

Approved: _____

4/11
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on March 19, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Hensley
Senator Lee

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Don Stephan, Wichita
Mike Slack, President, NationsBank, Pittsburg
William R. Docking, Vice-Chair, Kansas Board of Regents

Others attending: See attached list

The Chairperson called the meeting to order and asked the Committee to turn its attention to:
SB 358--state board of regents; relating to membership thereof

The Chairperson stated that she has had many calls and conversations with people across the state who have expressed a desire to bring more equity to the Board of Regents as far as representation is concerned. People seem to be intimidated and fearful about coming to testify on this particular bill, but there is a great deal of support for it. What the bill does essentially is very simple. It requires that each of the regents institutions be represented on the Board by a graduate from that university and that no university may have more than two representatives on the board at a time. She called attention to a letter from Esther L. Headley, Chair, Past Presidents Council, Wichita State University and undersigned by Wichita State University Alumni Association Past Presidents Council.
(Attachment 1)

Don Stephan, WSU graduate, Wichita, appeared as a proponent of the bill. He thanked the Chairperson, stating that he appreciated her initiative in introducing the bill to improve the composition of the Board of Regents so that it fairly serves all of the citizens of Kansas.

Mr. Stephan is a lifelong Kansan, who has owned his own business in Wichita for over thirty years and is a proud graduate of Wichita State University. As a life member of the Wichita State University Alumni Association and a past president, he has long supported the idea that all regents schools should be represented on the Board; not just once every ten years, but each and every year. He speaks from the perspective of a Wichita resident who has been waiting for thirty-four years for equitable, ongoing representation. From the day Wichita University became Wichita State University in 1964, it has been represented on the Board only three, four, or five times. It is not right or fair. From the perspective of tens of thousands of Wichita residents, including many KU graduates who are his personal friends, who like himself, live in the state's largest taxpaying city, the question of, why does it seem like KU controls the Board of Regents is there. It is reality; it isn't right, or fair. With the deep pride he has in the state university system and the pride he feels with the degree he has received from it, it is diminished because WSU has too often been regarded as a stepchild institution. Rightfully, KU is the state's flagship institution and we are proud of it, but there are six regents institutions and each brings something vital to the whole. Each has an important and different mission, with different student needs that often inspire unique programs to address the difference. The very differences that strengthen and enrich the system and enrich the state. If the Board is to uphold its responsibility and fairly represent the state's diverse student population, the members must also be diverse to bring a wide variety of social, ethnic, and economic experiences to apply to its decisions about higher education.

Mr. Stephan said that quite candidly, if the system is to move forward on behalf of all the citizens of Kansas, the Board of Regents must be equally composed with representation from all six institutions. It is only right, and it is only fair.

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Mr. Stephan was asked to imagine himself on the Board of Regents. How well and completely does he think he could represent KU, KSU, Fort Hays State, Pittsburg State, or Emporia. How well compared to a graduate of one of those students.

Mr. Stephan responded that it is difficult for a graduate of KU or KSU to recognize in Wichita that a student is a working student. If one has never had to work a full-time job going through school, he doesn't feel one would know the needs of those students or that university. He feels it would be difficult for him to understand the composition of the student body at any of the other universities.

Mr. Stephan was asked how this would affect the person with two or more degrees at state institutions.

Mr. Stephan replied that he would leave that up to the Governor as he was sure that he would be fair. He added that there are 45,000 WSU graduates who live in the State of Kansas. Out of this many graduates, it should be easy to select one or two people and not be concerned that they went to two or three institutions. He also added that he is not protecting Wichita State. He does not think it fair or right that the other six institutions are not represented on the Board of Regents. They have paid taxes and have supported those universities and as such should have the right to have representation on the Board.

One of the Committee asked Mr. Stephan if it was more important to have someone on the Board of Regents who graduated from WSU and moved to Johnson County and would have the title of representing WSU or is there merit in having someone who graduated from a different regents university, but lives in Wichita and is supportive of the University and takes part in civic affairs.

Mr. Stephan stated it didn't have anything to do with living in the city; it has to do with understanding the population factor. He is not questioning the quality of those serving on the Board of Regents. His point is that there needs to be representation from every state institution. He does not see the dominating position of one university on the Board.

The comment was made by a Committee member that he is not sure the alumnus part is the key. It would seem to him that the Regents should be representing the taxpayers.

Another member commented that there are people who feel very strongly about the fairness issue. The fact that he is present, bringing this issue before the Committee is important. There is a perception that the universities, whether in monetary areas or esteem, special privileges, or whatever. It is an important message to the Board and to the legislature to take a look at it to make sure this is not happening. He is accurate in representing a portrayal that the interests of the other universities are not represented as well as they would like.

Mr. Stephan agreed that this perception is real. When a board is weighted one way or another, there is a tendency to sway one's thinking. It does happen.

Mike Slack, President, NationsBank, Pittsburg, appeared on the bill. Mr. Slack is a graduate of Pittsburg State University and currently serves as President of the PSU Foundation. (Attachment 2) He stated he is present to express wholehearted support to the bill today. Prior to appearing today, Mr. Slack had discussions with Pittsburg State officials confirming that the present Board is extremely competent and one of quality.

Mr. Slack stated that there are, however, six universities in the State of Kansas that are very unique from each other. The three larger institutions are substantially different from the three regional institutions. There is also the issue of location. He believes the interest of a particular region or institution could be potentially better served if there is someone participating on that Board who has a personal history or perspective from that particular region or institution. State and federal bodies are elected on this basis. Each university has many well-qualified alumni to consider to regents' appointment.

Mr. Slack was asked if there were specific areas that would indicate some concern on his part. He responded that he did not come with any particular issue in mind; it is a perception out there. He believes very much in the idea that a broader representation has greater than a more narrow representation.

The Chairperson stated that one of the things that brought this issue to her attention in a dramatic way was when Senator Pat Ranson asked for a ten-year breakdown of the spending for the regents institutions. Senator Ranson is present today to explain why some of these go beyond perception and are actually reality.

Senator Ranson stated that she appeared as a proud alumnus of the University of Kansas, with graduate work at Emporia State. She first became aware of some of the unfairness of the makeup of the Board in the 1970s. She served as an administrative assistant to the Governor of Kansas and was in charge of appointments to boards and

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commissions. It was her responsibility to recruit candidates for appointments to serve on the Board of Regents and other boards.

Senator Ranson heard what one of the Committee members had stated that board members should be representing the people and that is a very fine idea, but it is not, in reality, what the case is. They do, in fact, become advocates for the university system. Usually people are nominated and selected on that basis. When the time comes when there are vacancies the names begin to flow into the Governor's office with recommendations. There is no question that there are more names that come from people who are graduates of the University of Kansas first and then Kansas State University. That is because of the pure geographic proximity of this part of the state to those two universities and the fact that there are so many people who are here in government or the legislature who are graduates of those two universities. Sometimes when the Governor is also a graduate of one of those universities, it is much easier for them to know alumni from those universities. She searched very hard at the time to try to find some balance. As a member of the legislature and as a member of Ways and Means, she can assure them that it is not just perception.

Senator Ranson stated that the budget for the Board of Regents schools are made up by the Board and brought to the attention first to the Governor and then to the Committee. It shows year after year, that there is an advantage being from the University of Kansas or from Kansas State University. We have charted it so we can begin to show the percentages of increases. As much as one might try to be objective, it is much simpler and just human nature that when one hears about a program from his or her university and one is familiar with the campus and the programs, departments and professors and many of one's friends are from that university and one may be a contributor to that university, it doesn't mean that one will reject other universities, but, perhaps, more enthusiasm and more understanding of a project that comes from one's own school. She cannot believe why anyone would not think it only fair that there be at least one representative on the Board of Regents for each of the regents schools. What could possibly be the argument that there should not be an alumnus from each of the institutions. She is in strong support of the bill; she has seen this operate over a twenty-year period and there is a sense of unfairness there and there is in reality in the budgeting process an unfairness.

The comment was made that the budgeting process starts with each university making its request. Then it comes to the Board. Senator Ranson was asked if she had factual knowledge to show that WSU gets greater cuts percentage wise out of its budget than does the University of Kansas percentage wise.

The response by Senator Ranson stated that she doesn't know if it has greater cuts because she does not know what is brought originally. She knows that they get greater increases from the year before on a historical basis there is evidence of that.

The comment was made that there may be other factors playing into that such as enrollment or programs.

Senator Ranson stated that those had been examined. They have evidence of it.

Senator Ranson responded to a question regarding being a graduate of the University of Kansas and the capability of representing Wichita, that until she became a legislator, she did not know that much about WSU because she had no particular reason to, but now that she does, she could be. If she could go back to members of the Board of Regents over the years. prior to them becoming members of the Board of Regents, that very few of them had ever been to the WSU campus or the ESU campus or the Fort Hays campus or knew anything about them. It is not the same as living there.

The comment was made that there have been situations in the legislature where there may have been a problem in the process of being solved in Kansas City area that would have impacted western Kansas in some way if it were not for the fact that a rural legislator stepped in and pointed out the problem that would be apparent because of the interest.

Senator Ranson responded that a better job can be done representing the things one knows best and the school one knows best; knowing the needs than schools that one does not know. She also pointed out that it is very interesting that people are very careful to compliment the current Board of Regents. It is of interest to see that people are so careful because the Board has a great deal of power, particularly over the budget. She thinks it is fair to say that knowing the Committee was going to have this hearing, it was very difficult to find people willing and brave enough to come and tell what they really felt. They would tell them privately because they did not want to appear. They were worried about how members of the legislature would feel if they showed their true feelings. That tells something to her when people are intimidated by the power.

Senator Ranson was asked if she had evidence that the budget requests made by the Board of Regents unduly

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favors one school over another in basic operating costs.

Senator Ranson stated that their research is based on the recommendations that come to Ways and Means from the Governor's budget. It is how the budget requests came from the Board of Regents. By the time Ways and Means gets it, it is filtered through the Governor's budget. It might be available, but they do not have it.

The Chairperson stated that information could be available today.

Senator Ranson stated that they had to battle within the Ways and Means committee to get some money for WSU just to service one of their buildings and that had been recommended by the Board of Regents. The observation was made that the current selection of the Board of Regents members rests with the Governor and the names that go through and there is geographic balance by the Kansas Constitution. They must come from different congressional districts. No two can come from the same county. What does this do to folks who maybe have their degrees from other schools. The Committee member mentioned a person who did not have degrees from Kansas, but, in her opinion was a very effective regent. Does this help in the perception of favoritism in being able to look at them all equally because there is no allegiance that goes with any of the schools. Is this something that needs to be considered.

Senator Ranson replied that if each institution could be represented, there would be three additional positions open that could be filled with no affiliation, but even any school in the State of Kansas.

William R. Docking, Vice-Chair, Kansas Board of Regents, addressed the Committee as an opponent of the bill. (Attachment 3) He stated he is worried about what parochialism would do to the system as a whole. There is a balance of both geographical and political interests. The Regents do not feel it would be good public policy to add provisions under which appointment to the Board of Regents is based upon which Regents university the appointee attended. While six of the current Board members are alumni of one Regents university, he firmly believes the Board's record would show that the university has not received preferential treatment by the Board.

Mr. Docking was asked when the last time a Pittsburg State graduate served on the Board.

His response was that he did not know.

One of the members stated to Mr. Docking that there is some atmosphere present to take notice of. Whether it is geographic or graduate representation, there is a feeling on the part of four other universities in this state that they are not being heard with the same strength of voice.

Mr. Docking responded that he agreed that perception was out there. One of the things the Board has done to try to address that is to have four meetings outside the Board office.

The Chairperson stated that there is a bill in the House that would very definitely change the complexion of the Board. The bill today is fairly benign in comparison to what that might suggest. She thanked all the conferees for appearing and adjourned the meeting.

The next meeting is scheduled for March 20, 1998.



WICHITA STATE UNIVERSITY

Alumni Association

March 16, 1998

Senator Barbara Lawrence
Chairman - Senate Education Committee
Room 255 East
State Capital
Topeka, Kansas 66612

Dear Senator Lawrence,

On behalf of the Past Presidents Council of the Wichita State University Alumni Association, we express our support of Senate Bill 358 which would change the composition of the Kansas Board of Regents to more appropriately reflect the diversity of mission and student population of all regent institutions.

The State of Kansas has a broad system of higher education that addresses the different needs of students from Kansas and across the nation. It is in our opinion that a more balanced representation on the Kansas Board of Regents would provide a greater understanding of the mission of each institution and allow an enhanced growth within each institution.

We strongly urge your consideration and passing of this bill to assist in the future leadership and growth of the educational system in the state of Kansas.

Sincerely,

Esther L. Headley
Chair - Past Presidents Council

Attachments: Past Presidents Council List

*Senate Education
attachment 1
3-19-98*

Wichita State University
Alumni Association
Past Presidents Council

Gifford Booth, Jr. '36	1940-1941
D. Cramer Reed '37	1951-1952
Don H. Alldritt '41	1964-1965
Bernie E. Nichols '61	1972-1973
P. Dave Egan '59	1974-1975
Dick A. Curry '49/67	1976-1977
Joann D. Kamas '52	1978-1979
Dan E. Foley '59	1979-1981
Noel R. Estep '52	1981-1983
D. Dale Richmond '55/65	1983-1985
Don K. Stephan '59	1985-1987
Susan J. Mostrous '79	1994-1995

Testimony presented by Mike Slack, President of NationsBank of Pittsburg before the Senate Education Committee regarding Senate Bill No. 358
March 19, 1998

I am Mike Slack, and I appear before you today as a resident of Kansas, a southeast Kansas banker, and an alumnus of a Kansas Regents institution: Pittsburg State University. I currently serve as president of the PSU Foundation.

I am before you today to express my wholehearted support for Senate Bill 358 which calls for the Kansas Board of Regents' membership to include at least one alumnus from each state university.

The Kansas Board of Regents has a tradition of excellence in representing the best interests of all Kansans in the governance of the state's universities. I believe every board member does his or her best to look at issues as they will affect the entire higher education system and Kansas taxpayers. Prior to appearing before you today, I had discussions with Pittsburg State officials confirming that the present existing Board is extremely competent and one of quality.

There are, however, six universities in the State of Kansas that are very unique from each other. The three larger institutions are substantially different from the three regional institutions. Then, there is the issue of location. As you well know, the interests and needs of those in western Kansas may differ significantly from those in southeast Kansas. If you have someone participating in Board discussions that has personal history or perspective from a particular institution and region, the interests of that region or the institution could potentially be better served.

A fair and equal distribution of representation in our electorate is a basic premise of our constitution. Our state and federal legislative bodies are elected on this basis. This same premise should be applied to the state's governing boards. Each university has many well-qualified alumni to consider for regents' appointment. Finally, I think we all believe that the opportunity to have been represented and to have participated by expressing one's viewpoint in the decision making process results in a greater endorsement of those decisions...in any forum...government, business, or education.

I urge you to support Senate Bill No. 358 so that all institutions and the people of Kansas will be represented on the state's higher education governing board. Thank you.

*Senate Education
Attachment 2
3-19-98*

SENATE EDUCATION COMMITTEE

TESTIMONY ON SENATE BILL 358

**Presented by
William R. Docking
Vice-Chair, Kansas Board of Regents**

March 19, 1998

Madam Chair and Members of the Committee:

Thank you for this opportunity to comment on Senate Bill 358 on behalf of the Board of Regents. The Board is concerned about the bill's amending language which links appointment to the Board of Regents with the appointee's status as an alumnus of a state educational institution.

The current constitutional and statutory requirements for appointment of Board members provide for a balance of both geographical and political interests. We believe it is not good public policy to add provisions under which appointment to the Board of Regents is based upon which Regents university the appointee attended. The mission of the Board of Regents is, in part, to advocate for the universities. This means that all nine Board members advocate for all six Regents universities. And while a survey will reveal that six of the current Board members are alumni of one Regents university, I firmly believe the Board's record would show that the university has not received preferential treatment by the Board.

Our concern is that passage of SB 358 would cause future Board members to believe they should advocate for a particular university, rather than the Regents system as a whole. We believe the provisions of SB 358 would foster an atmosphere of parochialism that does not and should not exist within the Board of Regents.

*Senate Education
attachment 3
3-19-98*