

Approved _____

4-22-85
Date

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Bunten at
Chairperson

12:00 Noon a.m./p.m. on Thursday, April 4, 19 85 in room 514-S of the Capitol.

All members were present except: Representative Chronister (excused)

Committee staff present: Gloria Timmer - Legislative Research
Laura Howard - Legislative Research
Jim Wilson - Revisor's Office
Sharon Schwartz - Administrative Aide
Nadine Young - Committee Secretary

Conferees appearing before the committee:

Barbara Sabol, Department of Health & Environment
Randy Hearrell, Kansas Judicial Council
Jerry Palmer, Kansas Judicial Council
Judge Richard Foth
Others present (Attachment 1)

Chairman Bunten called the meeting to order at 12:00 Noon.

HB 2586 -- an act concerning scholarships available to medical students; relating to selection of service commitment areas; amending K.S.A. 76-375 and repealing the existing section.

Barbara Sabol addressed the committee and presented the bill. The purpose of the Kansas Medical Scholarship program is to encourage medical students graduating from KU School of Medicine to establish their practice in medically underserved areas. HB 2586 proposes to change from 30 to 36 months, that an area must appear on the list of the underserved areas, prior to a student establishing a full-time practice. (Attachment 2)

Representative Shriver moved that HB 2586 be recommended favorable for passage. Seconded by Representative Ott. Motion carried.

SB 36 -- an act concerning the court of appeals; increasing the number of judges; amending K.S.A. 20-3002, 20-3005 and 20-3006 and repealing the existing sections.

The bill would provide for the appointment of two judges to the Court of Appeals, one in FY 86 and one in FY 87. An amendment (Attachment 3) was presented which would allow that a judge who becomes age 72 during his or her term may continue to complete that term before retiring.

Representative Bunten moved that the amendment be adopted. Representative Solbach seconded. The motion carried.

Randy Hearrell addressed the committee briefly in support of the bill and introduced Jerry Palmer and Chief Judge J. Richard Foth. A comprehensive report, prepared by Advisory Committee of the Judicial Council was distributed to the committee (copy on file in the Ways and Means Office). The report contains documentation on the caseload and backlog of cases of the Kansas Court of Appeals.

Judge Foth gave lengthy testimony to substantiate the need for the additional judges. There was considerable discussion regarding the matter. Representative Wisdom expressed concern that passage of this bill would prevent the Judicial employees from getting their salary increases. Some of the committee members felt that the addition of judges would only encourage more appeals to be filed.

Chairman Bunten was a member of the Council who studied the request. He commented that all concerns were addressed and answered in the report and he does support the bill.

Ron Smith made a brief statement on behalf of the Kansas Bar Association that the Association does also support the bill.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 12:00 noon p.m. on Thursday, April 4, 1985

Representative Solbach moved that SB 36, as amended, be recommended favorable for passage. Representative Heinemann seconded.

Representative Shriver moved that the bill be tabled. Representative Ott seconded. The vote was 9 to 9, chairman broke the tie. The motion failed.

Representative Wisdom offered a conceptual motion that the bill be amended to appoint two judges in FY 1986. Representative Rolfs seconded. The vote was 7 to 9. The motion failed.

Chairman turned back to Representative Solbach's original motion to recommend SB 36, as amended, favorable for passage. After lengthy discussion, Representative King offered a substitute motion that the total increase of judges be reduced to one and that appointment be made before January 12, 1987. Representative Lowther seconded.

Representative Solbach disagreed on the basis that the request for another judge will come up again in FY 1987 and this committee will be faced with the same issue again.

Representative King's motion failed.

Representative Solbach closed on his motion and a vote resulted in 10 in favor and 11 against. The motion failed.

Committee adjourned at 1:50 p.m. so that committee members could return to House Session.

The meeting was reconvened at 7:05 p.m., and chairman turned to consideration of the subcommittee report for Emporia State University, SB 166.

Representative Miller presented the subcommittee report for Emporia State University (Attachment 4). There was no discussion. Representative Miller moved the report be adopted. Seconded by Representative Teagarden. Motion carried.

Representative Miller moved that SB 166, as amended, be recommended favorable for passage. Seconded by Representative Teagarden. Motion carried.

SB 101 -- Senate Multi-year appropriations for capital improvement projects for Kansas State University, University of Kansas Med Center, and State Board of Regents.

Representative Mainey moved that SB 101, as amended, be recommended favorable for passage. Seconded by Representative Miller. Motion carried.

SB 161 -- Supplemental appropriations for FY 1985.

Representative Louis moved that SB 161, as amended, be recommended favorable for passage. Representative Guldner was recognized and he offered a motion that the amount of the appropriation on Line 83 under Department of Human Resources be doubled, the amount would be increased from \$14,450 to \$28,900. Representative Heinemann suggested the motion be treated as a conceptual motion. Representative Guldner agreed. Representative Wisdom seconded the motion. Motion carried.

Representative Louis then moved that SB 161, as further amended, be recommended favorable for passage. Representative Teagarden seconded. Motion carried.

Chairman turned to final action on HB 2070, which would accelerate payment of insurance tax payments into calendar year 1985, and asked for a motion. Representative Miller moved that HB 2070 be reported favorable for passage. Representative Rolfs seconded. Motion carried.

Meeting adjourned at 7:30 p.m.

Date 4-4-85

Name	Address	Representing
Kirkley J. Hesman	Mayetta	Div. of Budget
HOWARD W. LICO	HUTCHINSON	K.A.W.G.
J.R. Foltz	Topeka	Ks. Court of Appeals
J.A. Palmer	TOPEKA	The Public
Mayorie VanBuren	Topeka	ODA
Rody M. Neanel	Topeka	Jud. Con
A. Lot	Lawrence	Sen. Karr
Henry Stephens	Emporia	ESU
Gene Kasper	Topeka	Board of Regents
Clantha McCurdy	Topeka	Board of Regents
WARREN CORMAN	"	" "
Jim Bushe	Topeka	PSU/ASK
Larry Wolgan	"	D.H.R.

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KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON House Bill 2586
PRESENTED TO the Committee on Ways and Means, April, 1985.

This is the official position taken by the Kansas Department of Health and Environment on H.B. 2586.

BACKGROUND INFORMATION:

In 1978, the Kansas legislature established the Kansas Medical Scholarship Program. The purpose of the program is to encourage medical students graduating from the Kansas University's School of Medicine to establish full-time practices in medically underserved areas. For every scholarship awarded, the medical student agrees to practice 12 months in a specific area according to the type of contract and contract stipulations.

The role of KDHE in the scholarship program is to determine and list, on December 31 of each year, what areas in Kansas are medically underserved according to physician specialties. The list is to depict which areas are critically underserved and underserved.

The December 31, 1984 list shows that a total of 45 counties in Kansas are underserved in primary care. (See attached map.) Of these 45 counties, 16 are classified as underserved and 29 as critically underserved.

H.B. 2586 proposes to change the number of months, from 30 to 36, that an area must appear on the list compiled by KDHE prior to a student finishing their residency training and establishing a full-time practice.

STRENGTHS: This proposed change will allow the time frame that an area is designated as underserved to more realistically reflect the average length of time between graduation from medical school, residency training, and the date that a physician can be expected to begin a full-time practice.

WEAKNESSES: No identifiable weaknesses.

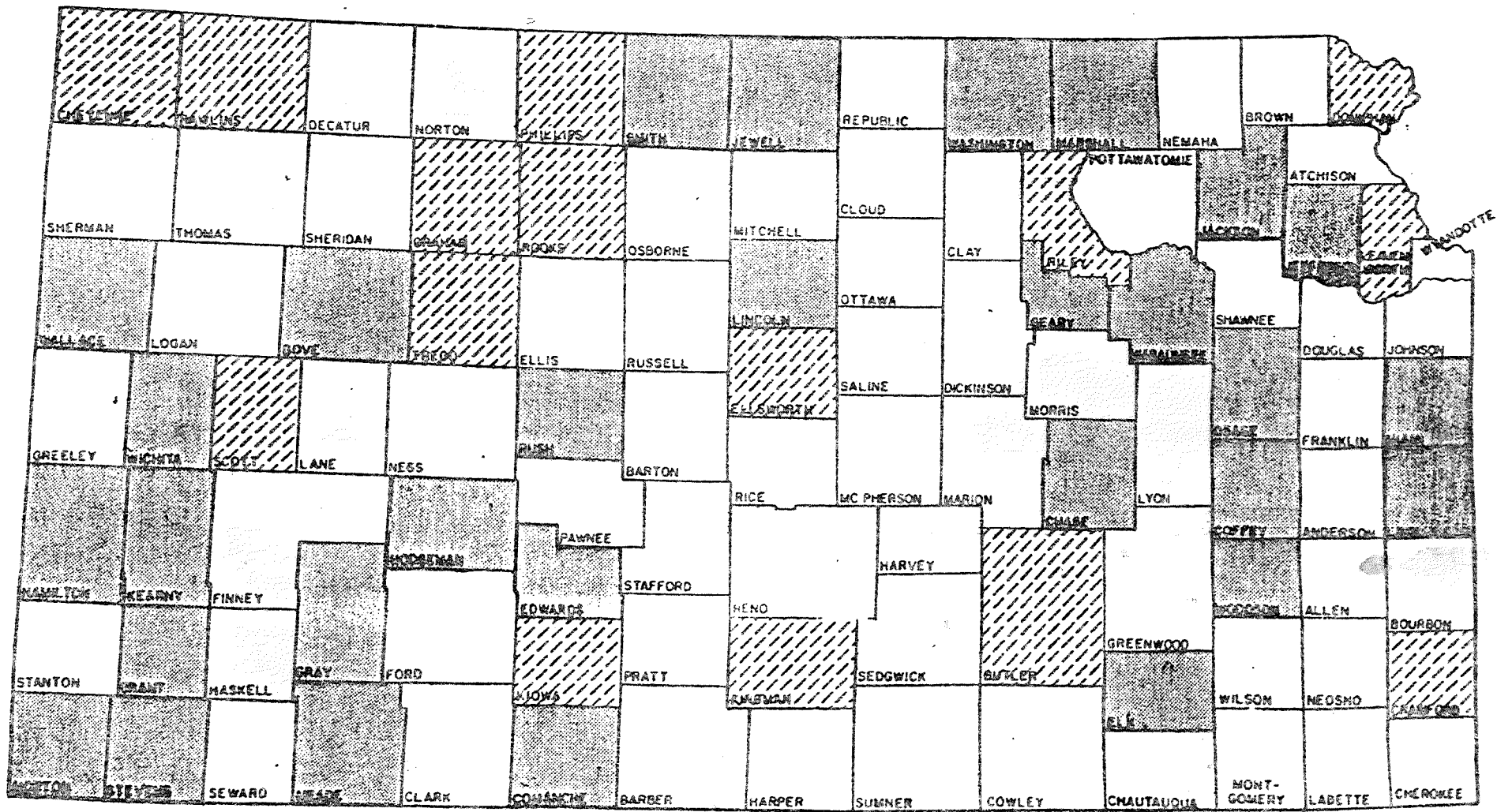
DEPARTMENT'S POSITION:

KDHE supports H.B. 2586 and strongly recommends it's approval.

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

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AREAS UNDERSERVED IN PRIMARY CARE



Denotes critically underserved areas.
 Denotes underserved areas.

December 31, 1984

SENATE BILL No. 36

For Consideration by House Ways and Means Committee

By Committee on Judiciary

4-3-85

1-16

0018 AN ACT concerning the ~~court of appeals~~; increasing the number
0019 of judges; amending K.S.A. 20-3002, 20-3005 and 20-3006 and
0020 repealing the existing sections.

judicial officers of the judicial branch

on the court of appeals; prescribing the retirement age for judges"

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 20-3002 is hereby amended to read as fol-
0023 lows: 20-3002. (a) (1) *On and after July 1, 1985, and before*
0024 *January 12, 1987, the court of appeals shall consist of eight*
0025 *judges whose positions shall be numbered one through eight.*

20-2608,

0026 (2) *On and after January 12, 1987, the court of appeals shall*
0027 *consist of seven (7) ~~to~~ nine judges whose positions shall be*
0028 *numbered one ~~to~~ through nine.*

0029 (b) Judges of the court of appeals shall possess the qualifica-
0030 tions prescribed by law for justices of the supreme court.

0031 ~~(b)~~ (c) Judges of the court of appeals shall be selected in the
0032 manner provided by K.S.A. 20-3003 ~~to 20-3010, inclusive~~
0033 *through 20-3010, and amendments thereto.* Each judge of the
0034 court of appeals shall receive an annual salary in the amount
0035 prescribed by law. No judge of the court of appeals may receive
0036 additional compensation for official services performed by ~~him~~
0037 ~~or her~~ *the judge.* Each such judge shall be reimbursed for
0038 expenses incurred in the performance of such judge's official
0039 duties in the same manner and to the same extent justices of the
0040 supreme court are reimbursed for such expenses.

0041 Sec. 2. K.S.A. 20-3005 is hereby amended to read as follows:
0042 20-3005. ~~On or before August 15, 1976~~ *July 1, 1985, and on*
0043 *January 12, 1987,* the clerk of the supreme court shall notify the
0044 ~~chairman~~ *chairperson* of the supreme court nominating commis-
0045 sion of the number of *vacant* positions on the court of appeals to

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0046 be filled by appointment ~~and of the date when the court of~~
0047 ~~appeals is established.~~ Upon receipt of such notice, the ~~chairman~~
0048 *chairperson* shall cause the commission to meet and submit to
0049 the governor a panel of three ~~(3)~~ nominees for the lowest num-
0050 bered position on the court of appeals for which an appointment
0051 is to be made. The governor shall appoint one ~~(1)~~ of such
0052 nominees to the position on the court of appeals for which ~~he or~~
0053 ~~she the nominee~~ was nominated within ~~thirty (30)~~ 60 days from
0054 the time the panel of nominations for such position is submitted
0055 to the governor. ~~In the event of the governor's failure~~ *If the*
0056 *governor fails* to make the appointment within such time, the
0057 chief justice of the supreme court shall make such appointment
0058 from among the persons so nominated. When the appointment
0059 has been made and the person has informed the clerk of the
0060 supreme court in writing of ~~his or her~~ *the person's* acceptance of
0061 such ~~nominatio~~ *appointment*, the clerk of the supreme court
0062 shall so notify the ~~chairman~~ *chairperson* of the supreme court
0063 nominating commission who again shall cause the commission to
0064 meet and submit to the governor another panel of three ~~(3)~~
0065 nominees for the lowest numbered position remaining on the
0066 court of appeals for which no appointment has been made. The
0067 process of nomination and appointment provided herein shall be
0068 repeated until nominations and appointments have been made
0069 for all positions on the court of appeals for which appointments
0070 are to be made. Each ~~initial~~ appointment to the court of appeals
0071 shall be made from a separate panel of nominees, and the
0072 appointment to each position shall be made and accepted before
0073 any other panel of nominees is submitted to the governor. The
0074 nomination of a person on an earlier panel shall not preclude ~~his~~
0075 ~~or her~~ *the person's* nomination on a subsequent panel.

0076 Sec. 3. K.S.A. 20-3006 is hereby amended to read as follows:
0077 20-3006. (a) Persons ~~who become judges of the court of appeals~~
0078 ~~pursuant to K.S.A. 20-3003~~ ~~or~~ who are appointed as judges of the
0079 court of appeals pursuant to K.S.A. 20-3005 ~~and amendments~~
0080 ~~thereto~~ shall commence the duties of their office ~~on January 10,~~
0081 ~~1977~~ *upon appointment*, and each such judge shall have all the
0082 rights, privileges, powers and duties prescribed by law for the

0083 office of judge of the court of appeals. The initial terms of office
 0084 for persons serving as judges of the court of appeals in positions
 0085 one, three, five and seven shall expire on January 8, 1970, and
 0086 the initial terms of office for persons serving as judges of the
 0087 court of appeals in positions two, four and six ~~eight, nine and 10~~
 0088 term of office of the person serving as judge of the court of
 0089 appeals in position eight shall expire January 12, ~~1984~~ 1987. The
 0090 initial term of office of the person serving as judge of the court
 0091 of appeals in position nine shall expire January 9, 1989.

0092 (b) Not less than ~~sixty (60)~~ 60 days prior to the holding of the
 0093 general election next preceding the expiration of ~~any such~~
 0094 judge's term of office, ~~such the~~ term of any judge of the court of
 0095 appeals, the judge may file in the office of the secretary of state a
 0096 declaration of candidacy for ~~election to succeed himself or her-~~
 0097 ~~self retention in office.~~ If a declaration is not so filed, the
 0098 position held by ~~such the~~ judge shall be vacant upon the expira-
 0099 tion of ~~such the~~ judge's term of office. If such declaration is filed,
 0100 the judge's name shall be submitted at the next general election
 0101 to the electors of the state on a separate judicial ballot, without
 0102 party designation, reading substantially as follows:

0103 "Shall _____, Judge of the Court of Appeals,
 0104 (Here insert name of judge.)
 0105 be retained in office?"

0106 If a majority of those voting on the question shall vote against
 0107 retaining ~~such the~~ judge in office, the position which the judge
 0108 holds shall be vacant upon the expiration of the judge's term of
 0109 office. Otherwise, unless ~~such the~~ judge is removed for cause, ~~he~~
 0110 ~~or she the~~ judge shall remain in office for a term of four (4) years
 0111 from the second Monday in January following ~~such the~~ election.
 0112 At the expiration of each term, unless by law ~~such the~~ judge is
 0113 compelled to retire, ~~he or she the~~ judge shall be eligible for
 0114 retention in office by election in the manner prescribed in this
 0115 section.

0116 ~~Whenever~~ If a majority of those voting on the question of
 0117 retaining ~~any judge in~~ office shall vote against ~~such the~~ judge's
 0118 retention, the secretary of state, following the final canvass of
 0119 votes on ~~such the~~ question, shall certify the results to the clerk of
 0120 the supreme court. Any such judge who has not been retained in

0121 office pursuant to this section shall not be eligible for nomination
0122 or appointment to the office of judge of the court of appeals prior
0123 to the expiration of four (4) years after the expiration of his or her
0124 the judge's term of office.

0125 Election laws applicable to the general election of other state
0126 officers shall apply to elections upon the question of retention of
0127 judges of the court of appeals pursuant to this section, to the
0128 extent that ~~the same~~ they are not in conflict with and are consis-
0129 tent with the provisions of this act.

0130 Sec. ~~4~~ K.S.A. 20-3002, 20-3005 and 20-3006 are hereby re-
0131 pealed.

0132 Sec. ~~5~~ This act shall take effect and be in force from and
0133 after its publication in the statute book.

Sec. 4. (attached)

20-2608,

5.

6.

Sec. 4. K.S.A. 20-2608 is hereby amended to read as follows: 20-2608. (a) Any judge may retire upon ~~reaching~~ becoming 65 years of age ~~sixty-five--(65)~~ and upon making application to the board, ~~and~~. Any judge ~~upon reaching who~~ becomes 72 years of age ~~seventy--(70)~~ shall retire, ~~and--upon retiring--each--such--judge--shall--receive--retirement--annuities--as provided--in--K.S.A.--20-2610,~~ except, that when any incumbent judge ~~attains--the~~ becomes 72 years of age ~~of--seventy--(70)~~, ~~said,~~ the judge may, if said the judge desires, may finish serving the term during which said the judge attains--the becomes 72 years of age ~~of--seventy--(70)~~. Upon retiring, each such judge shall receive retirement annuities as provided in K.S.A. 20-2610 and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), any judge who is otherwise eligible to retire may retire upon ~~reaching~~ becoming 62 years of age ~~sixty-two--(62)~~ and, with regard to persons who first become judges on or after July 1, 1975, having total years of service of not less than ~~ten--(10)~~ 10 years, and upon making application to the board, ~~but~~. Any such judge who ~~shall--retire~~ retires prior to ~~attaining--the~~ becoming 65 years of age ~~of--sixty-five--(65)~~ shall receive a retirement annuity pursuant to K.S.A. 20-2610 and amendments thereto based upon the normal retirement age of ~~sixty-five--(65)~~ 65 years reduced by an amount equal to the product of (1) such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (2) the product of ~~six-tenths--of--one-percent--(.6%)~~ .6% multiplied by the number of months' difference, to the nearest whole month, between the judge's ~~attained~~ age at the time of retirement and age ~~sixty-five--(65)~~ 65.

SUBCOMMITTEE REPORT

Agency: Emporia State University Bill No. 166 Bill Sec. 5
 Analyst: Galligan Analysis Pg. No. 569 Budget Pg. No. 3-25

<u>Expenditure Summary</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>	<u>Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ 17,011,499	\$ 16,359,570	\$ (399,689)
General Fees Fund	3,792,928	3,797,786	—
Interest	35,000	35,000	—
General Use Funds	<u>\$ 20,839,427</u>	<u>\$ 20,192,356</u>	<u>\$ (399,689)</u>
Other Funds	6,165,849	6,165,849	—
Subtotal	<u>\$ 27,005,276</u>	<u>\$ 26,358,205</u>	<u>\$ (399,689)</u>
Capital Improvements:			
State General Fund	\$ —	\$ —	\$ —
Educational Building Fund	250,000	250,000	—
Other Funds	214,305	214,305	—
Subtotal	<u>\$ 464,305</u>	<u>\$ 464,305</u>	<u>\$ —</u>
TOTAL	<u><u>\$ 27,469,581</u></u>	<u><u>\$ 26,822,510</u></u>	<u><u>\$ (399,689)</u></u>
F.T.E. Positions:			
Classified	276.85	276.1	1.0
Unclassified	339.60	338.1	2.35

Agency Request/Governor's Recommendations

The University's estimate of expenditures for the current year is equal to the amount approved by the 1984 Legislature. The Governor does not recommend any adjustments to the expenditures for the current fiscal year. The level of operating expenditure for FY 1985 is 6.8 percent more than the amount actually expended during FY 1984. State General Fund expenditures are 8.4 percent over those of FY 1984 and general use fund expenditures are 8.1 percent more than the previous year. The requested amount of general use funds for FY 1986 is based upon an adjusted FY 1985 budget of \$19,586,296. The adjustment to the base includes removal of \$45,927 appropriated for the FY 1985 \$204 per F.T.E. additional compensation for classified employees. The operating budget requested for FY 1986, including systemwide maintenance increases and program improvements as well as individual program improvements, totals \$27,005,276 and represents a 4.9 percent increase over the amount authorized for FY 1985. The request for FY 1986 includes a total of \$1,529,436 for program maintenance increases for salaries, OOE and utilities; \$467,260 for systemwide program improvements, including funds for library acquisitions, academic computing, GTA stipends, additional faculty retirement contributions, student wage increases, and instructional equipment; and \$367,258 for individual program improvements for the school of education. The amount requested for FY 1986 also includes a reduction of \$1,119,823 due to the enrollment decline between FY 1982 and FY 1984. The enrollment adjustment includes elimination of 4.0 F.T.E. classified positions and 24.0 F.T.E. unclassified positions. The program improvements would result in addition of 2.5 F.T.E.

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classified positions and 6.5 F.T.E. unclassified positions. The University's request also includes a shift of expenditure (\$14,901) of general use funds from salaries and wages to OOE and elimination of a 1.0 F.T.E. classified position to more accurately reflect expenditures.

The Governor recommends expenditure of \$20,192,356 of general use funds during FY 1986. The Governor's recommendation is built upon a general use base that is \$39,396 less than that contained in the University's request, due to the reduction of the unemployment insurance rate for FY 1986. The operating budget recommended for FY 1986 totals \$26,358,205 which is 2.4 percent more than the estimate of expenditures for the current fiscal year. The recommendation includes \$1,050,807 for program maintenance increases, \$245,503 for systemwide program improvements, and \$168,969 for individual program improvements. The program improvements recommended by the Governor include addition of 6.5 F.T.E. positions. The Governor also recommends \$300,000 to establish the Kansas Regents' Center for Excellence in Educational Service on the Emporia State University campus. The Governor concurs with the enrollment adjustment included in the University's request, including deletion of 28.0 F.T.E. positions. The base budget shift from salaries and wages to OOE is included in the Governor's recommendation.

Senate Subcommittee Recommendations

As part of its review of the University's budget, the Subcommittee visited the campus and held a public hearing during which members of the community, students, faculty and staff presented their views on a variety of topics, particularly regarding the enrollment declines and budget reductions experienced by the University. Based upon the testimony presented, conversations with the President and administrative staff, a review of the University's budget and consideration of other facts, the Subcommittee makes the following findings, conclusions and recommendations:

Findings

1. Full-time equivalent enrollment has declined by 34 percent from 1969 to 1984 from a high of 6,700 to 4,450 in 1984.
2. While there are a number of reasons for declines in enrollment, those expressed to the Subcommittee and appropriate to mention include the following:
 - a. loss of a regional base as a result, in part, of growth and increased competition from community colleges and Washburn University;
 - b. attractiveness of the University of Kansas, Kansas State University and Wichita State University to students pursuing a course of study that includes graduate and professional programs;
 - c. growth in programs that are not directly related to improvement of undergraduate teacher training and a resultant decrease in emphasis on teacher education as the primary mission of the University;

- d. demographic trends, resulting in a lower number of graduating high school seniors; and
 - e. decline in enrollment in teacher education programs, that results in part from the economic realities that affect the attractiveness of primary and secondary teaching as a profession.
3. As a result of declining enrollments, the University has, since FY 1982, experienced base budget reductions totaling \$1,312,186.
 4. The University has made decisions regarding allocation of the FY 1986 budget reductions that affect course offerings in the College of Liberal Arts and Sciences and, with the exception of a shift of funding to the local school district of the laboratory school, no reductions have been identified for the College of Education. The University does not plan to make reductions in a number of graduate programs (other than the five identified for elimination during the fall of 1984) and other academic areas that are not directly related to undergraduate teacher education as part of the enrollment adjustment, despite further anticipated budget reductions in FY 1987.
 5. As a result of funding reductions related to enrollment declines, faculty at the University have additional teaching responsibilities that result in overload assignments in order to retain course offerings in some areas. It was particularly noted that overload assignments occur in the disciplines where graduate programs exist because the faculty who teach undergraduate courses have increased their workloads in order to maintain graduate programs.
 6. Testimony presented at the hearing focused on the incorrect perception that the loss of graduate programs resulted in a reduction of quality in undergraduate programs. University personnel noted that the elimination of graduate programs may indeed have a positive impact on the quality of undergraduate course offerings because teaching overload assignments can be reduced or eliminated.
 7. The president of the University, Robert E. Glennen, began his tenure early in the current fiscal year and without full knowledge of the significant base budget reduction for FY 1986 that would result from the decline in enrollment. As a result, President Glennen has had insufficient time to address the issue and formulate a specific plan for internal reorganization.
 8. There is a consensus at the University that internal reorganization is necessary in order to re-emphasize the mission of providing high quality undergraduate training for primary and secondary teachers and administrators. There is, however, a conflict within the University in regard to the organizational structure most appropriate to conduct the mission.
 9. The reductions in funding and course offerings in the College of Liberal Arts and Sciences has resulted in a decrease in the ability of the institution to provide the comprehensive arts and sciences background essential for

quality undergraduate teacher education. In addition, the funding reductions in the College of Liberal Arts and Sciences have resulted in the elimination of course offerings in particular areas of specialty important in the undergraduate teacher training mission.

Conclusions

1. The decline in enrollment and application of the formula funding policy has a cyclical effect with respect to enrollment declines.
2. The loss of funding has resulted in inappropriate faculty overload particularly in those subject areas where graduate programs are maintained.
3. The support of primary and secondary education in Kansas and efficient use of public resources require the identification of an institution of higher education as the preeminent provider of undergraduate teacher training. The mission of undergraduate teacher training is not necessarily related to the maintenance of graduate programs in the arts and sciences, nor the maintenance of certain other programs now in existence at the University.
4. The strong tradition of the University in undergraduate teacher training combined with the state's need (identified above) suggests that the University must establish a firm and aggressive policy that returns it to the primary mission of providing undergraduate teacher education. Such a redefinition can only be accomplished by a combination of: (1) internal decisions that result in elimination of programs determined by the institution and the Board of Regents not to be directly related to undergraduate teacher training; and (2) positive support from the Board of Regents and the Legislature in the form of a long term commitment to assist with the University's internal realignment to emphasize the important and unique mission of undergraduate teacher training. Such positive support from the Legislature should come in the form of funding for program improvements designed to strengthen undergraduate training in liberal arts and sciences in connection with establishing undergraduate teacher training as the institution's primary function.
5. The current administration of the University that includes a new vice-president for Academic Affairs and all very recently-appointed academic deans has not had sufficient time to address the problem and to revise the mission of the University to determine the appropriate internal reallocation of resources. As a result, the Legislature is not able to respond in FY 1986 with special and unique program improvements as outlined.

The Subcommittee concurs with the Governor's recommendations with the following exceptions:

1. The University commence, immediately after consultation with the Board of Regents, a comprehensive internal review in order to make recommendations regarding internal reallocation of resources, to eliminate programs not directly related to the mission of undergraduate teacher training, and to reduce the inappropriate faculty overloads that exist in the College of Liberal Arts and Sciences.
2. The Subcommittee has not identified specific programs or offerings in the University to be eliminated. While the Subcommittee considered making such recommendations, it decided not to pursue that avenue because program decisions are the responsibility of the University and the Board of Regents. The Subcommittee believes that there are offerings and programs that can be eliminated, but leaves those decisions to the Board of Regents.
3. The Legislature adopt a policy of enhanced funding for the University in recognition of its special mission of undergraduate teacher training following approval by the Board of Regents of the University's plan for internal reorganization.
4. The Legislative Coordinating Council authorize the Special Committee on Ways and Means during the 1985 interim, to review with ESU and the Board of Regents the University's progress in modifying curricular offerings and administrative reorganization, with the goal of providing positive legislative support in the form of increased funding as a result of the reorganization. Further, that the Legislative Coordinating Council authorize a review of state funding of all publically funded postsecondary education institutions in the state including Washburn University and the community colleges. The study should focus on determining whether existing state funding policy, including the tuition grant and scholarship programs, has the detrimental impact on the Regents' institutions that was claimed by participants at the public hearing.
5. The 1985 Legislature approve the FY 1986 program improvements recommended by the Governor for the College of Education.
6. The Legislature approve the siting of the Regents' Center of Excellence in Education Service at the University with funding for the Center to be approved in FY 1987. The Subcommittee recommends that the Legislature consider carefully whether full funding of the service component is necessary before the research component is funded.
7. The Legislature identify Emporia State University as the premier Regents' University in the state devoted to quality undergraduate training of primary and secondary educators and that the Legislature commend the institution for its contributions to that field.
8. Addition of \$200,000 to be used by ESU to improve its undergraduate teacher training program. Expenditure of the funds during FY 1986 would be subject to Finance Council approval after the Council reviews the Board's plan for the use of the funds. The plan presented to the Finance Council must, at a minimum, include delineation of the course of action

that the University intends to pursue in regard to all of the recommendations made in this report.

9. Based upon the systemwide recommendations of the full Committee:
 - a. Deletion of \$183,760 from the amount recommended for the increase for unclassified salaries. The adjustment provides for a 5.5 percent average salary increase for unclassified staff and Graduate Teaching Assistants (GTA).
 - b. Deletion of the amount recommended for the additional 1 percent employer contribution to TIAA. (Included in the reduction in (a) above.) The Committee recommends the increased contribution and introduced a bill that would amend existing law to permit it. The funding is removed in accordance with Committee policy, pending passage of the legislation.
 - c. Deletion of the amount recommended for accumulated sick leave for classified and unclassified employees, and adjustment of fringe benefits to reflect FY 1986 rates. (\$8,480 in addition to the amount deleted in (a) above.) The Committee recognizes that the payment of accumulated leave may pose a problem for some agencies, but recommends that any additional amounts requested for that purpose be sought as supplementals after the payments are made in order that the impact on the operating budget can be accurately assessed.
 - d. Deletion of \$3,507 from the amount recommended for the maintenance increase of the student wage base. The recommended amount would allow for a 5.5 percent increase of the student salary base.
 - e. Deletion of \$1,240 from the amount recommended for the off-campus work-study program for FY 1986. In making this recommendation, the Committee approves the same expenditure level for FY 1986 as the University included for FY 1985 in its budget request. The Committee recommends reappropriation of unexpended amounts from the current fiscal year to FY 1986 with a reduction of the new appropriation by the amount the University identified as a carryforward balance in its budget.
 - f. Continuation of the separate line item for the off-campus work-study program in the appropriation bill and continuation of the proviso on the student salaries and wages line item that permits expenditure of those funds for the off-campus program. The Committee also recommends that the program be expanded to permit participation of public, non-state employers such as schools, cities, and counties as well as private employers.
 - g. Deletion of \$15,024 recommended to provide an additional 6.5 percent increase for GTA stipends.
 - h. Deletion of \$10,912 from the amount recommended for the maintenance increase for OOE. The recommendation would allow a 5.5 percent increase of the base for FY 1986.
 - i. Exclusion of the \$50,000 recommended for library acquisitions from the base OOE budget and appropriation of the amount as a

separate line item. The Committee makes this recommendation in order that the Legislature will have an opportunity to review any subsequent requests for additional library funds separately.

- j. Deletion of \$71,746 recommended for the increase of the utilities base budget. The Committee's recommendation for utilities expenditures is to appropriate the same amount for expenditure during FY 1986 as the institutions expend during the current fiscal year. Since the Board of Regents has not yet acted upon any requests for supplementals, the Committee cannot recommend a specific amount for FY 1986. The Committee also recommends continuation of a separate line item appropriation for utilities with a proviso that permits reappropriation of any savings for energy conservation projects. The Committee further recommends that in the future the appropriations for utilities should be adjusted to remove from the base any amounts reappropriated from the previous fiscal year.
 - k. Reformatting of the appropriation bill to include the line items that are in the current year's appropriation including the changes noted above.
10. The Subcommittee reviewed the University's revised general fee receipts estimates for FY 1986 and noted that those estimates are based upon a fall, 1985 head count enrollment decline of 148. Based upon the Governor's recommended general fee expenditure of \$3,797,786, the University would have a balance of \$49,990 to carry forward to FY 1987. That is \$25,034 more than the amount recommended by the Governor and in the opinion of the Subcommittee, is more in line with the University's needs.
 11. The Subcommittee concurs with the Joint Building Construction Committee's recommendation for expenditure of \$250,000 from the EBF during FY 1986 to make life safety improvements to Plumb Hall. The Subcommittee also concurs with the Building Committee's recommendation to permit expenditure of \$214,305 of special revenue funds for improvements to parking lots and the student union.
 12. Deletion of \$5,000 recommended to provide staff reclassification.
 13. Deletion of the Housing and Dining Fund from the list of special revenue funds. Addition of the Student Union Refurbishing Fund and the Basic Opportunity Grant Program-Federal Fund to the list of special revenue funds that are appropriated without limit.
 14. Addition of 2.35 F.T.E. unclassified positions and 1.0 classified positions due to the change of the University's plans for allocation of the enrollment adjustment. As originally proposed, the University would have eliminated 24 F.T.E. unclassified positions and 4.0 F.T.E. classified positions. The University's revised allocation of the adjustment will eliminate 21.65 F.T.E. unclassified positions and 3.0 F.T.E. classified positions. The Subcommittee reviewed the allocation of the enrollment adjustment and is of the opinion that the University should be granted the flexibility to make the adjustments in a manner that supports its efforts to improve undergraduate teacher training.

Senate Committee Recommendations

The Senate Committee concurs with the Subcommittee recommendations.

House Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>Senate Adjustments to Gov. Rec.</u>	<u>Total Senate Rec.</u>	<u>House Subcommittee Adjustments</u>
Operating Expenditures:			
State General Fund	\$ (399,689)	\$ 15,959,881	\$ (144,804)
General Fees Fund	—	3,797,786	—
Interest	—	35,000	—
General Use Funds	\$ (399,689)	\$ 19,792,667	\$ (144,804)
Other Funds	—	6,165,849	—
Subtotal	<u>\$ (399,689)</u>	<u>\$ 25,958,516</u>	<u>\$ (144,804)</u>
Capital Improvements:			
State General Fund	\$ —	\$ —	\$ —
Educational Building Funds	—	250,000	—
Other Funds	—	214,305	—
Subtotal	<u>\$ —</u>	<u>\$ 464,305</u>	<u>\$ —</u>
TOTAL	<u><u>\$ (399,689)</u></u>	<u><u>\$ 26,422,821</u></u>	<u><u>\$ (144,804)</u></u>
F.T.E. Positions:			
Classified	1.0	277.1	—
Unclassified	2.35	340.45	—

The Subcommittee concurs with the Senate recommendations with the following exceptions:

1. The Subcommittee visited the University and discussed the Senate Subcommittee report in detail with members of the administration who provided a response to the findings and conclusions in that report. Since this Subcommittee did not attend the hearing upon which much of the Senate report was based, it cannot speak to the validity of either the report or the response. The Subcommittee includes the detailed response here exactly as presented.

The Subcommittee notes that the Senate Subcommittee frequently referred to "undergraduate teacher training" in its report. While the Subcommittee is of the opinion that the principal mission of the University is teacher education, it notes the University's extreme concern about the implication of the Senate report that the role of the University be confined to "undergraduate teacher training." The Subcommittee specifically does not concur with this aspect of the Senate report and wishes to express support for the University's contribution to the field of teacher education.

2. The Subcommittee does not concur with the Senate recommendation for a reorganization study. The Subcommittee reviewed the recommendation with the administration of the University and does not believe that such an effort is necessary at this time. According to University personnel, in 1983, Dr. Paul Sharp chaired an external consultant group that reviewed the programs, structure and needs of Emporia State University. Comprehensive reviews in 1984-85 include the North Central Association for Accreditation of Colleges and Universities, Regents' program review of student services, and the National Council for the Accreditation of Teacher Education. (Copies of the reports are available from the University.) Recent Regents' curricular reviews include physical sciences, foreign languages, and home economics. Reviews that are being developed include mathematics, art therapy, psychology, social sciences and physical plant operation. The institution has undergone thorough review and should now be given adequate time to make use of these reviews in its own long-range planning before exceptional steps are taken.
3. In response to recommendations 3, 4, and 7 in the Senate report, the Subcommittee is of the opinion that studies of the organization and curriculum of the universities is under the purview of the Board of Regents and does not recommend that the Legislature become involved in such an endeavor. The Subcommittee also rejects any recommendation that would tie the hands of future legislatures in regard to the funding of this or any of the universities.
4. Deletion of \$58,294 from the amount recommended (\$200,000 see Senate Subcommittee report recommendation #8) for the improvement for the College of Education. This recommendation is made because the Subcommittee is of the opinion that the Senate recommendation puts the Finance Council in the potentially inappropriate position of examining and evaluating an organizational plan for the University. Since this recommendation is not for a specific program, it appears to circumvent the enrollment adjustment procedure that is used by the Legislature. Rather than concur with the Senate recommendation, this Subcommittee recommends expenditure of \$68,722 for the curriculum and training delivery program improvement requested by the University for the College of Education. The Subcommittee also recommends \$32,984 to permit the University to expand the services it provides to the two consortia of public schools with which it works. Finally, the Subcommittee recommends \$40,000 for the University to purchase hardware and software necessary for computer instruction. These specific program improvements for the University are, in the Subcommittee's opinion, more in keeping with legislative practice of providing funding in addition to the base increases only for specific program improvements.

Senate Subcommittee Recommendations

As part of its review of the University's budget, the Subcommittee visited the campus and held a public hearing during which members of the community, students, faculty and staff presented their views on a variety of topics, particularly regarding the enrollment declines and budget reductions experienced by the University. Based upon the testimony presented, conversations with the President and administrative staff, a review of the University's budget and consideration of other facts, the Subcommittee makes the following findings, conclusions and recommendations:

Findings

1. Full-time equivalent enrollment has declined by 34 percent from 1969 to 1984 from a high of 6,700 to 4,450 in 1984.
2. While there are a number of reasons for declines in enrollment, those expressed to the Subcommittee and appropriate to mention include the following:
 - a. loss of a regional base as a result, in part, of growth and increased competition from community colleges and Washburn University;
 - b. attractiveness of the University of Kansas, Kansas State University and Wichita State University to students pursuing a course of study that includes graduate and professional programs;
 - c. growth in programs that are not directly related to improvement of undergraduate teacher training and a resultant decrease in emphasis on teacher education as the primary mission of the University;
 - d. demographic trends, resulting in a lower number of graduating high school seniors; and
 - e. decline in enrollment in teacher education programs, that results in part from the economic realities that affect the attractiveness of primary and secondary teaching as a profession.

Emporia State University

To respond directly to the Senate Subcommittee's findings, conclusions, and recommendations, Emporia State University offers the following:

Responses

1. While the 1969-1984 decline in FTE enrollment at Emporia State University has been 34 percent, the enrollment in recent years has been more stable. In the Fall 1984 and Spring 1985, enrollment headcount increased by 140 and 159 respectively. However, as with most universities, ESU has more part-time students. The FTE declined only 1.4 percent in the Fall, 1984; 2.1 percent in Spring, 1985.
2.
 - a. The addition of Wichita State University to the state system as well as the development of excellent facilities by community colleges has had an adverse effect upon the recruitment of students from these areas. Increased state support and additional out-of-district fees have encouraged the recruitment of students statewide by Washburn and the community colleges; the significant off-campus offerings of community colleges has further reduced the credit hour needs of students as they transfer to a four-year institution. The geographic jurisdiction policy has also contributed to an enrollment decline.
 - b. Graduate programs enhance faculty and student interest and respond to community needs.
 - c. At ESU, programs in business, library science and the liberal arts continued to attract additional students, even while a decline occurred in students majoring in teacher education. ESU has not de-emphasized its commitment to a quality teacher education program.
 - d. There are approximately 7,000 fewer high school graduates in Kansas than at the peak of our enrollment. Fewer students attend post-secondary institutions away from their home communities. ESU has maintained and even increased its percentage of high school graduates that enter as freshmen.
 - e. The limited availability of positions and the decline in effective rewards for those entering teacher education are two of the main reasons for limited interest in teacher education nation-wide. The current enrollment is more a direct result of these phenomena rather than any de-emphasis of teacher education.

Findings

3. As a result of declining enrollments, the University has, since FY 1982, experienced base budget reductions totaling \$1,312,186.
4. The University has made decisions regarding allocation of the FY 1986 budget reductions that affect course offerings in the College of Liberal Arts and Sciences and, with the exception of a shift of funding to the local school district of the laboratory school, no reductions have been identified for the College of Education. The University does not plan to make reductions in a number of graduate programs (other than the five identified for elimination during the fall of 1984) and other academic areas that are not directly related to undergraduate teacher education as part of the enrollment adjustment, despite further anticipated budget reductions in FY 1987.
5. As a result of funding reductions related to enrollment declines, faculty at the University have additional teaching responsibilities that result in overload assignments in order to retain course offerings in some areas. It was particularly noted that overload assignments occur in the disciplines where graduate programs exist because the faculty who teach undergraduate courses have increased their workloads in order to maintain graduate programs.
6. Testimony presented at the hearing focused on the incorrect perception that the loss of graduate programs resulted in a reduction of quality in undergraduate programs. University personnel noted that the elimination of graduate programs may indeed have a positive impact on the quality of undergraduate course offerings because teaching overload assignments can be reduced or eliminated.
7. The president of the University, Robert E. Glennen, began his tenure early in the current fiscal year and without full knowledge of the significant base budget reduction for FY 1986 what would result from the decline in enrollment. As a result, President Glennen has had insufficient time to address the issue and formulate a specific plan for internal reorganization.
8. There is a consensus at the University that internal reorganization is necessary in order to re-emphasize the mission of providing high quality undergraduate training for primary and secondary teachers and administrators. There is, however, a conflict within the University in regard to the organizational structure most appropriate to conduct the mission.
9. The reductions in funding and course offerings in the College of Liberal Arts and Sciences has resulted in a decrease in the ability of the institution to provide the comprehensive arts and sciences background essential for quality undergraduate teacher education. In addition, the funding reductions in the College of Liberal Arts and Sciences have resulted in the elimination of course offerings in particular areas of specialty important in the undergraduate teacher training mission.

Responses

4. After campus review utilizing national standards, The Kansas Board of Regents approved in November 1984, ESU's plan to retain seven graduate programs in liberal arts and sciences. The seven programs represent disciplines which are major offerings in Kansas public schools. The programs strengthen ESU's offerings, as well as attract quality faculty members.
5. Overload assignments by teaching faculty are often related to the faculty's commitment to the students in upper level and graduate offerings. Reduction in graduate programs will not immediately reduce the cost of instruction. Dr. Kindrick, Academic Vice President, is currently reviewing course offerings, enrollments and faculty assignments. Minimum enrollment standards were established by the Vice President for the 1985 summer session.
6. The elimination of graduate programs may not reduce faculty overloads. In some instances where overloads would be reduced, faculty support is of such magnitude that the offerings may be increased to enhance general education and major course offerings.
7. President Glennen did not have any knowledge of the significant base budget reduction of FY 1986 at the time of his appointment. Knowledge of the reduction became evident three days before his arrival.
8. A major reorganization of departments into divisions was implemented in 1983-84. The administrative organization will be reviewed and necessary changes made. In consultation with faculty leadership, no conflict appears evident to the administration in regard to the most appropriate organizational structure to conduct the University's mission.
9. The loss of positions, especially those currently filled by quality temporary faculty, has had an adverse impact on the offerings of the University. Additional support would allow the University to continue to strengthen the curriculum in all areas across the University.

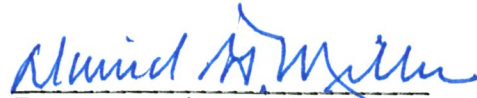
Conclusions

1. The decline in enrollment and application of the formula funding policy has a cyclical effect with respect to enrollment declines.
2. The loss of funding has resulted in inappropriate faculty overload particularly in those subject areas where graduate programs are maintained.
3. The support of primary and secondary education in Kansas and efficient use of public resources require the identification of an institution of higher education as the preeminent provider of undergraduate teacher training. The mission of undergraduate teacher training is not necessarily related to the maintenance of graduate programs in the arts and sciences, nor the maintenance of certain other programs now in existence at the University.
4. The strong tradition of the University in undergraduate teacher training combined with the state's need (identified above) suggests that the University must establish a firm and aggressive policy that returns it to the primary mission of providing undergraduate teacher education. Such a redefinition can only be accomplished by a combination of: (1) internal decisions that result in elimination of programs determined by the institution and the Board of Regents not to be directly related to undergraduate teacher training; and (2) positive support from the Board of Regents and the Legislature in the form of a long term commitment to assist with the University's internal realignment to emphasize the important and unique mission of undergraduate teacher training. Such positive support from the Legislature should come in the form of funding for program improvements designed to strengthen undergraduate training in liberal arts and sciences in connection with establishing undergraduate teacher training as the institution's primary function.
5. The current administration of the University that includes a new vice-president for Academic Affairs and all very recently-appointed academic deans has not had sufficient time to address the problem and to revise the mission of the University to determine the appropriate internal reallocation of resources. As a result, the Legislature is not able to respond in FY 1986 with special and unique program improvements as outlined.

Responses

1. The present corridor formula is unsuitable for funding universities facing shifting enrollments based on demographics. The application of this formula has had an adverse impact on the curricular offerings at Emporia State University, as well as other Regents' institutions. The formula is being reviewed by Regents' staff.
2. The retention of graduate programs is critical to teacher education programs. The liberal arts graduate programs strengthen the curriculum for teachers. Graduate and undergraduate offerings in business fulfill a regional demand as well as strengthen the teacher education program. Beyond providing quality teachers for Kansas schools, the College of Education prepares personnel in counseling, special education, school psychology, rehabilitation services, business education and school administration. The School of Library and Information Management provides preparation for school librarians.
3. By re-emphasizing teacher education programs, the University seeks to be identified as the premier provider of educational programs directly related to the needs of Kansas schools. This includes high-quality school personnel preparation programs in the areas of administration, counseling, psychology and rehabilitation. However, these needs are beyond the literal interpretation of the terms "undergraduate teacher training".
4. Internal university decisions will strengthen teacher education programs, as well as those directly related to a quality general education component for all graduates. Positive support from the Kansas Board of Regents and the Kansas Legislature in the form of a long-term commitment to assist with the re-emphasis of teacher education programs allows the University to strengthen the liberal arts curriculum as well as re-establish teacher education programs as its premier offering.
5. President Glennen, Vice Presidents Webb and Kindrick are actively involved with internal groups of faculty that are reviewing enrollment, recruitment, retention, program offerings and long-range plans for the University. A new mission statement has been drafted. The institution is working closely and expeditiously with the Regents to address its own problems.

5. Based upon the systemwide recommendations of the full Committee:
 - a. Deletion of \$55,769 from the amount recommended for the increase of unclassified salaries. The adjustment provides for a 5.0 percent average salary increase for unclassified staff and Graduate Teaching Assistants (GTA).
 - b. Addition of \$51,944 to provide an additional .5 percent employer contribution to TIAA. (The authorizing legislation, S.B. 350, was referred to the Pensions Committee on March 28.)
 - c. Deletion of \$3,507 from the amount recommended for the maintenance increase of the student wage base. The recommended amount would allow for a 5.0 percent increase of the student salary base. The Committee further recommends inclusion of a proviso on the student salaries line item in the appropriation bill that \$17,500 (one-half of the 5 percent increase) be used to pay student wages in excess of the federal minimum wage.
 - d. Addition of \$13,179 for the off-campus work-study program for FY 1986. In making this recommendation, the Committee approves expenditure of the same amount for FY 1986 as the University has available for the current fiscal year.
 - e. Decrease of the GTA fee waiver recommended for FY 1986 to 65 percent. This recommendation is not an expenditure item, but will result in an increase of revenue to the General Fees Fund.
 - f. Deletion of \$12,357 from the amount recommended for the maintenance increase for OOE. The recommendation would allow a 4.3 percent increase of the base for FY 1986.
 - g. Deletion of \$50,000 recommended for additional library acquisitions.
 - h. Deletion of \$30,000 recommended for the systemwide instructional equipment program improvement.
6. In accordance with the systemwide decision, the Subcommittee reviewed the plans for expenditure of the additional student fees, and concurs with the University's plan to expend the funds in the departments that currently charge special fees.



Representative David Miller
Subcommittee Chairman



Representative Ruth Luzzati



Representative George Teagarden