEREOTYPING HAS CREATED A UNIVERSAL ENVIRONMENT CRYING FOR EQUITABLE CHANGE. THERE IS NO WILLINGNESS IN TODAY'S SOCIETY TO CONDONE NOR ALLOW ACCOMODATION OF OUT-MODED JOB CLASSIFICATION SYSTEMS WHICH ADVERSELY IMPACT ANY SEGMENT OF SOCIETY.

VERY SIMPLY STATED, JOB CLASSIFICATION SYSTEMS MUST BE BLIND TO ANY STEREOTYPICAL CONSIDERATIONS AND MUST CONSIDER AND ADDRESS ONLY THOSE ELEMENTS WHICH ACTUALLY ARE REFLECTIVE OF JOB REQUIREMENTS. IN THESE DAYS OF CHANGING ROLES IT IS INCONCEIVABLE THAT ANY EMPLOYMENT, ANY JOB, ANY WORK MAY BE CONSIDERED OFF LIMITS TO ANY SEX OR THAT ANY JOB, WORK OR EMPLOYMENT SHOULD BE PAID LESS MONEY OR HELD IN ANY LESS ESTEEM BECAUSE OF PRIOR STEREOTYPING. JOB DUTIES WHICH ARE COMPARABLE IN JOB ELEMENTS SHOULD BE COMPARABLE IN JOB WORTH.

CURRENTLY THE STATE OF KANSAS HAS THOUSANDS OF JOB CLASSES IN THE CLASSIFIED SERVICE. IN JUST SHEER NUMBERS THE SYSTEM IS CUMBERSOME AND UNWIELDY. IN OUR OINION IT NEEDS AN INNOVATIVE AND ANALYTICAL STUDY WHICH SHOULD RESULT IN THE SYSTEM BEING SIMPLIFIED AND MODERNIZED. IT NEEDS TO BE AUTHENTICATED AS A SYSTEM THAT IS EQUITABLE AND RESPONSIVE TO COMPARABLE WORTH OF WORK AND PAY.

WE DO NOT CONSIDER THE PAY EQUITY ISSUE TO BE AN ISSUE THAT IMPACTS ONLY WOMEN...WE CONSIDER IT A UNIVERSAL ISSUE IMPACTING ALL PEOPLE OF THE WORK FORCE. HOWEVER, WE DO RECOGNIZE AND ACKNOWLEDGE THAT IT IMPACTS WOMEN MORE OFTEN THAN MEN.

THEREFORE, THE MID DAY CHAPTER OF THE AMERICAN BUSINESS WOMEN'S ASS'N OF THE UNITED STATES AND PUERTO RICO RECOMMEND YOUR FAVORABLE CONSIDERATION AND RECOMMENDATION FOR PASSAGE OF HOUSE BILL NO. 2408.

3/5/85



KANSAS STATE BOARD OF NURSING

BOX 1098, 503 KANSAS AVENUE, SUITE 330
TOPEKA, KANSAS 66601

Telephone 913/296-4929

TO: The Honorable William Bunten, Chairman, House Ways and Means
Committee

FROM: Dr. Lois Rich Scibetta, R.N., Executive Administrator

RE: House Bill 2408, Pay Equity Commission

DATE: March 5, 1985

Thank you Mr. Chairman for this opportunity to speak to you regarding House Bill 2408, on behalf of the Board of Nursing.

The Board of Nursing supports the concept of the establishment of the Pay Equity Commission. We are a board which licenses the members of predominantly female occupations (98%), registered nurses, licensed practical nurses and mental health technicians. It is important that comparable pay schedules and classifications are reviewed. The Pay Equity Commission appears to be an appropriate resource to complete this task.

In Section 3, (c), we would like to add, on line 0042, after skill, education and experience. In addition, the current private sector salaries should also be considered.

The Commission would be important in the review of clerical salaries, because the majority of the clerical work force are female, and most of the Board employees are female, although we have two male clerks.

The Pay Equity Commission will be beneficial to the state, and employees will know that their positions have been reviewed.

Thank you for this opportunity to comment. I will be happy to answer any questions which the Committee may have.

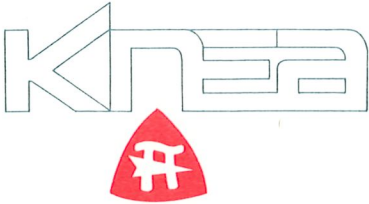
3/5/85

LS

Marilyn Flannigan Testimony

before the House Ways & Means Committee

March 5, 1985



I am Marilyn Flannigan and I am speaking on behalf of the Kansas-National Education Association in support of HB 2408.

We believe the establishment of a pay equity commission is an important first step in the process of providing a much needed balance in the pay structure for Kansas employees.

The concept is an issue for not only educators but others who struggle to survive on salaries that very often are barely above the poverty level.

It is important to bring about a change in a rational, logical manner and we believe the commission to be the vehicle for that change. It is important to bring about such a change if we are to truly realize the benefits of free enterprise in the world of work. There are many people here today who will and have brought forth statistics which bear out the fact that those occupations which are classified as female-dominated occupations continue to fall far below those of male-dominated jobs. The following example is taken from a report by the National Committee on Pay Equity: The average pay in 1982 for typists (96.6% female) was \$11,804 as compared to \$15,342 for carpet installers (98.8% male) and \$21,840 for mail carriers (83% male). Insofar as teachers are concerned, I have attached a comparison of teacher salaries with other occupations over a ten-year period.

3/5/85

VIII

Our belief in the importance of this commission is summarized in a statement by Mary Hatwood-Futrell, President of NEA, before a U.S. House of Representatives sub-committee in 1982:

"The NEA believes that looking at jobs in terms of their requirements, skills, and true value to the employer -- essentially what pay equity is all about -- is one way to begin to revise current views about the value of work, without regard to the gender, race or physical ability of the person doing it. We believe that people should have the option to choose the jobs they would like to do based on their desire to work in a particular field, without having to make a financial sacrifice to do so. After all, pay inequities not only affect women who work, they affect the men who work -- or would like to work -- in fields in which women predominate, such as teaching or nursing."

We urge you to act favorably on HB 2408.

Attachment

**How
Teacher
Salaries*
Compare
To
Private
Industry
Over
10 Years**

*Average Beginning Salaries

1974	PRIVATE INDUSTRY	1984
\$ 8,685	Laboratory Technician	\$17,761
8,892	Librarian	19,344
9,672	Economist	20,484
11,040	Accountant	20,176
10,088	Sanitation Worker	20,280
10,176	Statistician	22,416
11,284	Radio Broadcaster	20,800
11,925	Bus Driver (Metro)	22,906
11,546	Computer Analyst	24,864
11,556	Engineer	26,844
13,485	Construction Worker	23,126
14,820	Plumber	24,180
16,801	Social Worker	23,907
18,666	Purchasing Director	37,374
19,634	Personnel Director	42,978
\$ 8,233	TEACHER	\$14,500

SOURCES: U.S. Department of Labor Reports: *Employment and Earnings, Professional, Administrative, Technical, and Clerical Pay*; NEA Research Report, *Prices, Budgets, Salaries, and Incomes*; U.S. Office of Personnel Management Report: *State Salary Survey*

ELIZ TAYLOR

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ADULT AND CHILD CARE FACILITIES

September, 1984

LICENSING AND REGISTRATION
OF CHILD CARE IN KANSAS

I. INTRODUCTION

The original licensing law which was passed in 1919 placed the licensing authority with the Bureau of Maternal and Child Health, Kansas Department of Health and Environment. The Bureau administers the licensing law as a preventive program to assure that out-of-home care for children and maternity patients will not be exploitive, unsafe or unhealthy. Basically, the main purpose of the law is to protect the health, safety and welfare of children receiving care away from their parents and home. It is also a consumer protection law assuring parents that the care they are paying for meets minimum standards of good care.

Licensure or registration (depending on the number of children in care) is required regardless of the motivation for providing care, and whether or not there is advertisement of or payment for services. The essential fact is that a child or children are receiving care away from their own home.

Registration or licensing is not required when care is provided in the child's home, if children are cared for in the home of a relative, or if not more than two children are in care not more than twenty hours per week total time.

Registration or licensing is not required for irregular care arranged between friends and neighbors on an exchange basis.

II. CATEGORIES OF CHILD CARE

A. DAY CARE (less than 24 hours per day)

1. Licensed Day Care Home

A license is required for any person giving regular care for less than 24 hours a day to a maximum of 6 children under kindergarten age including the family's own children in this age group and four additional children kindergarten age and over, with a maximum of 10 children including the provider's children. Persons caring for six or fewer children have the option of being either licensed or registered. (See "Regulations for Licensing Day Care Homes and Group Day Care Homes")

2. Group Day Care Home

A group day care home may be licensed to care for a maximum of 12 children under 14 years of age. (See "Regulations for Licensed Day Care Homes and Group Day Care Homes")

3. Registered Family Day Care Home

Registration is required for any person giving regular care for less than 24 hours a day to 6 or fewer children away from the child's home. The total must include the family's own children under 16 years of age, and may not include more than 3 children under 18 months including the family's own children in this age group. (Legislation effective 7-1-80.)

4. Child Care Centers/Preschools

a. "Child care center" means a facility in which care and educational activities are provided for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care. A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations.

b. "Preschool" means a facility:

1. which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 1982 Supp. 72-1107(c) and any amendments thereto, and who are 30 months of age or older;
2. which conducts sessions not exceeding three hours per session;
3. which does not enroll any child more than one session per day; and
4. which does not serve a meal. The term "preschool" shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperatives. A preschool may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations.

3/5/85

IV

- c. In lieu of being licensed, preschools operated in the same building as private school providing kindergarten through grade six shall be governed by Kansas statutes applicable to private schools.
- d. A license is not required when irregular care (2 to 6 consecutive hours on an unscheduled or intermittent basis) is given to a child whose parents are on the premises and/or readily accessible to the child.
- e. Mother's Day Out or other programs operating 5 consecutive hours or less per week shall be exempt from licensing (See K.A.R. 28-4-212.(1)(4).)

B. RESIDENTIAL CARE

1. Family Foster Home -- Twenty-four hour care for one to four children. (See "Regulations for Licensing Family Foster Homes for Children")
2. Group Boarding Home -- Twenty-four hour care for 5 to 10 children. (See "Regulations for Licensing Group Boarding Homes for Children and Youth.")
3. Residential Center -- Twenty-four hour care for over 10 children. (See "Regulations for Licensing Residential Centers for Children and Youth")

The State Department of Health and Environment does not place children in residential care. Children are placed by parents, by a public agency such as Social and Rehabilitation Services, or by a private child placing agency licensed to perform a placement service.

C. SPECIAL CATEGORIES OF SERVICE REQUIRING A LICENSE:

1. Child Placing Agency -- A social service agency which receives children for services including placement in institutions or in foster family homes for adoption.
2. Maternity Care -- Residential or Group Boarding Home care which includes services to females during pregnancy.
3. Maternity Home or Hospital -- A facility not licensed as a regular medical hospital, which provides delivery services for normal, uncomplicated pregnancies. (See "Regulations for Licensing Maternity Centers.")
4. Detention Center -- A secure restrictive facility designed specifically for children and youth who require secure custody, and which provides temporary living accommodations for alleged delinquent, miscreant, wayward, truant or deprived children and youth pending court disposition or placement in an appropriate program. (See "Regulations for Licensing Detention Centers")
5. Day Care Referral Agency -- An association, organization, individual or corporation receiving, caring for, and finding homes for children needing day care who are under 16 years of age.

D. FURTHER INFORMATION: (Not Applicable to Registration)

1. Health certificates are required for all adults in contact with children, and all family members living in the home.
2. Medical records on all children and youth in care must be on file at the child care facility.
3. Following approval by licensing personnel a license will be issued.

If the home or center is not approved, the license will be denied. Reasons for the denial will be provided to the applicant, who may appeal the decision by requesting an Administrative Hearing with the Department of Health and Environment.

Information about licensing procedures may be obtained from the county health departments (address in yellow pages under county government); from SRS Area Offices (address in yellow pages under state government); or by writing Child Care Licensing Section, Bureau of Adult and Child Care Facilities, Kansas Department of Health and Environment, Topeka, Kansas 66620.

Topeka, Kansas

May 1983

INFORMATION COMPARING REGISTRATION AND LICENSING

REGISTRATION

LICENSED DAY CARE HOME OR
GROUP DAY CARE HOME

RESPONSIBILITY:

The child care providers must evaluate safety and health standards within their own home. Signed statements attesting to these conditions must be submitted for registration. (K.S.A. 65-518)

Evaluation of safety and health standards within the home is determined: 1) by a self-evaluation form filled in by the provider; and 2) evaluation of safety and health standards by the Public Health Nurse.

NUMBER OF CHILDREN:

Maximum of 6 children in the home at any one time. This total, from birth to 16 years of age includes your own children. Three of the 6 children may be under 18 months of age. (K.S.A. 65-517)

Maximum of 6 children under kindergarten age, with one under 18 months; or 5 with 2 under 18 months or 4 with 3 under 18 months (including your own children in this age group).

AND

4 children, kindergarten age and over with a maximum of 10 children including your own.

OR

Group Day Care Home: Maximum of 12 children under 14 years of age. (See "Regulations for Licensing Day Care Homes & Group Day Care Homes)

CHECKLIST:

Safety Evaluation Form is to accompany registration application. All items must be in compliance before a certificate of registration can be issued by KDHE. (K.S.A. 65-514)

Provider Checklist is to be forwarded to county health department together with application or application renewal with all items in compliance.

HOME VISITS:

No routine home visits by Public Health Nurse. All visits made only on request by applicant or on complaint. (K.S.A. 65-520)

Public Health Nurse will visit at least one time a year (usually after Provider Checklist has been received).

HEALTH

REQUIREMENTS:

Applicant must sign a statement certifying all persons living in the home are free from infectious or contagious disease. (K.S.A. 65-516 and 519)

Health certificates for the family, no less than 2 years old, are to be submitted to county health department at time of application. A T.B. test, submitted for persons over 16 at time of application, must be no less than 2 years old. T.B. retesting is not

HEALTH REQUIREMENTS: (cont'd)

Recertification of freedom from contagious and infectious disease is required annually. (K.S.A. 65-519)

required. Health assessments for preschool children in care will be required at time child is enrolled, but not thereafter. Current immunization report must be submitted prior to licensing. An immunization record must be submitted for school age children, but health assessments are not required.

FEE: None required by state law.

\$5.00, to be paid at time of application or application renewal.

ENFORCEMENT: Certificate of Registration may be revoked or denied if false information is given or if home is found on complaint not to be in compliance. (K.S.A. 65-512)

License can be revoked or denied if regulations are not met.

Enforcement procedures are spelled out in Kansas Statute 65-514 and apply to unlicensed care, as follows: \$5.00 to \$50.00 may be assessed by the court for each day unlicensed care is provided.

FEDERAL

REIMBURSEMENT:

TITLE XX

TITLE XX

SRS will purchase care from Registered homes after an SRS worker visits to check compliance with purchase-of-service requirements.

SRS will purchase care from Licensed home.

CHILD CARE FOOD PROGRAM

CHILD CARE FOOD PROGRAM

The State Department of Education has ruled that Registered Homes which meet SRS purchase-of-service requirements are eligible to receive food reimbursement after home is registered, and approved for purchase-of-service by SRS. Thereafter 4 yearly visits are required by Federal Guidelines.

The State Department of Education has ruled that all Licensed Day Care Homes are eligible to receive food reimbursement. A minimum of 4 yearly visits are required by Federal Guidelines.

INSURANCE: Optional, but recommended.

Optional, but recommended.

Any applicant may choose to be licensed, even though six or fewer children are in care. For help in deciding whether registration or licensing is best for you, please contact your local health department, or you may contact the State office directly.

Kansas Department of Health and Environment
Child Care Licensing Section
Bureau of Maternal and Child Health
Forbes Field, Building 729
Topeka, Kansas 66620

Phone: (913) 862-9360 Ext. 444

ELIZ TAYLOR

DAY CARE HOME AND GROUP DAY CARE HOME PROVIDER CHECKLIST

(To be filled out by Care Provider and mailed to the County Health Department)

Name of Applicant _____ Phone _____ / _____ Date _____
 (Required)
 Address _____ City _____ County _____

PERSONS LIVING IN HOME INCLUDING APPLICANT:	SEX	BIRTHDATE	RELATIONSHIP	DATE OF CURRENT HEALTH CERTIFICATE

CHILDREN IN CARE:	BIRTHDATE	DAYS AND HOURS IN CARE		DATE OF CURRENT HEALTH CERTIFICATE	EMERGENCY RELEASE FORM ON FILE
		DAYS M T W T F	HOURS PER DAY		

- 1. (A) DAY CARE HOMES
 I have read the Fire Safety requirements for homes licensed for six to twelve children at any one time, and will follow them. Yes _____
- (B) GROUP DAY CARE HOMES
 I understand that a fire safety inspection will be requested for my home. KAR28-4-115 (c) Yes _____
- 2. I am planning to enroll children whose care will be paid for by SRS. Yes _____ No _____
- 3. I use or plan to use the services of a day care referral agency. Yes _____ No _____
- 4. If yes, name of agency _____

PUBLIC HEALTH NURSE ONLY:
 I have reviewed this checklist:

 Name

 Date

_____ SIGNATURE OF PROVIDER
 _____ (DATE)

SELF-EVALUATION CHECKLIST

Day Care Providers

YES NO N/A

- (1) Number of children in care meets regulations. (28-4-114 (c) or (d))
 (2) I understand the children enrolled for emergency care are not to cause me to exceed my license capacity. (28-4-114 (j))
 (3) I understand that child care, or employment and child care must not exceed eighteen hours in a twenty-four hour period. (28-4-114 (b) (3))
 (4) If I must be temporarily away from home (not more than two consecutive days), while children are in my care, I leave the children only with a person at least sixteen years of age. (28-4-114 (i))
 (5) If I must be away from home for longer than two consecutive days, my substitute provider will be at least eighteen years of age. (28-4-114 (a))
 (6) I have emergency numbers listed by or on the phone.
 (7) I have the following information available for each child:
 (a) Name and address and place of employment of parent;
 (b) Health assessments (see K.A.R. 28-4-114);
 (c) Parental permission for emergency care.
 (8) I have given (will give) each parent information about the importance of regular health care for children. (Pamphlets supplied by Kansas Department of Health and Environment)
 (9) Health certificates for me and family members living in my home:
 (a) Are attached.
 (b) Were submitted previously on _____ (date)
 (c) Will be submitted on _____ (date)
 (10) Our cat(s)/dog(s) have current rabies shots.
 (11) I have a plan for:
 (a) Evacuating children in case of fire;
 (b) A shelter for children in case of tornado;
 (c) Emergency plans for other disasters; (28-4-118 (d))
 (d) I have discussed these plans with parents and practiced them with children.
 (12) I understand that I must never leave children unattended in any vehicle in which I transport them.
 (13) My home:
 (a) Is safe and free from hazards;
 (b) Is reasonably clean and uncluttered;
 (c) Is skirted and anchored if mobile home;
 (d) Has second exit readily available from first floor;
 (e) Has fire extinguisher in the kitchen;
 (f) Has covered outdoor trash containers;
 (g) Has medications, household poisons, sharp knives and sharp scissors stored out of children's reach or locked up;
 (h) Has locked storage for guns;
 (i) Has gas stoves/space heaters properly vented and guarded;
 (j) Has electrical outlets covered;
 (k) My basement, if used for child care, has been approved by a fire inspector. (28-4-115 (d))

- (14) Fill in if children under three in care:
 (a) Stairways are railed and guarded by door, gate or other barrier;
 (b) Floor furnace has a guard in place when furnace is on;
- (15) I understand that the following precautions are to be taken in administering medication to children in my care:
 (a) Parental permission for non-prescription medicines;
 (b) Prescription bottle with child's name, dosage and name of physician.
- (16) I have the following toys and play equipment: (Check which ones you have. It is not required that you have all of them.)
- | | | |
|----------------------------------|--|---|
| <input type="checkbox"/> Dolls | <input type="checkbox"/> Toy Cars & Trucks | <input type="checkbox"/> Blocks |
| <input type="checkbox"/> Books | <input type="checkbox"/> Crayons & Paper | <input type="checkbox"/> Tricycle |
| <input type="checkbox"/> Wagon | <input type="checkbox"/> Record Player & Records | <input type="checkbox"/> Dress-up Clothes |
| <input type="checkbox"/> Puzzles | <input type="checkbox"/> Playhouse Equipment | <input type="checkbox"/> Swings |
| <input type="checkbox"/> Sandbox | <input type="checkbox"/> Climbing Equipment | |
- (16a) Some of the above materials are within easy reach of children.
- (17) I use disciplinary methods appropriate to the age of children in care as follows: (PLEASE DESCRIBE)
- (18a) Day Care Home
 Children have room to play and move about freely indoors.
- (18b) Group Day Care Home
 My home has 25 square feet of available play space per child.
- (19) Children nap or rest on:
 Sofa; Family Beds;
 Cots; Cribs;
 Play Pens; Pads over Carpet;
- (20) Individual bedding is provided.
- (21) Individual towels or paper towels and individual washclothes are used.
- (22) Meals for children in my care are prepared in my home.
- (23) Infants are held for bottle feeding if they cannot hold their own bottle.
- (24) Pasteurized milk and dairy products are used.
- (25) Dishes are washed or rinsed and stacked after children are fed.
- (26) Children play outdoors at least an hour a day if weather permits.
- (27) The outdoor play area:
 (a) Is fenced;
 (b) Is free of broken glass, broken toys and play equipment, construction materials and dangerous equipment;
 (c) Has outdoor playground equipment;
 (d) Playground equipment is anchored firmly in ground as necessary;
 (e) Please check any of the following which are on or adjacent to your property:
 (1) Railroad tracks;
 (2) Ravine or ditch which fills with water;
 (3) River, lake swimming pool;
 (4) Heavily traveled street

(over)

(28) My substitute provider, 16 years of age or over is:

 The date of his/her TB test is _____

(29) My substitute provider, 18 years of age or over is:

 The date of his/her TB test is _____

I have liability and injury insurance in the amount of _____.

List below a sample of meals and snacks served for a period of five days: Include lunches, snacks, beverages, breakfasts (if served) and dinners (if served).

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Breakfast					
AM Snack					
Lunch					
PM Snack					
Dinner					

To be filled in by GROUP DAY CARE HOME PROVIDERS:

(25) I have met training requirements in one of the following ways:

(a) New applicants (28-4-114. (f)):

- ___ (1) 5 sessions of observations - 2 1/2 hours per session - in licensed Group Day Care Home, Child Care Center or Preschool.
- ___ (2) Have a letter granting approval as program director for Center.
- ___ (3) Have child development associate credential.
- ___ (4) Have spent ten hours reading articles and books about child care/child development and have a brief summary on file for each item read.
- ___ (5) Have 15 hours of child care membership meetings and/or workshops on child care.

(b) Re-licensure (28-4-114. (k))

- ___ (1) 5 hours of reading.
- ___ (2) 3 hours attendance at workshop or child care meeting.

* * *

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON House Bill 2334

PRESENTED TO: The House Ways and Means Committee, 1985

This is the official position taken by the Kansas Department of Health and Environment on House Bill 2334.

BACKGROUND INFORMATION:

Since the passage of the registration legislation in 1980, questions have arisen about the relative effectiveness of registration, which is based on a self-evaluation by the provider, compared to licensing, which includes an inspection by a licensing worker. This bill would authorize and direct the post auditor to conduct an audit which would address cost-effectiveness and safety of children under the two methods of regulation.

STRENGTHS:

The audit would be conducted by an independent agency. It grants the post auditor access to all relevant records in KDHE, and authorizes access and entry to a random sample of licensed and registered homes. The confidentiality of the records is protected as required by K.S.A. 46-1106.

WEAKNESSES:

The facilities to be audited should be more specifically limited in line 0022, i.e., "licensed boarding homes for children as defined by K.A.R. 28-4-113 through 120;" or "licensed boarding homes for children providing care to 10 or fewer children for less than 24 hours a day." (The same language would need to be repeated in lines 0033 and 0042.)

DEPARTMENT'S POSITION:

Recommend passage.

Presented by: Barbara J. Sabol, Secretary
Kansas Department of Health
and Environment

3/5/85

Office of the



State Treasurer

JOAN FINNEY
STATE TREASURER
700 Harrison
P.O. Box 737
TOPEKA, KANSAS 66601

M E M O R A N D U M

TO: HOUSE WAYS AND MEANS COMMITTEE
FROM: SUSAN SELTSAM, OFFICE OF THE STATE TREASURER
RE: HB 2122
DATE: MARCH 5, 1985

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear as a proponent on HB 2122.

This bill would increase pledging requirements from 70% to 100% on all money in state bank accounts. The measure would increase the safety of state funds currently amounting to \$505 million, which are on deposit in banks throughout the state.

Prior to 1975, 100% pledging was required. That was based, however, on par (or face) value. A provision of HB 2122 requires that pledged securities be valued at market.

In today's deregulated environment, the safety of state and public money becomes an increasing concern. The state funds effected by this increased pledging requirement are those that are placed using statutory formulas and are either demand accounts or accounts earning interest pursuant to rates set by statute.

The Treasurer's Office does appreciate the opportunity to present testimony on HB 2122 and asks for your favorable consideration.

3/5/85

A handwritten signature, possibly "S. Seltam", written in ink.



The KANSAS BANKERS ASSOCIATION
A Full Service Banking Association

March 5, 1985

TO: House Committee on Ways and Means

FROM: James S. Maag
Kansas Bankers Association

RE: HB 2122

Mr. Chairman and members of the Committee:

Thank you for this opportunity to discuss the provisions of HB 2122. The bill amends the Kansas statutes relating to the pledging of securities for deposits of state and local units of government. The safety of public funds deposits in Kansas banks has always been a high priority of the Kansas legislature and the Kansas banking industry and this bill is offered in the continuing desire to assure taxpayers that tax revenues deposited in Kansas banks will always be fully covered. We would emphasize that there has never been a dime of public funds lost and this bill is presented in the continuing tradition of assuring safety and soundness for public funds deposits.

The pledging requirements for deposits of local units of government are set forth in K.S.A. 9-1402 which outlines what securities can be used by Kansas banks and savings and loans to secure local public funds deposits. That particular statute also currently requires that if the rate paid by the bank or s&l is at or below the 91-day T-bill rate the deposit must be secured by securities with a market value which are equal to no less than 70% of the total deposit less federal insurance coverage. If banks or s&ls pay above the 91-day T-bill rate, then 100% pledging is required. Section one of HB 2122 would increase the required pledging to 100% for all deposits regardless of the rate paid and require that the securities being pledged are at market value.

Pledging requirements for deposits of the state of Kansas are set forth in K.S.A. 75-4218 and section 2 of HB 2122 amends that statute to require 100% pledging rather than the current 70% pledging of securities on state deposits. Under current law there is no time when the required pledging exceeds 70% of any deposit of state monies. Therefore, the statute for state deposits is somewhat different than that for local public funds.

3/5/85

~~XXX~~

The State Affairs Committee of the Kansas Bankers Association endorsed the introduction of HB 2122 because of the concern expressed by local and state officials. Incidents have arisen recently in other states where public funds deposits have not been adequately secured and local and state governments may lose significant amounts in the closing of financial institutions. As stated above, while there has never been a dime of Kansas public funds lost thanks to the diligent work of the Kansas legislature and the Kansas banking industry, we must always be concerned about the comfort level of elected officials and the public concerning the deposit of tax revenues. Therefore, to eliminate any concern on this issue, the decision was made by the State Affairs Committee to request this bill requiring 100% pledging.

It should be noted, however, that by moving the requirement to 100% pledging of public funds deposits it does create a situation where banks may find it difficult in certain circumstances to have adequate securities to cover large public funds deposits. In addition, they may not be as interested in bidding on these monies because of the increased pledging requirements. It might be well to note that one of the reasons for setting the pledging requirements at 70% originally was to attract a better rate of interest for the local and state deposits and by moving the pledging requirement to 100% it may have a depressing fact on the rates which are bid on the funds of local units of government. Therefore, we believe state and local units need to weigh carefully the positive and negative aspects of this type of legislation.

Kansas banks are very proud of the long tradition of service and cooperation they have with local and state governments in Kansas and we stand ready to work with them in deciding what are the best policies for the investment of their tax revenues.

Again, Mr. Chairman and members of the Committee, we appreciate the opportunity to present this issue to the Committee and ask for your favorable consideration of HB 2122.

9-1405. Deposit of bonds and securities; custody receipts. (a) All bonds and securities given by any bank, trust company, savings and loan association or federally chartered savings bank to secure public moneys of the United States or any board, commission or agency thereof, shall be deposited as required by the United States government or any of its designated agencies.

(b) All bonds and securities pledged to secure the deposits of any municipal corporation or quasi-municipal corporation shall be deposited with a state or national bank or trust company having adequate modern facilities for the safekeeping of securities or the federal home loan bank of Topeka, and a joint custody receipt taken therefor with one copy going to the municipal corporation or quasi-municipal corporation making the public deposit and one copy going to the bank, trust company, savings and loan association or federally chartered savings bank which has secured such public deposits. No bonds or securities pledged to secure public deposits shall be left for safekeeping in any safe deposit vault owned or controlled directly or indirectly by the bank, trust company, savings and loan association or federally chartered savings bank securing such public deposits.

(c) All such bonds and securities shall be deposited under a joint custody receipt issued by a bank within the state of Kansas or the federal reserve bank of Kansas City or the federal home loan bank of Topeka. All bonds or securities held by any depository and for which a joint custody receipt has been issued shall be retained by such depository and not released except upon consent of both the municipal corporation or quasi-municipal corporation making the deposit and the bank, trust company, savings and loan association or federally chartered savings bank taking or securing such deposit. In every report required to be published by any bank, trust company, savings and loan association or federally chartered savings bank it shall show in full all of the assets pledged or deposited as security for public moneys.

(d) A bank, trust company, savings and loan association or federally chartered savings bank which fails to pay according to its terms any deposit of public moneys of any municipal or quasi-municipal corporation shall immediately take such actions as are required to enable bonds and securities pledged to secure such deposit to be sold to satisfy its obligation to the municipal or quasi-municipal corporation. (L. 1982, ch. 52, § 4; L. 1983, ch. 47, § 5; July 1.)

9-1406. Exemption from liability of public deposit. No public officer nor the sureties upon such officer's bond shall be liable for any loss sustained by the failure or default of any designated depository or depositories after a deposit or deposits have been made in an officially designated bank, trust company, savings and loan association or federally chartered savings bank as provided in this act. This exemption from liability shall apply even though other statutes shall require the furnishing of a bond or other securities by the designated depositories of public moneys. (L. 1947, ch. 102, § 68; L. 1983, ch. 47, § 6; July 1.)

9-1407. Exemption of security for insured portion of public deposits. That portion of any deposit of public moneys or funds which is insured by the federal deposit insurance corporation, or its successor, or the federal savings and loan insurance corporation, or its successor, need not be secured as provided in this act. (L. 1947, ch. 102, § 69; L. 1982, ch. 52, § 5; July 1.)

Article 42.—STATE MONEYS

75-4201. **Definitions.** As used in this act, unless the context otherwise requires:

- (a) "Treasurer" means state treasurer.
- (b) "Controller" means director of accounts and reports.
- (c) "Board" means the pooled money investment board.
- (d) "Bank" means a state or national bank or trust company doing business within the state of Kansas.
- (e) "State moneys" means all moneys in the treasury of the state or coming lawfully into the possession of the treasurer.
- (f) "Custodial moneys" means state moneys deposited with the treasurer which, in the written opinion of the attorney general, are required by contract, bequest or law to be segregated from other bank accounts.
- (g) "Special moneys" means moneys which are required to be or are deposited in a custodial bank account or a fee agency account by the state or any agency thereof.
- (h) "State bank account" means state or special moneys deposited in a designated bank in accordance with the provisions of this act.
- (i) "Active account" means a state bank account which (1) is payable or withdrawable, in whole or in part, on demand, and (2) is in a bank not having an inactive account.
- (j) "Inactive account" means a state bank account which is not payable on demand but shall not include custodial accounts.
- (k) "Time deposit, open account" means a state bank account which is a deposit, other than a time certificate of deposit, with respect to which there is in force a written contract which provides that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity or the expiration of the period of notice which must be given by the board in writing.
- (l) "Custodial account" means a state bank account of custodial moneys.
- (m) "Fee agency account" means a state bank account of any state agency consisting of fees, tuition or charges authorized by law prior to remittance to the state treasurer.
- (n) "Disbursement" means a payment of any kind whatsoever made from the state treasury or from any active account, except transfer of state or special moneys between or among active accounts and inactive accounts or either or both of them.
- (o) "Interest period" means three months commencing on the date an inactive account is initially deposited, and each three months thereafter, and in the case of time deposit, open accounts means the period of the deposit but not exceeding three months.
- (p) "Securities" means any one or more of the following:
 - (1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof.
 - (2) Kansas municipal bonds which are general obligations of the municipality issuing the same.
 - (3) Revenue bonds of any agency or arm of the state of Kansas.
 - (4) Revenue bonds of any municipality, as defined by K.S.A. 10-101, within the state of Kansas or bonds issued by a public building commission as authorized by K.S.A. 12-1761 if approved by the state bank commissioner, except (A) bonds issued under the provisions of K.S.A. 12-1740 *et seq.* unless such bonds are

rated at least MIG-1 or Aa by Moody's Investors Service or AA by Standard & Poor's Corp. and (B) bonds secured by revenues of a utility which has been in operation for less than three years. Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

(5) Temporary notes of any municipal corporation or quasi-municipal corporation within the state of Kansas which are general obligations of the municipal corporation or quasi-municipal corporation issuing the same.

(6) Warrants of any municipal corporation or quasi-municipal corporation within the state of Kansas the issuance of which is authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy.

(7) Bonds of any municipal or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America. A copy of such escrow agreement shall be furnished to the treasurer.

(8) All of such securities shall be current as to interest according to the terms thereof.

(9) Whenever a bond is authorized to be pledged as a security under this section, such bond shall be accepted as a security if (i) in the case of a certificated bond, it is assigned, delivered or pledged to the holder of the deposit for security; (ii) in the case of an uncertificated bond, registration of a pledge of the bond is authorized by the system and the pledge of the uncertificated bond is registered or (iii) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits. (L. 1982, ch. 362, § 1; L. 1983, ch. 49, § 96; May 12.)

75-4202. Active accounts. All state moneys and credits received by the treasurer shall be deposited daily in one or more active accounts or time deposit, open accounts except custodial moneys which shall be so deposited in custodial accounts. All disbursements shall be drawn from active accounts. All banks having a state bank account shall service all warrants, drafts or checks of the state or its agencies without charge. (L. 1967, ch. 447.)

75-4205. Active bank accounts; designation of banks; limitations on deposits; deposits in time deposit, open accounts and investments in repurchase agreements, when. (a) The board shall designate one or more banks to receive active accounts. The capital and surplus of any bank having an active account shall be not less than \$2,000,000. In determining the amount of the award of an active account to any bank designated under this subsection therefor, the board shall give consideration to the amount of service to be required of it. Active accounts shall bear no interest.

(b) The aggregate moneys in all active accounts shall not exceed \$40,000,000 at any time, except that in periods of anticipated peak disbursements, the board, in its discretion, may cause the aggregate moneys in the active accounts to exceed such amount for the duration of such periods of peak disbursements, not to exceed 10 days. At any time moneys in active accounts exceed 50% of the award of such accounts, additional moneys may be deposited in time deposit, open accounts.

(c) If the aggregate of all active accounts exceeds the limit prescribed in subsection (b), the board shall direct the treasurer to make withdrawals within 60

Banking committee will sue FDIC

LINCOLN (AP) — The Legislature's Banking Committee has voted to sue the Federal Deposit Insurance Corp. because the FDIC has "arbitrarily" bailed out some banks and told others to "go to hell," Sen. John DeCamp of Neligh said Friday.

DeCamp said committee members agreed to the suit during an impromptu meeting in his office.

The suit, to be filed in U.S. District Court, will challenge how the FDIC has "arbitrarily rescued some banks and arbitrarily decided that some others can just go to hell," DeCamp said.

FDIC officials withheld detailed comment, pending filing of the suit.

DeCamp said there were "examples" of the FDIC stepping in to save some banks on the verge of collapse, but in other cases the agency has "let depositors rely on the FDIC insurance" of up to \$100,000 on each account.

"There ought to be one set of rules, and I don't see why some banks in Nebraska and the people out here are less worthy of being helped or saved by the FDIC than a bunch of other people who happen to live in Illinois or someplace else," DeCamp said. "The FDIC can do what it wants, I guess, but it ought to do the same thing for everybody."

DeCamp said the suit "is something that's probably overdue because it is time for us countryfolk to demand the same treatment from the feds that the big boys in the more populous states have been getting."

The state had deposits of \$500,000 each in failed FDIC-insured banks in Uehling and Dannebrog.

"The FDIC only insures accounts up to \$100,000, which means the state of Nebraska can lose \$400,000 every time a bank fails and the FDIC moves in," DeCamp said. "That's not what they did with the Continental Bank of Illinois.... They moved in there for the big boys and made sure everybody got every dime that they had in there."

Continental Illinois National Bank & Trust Co. was rescued by the FDIC in an agreement that became effective Aug. 23. The rescue was an elaborate package in which the FDIC took over overdue loans that were draining Continental's income, and provided capital to keep the bank solvent. The FDIC also took control of 80 percent of the bank.

When told about the suit by The

Associated Press, FDIC spokesman Alan Whitney said, "It's difficult to comment until our legal staff has had a chance to see the suit."

"There is a certain amount of misunderstanding on the senator's part on what the FDIC's rules and statutes allow," he said in a telephone interview.

"In most cases in Nebraska the FDIC has been able to work out a transaction where all accounts are transferred to another bank," Whitney said. "In other cases the FDIC statutes doesn't allow that to be done."

In its 6-0 vote, the Revenue Committee approved a resolution which DeCamp said would advise

the Legislature that the Banking Committee intends to sue the FDIC. The resolution will ask the full Legislature to direct its executive board to approve expenses for the case, DeCamp said.

Roger Beverage, director of the state Department of Banking, said he was "surprised that the committee voted the way it did."

To his knowledge, he said, the FDIC "had acted within the scope of its authority."

Sen. Loran Schmit of Bellwood, who offered the motion to file the suit, said, "The FDIC has discriminated in discharging its responsibilities and this has been to the detriment of the small rural

banks in states like Nebraska.

"The FDIC has said that its policy is to treat all banks the same in insuring deposits in excess of \$100,000," he said. "There has been nothing consistent or fair about that policy at all."

Schmit was the key sponsor of a law which allows state banks to obtain up to \$500,000 in deposits from the state of Nebraska. When a bank has such a deposit on hand and fails, the state could lose up to \$400,000.

"Right now, they say we could lose \$800,000 with the two failures that there have been (at Uehling and Dannebrog), but for my money, I'll see the FDIC in hell before losing \$800,000," he said.

"I think that the issues this suit can bring out, can open a whole can of worms," he said.

Asked what would happen if the Legislature didn't approve the costs, DeCamp responded: "We'll do it one way or another.... With all the attorneys we've got floating around here as legal counsel, we ought to be able to get something done."

Continental of Illinois ran into trouble last May when major depositors around the world began withdrawing funds at a rate that approached \$1 billion a day. During the year, the corporation's assets fell from \$40 billion to \$32 billion. And its stock, traded on the New York Stock Exchange, fell from

about \$24 a share, to less than \$3 a share.

In the rescue plan, the FDIC paid Continental \$2 billion for overdue loans with a book value of \$3 billion and split the institution into two banks, one to hold bad loans and one to continue operations. Also:

— The corporation repaid \$2 billion it had borrowed earlier from the FDIC;

— The FDIC infused \$1 billion in exchange for stock in the corporation;

— The corporation issued \$1.5 in long-term debt to raise capital.

— The FDIC replaced the chairman, president and 10 members of the board of directors.

MARVIN E. SMITH
REPRESENTATIVE, FIFTIETH DISTRICT
SHAWNEE AND JACKSON COUNTIES
123 N E 82ND STREET
TOPEKA, KANSAS 66617



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: ASSESSMENT AND TAXATION
EDUCATION
TRANSPORTATION

DATE: MARCH 5, 1985
TO: HOUSE WAYS AND MEANS COMMITTEE
FROM: REPRESENTATIVE MARVIN E. SMITH
RE: HOUSE BILL 2341

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

HOUSE BILL 2341 PROVIDES FOR IMPROVED ACCOUNTABILITY FOR ENROLLMENT AND STATEMENT OF CHARGES FOR OUT-DISTRICT TUITION.

- 1) LINES 37 - 42 AND ¹⁵⁹162 - 166. WE BELIEVE WILL IMPROVE THE ACCOUNTING PROCEDURES FOR THE COUNTIES AND TOWNSHIPS.
- 2) THE SECOND IMPORTANT CHANGE IN PRESENT STATUTE IS ON LINE 94 AND 219. THE DETERMINATION OF CREDIT HOURS WOULD BE MADE AT THE COMPLETION OF NINE WEEKS AND ONE DAY.
- 3) ALSO LINE 100 AND 256. THE CHANGE TO DECEMBER 1 AND LINE 101 AND 257 TO MAY 1 SHOULD PROVIDE CONFORMITY TO THE NINE WEEKS AND 1 DAY.
- 4) SECTION 8. THE DATE FOR STATE AID HAVE BEEN ADJUSTED TO COMPLY WITH THE 9 WEEK 1 DAY REQUIREMENT.

PAST EXPERIENCE HAS PROVEN THAT SOME STUDENTS HAVE PHANTOM ADDRESSES AND ARE NOT RESIDENT'S ADDRESSED CHARGED FOR "OUT DISTRICT TUITION".

IT APPEARS WE HAVE CONSIDERABLE SLIPPAGE IN ENROLLED HOURS AFTER THE 5TH WEEK AND THE COMPLETED HOURS. MOST HOURS ARE DROPPED BETWEEN THE 5TH AND 9TH WEEK.

I WOULD URGE FAVORABLE CONSIDERATION OF HOUSE BILL 2341.
ARE THERE ANY QUESTIONS?

3/5/85 XIII

Kansas Association of Counties

Serving Kansas Counties

Suite D, 112 West Seventh Street, Topeka, Kansas 66603

Phone 913 233-2271

March 5, 1985

Chairman Bunten

Members of House Ways & Means Committee:

I appear today in support of HB 2341. Counties have long perceived a problem of paying outdistrict tuition on the basis of hours in which students are enrolled, but which are not necessarily completed by the students.

Record keeping has been less than desirable in that counties have uncovered numerous cases of incorrect addresses and students with more than the maximum number of hours. HB 2341 may not totally solve this problem, but we feel it will go a long way. We urge your favorable action on this bill.

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HB 2341

March 5, 1985

Mr. Chairman, Mr. Vice-Chairman and Members of the House
Ways and Means Committee.

I am a voluntary out-district tuition auditor for Tecumseh
Township.

There were forty-nine credit hours dropped from the Spring
1984 semester. Since Townships are billed for Credit
hours enrolled instead of credit hours earned the Township
paid \$1078.00 for which no credits were received.
There were thirteen students that dropped hours which is
12.2% of the 106 students enrolled.

We also questioned the residences of 23 students that were
listed but were not living in our Township at the time
the lists were checked.

Sincerely,

Sarah Stephens
Wilna Everist

3/5/85

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KANSAS ASSOCIATION OF COMMUNITY COLLEGES

Columbian Title Bldg., 820 Quincy • Topeka 66612 • Phone 913-357-5156

W. Merle Hill
Executive Director

To: House Ways and Means Committee Members
From: Merle Hill *MH*
Date: March 5, 1985
Subj: House Bill 2341

Thank you for giving the Kansas Community colleges an opportunity to express their concerns about House Bill 2341. I shall speak only to those sections of the bill which pertain to community colleges, Section 4, beginning on page 4, line 0143, through Section 9, page 9, line 0327.

House Bill 2341 proposes two major changes:

- o Determining the number of credit hours for which colleges are paid credit hour state aid, out-district tuition and out-district state aid on the basis of duly enrolled students on the 46th day of a semester (9th week + one day) instead of on the 20th day.
- o Changing the dates of distribution of credit hour aid and state out-district aid from:

1st payment -	October 1 to November 1
2nd payment -	December 1 to December 20
3rd payment -	April 1 to May 20

A third provision in "new" language appears on page 5, lines 0159 to 0166, but this requirement is something that is already being done by all 19 community colleges. I have personally checked the fall, 1984 certified statements of charges for all 19 community colleges on file in the office of the Director of Fiscal Auditing, State Department of Education, and can verify that all colleges are using the reporting form designed several years ago by the Director of Fiscal Auditing, my predecessor, Ed Walbourn, and the executive secretary of the Kansas Association of Counties, Fred Allen. A copy of that agreed-upon form is attached to these remarks.

Regarding the change of enrollment-report dates, the community colleges believe there is no good reason to change the date from the 20th day to the 46th day, especially

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since the 20th day is the time the regents' institutions will continue to report their enrollments. Students at the state universities would apparently continue to be able to withdraw from classes between the 20th and 46th days with no concomitant loss of funds for the universities. In addition, it would be practically impossible to make any meaningful comparison between enrollment figures at the community colleges and the regents' institutions or, for that matter, with our own enrollment history.

The costs incurred by colleges and universities for providing instructional, counseling and other student services, library support, facilities, etc., are incurred prior to the start of a semester, not on the 46th day of a semester. The costs at community colleges do not decrease if there are only 28 students in a class on the 46th day, whereas 30 were enrolled on the 20th day. The costs for instruction, grading of papers and all other costs associated with students being on a campus and enrolled in classes continue, they do not decrease when a student withdraws from class for whatever reason.

Students at every college and university in the country withdraw from classes for many reasons, and most of the reasons are beyond the control of the institutions. The community colleges and all other institutions have absolutely no control over the students who withdraw from classes because:

- o of illness.
- o of loss of employment or any change in employment status.
- o the student has enrolled in such traditionally difficult academic courses as chemistry, trigonometry, foreign languages, etc., in spite of a counselor's advice to the contrary and then withdraws when the academic work becomes too much to manage.
- o the student decides to change academic majors, as more than 75% of college students do at least once in a four-year career.
- o the student is one of those who, unfortunately, lacks the high school preparation necessary to succeed immediately at the collegiate level.

Despite all safeguards, there is no way of determining when students enroll at a collegiate institution if they are the type to complete a semester or not. If it were possible to do so, colleges would have long ago implemented such a procedure. It would be much easier to allocate students to classes, especially those in which there is limited enrollment due to laboratory equipment, expensive technology, etc., if we knew who

House Ways & Means Committee Members
House Bill 2341
March 5, 1985
Page 3

would persevere and who would not. To date, no one has devised such an enrollment technique.

The educational premise under which Kansas public institutions of higher education operate is that anyone who wishes to enroll may do so. The community colleges question the concept of providing educational opportunity only for those who complete at least 46 days of instruction.

Changing the dates for payment of state credit hour aid and state out-district tuition, probably considered necessary because of the proposed enrollment-reporting date, would create enormous cash flow problems for the community colleges. It would mean, in effect, that unencumbered cash balances, already too low in some cases, would have to be increased to between 25 and 50 percent. The community colleges are already struggling with financial support problems, and this suggested change would only exacerbate these problems.

In summary, with community college faculty contracts required by statute to be signed by May 15, contracts not predicated upon how many students remain in faculty members' classes until the 46th day and which must be paid regardless, and costs of operating continuing regardless of class enrollments on a given date, the community colleges do not believe this proposed legislation is in the best interests of the some 42,000 Kansans who have chosen to pursue their educational and career goals at the community colleges.

We respectfully request that House Bill 2341 be reported unfavorably.

MH:am

Attachment: Out-district enrollment reporting form sent to county commissioners

COMMUNITY COLLEGE
Reporting Form
Out-District Tuition
1984-85 School Year

TO: Board of County Commissioners of _____ County
Concerning _____ Community College

-
- Reporting Period () Summer 1984
 () Fall 1984
 () Fall-Mini 1984
 () Spring 1985
 () Spring-Mini 1985

The total out-district tuition charged by a community college shall be an amount equal to the number of duly enrolled out-district students times \$22.00 for each credit hour of each duly enrolled out-district student if, as determined by the state board, the student has not more than 64 credit hours from any institution of postsecondary education, or the student has not more than 72 credit hours and is enrolled in terminal type nursing courses or freshman-sophomore level pre-engineering courses. K.S.A. 1981 Supp. 71-301.

-
1. Total Semester Hours _____ @22.00. \$ _____
 2. Plus or minus adjustments based on 1983-84 actual payment which resulted in an undercharge or overcharge for 1983-84 \$ _____
 3. Total Out-District Tuition to be paid by county (Line 1 plus or minus Line 2). \$ _____

Verification: I hereby certify that to the best of my knowledge the amounts reported on this form are true and correct as submitted.

Signed _____
President/Registrar/Clerk of Board

Date _____

REPORT OF STUDENTS ENROLLED AT _____ COMMUNITY COLLEGE

Reporting Period _____

From _____ County

NAME Last, First, Middle	I.D. Number	Street Address & City	Total * Cr. Hrs. Completed To Date	Present Cr. Hrs. Enrolled	Credit Hours Billed	Credit Hrs. Enrolled Not Billed
Totals - Final Page Only						

* Include all college credit hours completed from any college.

Testimony Presented to House
Ways and Means Committee on
House Bill 2341--March 5, 1985

Mr. Chairman and Members of the Committee:

Washburn University appears today in opposition to the passage of H.B. 2341. This bill would change the official reporting for enrollments and for payments of state aid, out-district aid and out-district tuition from the fifth week of the semester to the ninth week plus one day.

Section 1 of the bill is comparatively minor, in that it requires certain information on the billings to the affected districts. We feel that this is not necessary in the statute because there is presently in effect a State Department of Education regulation which requires that this information be sent. Washburn has always complied with this and I have attached a copy of one of our billings to illustrate this point. While there is no real objection to this part of the bill, we really do not feel that it is necessary since it is already being done.

We are most concerned with the change in the billing dates. This change in date would mean that there would be no payments as listed above for any students who left the college during the first nine weeks of the semester. There are several reasons that this is not, in our opinion, good legislation.

First, the costs to the college are incurred in the largest amount on the day that the college begins the semester. The faculty is employed, the costs of operation incurred and supplies are ordered on the basis of that first, beginning enrollment. This is no way to determine faculty salaries on the basis of how many students are retained. Presently, the reporting date is the fifth week of the semester. No student who drops out of the college prior to that date is reported in the enrollment figures, not for any state or other assistance. In effect, students who drop out prior to the fifth week have nearly a free ride, and this cost, or the costs associated with them are born by the local taxing unit. Students receive a refund during this period, but no refunds are given after the fifth week. Fee drops after that period and the full loss of tuition is born by the student. However, these drops have no effect upon the costs to which the college has obligated itself. They continue at the same level. Salaries, heat, lights, and maintenance go on unabated.

Second, to change the dates would be to destroy any semblance of comparative costs or enrollment figures with the state universities. They have a reporting date of the fifth week of school, in fact the same reporting date has been established for all of post-secondary education. To compare enrollments, cost effectiveness and successes would be meaningless. All institutions experience some drop outs during a semester. The majority of them

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are within the first five weeks. To use different dates of official enrollments would compound a situation which is finally working.

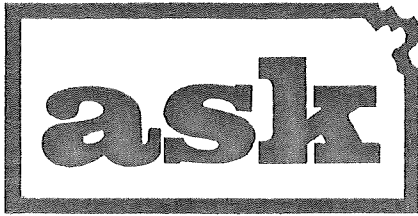
Third, to change the official reporting dates would be to place Washburn and other institutions in a disadvantageous position for the allotment of federal funds for student aid and other aids. With some schools showing an earlier reporting date that others would be to place one in an artificially weakened position. Funds are based in part on the official enrollment figures. Thus the Regents' universities under this bill would have an advantage, and it would be the student who suffers, not the institution per se.

Fourth, there is the loss of revenue. I have stated that our costs are the same, regardless of the time of reporting. To further reduce the revenue would be to compound the situation. It must be remembered that any loss of enrollment, which reflects a loss of funds, is immediately effective at Washburn. If the revenue is not there, because of changing dates of reporting or loss of anticipated student enrollment, budget adjustments must be made that same budget year. The Regents' institutions have a corridor which means that loss of enrollment does not affect the budget until the following year. This gives time for planning for such an eventuality. Not so with Washburn. If the funds are not available as planned, the cuts and results are felt immediately.

We do not feel that this is the time for such legislation. Students at Washburn pay a tuition of \$53.00 per credit hour. When a student pays of his own money \$159.00 for a three hour course, he does not take dropping a class lightly, especially when there are no refunds. any such drops are usually dictated by severe economic straits on his part or personal problems. We have many part-time students. Many must drop out when jobs change, moves are made or schedules changed. It is not a case of enrolling persons to hold up enrollments. At our tuition change, altruism on the part of the student to help enrollments is overcome at once by the cost to him.

To change this reporting date is to throw on the taxing district an undue burden. Out-district tuition only applies to the freshmen-sophomore classes. What this bill does is to say to the taxing district that you can bear all the costs for the first half of the semester. We will only assist on the results. We at Washburn feel that the present fifth week of reporting is adequate. To change it would work a hardship and be a detriment to operating a quality university.

We request that the bill be reported unfavorably.



ASSOCIATED STUDENTS OF KANSAS

1700 College
Topeka, Kansas 66621
(913) 354-1394

STATEMENT OF JOHN LEWIS ALLEN, JR., BEFORE THE HOUSE WAYS AND MEANS COMMITTEE

IN RE: HB 2330, AN ACT TO ALLOW TIME SPENT AS A STUDENT EMPLOYEE TO COUNT AS CREDIT TOWARDS JOB QUALIFICATIONS OR STARTING SALARY UNDER THE CIVIL SERVICE ACT.

Mr. Chairman and Members of the Committee:

My name is John Allen, and I represent the Associated Students of Kansas, whom I serve as the Campus Director at Fort Hays State University. I wish to spend just a moment with you this afternoon to discuss HB 2330, which A.S.K. supports.

I believe that A.S.K. Board of Directors voted to support this bill for very simple reasons. It seems an act of basic fairness, and a logical extension of the current civil service system. A.S.K., in the course of its role as an advocate for student interests, has always supported equity in law, which in our opinion this bill represents. It seems only fair, and indeed logical, that a student employee who later enters the service of his state full-time, should receive credit for that time.

Two notes worth considering: 1) Although we do not have exact figures, it is our suspicion based upon our general knowledge of the student labor system, that the actual number of students eligible for this program will be rather small, and 2) once adjusted for full-time equivalency, the actual amount of time these students will be able to apply to their longevity credit et. al. will be rather small as well. Given these mitigating factors, the fiscal note on this bill should not be immense, and of course will not impact upon this budget directly.

Finally, let me just observe that A.S.K. as always is supportive of any measure that in some way lightens the burden facing students as they attempt to finance the immense cost of education confronting them. While this of course does not directly assist them, it does offer the opportunity for a student with a large debt load to get a "head start" on repaying that loan if he should choose to enter the service of the state. Conversely, if this in any way attracts better and more highly qualified graduates into state employment, this consideration as well speaks for passage of the bill.

Mr. Chairman and members of the committee, thank you, and I will be happy to stand for any questions.

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Representing the Students of:

Emporia State • Fort Hays State • Kansas State • Pittsburg State • University of Kansas • Washburn University • Wichita State

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding House Bill 2300

I. Short Title of Bill: Transitional planning for those "graduating" or "aging-out" of special education programs.

The bill requires the Secretary of Social and Rehabilitation Services (SRS) to receive information from special education programs and prepare service plans for those mentally retarded or other developmentally disabled clients (MR/DD) who are "graduating" or "transitioning" from special education programs--two years hence.

II. Background

The bill is patterned on what has been termed the "turning twenty-two" legislation passed by the states of Massachusetts and Wisconsin. Many MR/DD individuals continue to need training or other related services even though they have passed the maximum age where these services are available under Public Law 94-142. This bill would establish a mechanism whereby local school districts provide information to SRS that, when coupled with an interdisciplinary assessment, would provide specific information on the number and service needs of a population that now comes to the attention of SRS at the same time services are needed.

III. Discussion

The bill requires the Secretary of Social and Rehabilitation Services to prepare transitional service plans to mentally retarded/developmentally disabled persons who will graduate or turn twenty-two within two years. At this time, there are approximately 15 MR/DD individuals that will exit special education programs in FY 86, 120 in FY 87, 200 in FY 88, 500 in FY 89 and 1,100 in FY 1990. To minimize the fiscal impact, SRS proposes that the interdisciplinary evaluations and development of the transitional plans be conducted by the professional staff of the four state facilities for the mentally retarded. Similar cooperative activities occur now as part of the "cooperation between the state institutions which serve the mentally retarded and local programs which provide community-based services for the mentally retarded in the development and implementation of regional services" as endorsed through HCR 5054, CH. 460 of the 1982 Session Laws of Kansas. The information obtained through the development of transitional plans could be used to justify requests for legislative appropriations. The two year notice would provide the lead time needed to develop or expand those services receiving legislative support.

IV. SRS Position

SRS supports the concept, as outlined in HB 2300, of identifying and determining the service needs of mentally retarded/developmentally disabled individuals graduating from special education programs. However the Department is concerned about the potential fiscal implications of

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this legislation as it is estimated that by 1990 over 1,100 MR/DD individuals will exit special education programs.

SRS supports the addition of language to HB 2300 which clearly stipulates that the Secretary will have responsibility for preparation of the plans only if funding and staff are available. Furthermore, SRS is concerned that the current version of HB 2300 sets up the expectation that services will be available, and be provided, to all those for whom transitional service plans are developed. Therefore SRS is proposing that a new section 4 be added to the bill that clearly states that only if funding and staff are available those persons eligible for programs operated and funded by SRS will be provided services in these programs. Attached is a copy of SRS's proposed amendments to HB 2300.

Robert C. Harder
Office of the Secretary
Kansas Department of Social
and Rehabilitation Services
March 5, 1985

HOUSE BILL No. 2300

By Representatives Blumenthal, Branson, Brown, Fox and
Hassler

2-12

0018 AN ACT concerning the department of social and rehabilitation
0019 services; directing the secretary thereof to provide for transi-
0020 tional planning for continuity of services to mentally retarded
0021 or otherwise developmentally disabled persons whose age no
0022 longer entitles them to services under special education pro-
0023 grams.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. When used in this act:

0026 (a) "Mental retardation" means significantly subaverage
0027 general intellectual functioning existing concurrently with defi-
0028 cits in adaptive behavior and manifested during the period from
0029 birth to age 22.

0030 (b) "Significantly subaverage general intellectual function-
0031 ing" means performance that is two or more standard deviations
0032 from the mean score on a standardized intelligence test specified
0033 by the secretary of social and rehabilitation services.

0034 (c) "Adaptive behavior" means the effectiveness or degree
0035 with which a person meets the standards of personal indepen-
0036 dence and social responsibility expected of that person's age,
0037 cultural group and community.

0038 (d) "Developmentally disabled" means a severe, chronic
0039 disability of a person which is attributable to a mental or physical
0040 impairment or combination of mental and physical impairments;
0041 is manifested before the person attains age 22; is likely to
0042 continue indefinitely; and results in substantial functional limi-
0043 tations in three or more of the following areas of major life
0044 activity: (1) Self-care; (2) receptive and expressive language; (3)
0045 learning; (4) mobility; (5) self-direction; (6) capacity for inde-
0046 pendent living; and (7) economic self-sufficiency; and reflects

0047 the person's need for a combination and sequence of special,
0048 interdisciplinary or generic care, treatment or other services
0049 which are of lifelong or extended duration and are individually
0050 planned and coordinated.

0051 (e) "Training" means the provision of specific environmen-
0052 tal, physical, mental, social and educational interventions and
0053 therapies for the purpose of halting, controlling or reversing
0054 processes that cause, aggravate or complicate malfunctions or
0055 dysfunctions of development.

0056 (f) "Transitional plan" means a plan for a program of training
0057 services to a mentally retarded or other developmentally dis-
0058 abled person whose entitlement to services under a special
0059 education program has terminated or will terminate as a result of
0060 such person's graduation or attainment of age 22.

0061 (g) "Local education authority" means the special education
0062 interlocal or cooperative or school district responsible for the
0063 local special education program.

0064 (h) "Special education program" means services that are
0065 provided pursuant to federal public law 94-142 (the education of
0066 all handicapped children's act) as implemented in Kansas
0067 through K.S.A. 72-961 *et seq.*

0068 (i) "Secretary" means the secretary of social and rehabilita-
0069 tion services or the designee of the secretary.

0070 Sec. 2. The secretary of social and rehabilitation services may, within available funding and staffing,
0071 ~~shall~~ prepare transitional plans for mentally retarded or other
0072 developmentally disabled persons whose entitlement to services
0073 under special education programs has terminated or will termi-
0074 nate within two years.

0075 Sec. 3. (a) If the secretary provides such services and
0076 ~~A~~ mentally retarded or otherwise developmentally
0077 disabled person who has been receiving special education under
0078 the provisions of K.S.A. 72-961 *et seq.* shall be eligible upon
0079 graduation or upon attaining the age of 22 years, whichever
0080 occurs first, to receive training services information in the man-
0081 ner hereinafter provided. The local education authority which is
0082 responsible for the education of a person shall, with the consent
0083 of the person or the person's parent or guardian, at least two
years before such person attains the age of 22 years or at least two

0084 years before such person's graduation, whichever first occurs,
0085 determine whether such person may need continuation of train-
0086 ing services and notify the secretary of the name and address of
0087 such person, the record of the special education services being
0088 provided to such person and the expected date of termination of
0089 such services. With 30 days after such notification, the secretary
0090 shall begin to prepare a case file on such person consisting of all
0091 available information relevant to the questions of whether such
0092 person is a mentally retarded or otherwise developmentally
0093 disabled person and what training services may be necessary or
0094 appropriate upon termination or graduation. The local education
0095 authority, with the consent of such person or the person's parent
0096 or guardian, shall provide the secretary with copies of relevant
0097 portions of the record of such person, which shall be included in
0098 such person's case file. The secretary also shall provide an
0099 opportunity for the submission by or on behalf of such person, of
0100 information relative to such person's training needs and all
0101 information so provided shall be included in such person's case
0102 file.

0103 (b) Upon receipt of a case file of a mentally retarded or
0104 otherwise developmentally disabled person, the secretary shall
0105 determine what training services may be necessary or appro-
0106 priate and develop a transitional plan for such person. The
0107 parent or guardian may participate in the development of the
0108 transitional plan unless such participation is objected to by the
0109 person. The transitional plan shall include, but not be limited to,
0110 the following information: The training services found by the
0111 secretary to be necessary or appropriate to halt, control or reverse
0112 processes that cause, aggravate or complicate malfunctions or
0113 dysfunctions of development, the agencies that will provide such
0114 services, the location of the least restrictive environment in
0115 which such services will be provided and the expected duration
0116 of the need for such services. Each transitional plan shall be
0117 prepared and approved by the secretary no later than six months
0118 prior to the date each mentally retarded or otherwise develop-
0119 mentally disabled person attains age 22 or graduates, whichever
0120 occurs first.

0121 . (c) The secretary shall provide the person and the person's
0122 parent or guardian with the written copy of the transition plan
0123 developed for such person.

0124 ~~Sec. 4.~~ This act shall take effect and be in force from and
0125 after its publication in the statute book.

Sec. 4. Nothing in this act shall require the secretary to provide any training identified in a transitional plan unless the person is eligible for such training under a program operated or funded by the department of social and rehabilitation services and funding and staffing are available to provide such services.

5.