

MINUTES OF THE House COMMITTEE ON Ways and Means

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

8:00 a.m./p.m. on Friday, April 12, 1985 in room 514-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Secretary Robert Harder, SRS
 Connie Hubbell, Board of Education
 Craig Grant, KNEA
 Bill Kauffman, Board of Regents
 Others present (Attachment 1)

Chairman Bunten called the meeting to order at 8:10 a.m.

SB 259 -- an act concerning special education services for exceptional children; affecting definitions; imposing certain duties on the state board of education; amending K.S.A. 1984 Supp. 72-962 and repealing the existing section.

SB 259 was requested by the State Board of Education and would allow employees of SRS to serve as education advocates for children in the care and custody of SRS. Dr. Robert Harder explained that the bill was being held up because it was felt the language was too broad. A balloon amendment (Attachment 2) was presented for consideration that would restrict the legislation to social workers.

Connie Hubbell testified in support of the bill on behalf of the State Board of Education. (Attachment 3)

Craig Grant, representing KNEA appeared briefly in support of the bill and the proposed amendment.

Representative Duncan moved that the amendment be adopted. Seconded by Representative Ott. Motion carried.

Representative Duncan then moved that SB 259, as amended, be recommended favorable for passage. Seconded by Representative Chronister. Motion carried.

SB 368 -- an act concerning insurance; relating to the purchase thereof by state educational institutions under the control and supervision of the state board of regents; amending K.S.A. 75-4109 and K.S.A. 1984 Supp. 74-4702 and repealing the existing sections.

Bill Kauffman of State Board of Regents presented the bill. In brief, the bill would authorize the University of Kansas and the Med Center to purchase insurance for aircraft and to also purchase property and casualty insurance on dormitories and other facilities. The Senate Committee amended the bill to include all institutions.

Representative Dyck moved that SB 368 be recommended favorable for passage. Seconded by Representative Turnquist. Motion carried.

Representative Hoy offered a motion to delete Sec. 12(b) of the bill which would remove the provision of the insurance matter from the sunset act. The motion was ruled inappropriate because of its relation to the rest of the bill. Representative Hoy withdrew his motion.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,

room 514-S, Statehouse, at 8:00 a.m./~~p.m.~~ on Friday, April 12, 19 85

Representative Teagarden asked about the matter of addressing salaries for troopers and corrections officers. Representative Duncan replied that he has met with John Meyers of the Governor's office regarding this matter. It has been decided this issue will be included in the Omnibus bill and that it will be a modification of the present policy.

Being no further discussion, Representative Chronister moved that the bill be introduced and referred to the Committee of the Whole. Seconded by Representative Duncan. Motion carried.

HB 2601 -- an act concerning the insurance department; relating to compensation for assistants and employees; amending K.S.A. 40-110 and repealing the existing section.

Representative Duncan explained the bill for the committee. HB 2601 would remove the prohibition that anyone in the insurance commissioner's office will not hire anyone who receives more pay than the commissioner. The amended statute would strike the requirement that no salaries in the office exceed those of the commissioner of insurance. Representative Duncan moved that HB 2601 be recommended favorable for passage. Seconded by Representative Shirver. Motion carried.

SB 379 -- an act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

Representative Solbach moved that Section 16 which refers to claims of \$15,000 each on McCue and Thornton be restored to the bill. Seconded by Representative Luzzati.

Representative Shriver and Dyck opposed the motion on the basis that the state is not liable. On the vote, there were 11 ayes and 9 nays. The motion carried.

Representative Shriver moved that Section 10, relating to the McEnulty claim of \$277.00 be deleted from the bill. Representative Ott seconded. After some discussion, Bill Wolff was asked to explain the situation and he said that Ron Miles, Executive Director, had recommended the claim be paid. On this basis, Representative Shriver withdrew his motion.

Representative Rolfs offered a motion that those sections of the Claims Bill that are in the bill as a result of taxpayers filing claims beyond the statutory time limit, be removed. (Sections 2, 3 and 5) Seconded by Representative Ott. The motion failed.

Representative Duncan brought before the committee a claim that he felt should be added to the bill. It relates to the construction of a parking lot at Winfield State Hospital. The amount of the claim is \$9,574.21 by a small, independent firm in Wichita known as Villisant & Associates. Seconded by Representative King. Motion carried.

Representative Chronister moved that SB 379, as amended, be recommended favorable for passage. Seconded by Representative Fuller. Motion carried.

PAY PLAN for state officers and employees

A draft bill of the state employee pay plan was presented for consideration and discussion. Jim Wilson reviewed the plan for the committee. The Governor did accept the Joint Subcommittee's pay plan proposal and this draft bill represents the contents of that proposal, along with modifications. Ed Ahrens, Chief Fiscal Analyst, said the total cost of the plan is approximately \$23 million of state general fund money. (Attachment 4)

The items were taken up one section at a time and any changes made by the committee are noted below:

Sec. 6(a) - Legislature

Correction noted by staff on Line 11-Operations, should be corrected from \$179,452 to \$363,292.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 8:00 a.m./~~p.m.~~ on Friday, April 12, 1985

Sec. 11 - Kansas Adult Authority

The plan would authorize that salaries be commensurate with associate district judge. The chairman of the Authority's salary would be increased from \$44,904 to \$52,002 and the other members would increase from \$44,904 to \$49,665. The total fiscal note is \$17,064.

Representative Wisdom moved that the salaries be increased by one-half the recommended amount. Seconded by Representative King.

Representative Duncan opposed on the basis that the last general increase was in 1982. Representative Rolfs also opposed the motion. Representative Miller supported the motion. Jim Wilson stated that the last amendment to the salaries was in the 1979 session. On the vote, there were 9 ayes and 10 nays. The motion failed.

Section 13 - Increases for legislators

Substance pay would increase from \$40 to \$50 per day. Interim expense money would increase from \$400 to \$500 per month.

Representative Louis offered a motion that the proposed increases not be approved. Seconded by Representative Guldner.

Representative Rolfs made a substitute motion that the amounts be tied in with the federal reimbursement rate for city of Topeka, which is \$500 per month. Seconded by Representative King. Motion carried.

Section 19 - District Magistrate Judges

Chairman Bunten commented that about 60% of the fiscal note on the entire plan is in the area of district magistrate judges. It is recommended their salary be increased from \$22,203 to \$26,000 annually.

Representative Hoy offered a motion that the increase be raised to \$25,000 rather than \$26,000. Seconded by Representative Louis. The motion failed.

Representative King offered a motion that the base pay increases for elected officials and judges be phased in over a 2-year period. Seconded by Representative Louis. Motion failed.

Representative Duncan offered a motion as follows:

Those employees receiving the base adjustment be given a 5½% increase on top of that adjustment, but that they not be subject to the average 5.5% increase this year only since they are getting the large base adjustment in fiscal 1986. Seconded by Representative Ott. Motion carried.

Meeting reconvened at 12:35 p.m. and chairman turned to consideration of the subcommittee report on Board of Regents. Representative Duncan presented the report (Attachment 5). The House sub-committee made several adjustments to the Senate recommendations. The sub-committee recommends passage of HB 2267 which would allow students attending schools accredited by the North Central Association of Colleges to be eligible to receive tuition grants.

Representative Duncan moved that the subcommittee report be adopted. Seconded by Representative Ott.

Representative Rolfs offered a motion to amend Item 7 that refers to the mandate on the use of the Test of English as a Foreign Language (TOEFL) as one of the criteria for eligibility to teach. Language would be included directing the Board of Regents to submit a written report to this effect.

Representative Duncan agreed to include this request in his motion that the Board of Regents report in writing on the progress of the TOEFL program not later than January 13, 1986.

On the motion that the report be adopted, as amended, the motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at _____ a.m./p.m. on _____, 19__.

HB 2267 - an act concerning tuition grants; affecting the definition of accredited independent institutions; amending K.S.A. 72-6107, 72-6108, 72-6111 and 72-6112, and repealing the existing section.

Representative Duncan distributed copies of a proposed amendment (Attachment 6) which would include North Central Association of Colleges, and offered a motion that the amendment be adopted. Seconded by Representative Ott. Motion carried.

Representative Duncan then moved that HB 2267, as amended, be recommended favorable for passage. Seconded by Representative Ott. Motion carried.

SB 350 -- an act concerning the State Board of Regents; concerning retirement annuities for faculty members and other officers and employees in the unclassified service; amending K.S.A. 1984 Supp. 74-4925 and repealing the existing section.

SB 350 would raise the employer contribution to the pension plan for faculty and unclassified employees of the Board of Regents from the current 5% to 6%.

Representative Louis moved that SB 350 be recommended favorable for passage. Seconded by Representative Miller. Motion carried.

Meeting adjourned at 1:15 p.m.

Date 4-12-85

Name	Address	Representing
D.B. Dallam	State house	Budget Division
Jim Bull	Topeka	KU
Bill Kaufman	Topeka	Bd. of Regents
Jack R. Kuth	"	KAS
Steve Wasson	"	Securities Comm.
Kit Hohm	"	K.S.B.A.
Nancy Echols	"	DPS
Nikkie Stein	Topeka	Ks State Nurses' Assn.
Mark E. Tallma	Topeka	ASK
Judy Cutsinger	Topeka	KSDE
Bonnie Huesel	"	St. Dept. of Ed.
Dale McVernin	"	KSDE
Craig Grant	Lawrence	K-NEA
Steve Montgomery	Topeka	KAFE
Charles Dodst	Topeka	KAFE

4/12/85 (1)

SENATE BILL No. 259

By Committee on Education

2-14

0017 AN ACT concerning special education services for exceptional
0018 children; affecting definitions; imposing certain duties on the
0019 state board of education; amending K.S.A. 1984 Supp. 72-962
0020 and repealing the existing section.

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

0022 Section 1. K.S.A. 1984 Supp. 72-962 is hereby amended to
0023 read as follows: 72-962. As used in this act:

0024 (a) "School district" means any public school district.

0025 (b) "Board" means the board of education of any school
0026 district.

0027 (c) "State board" means the state board of education.

0028 (d) "Department" means the state department of education.

0029 (e) "State institution" means ~~the following institutions:~~ To-
0030 peka state hospital, Osawatomie state hospital, Rainbow mental
0031 health facility, Larned state hospital, Parsons state hospital and
0032 training center, Norton state hospital, Winfield state hospital and
0033 training center, Kansas neurological institute, any state youth
0034 center as defined by K.S.A. ~~4082~~ 1984 Supp. 38-1602, Kansas
0035 state school for the deaf, and Kansas state school for the visually
0036 handicapped.

0037 (f) "Exceptional children" means persons who: (1) Are
0038 school age, to be determined in accordance with rules and
0039 regulations adopted by the state board, which age may differ
0040 from the ages of children required to attend school under the
0041 provisions of K.S.A. 72-1111, and amendments thereto; and (2)
0042 differ in physical, mental, social, emotional or educational
0043 characteristics to the extent that special education services are
0044 necessary to enable them to progress toward the maximum of
0045 their abilities or capacities.

4/12/95

(2)

0016 (g) "Gifted children" means exceptional children who are
 0017 determined to be within the gifted category of exceptionality as
 0018 such category is defined in the state plan.

0019 (h) "Special education services" means programs for which
 0020 specialized training, instruction, programming techniques, facil-
 0021 ities and equipment may be needed for the education of excep-
 0022 tional children.

0023 (i) "Special teacher" means a person employed by a school
 0024 district or a state institution for special education services who is:
 0025 (1) A teacher qualified to instruct exceptional children as deter-
 0026 mined by standards established by the state board and who is so
 0027 certified by the state board; or (2) a paraprofessional qualified to
 0028 assist certificated teachers in the instruction of exceptional chil-
 0029 dren as determined by standards established by the state board
 0030 and who is so approved by the state board.

0031 (j) "State plan" means the state plan for special education
 0032 services authorized by this act.

0033 (k) "Agency" means boards, the state board, and the secre-
 0034 tary of social and rehabilitation services.

0035 (l) "Lawful custodian" means a parent, stepparent, foster
 0036 person acting as parent, guardian or other person who has legal
 0037 custody of a child or is liable by law to maintain, care for or
 0038 support the child or related to the child. Custodian or education
 0039 advocate. If none of the above is known or can be found, an
 0040 agency shall cause proper proceedings to be instituted pursuant
 0041 to the Kansas code for care of children to determine whether a
 0042 child is a child in need of care. For a child whose legal guardian
 0043 is the secretary of social and rehabilitation services, the term
 0044 lawful custodian means the secretary except, when used in
 0045 K.S.A. 72-972 through 72-975, and amendments thereto, the term
 0046 means a person appointed by the secretary to act as lawful
 0047 custodian of the child for the proceedings conducted pursuant to
 0048 the provisions of those statutes. The person appointed as lawful
 0049 custodian by the secretary shall not be an employee of the
 0050 secretary or of any agency which is involved in the education of
 0051 the child.

[or guardian

[For a child whose legal guardian is the secretary of social and rehabilitation services, the term lawful custodian means the secretary except, when used in K.S.A. 72-972 through 72-975, and amendments thereto, the term means a person appointed by the secretary to act as lawful custodian of the child for the proceedings conducted pursuant to the provisions of those statutes.

0052 (m) "Parent" means a natural parent, an adoptive parent, or

0083 a stepparent.

0084 (n) "Person acting as parent" means a person, other than a
0085 parent, guardian, [custodian or education advocate, who has] lawful
0086 physical and legal custody of a child, or is by law liable to
0087 maintain, care for, or support the child, or is contributing the
0088 major portion of the cost of support of the child.

0089 [(o) "Guardian" has the meaning ascribed thereto by K.S.A.
0090 59-3002, and amendments thereto.]

0091 [(p) "Custodian" means a person, agency or association
0092 granted legal custody of a child under the Kansas code for care
0093 of children.] (o)

0094 [(q) "Education advocate" means a person appointed [and
0095 authorized [to act as the lawful custodian of a child by a custo-
0096 dian authorized by a court] to make educational decisions for the
0097 child. A person appointed as an education advocate for a child

0098 [may] be an employee of the [custodian], but shall not be an
0099 employee of any agency which is involved in providing educa- in accordance with section 2
0100 tional services for the child nor any person having a profes- secretary of social and rehabilitation services
0101 sional or personal interest which would conflict with the inter- shall
0102 ests of the child.

0103 New Sec. 2. (a) The state board, in consultation with the
0104 state advisory council for special education, shall:

0105 (1) Prescribe guidelines for the appointment of persons as
0106 education advocates and for the exercise of their authorized
0107 powers, duties and functions;

0108 (2) establish standards and criteria for qualification of per-
0109 sons as education advocates; and

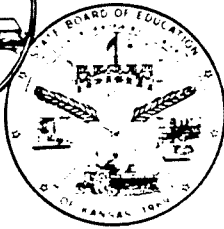
0110 (3) provide for special training programs with respect to the
0111 powers, duties and functions of lawful custodians.

0112 (b) Lawful custodians who are education advocates shall, and
0113 all other lawful custodians may, participate in the special train-
0114 ing programs provided for under provision (3) of subsection (a).

0115 (c) The state board shall adopt rules and regulations for
0116 effectuation of the provisions of this section and shall make such
0117 rules and regulations a part of the state plan.

0118 Sec. 3. K.S.A. 1984 Supp. 72-962 is hereby repealed.

0119 Sec. 4. This act shall take effect and be in force from and
0120 after its publication in the statute book.



Kansas State Department of Education

Kansas State Education Building

120 East 10th Street Topeka, Kansas 66612

April 12, 1985

TO: House Ways and Means Committee

FROM: Connie Hubbell, State Board of Education

SUBJECT: 1985 Senate Bill 259

Senate Bill 259 amends the Special Education for Exceptional Children Act in K.S.A. 1984 Supp. 72-962 by changing the existing definition of "lawful custodian" and adding new definitions of "parent," "person acting as parent," "guardian," "custodian," and "education advocate" for further clarification.

The Special Education for Exceptional Children Act, as it is currently written, prohibits Social and Rehabilitation Services (SRS) employees from serving as the educational advocates for the children in the care and custody of the Secretary of SRS. There are approximately 5,000 to 6,000 children in SRS custody at any given point in time. These children have been abused, come from broken homes or have been abandoned by their parents. Because of the circumstances that have brought them into the custody of the Secretary of SRS, our best estimate is that as many as 25 percent or 1,250 to 1,500 of these children are at risk of being exceptional and need special education services as soon as they can be placed in family foster care or group residential facilities. And, therein lies the problem. Currently, very few of these children are being identified and served.

While SRS is the custodian for many children, the rights of the parents are seldom severed. Therefore, a local education agency needing to identify and place a child in special education services is required to seek out the parents of the child and have them sign the required notices. (NOTE: All special education actions require a parental signature before they can be implemented.) The parents of children in the custody of SRS are often unknown or unavailable. Or, SRS may be keeping the whereabouts of the child hidden from the parents if there has been a threat to the safety of the child.

Recent legal opinions have stated that it is not necessary to prohibit SRS employees from serving as the educational advocates for the children in their custody unless SRS is the agency directly responsible for the education of the child. Based upon these opinions, SRS employees could serve as the educational advocates for children residing in family foster homes and community residential facilities where the local education agencies are responsible for the education of these children. SRS employees could not, however, serve as the educational advocates for the children residing in the state institutions for the mentally ill and the mentally retarded or the state youth centers because in these settings SRS is the agency directly responsible for the education of the child. Therefore, it is proposed that K.S.A. 1984 Supp. 72-962 be amended to allow SRS

4/12/85

(3)

employees to serve as educational advocates for children in their custody under the following conditions:

- a) If the child's parental rights have been severed pursuant to the Kansas Code for Care of Children,
- b) If the child's parents are unknown or unavailable and the child is in the care and custody of the Secretary of SRS,
- c) If the SRS employee has completed training as an education advocate,
- d) If the SRS employee has no interest which conflicts with any interest of the exceptional child whom he/she represents, or
- e) If SRS is not responsible for provision of educational services to the child in question.

All school districts would be required to report the number of exceptional children in need of an educational advocate to the Department of Education and SRS. SRS employees would be appointed as educational advocates and utilized in accordance with regulations to be established by the State Board of Education.

The Department of Social and Rehabilitation Services has introduced a proposed amendment to the Kansas Code for Care of Children under K.S.A. 38-1501 which will enable SRS employees to make educational decisions regarding a child in the custody of SRS in cases where there is no severance of parental rights but the parents refuse or fail to make educational decisions regarding the child. The amendment to the Code for Care of Children and the amendment to the Special Education Act have been introduced in tandem. The Education amendment allows SRS employees to serve as educational advocates and the SRS amendment allows the court to appoint SRS employees as educational advocates in a dispositional hearing.

BILL NO. HB 2024

1 AN ACT concerning state officers and employees; relating to
 2 salaries and compensation; authorizing and providing for
 3 certain increases; placing certain job classes in the
 4 unclassified service under the Kansas civil service act;
 5 making appropriations for the fiscal year ending June 30,
 6 1986, and authorizing certain transfers and adjustments in
 7 expenditure limitations therefor; amending K.S.A. 46-137a,
 8 46-137b, 22-3708, 75-3101, 75-3104, 75-3108, 75-3110 and
 9 75-3120k and K.S.A. 1984 Supp. 40-102 and repealing the
 existing sections.

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

11 Section 1. (a) The governor is hereby authorized and
 12 directed to modify the pay plan adopted pursuant to section 1 of
 13 chapter 318 of the 1984 Session Laws of Kansas in accordance with
 14 this section and the recommendations for proposed civil service
 15 pay plan revision which recommendations were submitted by a
 16 governor's message to the senate and the house of representatives
 17 on April 11, 1985, and to adopt such pay plan as so modified. The
 18 pay plan adopted by the governor under this subsection shall be
 19 the pay plan for the classified service under the Kansas civil
 20 service act and shall be effective on the first day of the first
 21 payroll period which is chargeable to the fiscal year ending on
 22 June 30, 1986. Such pay plan shall be subject to modification
 23 and approval as provided under K.S.A. 75-2938 and amendments
 24 thereto and to any enactments of the legislature applicable
 25 thereto.

26 (b) (1) The governor, in the governor's discretion, is hereby
 27 authorized to modify or authorize the modification of the
 28 salaries of state officers and employees who are in the
 29 unclassified service under the Kansas civil service act and whose
 30 salaries are subject to approval by the governor under K.S.A.

4/12/85 (4)

1 75-2935b or 75-2935c and amendments thereto to provide for an
2 average increase of 5.5% adjusted to the nearest dollar for each
3 monthly payroll period or the equivalent increase for payroll
4 periods other than monthly, effective on the first day of the
5 first payroll period which is chargeable to the fiscal year
6 ending on June 30, 1986.

7 (2) Except as otherwise provided by this subsection (b)(2),
8 each elected state official of the executive branch of state
9 government, including the state board of education and the state
10 board of tax appeals, the state board of regents and the board
11 of trustees of the Kansas public employees retirement system, in
12 such official or board's discretion, is hereby authorized to
13 modify or to authorize the modification of the salaries of the
14 state officers and employees of such official or board who are in
15 the unclassified service under the Kansas civil service act and
16 whose salaries are not subject to approval by the governor under
17 K.S.A. 75-2935b or 75-2935c and amendments thereto, to provide
18 for an average increase of 5.5% adjusted to the nearest dollar
19 for each monthly payroll period or the equivalent increase for
20 payroll periods other than monthly, effective on the first day of
21 the first payroll period which is chargeable to the fiscal year
22 ending on June 30, 1986. The provisions of this subsection (b)(2)
23 shall not apply to: (A) Any teaching employees of the Kansas
24 state school for the visually handicapped or the Kansas state
25 school for the deaf; or (B) any state officers or employees of
26 educational institutions under the control and supervision of the
27 state board of regents who are in the unclassified service under
28 the Kansas civil service act.

29 (c) For purposes of K.S.A. 46-137a, 46-137b, 75-3111a and
30 75-31201 and amendments thereto, the adoption of the new
31 classified service pay plan under subsection (a) shall be
32 construed to constitute an increase in the rates of compensation
33 of the pay plan for persons in the classified service under the
34 Kansas civil service act for payroll periods chargeable to the

1 fiscal year ending on June 30, 1986, and the average of the
2 percentage increases in all monthly steps of the pay plan shall
3 be construed to be 5.5%.

4 Sec. 2. (a) Upon recommendation of the director of the
5 budget, the state finance council, acting on this matter which is
6 hereby characterized as a matter of legislative delegation and
7 subject to the guidelines prescribed in subsection (c) of K.S.A.
8 75-3711c and amendments thereto, except paragraph (3) of such
9 subsection (c), is hereby authorized to increase expenditure
10 limitations on special revenue funds and accounts established for
11 the fiscal year ending on June 30, 1986, for the purpose of
12 paying from such funds or accounts the proportionate share of the
13 cost to such funds or accounts, including associated employer
14 contributions, of: (1) The salary increases provided for by
15 adoption of the pay plan under subsection (a) of section 1 and
16 (2) the salary increases for unclassified state officers and
17 employees provided for under subsection (b) of section 1.

18 (b) There is hereby appropriated from the state general fund
19 for the state finance council, for the fiscal year ending on June
20 30, 1986, the sum of \$20,181,572 to be used for the purpose of
21 paying the proportionate share of the cost to the state general
22 fund, including associated employer contributions, of: (1) The
23 salary increases resulting from adoption of the pay plan under
24 subsection (a) of section 1, (2) the salary increases for
25 unclassified state officers and employees provided for under
26 subsection (b) of section 1; and (3) the salary increases
27 provided by K.S.A. 22-3708, 75-3101, 75-3104, 75-3108 and 75-3110
28 and K.S.A. 1984 Supp. 40-102 as such statutes are amended by this
29 act. To pay the proportionate share of the cost to the state
30 general fund of each state agency of the executive branch of
31 state government for such salary increases, upon recommendation
32 of the director of the budget, the state finance council, acting
33 on this matter which is hereby characterized as a matter of
34 legislative delegation and subject to the guidelines prescribed
35 in subsection (c) of K.S.A. 75-3711c and amendments thereto,

1 except paragraph (3) of such subsection (c), is hereby authorized
2 and directed to transfer moneys from the appropriation made by
3 this subsection to proper accounts created by state general fund
4 appropriations for the fiscal year ending on June 30, 1986.

5 (c) Each state agency of the executive branch of state
6 government which employs officers and employees who are receiving
7 salary increases provided for by adoption of the pay plan under
8 subsection (a) of section 1 or resulting from adoption of salary
9 increases for unclassified state officers and employees provided
10 for under subsection (b) of section 1 shall prepare and submit a
11 budget estimate for such salary increases, and all amendments and
12 revisions of such estimates, to the director of the budget. At
13 the same time as each state agency submits such estimate, and all
14 amendments and revisions thereof, each such state agency shall
15 submit a copy of such estimate, and all amendments and revisions
16 thereof, directly to the legislative research department.

17 Sec. 3. On and after June 18, 1985, all employees of the
18 department of health and environment in the health officer II job
19 class, or any successor job class that may be approved under
20 K.S.A. 75-2938 and amendments thereto and has substantially the
21 same duties and responsibilities, shall be in the unclassified
22 service under the Kansas civil service act.

23 Sec. 4. On and after June 18, 1985, all employees of the
24 department of social and rehabilitation services in the
25 coordinator of medical services job class, or any successor job
26 class that may be approved under K.S.A. 75-2938 and amendments
27 thereto and has substantially the same duties and
28 responsibilities, shall be in the unclassified service under the
29 Kansas civil service act.

30 Sec. 5.

31 LEGISLATIVE COORDINATING COUNCIL

32 (a) There is appropriated for the above agency from the state
33 general fund for the fiscal year ending June 30, 1986, the
34 following:

1	Legislative coordinating council -- operations.....	\$12,362
2	Legislative research department -- operations.....	68,073
3	Office of revisor of statutes -- operations.....	48,826
4		
5	Total.....	<u>\$129,261</u>

Sec. 6.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

11	Operations (including official hospitality).....	\$179,452
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Sec. 7.

\$ 363,292

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

17	Operations (including legislative post audit	
18	committee).....	\$35,241

Sec. 8.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

24	Judicial research.....	\$6,268
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Sec. 9.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

30	Administration of justice -- appellate operations.....	\$182,117
31	Administration of justice -- district courts.....	2,129,549

1,100,000?
↓ 2nd cl. in May 1986 + event 3231 503

1 Total.....\$2,311,666

2 Sec. 10. Appeals to exceed limitations. Upon written
3 application to the governor and approval of the state finance
4 council acting on this matter which is hereby characterized as a
5 matter of legislative delegation and subject to the guidelines
6 prescribed in subsection (c) of K.S.A. 75-3711c and amendments
7 thereto, expenditures from special revenue funds may exceed the
8 amounts specified for such funds by the state finance council
9 under this act.

10 Sec. 11. On June 18, 1985, K.S.A. 22-3708 is hereby amended
11 to read as follows: 22-3708. ~~Each-of-the-members-of--the--Kansas~~
12 ~~adult-authority-shall-receive-an-annual-salary-in-an-amount-fixed~~
13 ~~by--the--governor,--which-amount-shall-not-be-less-than-the-salary~~
14 ~~authorized-on-January-1,--1979,--for-any--member--now--serving--and~~
15 ~~which-amount-shall-not-be-diminished-during-such-member's-term-of~~
16 ~~office.----Such---salary---shall--be--payable--in--equal--monthly~~
17 ~~installments-and-in-addition-thereto-members~~

18 (a) (1) The annual salary of the chairperson of the Kansas
19 adult authority shall be an amount equal to the annual salary
20 paid by the state to a district judge designated as
21 administrative judge; and

22 (2) the annual salary of each other member of the Kansas
23 adult authority shall be an amount equal to the annual salary
24 paid by the state to an associate district judge designated as
25 administrative judge.

26 (b) Members of the Kansas adult authority shall be allowed
27 all actual traveling and necessary expenses incurred while in the
28 discharge of official duties.

29 Sec. 12. On June 18, 1985, K.S.A. 1984 Supp. 40-102 is
30 hereby amended to read as follows: 40-102. (a) There is hereby
31 established ~~and-continued-a-separate-and-distinct~~ a department to
32 be known as the insurance department, which shall have a chief
33 officer ~~whose-style-of-office-shall-be~~ entitled the commissioner
34 of insurance and who shall receive, except as otherwise provided

Show, show, to delete

1 in K.S.A. 75-3111a, and amendments thereto, an annual salary of
2 \$38,500 \$50,000, and such officer shall be charged with the
3 administration of all laws relating to insurance, insurance
4 companies and fraternal benefit societies doing business in this
5 state, and all other duties which are or may be imposed upon such
6 officer by law.

7 *by
motion* (b) The provisions of the Kansas sunset law apply to the
8 office of commissioner of insurance and the insurance department
9 established by this section and said such office and department
10 are subject to abolition thereunder.

11 Sec. 13. On July 1, 1985, K.S.A. 46-137a is hereby amended to
12 read as follows: 46-137a. In addition to the compensation
13 provided for by K.S.A. 46-137b, 46-137e and K.S.A.---1980--Supp.
14 75-3212, and amendments thereto, each member of the legislature
15 shall receive the following amounts:

16 (a) The sum of ~~forty-dollars-(\$40)~~ \$49 per calendar day for
17 service at any regular or special session, except as otherwise
18 provided in subsection (e);

19 (b) the sum of ~~fifty-dollars-(\$50)~~ \$50 per calendar day for
20 subsistence allowance for any regular or special session of the
21 legislature;

22 (c) an allowance of ~~four--hundred--dollars--(\$400)~~ \$500 per
23 calendar month, except for the months of January, February and
24 March to defray expenses incurred between sessions of the
25 legislature for postage, telephone, office and other incidental
26 expenses; and

27 (d) an allowance for mileage in an amount equal to the rate
28 per mile prescribed under the provisions of K.S.A. 1980-Supp-
29 75-3203a and amendments thereto multiplied by the number of miles
30 traveled by the usual route in going to and returning from the
31 member's place of residence for any regular or special session of
32 the legislature. Such mileage shall be paid for not to exceed the
33 equivalent of one trip for each full week occurring between
34 convening and adjournment sine die in any regular or special
35 session. The mileage allowance provided under the provisions of

1 this subsection shall be fixed upon the basis of the rate
2 prescribed by K.S.A. 1980-Supp. 75-3203a and amendments thereto
3 but shall not be subject to the restrictions relating to the use
4 of vehicles prescribed by K.S.A. 1980-Supp. 75-3203 and 75-3203a
5 and amendments thereto but shall only be allowed for trips
6 actually made. Compensation and subsistence allowance shall not
7 be allowed under the provisions of subsections (a) and (b) of
8 this section during any period in which the legislature is
9 adjourned for more than two days, Sundays excepted.

10 (e) Whenever the rates of compensation of the pay plan for
11 persons in the classified service under the Kansas civil service
12 act are increased, the rate of compensation per calendar day for
13 members of the legislature for service at any regular or special
14 session of the legislature shall be increased by an amount,
15 adjusted to the nearest dollar, computed by multiplying the
16 average of the percentage increases in all monthly steps of such
17 pay plan by the compensation per calendar day which is received
18 pursuant to this section by members of the legislature for
19 service at any regular or special session of the legislature and
20 which is in effect prior to the effective date of such increase
21 in the rates of compensation of the pay plan for persons in the
22 classified service under the Kansas civil service act.

23 Sec. 14. On July 1, 1985, K.S.A. 46-137b is hereby amended
24 to read as follows: 46-137b. (a) In addition to the compensation
25 provided for by K.S.A. 46-137a and ~~K.S.A. 1980-Supp. 75-3212~~, and
26 amendments ~~to either thereof~~ thereto, and any other statute, and
27 except as otherwise provided by subsection (b):

28 (1) The president of the senate and, the speaker of the house
29 of representatives and the minority leaders of the senate and
30 house of representatives shall each receive an allowance in the
31 amount of ~~four-thousand-two-hundred-dollars-(\$4,200)~~ \$8,285 per
32 annum, payable monthly, during their terms of office as speaker
33 and, president and minority leader, which compensation shall be
34 for additional services performed in connection with discharging
35 the duties assigned to the respective positions; and

1 (2) the speaker pro tem of the house of representatives, the
2 vice president of the senate and the assistant minority leaders
3 of the senate and house of representatives shall each receive an
4 allowance in the amount of ~~one-thousand-eight-hundred-dollars~~
5 ~~(\$1,800)~~ \$4,228 per annum payable monthly during their respective
6 terms of office which compensation shall be for additional
7 services performed in connection with discharging the duties
8 assigned to the respective positions; and

9 (3) the majority ~~and-minority~~ leaders of the senate and the
10 house of representatives, and the chairman chairperson of each of
11 the senate and house committees on ways and means shall each
12 receive an allowance in the amount of ~~three-thousand-two--hundred~~
13 ~~and--forty--dollars--(\$3,240)~~ \$6,663 per annum, payable monthly
14 during their respective terms of office, which compensation shall
15 be paid for services performed in carrying out the duties
16 assigned to the respective ~~elective-and-appointive~~ positions.

17 (b) Whenever the rates of compensation of the pay plan for
18 persons in the classified service under the Kansas civil service
19 act are increased, for payroll periods chargeable to fiscal years
20 commencing after June 30, 1985, the annual compensation of
21 officers of the legislature specified in subsection (a) shall be
22 increased by an amount, adjusted to the nearest dollar, computed
23 by multiplying the average of the percentage increases in all
24 monthly steps of such pay plan by the annual compensation of such
25 officers as prescribed by subsection (a) or amounts computed in
26 accordance with this subsection and which are in effect on the
27 effective date of such increase in the rates of compensation of
28 the pay plan for persons in the classified service under the
29 Kansas civil service act.

30 Sec. 15. On June 18, 1985, K.S.A. 75-3101 is hereby amended
31 to read as follows: 75-3101. Except as otherwise provided in
32 K.S.A. 75-3111a and amendments thereto, the governor of the state
33 shall receive for services an annual salary of ~~\$49,500~~ \$65,000.

34 Sec. 16. On June 18, 1985, K.S.A. 75-3104 is hereby amended
35 to read as follows: 75-3104. Except as otherwise provided in

1 K.S.A. 75-3111a and amendments thereto, the secretary of state
2 shall receive for services an annual salary of ~~\$30,250~~ \$50,000.

3 Sec. 17. On June 18, 1985, K.S.A. 75-3108 is hereby amended
4 to read as follows: 75-3108. Except as otherwise provided in
5 K.S.A. 75-3111a and amendments thereto, the state treasurer shall
6 receive for services an annual salary of ~~\$30,250~~ \$50,000.

7 Sec. 18. On June 18, 1985, K.S.A. 75-3110 is hereby amended
8 to read as follows: 75-3110. Except as otherwise provided in
9 K.S.A. 75-3111a and amendments thereto, the attorney general
10 shall receive for services an annual salary of ~~\$44,000~~ \$57,500.

11 Sec. 19. On June 18, 1985, K.S.A. 75-3120k is hereby amended
12 to read as follows: 75-3120k. (a) The annual salary of district
13 magistrate judges shall be paid in equal installments each
14 payroll period in accordance with this section.

15 (b) Subject to the provisions of subsection (c) and except as
16 otherwise provided in K.S.A. 75-31201 and amendments thereto, the
17 annual salary of district magistrate judges shall be ~~\$21,146--for~~
18 ~~the-payroll-periods-chargeable-to-the-fiscal-year-ending-June-30,~~
19 ~~1984,-and-each-fiscal-year-thereafter~~ \$26,000.

20 (c) The district magistrate judge in position one of Atchison
21 county shall receive an annual salary equal to 1/2 of the annual
22 salary provided for in subsection (b).

23 (d) No county may supplement the salary of, or pay any
24 compensation to, any district magistrate judge.

25 Sec. 20. On June 18, 1985, K.S.A. 22-3708, 75-3101, 75-3104,
26 75-3108, 75-3110 and 75-3120k and K.S.A. 1984 Supp. 40-102 are
27 hereby repealed.

28 Sec. 21. On July 1, 1985, K.S.A. 46-137a and 46-137b are
29 hereby repealed.

30 Sec. 22. This act shall take effect and be in force from and
31 after its publication in the Kansas register.

SUBCOMMITTEE REPORT

Agency: Board of Regents Bill No. 160 Bill Sec. 11
 Analyst: Galligan Analysis Pg. No. 619 Budget Pg. No. 3-73

<u>Expenditure Summary</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>	<u>Subcommittee Adjustments</u>
All Funds:			
State Operations	\$ 1,255,735	\$ 1,198,820	\$ 11,206
Other Assistance	5,903,312	5,733,312	(250,000)
Subtotal - Operating			
Expenditures	\$ 7,159,047	\$ 6,932,132	\$ (238,794)
Capital Improvements	4,000,000	4,022,679	(22,679)
TOTAL	<u>\$ 11,159,047</u>	<u>\$ 10,954,811</u>	<u>\$ (261,473)</u>
State General Fund:			
State Operations	\$ 1,255,735	\$ 1,198,820	\$ 11,206
Other Assistance	5,061,691	4,891,691	(250,000)
Subtotal - Operating			
Expenditures	\$ 6,317,426	\$ 6,090,511	\$ (238,794)
Capital Improvements	4,000,000	4,000,000	—
TOTAL	<u>\$ 10,317,426</u>	<u>\$ 10,090,511</u>	<u>\$ (238,794)</u>
F.T.E. Positions	17.0	17.0	—

Agency Request/Governor's Recommendation

The Board requests a total of \$11,159,047 for FY 1986. The request includes an operating budget for administration of \$878,235, a total of \$6,280,812 for the variety of assistance programs administered by the Board, and \$4,000,000 for major repairs and maintenance expenditures on the seven campuses. The request includes a 7 percent increase for staff salaries, an additional 1 percent contribution to the unclassified staff retirement plan, an additional staff position for the administrative office, and a new scholarship program. The total request for FY 1986 represents a 57.4 percent increase over the estimate of expenditures for the current fiscal year. The magnitude of the increase is primarily attributable to the presence in the request of \$4,000,000 for major maintenance expenditures. While the Board of Regents requests and is appropriated the funds to be utilized for major maintenance and repair of buildings on the campuses, the funds are allocated and transferred to the individual institutions for expenditure each spring. The amount requested for FY 1986 was appropriated by the 1984 Legislature as part of a multi-year appropriation that included \$2.8 million for the current fiscal year.

For FY 1986 the Governor recommends expenditure of a total of \$10,954,811. The recommendation includes \$821,320 for administration; \$6,110,812 for assistance programs, and \$4,022,679 for major maintenance and repairs. The recommendation does not include an amount for classified salary increases because the Governor's recommended increase has not been allocated to individual agencies. The recommendation includes the requested new staff position and the new scholarship program.

4/12/85 (5)

Senate Subcommittee Recommendations

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

1. Lapse \$22,679 from the major maintenance and repairs account of the EBF that was appropriated for FY 1984 and recommended for reappropriation to FY 1986. The Subcommittee is of the opinion that the SGF amount recommended for major maintenance projects during FY 1986 will be sufficient for that purpose and that in light of that appropriation, EBF resources should be reserved for construction projects.
2. Reduction by \$600,000 of the amount appropriated for the SGF by the 1984 Legislature for major maintenance projects in FY 1986. The reduction is consistent with the recommendation of the Joint Building Construction Committee and when combined with the recommended reappropriation from the current fiscal year will provide \$4 million for major maintenance projects during FY 1986. The Subcommittee also concurs with the Building Committee's recommendation that \$4 million be appropriated for major maintenance projects for FY 1987. The Subcommittee specifically endorses the Building Committee's recommendation that the Board allocate the major maintenance funds well in advance so that the campuses can identify projects and plan for their timely completion.
3. Consistent with the Committee's systemwide decision, deletion of \$3,471 recommended for the additional 1 percent employer contribution to TIAA pending passage of the legislation (S.B. 350).
4. Deletion of \$12,500 recommended for presidential search expenses during FY 1986.
5. Addition of \$27,177 to provide a 5.5 percent average salary increase for the unclassified staff consistent with the Committee's decision for unclassified staff salary increases systemwide.
6. Consistent with Committee policy, deletion of \$250,000 recommended to establish the Regents Distinguished Scholar program pending passage of authorizing legislation (S.B. 301). Consistent with this recommendation, deletion of the Distinguished Scholar Discontinued Attendance fund from the appropriation.
7. Include a proviso on the SGF appropriation for the State Scholarship and tuition grant programs that would permit expenditure of \$100,000 of federal funds for the tuition grant program. This recommendation would not increase expenditures for the program but would clarify the financing included in the Governor's recommendation.
8. During its discussion of the budget request with the Board's staff, the Subcommittee learned that a program review of the institutions' physical plant operations is scheduled for the summer of 1985. In response to questions and concerns raised by the Committee during its deliberation on the systemwide requests, the Subcommittee recommends that the Regents include as part of that effort an examination of the formulas used to request servicing and maintenance funds for new buildings.

Senate Committee Recommendation

The Senate Committee concurs with the Subcommittee recommendations.

House Subcommittee Recommendations

<u>Expenditure Summary</u>	<u>Senate Adjust. to Gov. Rec.</u>	<u>Total Senate Rec.</u>	<u>House Subcommittee Adjustments^(a)</u>
All Funds:			
State Operations	\$ 11,206	\$ 1,210,026	\$ (40,439)
Other Assistance	(250,000)	5,483,312	350,000
Subtotal - Operating Expenditures	\$ (238,794)	\$ 6,693,338	\$ 309,561
Capital Improvements	(22,679)	4,000,000	—
TOTAL	\$ (261,473)	\$ 10,693,338	\$ 309,561
State General Fund:			
State Operations	\$ 11,206	\$ 1,210,026	\$ (40,439)
Other Assistance	(250,000)	4,641,691	350,000
Subtotal - Operating Expenditures	\$ (238,794)	\$ 5,851,717	\$ 309,561
Capital Improvements	—	4,000,000	—
TOTAL	\$ (238,794)	\$ 9,851,717	\$ 309,561
F.T.E. Positions	—	17.0	(1.0)

a) The adjustments correspond to the second set of Subcommittee recommendations below.

The Subcommittee recommends that this section of the appropriation bill be deleted pending further review of the Board's operating budget.

House Committee Recommendation

The House Committee concurs with the Subcommittee recommendation.

House Subcommittee Recommendations

The expenditure adjustments and report below were presented to the House Ways and Means Committee after S.B. 166 had passed. The recommendations were included in a separate bill.

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

1. The Subcommittee recommends amendment and passage of H.B. 2267, currently in this Committee. The bill would allow students attending any institution of postsecondary education accredited by the North Central

Association of Colleges and Secondary Schools to be eligible to receive a tuition grant. The Subcommittee notes that Brown Mackie College recently became accredited and the change is necessary to allow those students to participate in the program. The Subcommittee recommends the addition of \$50,000 to the tuition grant program for FY 1986 to provide funding for an estimated additional 42 students who would be eligible for a tuition grant under the law as amended by H.B. 2267. While more students are theoretically eligible, the Subcommittee is of the opinion that during the initial year, participation would be relatively limited.

2. The Subcommittee recommends further amendment of H.B. 2267 to create a job training grant program that would provide assistance to students who attend private vocational schools that are not accredited by North Central. The recipients of the job training grants would have to meet the eligibility criteria of the tuition grant program. The amendment would also establish a set of priorities for proration of the funds in the event that the appropriation was insufficient for all approved grants. The funds available for the job training grant program would be appropriated specifically for that purpose and would be separate from the tuition grant program. The Subcommittee recommends the addition of \$50,000 in a separate line item for the job training grant program.
3. The Subcommittee reviewed the administration of the State Scholarship Program and makes the following recommendations:
 - a. Creation of a gift fund that would be used by the Board to provide scholarships to students with exceptional academic ability. The scholarships would be separate from those provided through the State Scholarship Program and could be in amounts up to \$2,000 per student. The Board would be required to establish the academic criteria for eligibility for receipt of the scholarship. The program would have no need based criteria. The Subcommittee recommends the inclusion of a proviso on the special revenue fund specifying these restrictions.
 - b. Establishment of a specific ACT score that must be achieved in order to be named a state scholar. The Subcommittee notes that the Legislative Educational Planning Committee also recommended during the 1984 interim that the Board consider raising the academic eligibility criteria so that the program is more selective. The Subcommittee notes that existing law requires that the Board establish rules and regulations for determining the academic ability of state scholars and that those regulations currently state that the Board will select the criteria annually. The Subcommittee is of the opinion that annual designation of the criteria does not assure that the scholars who are selected are indeed the best of Kansas' high school graduates each year. The Subcommittee further recommends that the qualifying score be set at such a level that would reduce the number of scholarship recipients by approximately one-third. The reduction of the number of scholarships would both raise the prestige of the award and enable the Board to provide larger awards to the designated scholars.

- c. Consistent with the recommendation made in (b) above, addition of \$250,000 for the scholarship program for FY 1986 to provide sufficient funds for the Board to award maximum scholarships of \$1,000 beginning with the fall semester of 1985. The Subcommittee endorses passage of S.B. 11 that would provide the necessary statutory authority for the increased maximum and amendment of the bill to permit awarding of the larger scholarships for the upcoming fall. (S.B. 11 is currently in this Committee.)
 - d. The Subcommittee endorses the recommendation made by the Legislative Educational Planning Committee during the 1984 interim in regard to providing more publicity for the program as another means of increasing the recognition and prestige of the recipients. The Subcommittee recommends that the Board develop and implement a plan to accomplish these goals and report on the progress of the plan not later than January 13, 1986.
 - e. The Subcommittee recommends that the Board raise the minimum grade point average (GPA) required for continued receipt of a scholarship above the existing level of 3.0. The Subcommittee is of the opinion that state scholars should be required to maintain a GPA higher than "B" in order to retain their designation.
 - f. The Subcommittee concurs with the recommendation of the LEPC that the maximum allowable award for those students who are eligible for both a tuition grant and a scholarship be raised from \$1,450 to \$1,950 in order to accommodate the increase of the maximum scholarship to \$1,000.
4. The Subcommittee recommends the introduction of legislation to require students who participate in the optometry seat purchase program to either return to the state and work one year for each year of the program or to repay the purchase price plus interest. The Subcommittee also recommends that the Board explore expanding the list of eligible schools with which it has seat purchase contracts to allow a greater choice for Kansas students and to see if more cost efficient contracts may be obtained at those schools. (Note: Since making this recommendation, the Subcommittee notes that H.B. 2607 has been introduced and is currently in the Senate.)
 5. The Subcommittee shares the concern expressed to it by many members of the Legislature that their perception is that the teaching loads of University faculty are low compared to the salaries that they receive. The Subcommittee notes that the Legislative Division of Post Audit is in the process of studying the faculty workloads of several institutions of higher education, including two of the Regent's Universities, and that it will review the report when it is completed and may make additional recommendations to the full committee at a later date.

6. The Subcommittee notes the concern raised in the Senate Subcommittee report on Wichita State University about the existing enrollment adjustment and the degree to which it takes into consideration the needs of the Universities that are generated by the number of individuals who are enrolled. This Subcommittee shares that concern and recommends that the Board re-examine the student services component of the enrollment adjustment formula and make a recommendation to the Legislature not later than January 13, 1986. The report should include suggested modifications that would permit more effective adjustment of the funding level to take into consideration headcount enrollment. The Subcommittee is only interested in reviewing a possible alteration of the noninstruction portion of the formula, and until a proposal is presented is not prepared to recommend any change in the existing formula.
7. The Subcommittee learned that the academic vice presidents of the Universities had agreed to develop a plan to eliminate the communication difficulties that have been experienced by students taught by faculty or GTAs whose native language is not English. The Subcommittee endorses that effort, but recommends that the Board adopt a specific standard in regard to English fluency and that it mandate the use of the Test of English as a Foreign Language (TOEFL) as one of the criteria for eligibility to teach. The same standard should be applied on all campuses for both faculty and GTAs and the standards should be developed and implemented quickly enough to ensure that all classes beginning with the fall semester of 1985 are taught by persons who are able to communicate clearly with their students.
8. The Subcommittee recommends introduction of legislation that would amend K.S.A. 74-3202 to provide that the Board receive the same per diem allowance, mileage reimbursement, and subsistence that is currently received by the Legislature and the State Board of Education. The Subcommittee is of the opinion that the Board of Regents, which like the Board of Education is a constitutional body, should receive equitable compensation for the time spent governing the state's Universities. The Subcommittee recommends that the Committee consider inclusion of additional funds to implement this recommendation in the Omnibus Bill if the legislation passes.
9. The Subcommittee learned that the Board's employee fidelity bond premium had increased from \$10,683 for the three-year period 1981-1984 to \$175,000 for the three-year period 1985-1988. The increase is due to the large claims that have been filed by the University of Kansas and the University of Kansas Medical Center in recent years. Since the existing bond has a \$25,000 deductible per occurrence and the amount paid by the insurer on \$340,000 of claims during the most recent three-year period totaled \$106,000, the Subcommittee is of the opinion that the Board would be better served by self-insuring. The Subcommittee therefore recommends that the Board be authorized to self-insure and that if the current bond can be cancelled and the premium refunded that the Board proceed to do so as soon as possible. The Subcommittee notes that there may be a savings during the current fiscal year if the bond is cancelable, and recommends that if that is the case, the matter should be considered for inclusion in the Omnibus Bill.

10. The Subcommittee notes that the salary for the Executive Director of the Board is \$61,200 for the current fiscal year and that it would increase to \$64,260 in FY 1986 at the estimated salary increase of 5 percent. This salary is higher than most cabinet secretaries all of whom have as great or greater responsibilities to the people of the state. In light of this, the Subcommittee recommends that the Board examine its policy regarding the salary of the Executive Director to determine whether an upper limit should be established for this position.
11. Deletion of \$27,177 recommended to provide a 5.5 percent average salary increase to the unclassified employees of the Board. The Subcommittee is of the opinion that the unclassified staff of the Board should be provided with a salary increase for FY 1986 in the same manner as other unclassified state employees. The Board employees would be included in the "pay bill" soon to be before the Legislature.
12. Deletion of \$29,233 and 1.0 F.T.E. position recommended to provide an additional research assistant position for the Board office. The Subcommittee is of the opinion that reassignment of responsibilities and reprioritization of duties within the existing staff would permit the Board to reach its goal of having better and more timely information available for its, and the Legislature's, needs.
13. Addition of \$12,500 for the search for a replacement for President Creech, who recently announced his resignation from KTI. The Subcommittee recommends financing of this recommendation by reappropriating funds from the current fiscal year that have not been expended for presidential searches.
14. Addition of \$3,471 to provide an additional 1 percent contribution to TIAA for the unclassified staff that participate in that pension program. The recommendation is consistent with the provisions of S.B. 350 that would require the increased contribution for all unclassified staff of the Board.
15. Reappropriation of \$12,582 from salaries and wages and \$2,095 from OOE to partially offset the appropriation for FY 1986.
16. The Subcommittee expresses its concern over the continuing problem of determination of the proper level of OOE at the institutions governed by the Board of Regents. The Subcommittee notes that many items which can legitimately be considered to be within OOE (e.g., academic computing, library acquisitions, and instructional equipment) are requested as program improvements in addition to the OOE maintenance request. Although identifiable in the year in which they are requested, absent some auditing procedure, they become unidentifiable parts of the base in subsequent years. This procedure constitutes de facto requests for different levels of OOE at the different institutions. The Subcommittee therefore requests that the Board evaluate its budgeting procedures with respect to requests for OOE and report its findings to the Legislature not later than January 13, 1986. The report should include, but not be limited to, (1) discontinuing separate program improvement requests for items which are part of OOE (although information on specific OOE expenditure should continue to be made available to the Legislature), (2) the possibility of requesting different levels of OOE maintenance at the institutions to better serve the diverse

needs of the Regents' system, (3) the possibility of instituting a cyclic procedure of "base analysis" to provide both the Board and the Legislature with better data for management of the institutions, and (4) such other matters as the Board deems relevant. The Subcommittee notes that both Ways and Means Committees have expressed concerns in this area during the current budget review but further notes that it is only asking for information and recommendations on the items enumerated above and does not endorse a specific plan at this time.


Representative J. Sanford Duncan
Subcommittee Chairman


Representative Bob Ott


Representative Jack Shriver

HOUSE BILL No. 2267

By Committee on Education

(By Request)

2-11

0018 AN ACT concerning tuition grants; affecting the definition of
0019 accredited independent institution; amending K.S.A. 72-6107,
0020 72-6109, 72-6111 and 72-6112, and repealing the existing
0021 sections.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 72-6107 is hereby amended to read as fol-
0024 lows: 72-6107. As used in this act, ~~unless the context otherwise~~
0025 ~~requires:~~ (a) "Tuition grant" means an award under this act by
0026 this state to a qualified student.

0027 (b) "Financial need" means the difference between a stu-
0028 dent's available financial resources and ~~such~~ the student's total
0029 anticipated expenses to attend a certain accredited independent
0030 institution. A student's financial resources shall include (1) four
0031 hundred and fifty dollars (~~\$450~~) each year from ~~his or her~~ the
0032 student's own work and resources, and (2) a contribution from
0033 ~~his or her parents'~~ the income and assets of the parents of the
0034 student, if sufficient, as determined by a completed parents'
0035 confidential statement and based upon the accepted criteria of a
0036 nationally recognized financial needs analysis agency. Financial
0037 need shall be redetermined at least annually.

0038 (c) "Full-time in-state student" means a person who is a
0039 resident of Kansas and who is enrolled at an accredited inde-
0040 pendent institution in a course of study of at least ~~twelve (12)~~ 12
0041 hours each semester or the equivalent thereof. The board of
0042 regents shall determine the number of hours for terms other than
0043 semesters to constitute the equivalent of ~~twelve (12)~~ 12 hours.

0044 (d) "Qualified student" means a full-time in-state student
0045 who has established financial need and who is initially accept-

4/12/85 (6)

0046 able for entering an institution of ~~higher learning~~ *postsecondary*
0047 *education* or who has so entered and is in good standing and
0048 making satisfactory progress toward graduation.

0049 (e) "Accredited independent institution" means an institu-
0050 tion of ~~higher learning~~ *postsecondary education* the main
0051 campus or *principal place of operation* of which is located in
0052 Kansas and which (1) is operated independently and not con-
0053 trolled or administered by any state agency or any subdivision of
0054 the state, (2) maintains open enrollment, and (3) is accredited by
0055 ~~the north central association of colleges and secondary schools~~
0056 ~~accrediting agency based on their requirements as of April 1,~~
0057 ~~1972 [a regional or national agency designated by the U.S. office~~
0058 ~~of education under the higher education act of 1965, as~~
0059 ~~amended].~~

the north central association of colleges
and secondary schools accrediting agency
based on their requirements as of April 1,
1985

0060 (f) "Open enrollment" means the policy of an institution of
0061 ~~higher learning of~~ *postsecondary education* granting the oppor-
0062 tunity of enrollment for any student who meets its ~~academic and~~
0063 ~~other reasonable~~ enrollment requirements, without regard for
0064 race, sex, religion, creed or national origin.

0065 (g) "Board of regents" means the state board of regents pro-
0066 vided for in the constitution of this state and described in article
0067 32 of chapter 74 of Kansas Statutes Annotated and ~~amendments~~
0068 ~~thereto.~~

0069 (h) "Term" means one of two or more divisions of an aca-
0070 demic year of an institution of ~~higher learning~~ *postsecondary*
0071 *education* in which substantially all courses begin and end at
0072 substantially the same time, and during which instruction is
0073 regularly given to students.

0074 (i) "Semester" means one of two principal terms, when there
0075 are only two principal terms in the academic year, whether or not
0076 there are other shorter terms during the same academic year.

0077 Sec. 2. K.S.A. 72-6109 is hereby amended to read as follows:
0078 72-6109. The amount of a tuition grant to a qualified student for
0079 the fall and spring semesters, or the equivalent thereof, shall be
0080 the amount of ~~such~~ *the* student's financial need for the period,
0081 except that tuition grants to a student in any year shall not exceed
0082 the lesser of:

0083 (a) The total tuition and required fees of ~~such the~~ student for
0084 two semesters, or the equivalent thereof; or

0085 (b) one thousand dollars (~~\$1,000~~), or ~~one thousand two hun-~~
0086 ~~dred dollars (\$1,200)~~ \$1,200 if ~~such the~~ student has completed
0087 not more than six (~~6~~) credit hours from any institution of ~~higher~~
0088 ~~learning~~ *postsecondary education* prior to August 15, 1978.

0089 When tuition grants are received by a student for one or more
0090 terms that are not semesters, the board of regents shall determine
0091 what is the equivalent of the fall and spring semesters.

0092 Sec. 3. K.S.A. 72-6111 is hereby amended to read as follows:
0093 72-6111. The board of regents shall administer this act and shall:

0094 (a) Provide application forms and forms for parents' confi-
0095 dential statements.

0096 (b) Adopt rules and regulations for determining financial
0097 need, selecting financial needs analysis agencies, defining tu-
0098 ition and required fees, determining priority or apportionment of
0099 tuition grants and other matters necessary for the administration
0100 of this act. The board of regents may provide for apportionment
0101 of tuition grants if the appropriations for tuition grants are insuf-
0102 ficient to pay all approved tuition grants. To determine who is an
0103 in-state student for the purpose of this act, the board of regents
0104 shall adopt rules and regulations consistent with statutes for
0105 determination of in-state students in ~~universities and colleges~~
0106 *institutions of postsecondary education* under its control and
0107 *supervision*.

0108 (c) Approve and award tuition grants.

0109 (d) Determine those institutions of ~~higher learning~~ *postsec-*
0110 *ondary education* which qualify as accredited independent in-
0111 stitutions.

0112 (e) Make an annual report to the governor and legislature,
0113 and evaluate the tuition grant program for the period.

0114 (f) The board of regents may require any accredited inde-
0115 pendent institution to promptly furnish any information which
0116 the board of regents requests relating to *the* administration or
0117 effect of this act.

0118 Sec. 4. K.S.A. 72-6112 is hereby amended to read as follows:
0119 72-6112. Each applicant for a tuition grant, in accordance with

the rules and regulations of the board of regents, shall:

(a) Complete and file an application for a tuition grant.

(b) Be responsible for the submission of the parents' confidential statement to the board of regents and to the institution of higher learning postsecondary education at which such the student is enrolling.

(c) Report promptly to the board of regents any information requested relating to administration of this act.

(d) File a new application and parents' confidential statement annually on the basis of which his or her eligibility for a tuition grant shall be evaluated and determined.

§. K.S.A. 72-6107, 72-6109, 72-6111 and 72-6112 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

New Section 5

For the purposes of receiving a tuition grant for a student undergoing job training or retraining, hereinafter known as a "job training grant" the following definition shall apply:

(a) "Eligible job training institution" means an institution of post-secondary education which is located in Kansas and which 1) is operated independently and not controlled or administered by any state agency or any subdivision of the state, 2) maintains open enrollment, and 3) is accredited by regional or national agency designated by the U. S. Office of Education under the Higher Education Act of 1965, as amended, except that term shall not include an institutions which qualify as an accredited independent institution under K.S.A. 72-6107(e).

(b) "Eligible student" shall mean a "qualified student" as defined in K.S.A. 72-6107(d) who in addition is a Kansas high school graduate and who is enrolled in a course of instruction for vocational or job training in an "eligible job training institution".

New Section 6

Subject to available appropriations specifically authorized for the Job Training Grant, an eligible student may receive a job training grant subject to the limitations of K.S.A. 72-6109. In the event that appropriations are insufficient to pay all approved job training grants, the Board shall endeavor to provide those grants to those qualified applicants who 1) have been continuously unemployed over a period of three months or longer or 2) are unemployed due to industry or plant closing or lay-offs and 3) who have the greatest degree of financial need.

New Section 7

The provisions of K.S.A. 72-6107(a), (b), (c), (d), (f), (g), (h) and K.S.A. 72-6108 through 72-6112 shall apply to this act.