		Approved	2-2-87 Date
MINUTES OF THE _Ho	use COMMITTEE ONA	ppropriations	<u>-</u>
The meeting was called to	order byBil	11 Bunten Chairperson	at
1:30 %%%./p.m. on _	Tuesday, January 27	, 19_ 8 7n	room _514-S of the Capitol.
All members were present	except: Representatives Wi	isdom and Hoy	(both excused)
Committee staff present:	Gloria Timmer, Legislation Scott Rothe, Legislation Jim Wilson, Revisor's Constant Sharon Schwartz, Administration Young, Committee	ve Research Office istrative Aide	

Conferees appearing before the committee:

Representative Williams
Mark Tallman, ASK
Ted Ayres, General Counsel for Regents Board
Fred Sudermann, Wichita State University
Ron Gaches, Boeing Company
Col. Bert Cantwell, Supt. Highway Patrol
Ray Bailiff, Highway Patrol, President of Troopers Assn.
Gene Yockers, Kansas Real Estate Commission
Harley Duncan, Department of Revenue
Others present (Attachment 1)

 ${
m HB}$ 2020 -- an act concerning state educational institutions under the control and supervision of the state board of regents; relating to residence requirements for fee purposes; amending K.S.A. 76-729 and 76-730 and repealing the existing sections.

Representative Williams explained the proposed changes in present law which requires a person to be a resident for 12 months to qualify for in state tuition. He cited several real-life examples of the effect of the present law which he feels is totally unfair ($\underline{\text{Attachment } 2}$).

Mark Tallman appeared in support of HB 2020, on behalf of Associated Students of Kansas (<u>Attachment 3</u>). He asked the committee to consider two additional amendments, but did not present a draft of those amendments for committee review.

Ted Ayres appeared as a proponent, representing the Board of Regents (Attachment 4). He raised three questions for the committee's consideration. One concerns the potential difficulties in definitively establishing the motivations for moves relating to employment. Two asks for guidance as to its intent as whether less than full-time employment would be considered sufficient. Another question whether the place of employment should or must be located in the state of Kansas.

Chairman Bunten observed that perhaps any proposed amendments should be discussed first with the sponsor of the bill and then presented for the committee's consideration in formal draft form.

Fred Sudermann, representing Wichita State University, told the committee that the new law would probably affect Wichita State more than other schools because of the highly populated industrial area. He said that some clarity in definition needs to be worked out for purposes of dealing with "exception" requests.

Ron Gaches of the Boeing Company pledged his support of the proposed new law. He said it could be a significant plus for his company in recruiting top people.

CONTINUATION SHEET

MINU	JTES OF	THE H	ouse	COMMITTEE ON	Appropri	ations	······································
room	_514-S,	Statehouse,	at1:30) xxx ./p.m. on _	Tuesday,	January 27	, 19.8.7.

Chairman turned to HB 2027 -- an act concerning the Kansas Highway Patrol; authorizing the acquisition of the homes of relocated personnel and the disposition thereof; prescribing powers, duties and guidelines therefor.

Bert Cantwell addressed the committee concerning this bill. It is the result of a summer interim study. He said that many patrolmen turn down transfers because of the resulting financial burden of having to sell his home. Passage of this bill would require the State to purchase the homes of transferring patrolmen. Asked about the fiscal impact, Col. Cantwell related the worst case scenario, based on an average of 20 transfers per year, as costing somewhere in the area of \$300,000 per year.

The proposed new law does contain a sunset provision of June 30, 1989. Representative 0tt explained that this would be a trial run.

Gene Yockers of the Real Estate Commission addressed the committee briefly and cautioned them to consider the possible liabilities the state might incur relating to insurance which would be required by the mortgage holders.

Chairman turned to HB 2028 -- an act relating to certain state officers and employees with law enforcement powers; amending K.S.A. 66-1319 and 74-5602 and K.S.A. 1986 Supp. 8-1910 and repealing the existing sections.

This bill came about from the recommendations of a special interim committee that motor carrier inspectors should not be required to attend law enforcement training. However, Col. Cantwell told the committee that he feels these people should continue to have some type of training to better deal with possible dangerous situations. (Attachment 5)

Secretary of Revenue Harley Duncan addressed the committee as an opponent of the bill (Attachment 6). He said that motor carrier inspectors are often put in a dangerous situation and they need some type of law enforcement training as they are expected to make arrests. They also need certain skills such as CPR, self defense and being able to recognize a potentially dangerous situation. Passage of the bill could also have a liability exposure that could be costly for the State.

Chairman turned back to HB 2020 and invited committee's further discussion. This bill was passed last year by the House, but the Senate did not pass it. Representative Duncan said that he had just visited with Representative Williams concerning proposed amendment and he moved to insert the wording, "full time employment which requires at least 1,000 hours per year". Representative Mainey seconded the motion.

Representative Vancrum offered a substitute motion that full time employment be defined as "at least 1500 hours per year. Representative Chronister seconded and the motion carried.

Representative Hamm questioned the fiscal impact of the bill. Representative Chronister responded that it's a sum of money that cannot be determined, but that the amount would probably be inconsequential.

Representative Lowther moved that HB 2020, as amended, be reported favorable for passage. Representative Ott seconded. Further discussion caused the Chairman to postpone taking final action and announced that we would take it up again tomorrow.

Meeting adjourned at 3:05 p.m.

Date /-27-87

Name	Address	Representing
JACKSON ARMBRISTER	Topeka	KHP
WALT DARLING	TORCHA	DIVISION of BUDGET
Borb Reviert	1	KPOA
TERRY MAPLE.	27	KH.P.
KAY ISAILIFF	(EAJE)WORTH	KHP
Ron Desch	Topeka	KPOR
Harley Duncan	/1	KDOR
Marlin Ken	Lawrence	Rre
But Wilken	Topeha	AAOP
Roger Corey	Lawrence	UDK
D. B. Della	Tycha	Budget
Bor Kelly	1	KICA
TED D. AYRES	TOPEKA	KANSAS Board of
Rieliand Funk	Topelia	KASO Regent
Bert Cantivell	Vogelca	KAP
Tom Whitaker	Topeka	Ks My ton Carriers Assa
PAT O'Roundo	Torces	LAP
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		-

REMARKS OF REPRESENTATIVE VERN WILLIAMS (R) WICHITA TUESDAY, JANUARY 27, 1987
BEFORE HOUSE APPROPRIATIONS COMMITTEE IN SUPPORT OF HB 2020

Mr. Chairman, ladies and gentlemen of the Committee, I appreciate your giving me time to appear before you today.

As some of you are aware, I have testified on prior occasions in support of the statutory changes being proposed by HB 2020. For that reason, I will shorten my remarks to reiterate a few pertinent points.

In my opinion, present residency requirements are unfair to persons being recruited or transferred to Kansas in order to get or to retain employment.

These requirements send the wrong message to employers or others who would move to or expand business and industry in Kansas.

Requiring a twelve month "probationary period" before an employee can become a resident puts these people in a status of second-class citizenship. They pay all the regular taxes you and I pay. Additionally, however, they are asked to pay a special tax in the form of out-of-state tuition.

Let me give you, briefly, three real-life examples of the effect of the present law:

- 1) My replacement at the Coleman Company was recruited from
 Ohio. Eight months after moving here, he enrolled a
 daughter at K.U. and was required to pay out-of-state
 tuition. He had already bought a home in Wichita, bought
 a car from a Kansas dealer, bought a Kansas driver's license,
 begun to pay Kansas taxes and registered to vote in Kansas.
 Naturally, he viewed out-of-state tuition as a penalty for
 having come to Kansas to live and work.
- 2) Wichita's new city manager was recruited from Nevada. Four months after arrival, his wife sought to enroll at W.S.U. in order to complete work for a master's degree. The University asked for out-of-state tuition. This family, too, had bought a house and done all the other things to establish a home in Kansas. Rather than pay a penalty, this wife simply

postponed her college enrollment.

in Wichita for 27 years, graduated from Wichita Heights High School and attended one year at Wichita State University. I then worked full-time for over 10 years and paid taxes. My husband and I bought our first house here. Six years ago, his job moved us out of state, but last summer it moved us back to Wichita. My plans were to pick up my education without delay, but to my dismay, I was considered an out-of-state resident and would be such for one year. I chose to enroll in one three-hour class each semester, and paid over \$300 each time. I am looking forward to full-time, but am still outraged that the expensive out-of-state tuition kept me from attending full-time until now."

To these people, Kansas is perceived as penalizing new residents recruited to work in Kansas by requiring them to pay out-of-state tuition. They believe themselves to be bonafide residents and citizens of this state--entitled to the same rights and responsibilities as other citizens.

In each instance cited above, the family's intent is to live in Kansas and to be domiciled here for many years. Surely there is a significant difference between trying to dodge the non-resident fee and the permanent re-location of a family.

HB 2020 would relax residency requirements, eliminate a perceived inequity and help economic development. This is good legislation. While no one can say for certainty what is the cost, it surely cannot exceed the pay off of an improved image for Kansas as a good place to live and to do business.

I thank you for your attention and will appreciate your favorable consideration. If there are questions, I'll try to answer them.

Sincerely, An William

Vern Williams



ASSOCIATED STUDENTS OF KANSAS

The Student Governments of the State Universities

Suite 608 • Capitol Towers • 400 S.W. 8th St. • Topeka, Ks. 66603 • (913) 354-1394

Christine A. Graves Executive Director

Mark E. Tallman
Director of Legislative Affairs
and Development

MEMBERS:

Associated Student Government Emporia State University Memorial Union Emporia, Kansas 66801 316-343-1200 ext. 5494

Student Government Association Fort Hays State University Memorial Union Hays, Kansas 67601 913-628-5311

Student Government Association Kansas State University Student Union Manhattan, Kansas 66506 913-532-6541

Student Government Association Pittsburg State University Student Union Pittsburg, Kansas 66762 316-231-7000 ext. 4813

Student Government Association University of Kansas Burge Union Lawrence, Kansas 66045 913-864-3710

Student Government Association The Wichita State University Campus Activities Center Wichita, Kansas 67208 316-689-3480

Statement on HB 2020

TO: House Appropriations Committee FROM: Mark Tallman, Legislative Director

DATE: January 27, 1987

Position

ASK supports relaxation of residency waiting periods for eligibility for in-state fees. Remember:

1. These are people who can demonstrate evidence of intention for permanent residency.

2. $\underline{\text{Not}}$ out-of-state students who are simply in Kansas to attend a Kansas university.

Why we support such a relaxation:

- 1. We believe that once a student or student's family has actually established residency in Kanas, including paying taxes and employment, they should not be forced to wait an arbitrary and undue amount of time to receive the benefits of in-state fees.
- 2. We believe the current 12 month waiting period <u>is</u> arbitrary and unduly lengthy. The waiting period for community colleges and Washburn University is only six months. Under the 12 month provision, a student who becomes a resident early in the fall semester has to wait 15 or 16 months, until one year from the following spring semester.
- 3. A lower residency requirement would make one of the state's strongest "selling points" the university system more attractive and readily beneficial to persons moving into the state.

Therefore, we support the amendment to current law contained in this bill. We also urge you consider two additional amendments. They are:

1. Allow immediate residency for all students who graduate from Kansas high schools and are entitled to admission under the open admission statute, and who enter one of the state universities within one year after graduation.

This amendment would help that small number of students whose families move out of state, but the student remains to complete high school. We feel it is a simple issue of fairness.

(more)

2. We also urge you to reduce the residency waiting period at the state universities from 12 to six months.

We realize this is not a new issue, and we understand that a major objection by the Legislature has been the fiscal note. This is certainly not a high priority is these times of budget limitations. However, we believe the positive benefits of this action could be achieved without cost to the state by delaying the effective date of the six month provision by one year.

The reason this is possible is because the fiscal note of reducing residency requirements is only a one-year cost that occurs if those changes take effect after tuition levels and estimates of income have been established for a fiscal year. It would result in a shortfall of fee income which the Legislature would be asked to make up.

However, if you delay effectiveness of this change one year, the Board of Regents will have to take the change into account when they set tuition levels for fiscal year 1989 - a decision that will be made this Spring as part of the budget request process.

Under the fee/cost ratio used by the Regents, students collectively are expected to pay 25% of their educational costs. Different tuition levels for resident and non-residents simply determine how that total "student share" is divided up. With lower residency periods, a few students would pay lower, in-state fees sooner. The Regents would determine which students would pay a little more; for example, it could be passed on to all students, or only to non-resident students. We believe that the very small impact of spreading these costs around - about a dime per credit hour - would be better than the current policy.

Thank you for your consideration.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS

In prior years, the Board of Regents has supported legislation which would have reduced the required residency period from 12 months to 6 months. The Board of Regents considers HB 2020 to be consistent with these previous efforts to provide more flexibility in residency matters. Further, the Board endorses and supports the Interim Committee's efforts to remove any possible disincentives to employment in Kansas.

We would like to raise three questions for this committee's consideration. First, as the body charged with prescribing the criteria for determinations of elibility, we would like to highlight the potential difficulties in definitively establishing the motivations for moves relating to employment. However, we would expect the full cooperation of employers in this regard and submit the problem is manageable. Secondly, we would ask this committee to provide guidance as to its intent as whether less than full-time employment (Line 0043) would be considered sufficient. Finally, we would ask the committee to consider whether the place of employment (Line 0043) should or must be physically located in the state of Kansas.

Presented on behalf of the Kansas Board of Regents by Ted D. Ayres, General Counsel January 27, 1987 - 1:30 p.m. Room 514-S, Statehouse

STATE	FULL PEACE OFFICER	SIDEARM	QUALIFICATION NUMBER OF MONTHS	MANPOWER	ACADEMY TIME	RETIREMENT AGE	YEARS OF SERVICE	PERMANENT SCALE SITES	ROAD PATROL	PORTABLE SCALES	ТҮРЕ	CHECK POINTS	PORTABLE AXLE SCALES	STARTING PAY	AGENCY
?	N	Υ	6 Mo	130	0	1	1	Y		Y	<u>5</u>	Y	Υ	\$11,148.00	. 5 ons
AR	Υ	Υ	3	203	8 Wk	_	30	Y	Υ	Υ	- Mo-300	Υ	Υ	\$17,056.00	Arkansas Highway Police
AZ	Υ	N	NA	197	6 Wk	65	10	Υ	N	Υ	Haenni	Υ	Υ	\$15,393.00	AZ Dept. of Transportation
CA	Υ	Y	Monthly	295	22 Wk	53	30	Υ	Υ	Υ	M0-400 SAW10C	Υ	N	\$27,708.00	Arkansas Highway Police AZ Dept. of Transportation Attachment Appropriations Appropriations
CO	N	N	NA	30	0	55	30	Υ	Υ	Y	<u>5</u>	Υ	Υ	\$18,624.00	Co. Dept. of Revenue
СТ	N	Y	<u>5</u>	125	16 Wk	55	25	Υ	Υ	Υ	<u>5</u>	Υ	N	\$23,711.00 35 hr Wk	Connecticut Mtr Veh. Dept.
DE	NA														***************************************
GA	N	Υ	12	280	6 Wk	70	30	Υ	Υ	Υ	<u>6</u>	Υ	Υ	\$13,926.00	GA Dept. of Transportation
IA	Υ	N	NA	80	10 Wk	65	30	Y	Υ	Υ	Haenni	Υ	Υ	\$17,804.80	Iowa Dept. of Transportation
ID	N	N	NA	72	None	55	35	Υ	N	Υ	<u>6</u>	Y	Y	\$14,553.60	ID Transportation Dept. Port of Entry Section
IL	Υ	Υ	<u>6</u>	385	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	<u>6</u>	Department of State Police
IN	N	N	NA	32	4 Wk	70	20	Υ	Υ	Υ	<u>5</u>	Y	N	\$14,378.00	IN State Police
KS	Υ	N	NA	185	8 Wk	65	1	Υ	Υ	Υ	<u>5</u>	Y	Υ	\$12,348.00	Department of Revenue
KY	N	Υ	6	104	10 Wk	55-70	30	Υ	Υ	Υ	, MD400	Υ	-	\$15,072.00	Transportation Cabinet
MD	N	N	NA	<u>6</u>	None	60	30	Υ	Υ	Y	<u>5</u>	Υ	Υ	\$15,568.00	Maryland State Police
MI	N	Υ	6	159	15 Wk	55	30	Υ	Υ	Υ	Haenni	Υ	Υ	\$18,541.00	MI. Dept. of \$tate Police
MN	N	N	NA	30	2 Wk	65	1	Υ	N	Y	MO-400	Y	N	\$18,312.00	MN State Patrol Division of the Department of Public Safety

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STATE	FULL PEACE OFFICER	SIDEARM	QUALIFICATION NUMBER OF MONTHS	MANPOWER	ACADEMY TIME	RETIREMENT AGE	YEARS OF SERVICE	PERMANENT SCALE SITES	ROAD PATROL	PORTABLE SCALES	TYPE	CHECK POINTS	PORTABLE AXLE SCALES	STARTING PAY	AGENCY
MS	N	Υ	6 Mo	215	8-13 Wks	60	1	Y	Υ	Y	<u>5</u>	Υ	Υ	\$13,712.00	MS State Tax Commission
МО	N	N	NA	175	4 Wk	55	30	Υ	Υ	Υ	<u>5</u>	Υ	N	\$18,432.00	Missouri State Highway Patrol
MT	N	N	NA	80	8 Wk	60	30	Υ	Υ	Y	Haenni	Υ	N	\$15,308.04	Department of Highway GVW Division
NB	N	N	NA	65	11 Wk	55	NA	Y	Y	Υ	<u>5</u>	<u>6</u>	N	\$15,192.00	Nebraska State Patrol, Carrier Enforcement Division
NV	Y	Υ	<u>6</u>	44	16 Wk	50	20	N	Y	Y	M0-400	Υ	Υ	\$18,682.17	NV Highway Patrol - Commercial Enforcement Section
ИJ															
NC	N	Υ	12	202	4 Wk	55	30	Υ	Υ	Υ	<u>5</u>	Υ	N	\$15,888.00	NC Division of Motor Vehicle
ND	Υ	Y	12	18	10 Wk	60	10	Y	Υ	Υ	GE-D	Υ	Υ	\$19.692.00	Highway Patrol
ОН	Y.	Y	6	9	18 Wk	48	20	Y	Υ	Y	1	Υ	N	\$21,112.00	Ohio State Highway Patrol
OK	N	N	NA	44	0	1	10	Y	Υ	Y	GEC	Υ	Υ	\$14,496.00	OK Tax Commission
OR	N	N	NA	103	0	55	30	Υ	Υ	Υ	MO-500	Υ	Υ	\$16,392.00	Dept. of Transportation State Highway Division - Permit and Weight Master Section
PA	Y	Υ	12	19	5 Mo	50	<u>1</u>	Y	N	Y	<u>5</u>	Υ	Υ	\$20,927.00	Pennsylvania State Police
RI	NA														
SC	Y	Υ	12	33	11 Wk	62	30	Y	Y	Y	Haenni	<u>6</u>	<u>6</u>	\$16,800.00	SC Dept. of Hwys. and Public Transportation Law Enforcement Div.

STATE	FULL PEACE OFFICER	SIDEARM	QUALIFICAT: NUMBER OF MONTHS	MANPOWER	ACADEMY TIME	RETIREMENT AGE	YEARS OF SERVICE	PERMANENT SCALE SITES	ROAD PATROL	PORTABLE SCALES	TYPE	CHECK POINTS	PORTABLE AXI SCALES	STARTING PAY	AGENCY
SD	N	N	NA	65	0	60	<u>1</u>	Υ	Y	Y	<u>5</u>	Y	Υ	\$12,064.00	Dept. of Commerce and Regulation Division of Highway Patrol
TN	Υ	Υ	6	121	6 Wk	60	30	Y	Y	Υ	Mo-400 Mo-500	Y	Υ	\$17,804.80	Tennessee Department of Safety
TX UT	Υ	Υ	6 Mo	196	18 Wk	1	20	N	Υ	Υ	<u>5</u>	Y	Υ	\$23.552.00	TX Dept. of Public Safety
VT	Υ	Υ	12	6	13 Wk	55	30	Υ	Υ	Υ	Haenni	Υ	N	<u>6</u>	Department of Motor Vehicles
WA	N	N	NA	107	0	55	30	Υ	Υ	Υ	M0-400	Υ	Υ	\$17,544.00	WA State Patrol - Commercial
WI	N	N	NA	78	15 Wk	65	1	Y	Y	Y	Haenni GEC	N	Υ	\$17,414.00	Vehicle Enforcement Section WI Dept. of Transportation - Divison of State Patrol
WY	Υ	Υ	6 Mo	13	15 Wk	55	<u>1</u>	Υ	Υ	Υ	<u>5</u>	Υ	N	\$18,178.80	WY Highway Patrol

 $[\]underline{1}$ = Varies

^{5 =} No make listed

 $[\]underline{6}$ = No response

Y = Yes

N = No



KANSAS DEPARTMENT OF REVENUE Division of Vehicles State Office Building · Topeka, Kansas 66626-0001

TO:

HOUSE APPROPRIATIONS COMMITTEE

FROM:

HARLEY DUNCAN, SECRETARY OF REVENUE

DATE:

JANUARY 27, 1987

RE:

1987 SESSION HB 2028

In May, 1985 the Motor Carrier Inspection Bureau began using automobiles equipped with portable scales to spot check compliance with Kansas weight, size, licensing and safety laws. This program was iniated based on the successes of other states' programs. As one measure of success, the average overweight citation issued by officers in scale cars has been 5,000 pounds while the citations issued by vans is 3,000 pounds and citations issued at scale houses has been 2,500 pounds. More effective weight enforcement has become critical. For example, a 100,000 pound semi does three times the damage to roads as a legally loaded 80,000 pound truck.

The more effective method of using enforcement cars carries with it more potential danger for our personnel and more liability for the State of Kansas. Stopping vehicles on a selective basis is more dangerous than dealing with drivers who can avoid fixed locations. Those drivers violating more serious laws avoid scale houses, but cannot always avoid mobile enforcement. The chance of encountering a serious offender (DWI, suspended drivers license, stolen vehicle) is much greater if we eliminate the chance for the criminal to avoid the enforcement officer.

K.S.A. 8-2104 mandates the immediate arrest of a person charged with DWI, attempting to elude a police officer and driving with a suspended license.

In early January 1987, the routine stop of a wrecker driver in Wichita, resulted in arrest of the driver for operating with a blood alcohol level of .37.

In December 1986, several truck drivers requested MCI personnel to stop a pick up truck being driven irratically on I-70. The pick up was stopped and the driver was held for the Highway Patrol. The driver had lost the ignition key and was too intoxicated to turn off the engine. The driver spoke no english.

K.S.A. 8-116 orders the immediate seizure of stolen vehicles. Recently in western Kansas a truck was stopped by MCI personnel for safety violations. The semi turned out to be stolen. In addition, 7 of the 12 junked cars loaded on this truck were stolen vehicles. Motor Carrier Inspectors have recovered in excess of 20 stolen trucks since April 1986.

Law enforcement training is essential for MCI personnel to handle these sitations that occur unexpectedly.

The training program now attended by MCI personnel was designed specifically for Motor Carrier Inspectors. It includes classes in safe driving, traffic control, accident response, first aid, CPR, self defense (including disarming an assilant), human relations, police radio use, recognizing unsafe vehicles and hazardous materials, recognizing and handling alcohol or drug impaired drivers, recognizing stolen equipment and rules of arrest and search and seizure.

Seventy-nine inspectors have graduated from the Highway Patrol Training Center in Salina. The cost has been \$143,745 in FY 1986 and FY 1987. \$45,504 is requested for 1988, to provide 8 week initial training for new inspectors and 40 hours of annual training for the 79 previous graduates.

The training provided by the Kansas Highway Patrol has and will continue to improve the image of Motor Carrier Inspectors. It has already been helpful in both the effort to recruit professional, effective employees and the cooperation received from other law enforcement agencies.

HD:RD:mbs