

Approved: February 2, 1999
Date

MINUTES OF THE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:00 a.m. on January 26, 1999 in Room 254-E of the Capitol.

All members were present except: Senator Nancey Harrington, excused

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisor of Statute
Judy Glasgow, Committee Secretary

Conferees appearing before the committee: Senator Anthony Hensley
Michael Byington, Envision Governmental Affairs Office
Duane Johnson, State Librarian

Others attending: See Attached List

Chairman Oleen called for introduction of bills. Senator Oleen asked to introduce a bill concerning termination of pregnancy. The bill clarifies the mental and physical health exemption of the mother; it keeps and maintains the woman's right to know; it increases the penalties for physicians who perform an unlawful abortion and keys on the viability issue as defined in current Kansas law. Senator Jones moved for introduction of the bill. Senator Becker seconded the motion. Motion carried.

Senator Oleen opened the hearing on **SB 26, An Act relating to the state library and the state librarian; state library advisory commission.**

Senator Hensley, a proponent of the bill, stated that purpose of **SB 26** was to move the authority of the Kansas State Library from the executive branch to the Legislative Coordinator Council (LCC) with no change in the current services or leadership provided by the library. (Attachment 1). The bill was introduced in order to highlight the entire issue of how the state library and local libraries have been funded.. Because the state library has been viewed primarily as a service to the Kansas Legislature and their constituents during the legislative session, there has been little incentive for previous budget directors to provide increased funding and services for the library. Due to the fact that the state library is primarily used by the Legislature and Legislature Research Department, he believes it makes sense to change the current policy and bring the state library under the authority of the LLC. This change will have no fiscal impact, nor would it require additional staff for the state library.

Senator Hensley stood for questions at the conclusions of his testimony, and Senator Vratil asked exactly how the bill would change the budgeting and appropriation process for the state library. Senator Hensley stated that everything would be transferred to the LCC budget and then LCC would be the controlling entity that would have to make recommendations in the future back to the legislature.

Senator Oleen asked Senator Hensley to address the fact that this would make this the first agency under the legislature where competitive grants and awards from local libraries would be made throughout the state. Senator Hensley stated that he had not addressed this issue but that some type of division could be arranged by amending the bill.

Chairman Oleen introduced, Michael Byington, Envision, a proponent of **SB 26**. (Attachment 2) Mr. Byington asked that the move of the library to the LCC be made with full consideration of the complexities of the Talking Book Program; which includes not only mailing the books but also issuing the special player equipment in order to listen the books. A vast majority of blind Kansas want their library services to continue to function well, and they do not want SRS running them. The State Library is doing a good job with the program, and if the administrative structure of the State Library changes, then they want the State Talking Books program to benefit and not have an adverse impact on its programs or funding.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E,
Statehouse, at 11:00 a.m. on January 26, 1999

Chairman Oleen recognized Duane Johnson, State Librarian,. Mr. Johnson stated that he had not taken a position on **SB 26**, but he is not opposed to it. (Attachment 3) Local libraries deserve significantly improved support from state government. In recent years there has been a disincentive to support improvement in Capitol library services because the library is viewed as working more for the Legislature than for other areas of state government. Senator Hensley has been alert to this problem and expressed his understanding of the funding difficulties with which most public libraries and library systems are attempting to manage and that is the reason for this bill.

Senator Oleen requested that Mr. Johnson provide the current membership of the state library advisory commission to the committee. She also would like to know the advisory responsibilities of the Commission to the Governor.

Senator Biggs asked if there were still federal funds coming to the state library at this time. Mr. Johnson stated that there are federal funds being received, but these funds provide services for special populations that the library provides. It can not be used for general operations.

Senator Oleen was excused from the committee and Senator Jones became acting chairman.

There being no other questions Senator Jones closed the hearing on **SB 26**.

Senator Becker moved to approve the minutes of January 20, 1999. Senator Vratil seconded the motion. The motion carried.

The meeting adjourned at 11:55 a.m. The next meeting of this committee is scheduled for January 27, 1999

SENATE FEDERAL & STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: Jan 26 1999

NAME	REPRESENTING
Vicki-Lynn Hessel	DOB
Michelle Wallace	Dept. of Admin.
Wesley M. —	State Library
Michael Byington	Envision
Caryl Hands M. Ed	KABV
David Miles	Associated Press

State of Kansas

Senate Chamber

ANTHONY HENSLEY
STATE SENATOR, NINETEENTH DISTRICT
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STATE FINANCE COUNCIL
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WORKERS COMPENSATION
FUND OVERSIGHT

Senate Federal and State Affairs Committee

Senate Bill No. 26

January 26, 1999

Senator Oleen and Committee Members:

I testify today in support of Senate Bill No. 26, a bill which would move authority over the Kansas State Library from the executive branch to the Legislative Coordinating Council (LCC), with no change in the current services or leadership provided by the library.

Under current law, the Governor appoints the State Librarian, subject to confirmation by the Kansas Senate. The bill would provide that the State Librarian would be appointed by the LCC instead of by the Governor. The LCC would determine the salary for the State Librarian and approve the hiring and salaries for all library assistants. The LCC could remove the State Librarian by a vote of five of its members.

Current law provides for a State Library Advisory Commission, the members of which are appointed by the Governor. The bill would abolish the existing commission. In its place there would be created a new eight-member commission. The State Librarian would serve as an ex officio, non-voting member of this new commission. The Governor would appoint three of the members, and the other four members would be appointed by the legislative leadership.

I have introduced this bill in order to highlight the entire issue of how we have funded the state library and local libraries. During my past two decades of service in the Legislature, I have seen the demands on our state library increase while the funding for it has remained fairly constant. It is my perception that the state library has been viewed by the executive branch as more an extension and function of the legislative branch than anything else.

Because the state library has been viewed primarily as a service to the Kansas Legislature and our constituents during the legislative session, there has been little incentive for previous budget directors to provide increased funding and services for the library. The library has been the "stepchild" of the executive branch.

While a funding increase was appropriated in 1998 for the state library, there has been a lack of support in previous years. In 1999, there has been no recommendation from the Department of Budget, nor in the Governor's budget for any increase for the state library.

Due to the fact that our state library is primarily used by the Legislature and the Legislative Research Department for research and documentation, it makes sense to change the current policy and bring the state library under the authority of the LCC. According to both the budget director and the State Librarian, this change will have no fiscal impact, nor would it require additional staff for the state library.

Choices & resources for people who are blind or low vision



EnvisionSM

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January 26, 1999

TO: Senate Federal and State Affairs

RE: Senate Bill 26

I will begin by commending Duane Johnson and the entire State Library staff. I will then explain what this commendation has to do with this particular Bill. There is a connection.

I do not know if Lobbyists are considered to be members of the general public or not, but if so, I am one of those people from the general public who has been, and continues to be, a heavy user of State Library services. I use their general reference services, their Legislative reference services, and their inter library loan capabilities. Staff in all of these areas are competent and go out of their way to do a thorough job. As a visually impaired Kansan, I am also a user of Talking Book services. My wife, who is totally blind, uses this service even more avidly than I do. Talking Books like the other parts of the State Library, is a division which is doing well. As I represent a noteworthy contingent of the blindness community, it may

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come as no surprise, that if there is something wrong with a service which is valued by blind and low vision Kansans, I hear about it. I do not hear complaints, however about Talking Books services in Kansas.

If there are advantages for the State Library to move under the administrative control of the Legislative Coordinating Council, then for the good of the Library as a whole, it should happen. Apparently Senator Hensley and the makers of Senate Bill 26 believe there will be a smoother budget process and a more efficient chain of command if this move is made.

The question I have to ask, however, in representation of the blind and low vision of Kansas, is would this change be the best for the blind of Kansas. Would the Talking Books program go from good to even better, or is there a risk that it would decline?

I am not saying that the Legislative Coordinating Council is incapable of administering this program, but it strikes me as being a bit outside of their customary expertise. After all, the Talking Books Division of the State Library is located in Emporia. Its services are largely fiction based, not research based, and its patrons are blind and low vision people, many of whom are older shut-ins.

Senator Vidricksen's confusion between audio books and Talking Books, expressed on the 25th, opens the opportunity for me to suggest that the operation and administration of the Kansas Talking Books program is more complex than is often realized. Books recorded for the blind in talking book format are exempt from most of the copyright laws. This is a stance which the U. S. Congress strengthened a little over two years ago, and in fact, former Senator Sheila Frahm was one of the leading proponents of this strengthening during her tenure in the United States Senate. Because the federally defined "talking books for the blind" have the copyright exemptions, however, and because they can be mailed "free matter for the blind" under the federal Franking privilege, they are not recorded in a way

allowing them to play on standard tape or record players. They would not play, for example, in Senator Vidricksen's car player. They are recorded with special speed and tracking, and the federal government, through the various state talking book libraries, issues special player equipment to qualified patrons. This is the only way to play Talking Books. Thus talking books librarians not only have to keep track of where books are going, but also of a separate distribution system for playback equipment, and the special, and very specific, regulations of the Franking mailing program. Additionally, in Kansas, Duane Johnson has done a good job of evolving a system of local libraries, which are called "sub-regionals," to distribute talking books in Kansas via local districts. Duane Johnson, and his employee, Patti Lang, who is in charge of his Talking Books Division, do a fine job of all of this, but if you are going to move the State Library, please be sure that the Legislative Coordinating Council is aware of all the programs they are getting and is equal to the task.

This brings me to a rather complex set of contingencies. For you to understand where I am going, I must now leave Talking Books programming for a moment and tell you about another piece of Legislation which is being introduced this year, and has broad based support of the blind of Kansas and the organizations which represent them. The Kansas Association for the Blind and Visually Impaired, Inc., the National Federation of the Blind of Kansas, and Envision, have put together a bill which would move all blindness services out of the Kansas Department of Social and Rehabilitation Services (SRS) and into a freestanding Commission for the Blind answerable directly to the Legislature and the Governor. Around half of the States in the United States deliver their services to blind citizens through this structure, and blind people across America vastly believe that this system of services delivery works best. I do not have a number for this Bill yet, but it is starting in the House.

In many other States, the strong, freestanding Commission for the Blind form of blind services administration works best if it includes the State's talking book program. When the leaders of the groups I have mentioned

above, however, sat down to write our Commission Legislation, we unanimously decided to leave the Kansas Talking Books library right where it was. Again, this is largely because Duane and his staff are doing a good job with it. This decision was made, however, with the assumption that the administrative structure of the State Library would remain the same as it is currently.

Now that this may not be happening, we would ask you to take a look at moving the Talking Books program under the control of the State's blind services agency, but to do so ONLY if our strong, freestanding Commission Bill is adopted. In other words, if blind services in Kansas continue to be administered by SRS, then please leave Talking Books services with the State Library no matter where you put that library administratively. A vast majority of blind Kansans want their library services to continue to function well, and they do not want SRS running them, or feel that SRS is the proper agency to continue the service operation on an efficient basis. They think that the State Library is doing a good job with the program, and if the administrative structure of the State Library changes, then they want the State Talking Books program to benefit, and not to be at a disadvantage.

Thank you.

Senate Federal and State Affairs Committee
Senator Lana Oleen, Chair
January 26, 1999

Senator Oleen and members of the committee:

I am Duane Johnson, State Librarian. Thank you for the opportunity to speak to you about Senate Bill 26.

I have not taken a position on this bill. The state librarian and the state library are pleased to work for state government in whatever configuration the Legislature and the Governor determine is appropriate.

The impact of the bill, as I understand it:

SB 26 would cause the state library to operate under the authority of the Legislative Coordinating Council, with no specified change at this time in the current services and responsibilities of the library. Future services and responsibilities would be under annual and ongoing review as they are now.

While the state librarian is now appointed by and serves at the pleasure of the Governor, under the proposed law, the state librarian would be appointed by, and serve at the pleasure of, the Legislative Coordinating Council.

Presently, three of the staff of the state library are unclassified in the Kansas civil service and 24 are classified. Under the proposed law, all staff would be unclassified.

The appointment of the library commission that is now the responsibility of the Governor, would be shared between the Governor and the Legislative Coordinating Council.

The origination of the bill, as I understand it:

In recent years, I have been increasingly pointed with the budget subcommittees about what I believe has been an influence in the appropriations process that works to the disadvantage of library service and library funding throughout the state. It has appeared to me that because the service of the state library is viewed as working more for the Legislature than for other areas of state government, the Division of the Budget has had little incentive, perhaps has had a disincentive, to support improvement in Capitol library services and related programs. The recommendations of the DOB are, understandably, influential on the recommendations the Governor presents to the Legislature. Library programs usually begin the Legislature's evaluation of appropriations requests with no, or very limited, recommendations from the Governor.

While this has appeared to be a problem in past years, Budget Director Duane Goossen has an understanding of the work of the state library that may serve to restore fairness in the process.

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In the 1998 appropriations, the funding for library service here in the Capitol was improved. This was a very much needed assistance to our capability to do necessary research, and the state library recognizes and appreciates this support from the Governor and Legislature.

Unfortunately, the DOB recommendation for no increase in state support to local libraries continues. The Governor has followed this recommendation in his recommendations to the 1999 Legislature.

In 1998, the Governor's recommendation and the Legislature's concurrence helped us to limit to about \$48,000 the reduction of library grants due to the loss of federal funds to the grant program. We appreciate this help. We regret the \$48,249 loss.

For whatever reasons, it has been many years since the two funds for state assistance to local libraries have been increased. The next two pages of this handout show the history of this funding since 1990. You will see that state support through these grants to local library operations are lower now than was authorized in 1992 for use in FY 1993.

Your local libraries are a major support to preschool children and parents, to K-12 through higher education, to information service in economic development, to low-cost and enriching recreation, and to the higher quality of life for all of the people. For these sound reasons and for of their serious need for increased funding, local libraries deserve significantly improved support from state government.

Senator Hensley has been alert to this problem. He has expressed his understanding of the funding difficulties with which most public libraries and library systems are attempting to manage. It is my understanding that this is his motivation, at least in part, for the introduction of Senate Bill 26.

Kansas Grants-in-aid to Libraries Authorizations (GIA)

GIA supports any part of local library or system general operations

1990 through 1999

	Total	SGF	LSCA	
1990	\$1,437,476	\$967,645	\$469,831	
1991	\$1,459,885	\$950,711	\$509,174	
1992	\$1,386,292	\$877,118	\$509,174	
1993	\$2,546,443	\$2,037,269	\$509,174	
1994	\$2,473,370	\$1,964,196	\$509,174	
1995	\$2,473,370	\$1,964,196	\$509,174	
1996	\$2,473,370	\$1,964,196	\$509,174	
1997	\$2,473,370	\$1,964,196	\$509,174	
1998	\$2,473,370	\$1,964,196	\$509,174	
1999	\$2,425,121	\$2,425,121	- 0 -	-\$48,249
2000 Rec	\$2,420,996	\$2,420,996		-\$4,125

The total support from this fund has not been increased since the Legislative Session of 1992 for distribution in 1993

SGF = State General Fund; LSCA = federal funds

Starting 1999, federal funds cannot be used for general operations, but must be used for specific federal program priorities

Interlibrary Loan Development Program Authorizations (ILDP)

The ILDP supports coordinated book and information purchasing

1990 through 1999

1990	\$650,000
1991	\$638,625
1992	\$625,637
1993	\$650,000
1994	\$619,381
1995	\$619,381
1996	\$619,381
1997	\$619,381
1998	\$619,381
1999	\$619,381
2000 Rec	\$619,381

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