

MINUTES OF THE SENATE COMMITTEE ON COMMERCE.

The meeting was called to order by Chairperson Senator Karin Brownlee at 8:30 a.m. on April 03, 2002 in Room 123-S of the Capitol.

All members were present except:

Senator Kerr (Excused)
Senator Steineger (Excused)

Committee staff present:

Sherman Parks, Revisor of Statutes
April Holman, Legislative Research
Lea Gerard, Committee Secretary

Conferees appearing before the committee:

Paul Bicknell, Chief of Contributions, Dept.
of Human Resources
Steve Markley, Chief of Benefits, Dept. of
Human Resources

Others attending:

See attached list

The committee considered the reappointment of Douglas C. Brush, member, Kansas Technology Enterprise Corporation Board of Directors, term expiring (Attachment 1).

Senator Barone questioned if the position President of KTEC is subject to confirmation? Judy Krueger provided information from KTEC statutes and a copy of KSA 74-8101 which addresses the question. The KTEC Board of Directors conducted a national search to select the corporate president. The corporate president is not be a member of the board, serves at the pleasure of the board and is not subject to confirmation (Attachment 2).

Senator Brungardt moved, seconded by Senator Jenkins to confirm the reappointment of Douglas C. Brush, member of the Kansas Technology Enterprise Council (KTEC) board. Motion carried.

The committee considered the reappointment of David E. Shulenburg, member of Kansas Technology Enterprise Corporation Board of Directors, term expiring (Attachment 3).

Senator Jordan moved, seconded by Senator Jenkins to confirm the reappointment of David E. Shulenburg, member of the Kansas Technology Enterprise Council (KTEC) board. Motion carried.

HB 3021—Employment security law; calculation of base wage.

Paul Bicknell, Chief of Contributions, Department of Human Resources, testified in support of **HB 3021** (Attachment 4).

Steve Markley, Chief of Benefits, Department of Human Resources, testified in support of **HB 3021** (Attachment 5).

Terry Leatherman, KCCI, testified in support of **HB 3021** stating the core of bill will extend benefits to individuals having a workman's compensation injury.

Wayne Michael, AFL-CIO, testified in support of HB 3021.

Senator Barone moved, seconded by Senator Emler that **HB 3021** be recommended favorably for passage and placed on the consent calendar. Motion carried.

There being no further conferees wishing to testify on **HB 3021**, the hearing was closed.

The meeting was adjourned at 9:05 a.m.

SENATE COMMERCE COMMITTEE
GUEST LIST

DATE: April 03, 2002

NAME	REPRESENTING
STEVE MARKLEY	Ks Dept of Human Resources
PAUL BICKNELL	KS DEPT OF HUMAN RESOURCES
Kathy Markham	Governor's Office
Beth Brough	KTEC
MARK SCHREIBER	Westar Energy
Mike DeLoach	AT&T

Senate Confirmation Information Summary
Prepared and Submitted by the Office of Governor Bill Graves

Appointee: Douglas C. Brush

Position: Member, Kansas Technology Enterprise Corporation Board of Directors

Appointment Date: Upon confirmation by Senate Expiration Date 1/15/2006 Term four years

Statutory Authority: KSA 74-8101

Party Affiliation: Republican

➤ Statutory geographic representation requirements (*indicate any that apply*):

Congressional District: _____

County: _____

Size requirement (*if any*): _____

Other, specify: _____

➤ Statutory party affiliation requirement: No more than _____ members from the same political party.

➤ Statutory industry or occupation requirements Private sector member representing emerging industries of telecommunications, computer software, information services and research services

Salary _____ Predecessor: himself – reappointed

Board Composition Prior to Confirmation of New Appointee:

(SEE ATTACHED LIST)

Senate Commerce Committee
April 3, 2002
Attachment 1-1

Kansas Technology Enterprise Corporation

Member Name		County	Party	CD	Occupational Industry	Expiration Date
Beggs	Donald	Sedgwick	U	4	Regents' Institution Administrator or Scientific Member (WSU)	01/15/2003
* Brush	Douglas	Osborne	R	1	Emerging Industries Member (graphics via internet)	01/15/2002
Bryant	Tom	Crawford	U	2	Regents' Institution Administrator or Scientific Member (PSU)	01/15/2004
Danforth	Richard	Sedgwick	R	4	Advanced Technology Industry Member (aviation)	01/15/2004
Haggart	Edmond (Ted)	Douglas	R	3	Commercial Banking Member (experience with technology industry)	01/15/2003
Krause	Robert	Riley	R	2	Regents' Institution Administrator or Scientific Member (KSU)	01/15/2005
Rahjes	Doyle	Phillips	R	1	Resource-Based Industry Member (Agriculture)	01/15/2003
Shulenburg	David	Douglas	D	3	Regents' Institution Administrator or Scientific Member (KU)	01/15/2002
Taylor	Tracy	Johnson	R	3	High Risk Venture Investments Member	01/15/2002
Voeller	John	Johnson	R	3	Telecommunications/Information Services Representative	01/15/2005

* Indicates member being replaced

GOVERNOR'S APPOINTEES ONLY Senate Commerce Committee

STATE OF KANSAS



FILED
APR 05 2001
RON THORNBURGH
SECRETARY OF STATE

KANSAS GOVERNMENTAL ETHICS COMMISSION

STATEMENT OF SUBSTANTIAL INTERESTS FORM

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by individuals who are required to do so by law. Any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 785-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

BRUSH DOUGLAS C MI
Last Name First Name

ILAKAY BRUSH
Spouse's Name

512 E ROSS
Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

DOWNS KS 67437
City, State, Zip Code

785-454-3961
Home Phone Number (include area code)

785-454-3383
Business Phone Number (include acode)

B. THIS FORM IS REQUIRED TO BE FILED BECAUSE YOU ARE:
(check one or more of the following)

- 1. State Elected Official (Governor, Lt. Governor, Attorney General, Commissioner of Insurance, State Treasurer, Secretary of State, State Senator, State Representative, Member of State Board of Education or District Attorney);
- 2. Appointed Member of a State Board, Council, Commission or Authority;
- 3. Appointed State Position is Subject to Senate Confirmation;
- 4. Employee of a State Agency or University;
- 5. General Counsel for a State Agency;
- 6. Candidate for State Office.

KANSAS TECHNOLOGY ENTERPRISE, BOARD OF DIRECTORS
List Name of Agency, Board, University or Elected Position (You may use abbreviations but not acronyms)

Division if applicable (May use acronyms) Position
* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

4904

Rev. 2/2001

Senate Commerce Committee
April 3, 2002
Attachment 1-3

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income, and specific stocks, mutual funds or retirement accounts in which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. BRUSH ART CORPORATION DOWNS, KS 67437	ADVERTISING AGENCY	STOCK	89% —	X You — Spouse — Jointly
2. D K BRUSH ENTR., LLC DOWNS, KS 67437	REAL ESTATE	LAND, BLDGS	100 —	— You — Spouse X Jointly
3. DOUGLAS C BRUSH TRUST NO. 1 JULY 1, 1978	TRUST	PERSONAL ASSETS	100% —	— You — Spouse X Jointly
4.			—	— You — Spouse — Jointly
5.			—	— You — Spouse — Jointly
6.			—	— You — Spouse — Jointly
7.			—	— You — Spouse — Jointly
8.			—	— You — Spouse — Jointly
9.			—	— You — Spouse — Jointly
10.			—	— You — Spouse — Jointly

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
 If you have nothing to report in Section "D", check here .

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE _____.
If you have nothing to report in Section "E"1, check here _____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	BRUSH ART CORPORATION	DOWNNS, KANSAS	ADVERTISING AGENCY
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here _____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	BRUSH ART CORPORATION	DOWNNS KANSAS	ADVERTISING AGENCY
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
If you have nothing to report in Section "F", check here _____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	PIONEER COUNTRY DEVELOPMENT INC HILL CITY, KS	DIRECTOR	DOUGLAS C. BRUSH
2.	BRUSH ART CORPORATION DOWNNS, KS	PRESIDENT	" "
3.	SAME	SEC.-TREAS.	ILA KAY BRUSH
4.	D'K BRUSH ENTERPRISES LLC	DIRECTOR	DOUGLAS C. BRUSH
5.	SAME	DIRECTOR	ILA KAY BRUSH
6.			
7.			
8.			

G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "G", check here .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, Stouffer Bud, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4/3/2001
Date

Stouffer Bud
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES 2

Return your completed statement to the Secretary of State, Memorial Hall, First Floor, 120 SW 10th Ave., Topeka, Kansas 66612-1594.

Senate Commerce Committee

April 3, 2002

03/15/02 FRI Attachment 1-6

APPOINTMENTS QUESTIONNAIRE

Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: DOUGLAS C. BRUSH

Home Address: 512 E. ROSS ST.

City, State, Zip: DOWNS, KS 67437

Business Address: BRUSH ART CORP. - 343 HIGHWAY 24 WEST

City, State, Zip: DOWNS, KS 67437

Home Phone: 785-454-3961 Business Phone: 785-454-3383

Date of Birth: OCT. 10, 1942 Place of Birth: PHILLIPSBURG, KS

Party Affiliation: REPUBLICAN KBI Check: NA In Process Complete

BACKGROUND

1. List high school, college, or other education institutions attended along with the date attended and degree conferred.

<i>Education Institution</i>	<i>Dates</i>	<i>Degree</i>
<u>DOWNS HIGH SCHOOL</u>	<u>GRAD. 1960</u>	
<u>KANSAS STATE UNIV.</u>	<u>1960-1961</u>	<u>-</u>
<u>UNIVERSITY OF KANSAS</u>	<u>1961-1963</u>	<u>-</u>

2. List memberships in business, trade and professional organizations for the past 10 years.

<i>Organization</i>	<i>Dates</i>
<u>DOWNS CHAMBER OF COMMERCE</u>	<u>1962-2002</u>
<u>PIONEER COUNTRY DEVELOPMENT INC</u>	<u>1995-2002</u>
<u>ROTARY INTERNATIONAL</u>	<u>1998-2002</u>

3. List any public offices you have been elected or appointed to, along with the dates of service.

<i>Office Held</i>	<i>Dates</i>
<u>BOARD MEMBER PIONEER COUNTRY DEVELOPMENT INC.</u>	<u>1995-CURRENT</u>
<u>(ECON. DEV. AGENCY - NW KS)</u>	

Senate Commerce Committee
April 3, 2002
Attachment 1-7

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

<i>Position</i>	<i>Government Entity</i>	<i>Dates</i>
	NONE	

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist activities for which you were compensated.

<i>Group</i>	<i>Compensation (yes/no)</i>	<i>Dates</i>
	NONE	

6. List experience or interest which qualify you for the position to which you have been appointed.

ADVERTISING & MARKETING BUSINESS OWNER 40 YEARS

7. Summarize business and professional experience.

ABOVE

8. List any service in the United State military. Include dates of service, branch, date and type of discharge.

<i>Branch</i>	<i>Discharge</i>	<i>Dates</i>
	NONE	

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed).

NONE

10. List and provide details of any interests that may present a conflict of interest for this position.

NONE

I, DOUGLAS C. BRUSH, declare that this questionnaire is true, correct and complete to the best of my knowledge.


Signature

3/15/2002
Date

*Return completed questionnaire to Judy Krueger, Secretary of Appointments, State Capitol, Rm 226-S, Topeka, Kansas 66612.
If you have questions, please call 913/296-4052.*

Senate Commerce Committee

Attachment 1-9

Douglas C. Brush President
Brush Art Corporation
341 West Hwy 24
Downs, Kansas 67437

785/454-3383 Fax 785/454-3801 H-785/454-3961
dougbrush@brushart.com

Founded Brush Art Advertising in 1962 while studying Commercial Art at University of Kansas.

Relocated to Downs, KS in May of 1963 and devoted full time to development of the agency. Brush Art became a Kansas Corporation in October of 1981, providing advertising and marketing services to clients located throughout the Plains states.

Today, Brush Art serves 30 clients throughout Kansas, Nebraska, Iowa, Illinois, Oklahoma, Texas and Alabama. In addition to traditional agricultural and industrial clientele, Brush Art Corporation is the licensed agency for Caterpillar Dealerships throughout North America, working with 64 dealerships across the continent and Caterpillar NACD on a daily basis.

The agency is located in Downs, KS in a modern facility that develops and produces necessary materials for web advertising, publishing and printing. Visit our website at www.brushart.com to learn more about the agency. It is a family-owned advertising agency with a professional staff of 19. Most are graduates of the major Kansas universities and technical colleges. Growth in clientele and staff have required two major facility expansions within the past six years. Computer expansions and updates are ongoing. Approximately two years ago, Brush Art purchased the equipment and brought the internet to the community in cooperation with NCKCN (North Central Kansas Computer Network), IP located in Beloit, KS. Today, the community of approximately 1000, has nearly 60% of the households "on-line" as a result of the effort. Presently, high speed, broad bandwidth is being added through cable modems and the agency operates on a direct line to the server around the clock.

Our agency is proud to have developed long-term relationships with our clientele and to have been a partner with the community in the lowering of communication barriers . . . eliminating a long term geographical disadvantage for businessmen in our rural setting. Brush Art clientele (excluding Caterpillar) represent approximately 5000 employees and market \$1.5 billion in products worldwide each year. We are proud to have long-term marketing relationships with these companies. Prior to 1962, only about 10% of these jobs existed, so Brush Art feels it has been a marketing catalyst in the growth of our clientele.

The next generation of family management is in place, and Brush Art is prepared for continued growth. As in so many other businesses, the work that Brush Art does is my legacy. We have always remained so much in the background that very few people know much about our agency. However, the continued growth of our clientele probably tells more about our agency than we would care to say.

Married Kay (Schoen) Brush in 1962 (Secretary-Treasurer)
Children (all active in client service at Brush Art and are Directors)
Heidi (Brush) Doane
Timothy Brush
Tom Brush

Senate Commerce Committee
April 3, 2002
Attachment ~~1-10~~ 1-10

been appointed and confirmed. In the event of a vacancy, the vacancy shall be filled by the governor in the manner provided for original appointments for the remainder of the unexpired portion of the term.

(4) The terms of directors appointed pursuant to this subsection who are serving on the board on the effective date of this act shall expire on January 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter, directors shall be appointed for terms of four years and until their successors are appointed and confirmed.

(d) (1) Four directors shall be members of the legislature as follows: The speaker of the house, the house minority leader, the president of the senate, and the senate minority leader, or legislators who are appointed to represent them and who will provide continuity by virtue of their membership on the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives or the joint committee on economic development. Legislative officers designated in this subsection shall serve by virtue of office. Legislators appointed under this subsection shall serve from the dates of their appointment until the first day of the regular legislative session in odd-numbered years and are eligible for reappointment.

(2) (A) Four directors shall be appointed by legislative officers as follows: (1) One shall be appointed by the speaker of the house, (2) one shall be appointed by the house minority leader, (3) one shall be appointed by the president of the senate, and (4) one shall be appointed by the senate minority leader. The members so appointed shall be persons who are recognized for outstanding knowledge and leadership in their fields, who are from the private sector and who represent industries of the Kansas economy including small enterprises which include, but are not limited to:

- (i) Resource-based industries of agriculture, oil and gas;
- (ii) advanced technology industries of aviation, manufacturing, information and design; and
- (iii) emerging industries of telecommunications, computer software, information services and research services.

(B) Of the directors first appointed by legislative officers under this subsection (d)(2), the directors appointed by the speaker of the house and the president of the senate shall be appointed to

a term of four years and the directors appointed by the house minority leader and the senate minority leader shall be appointed to a term of two years. Successors to such directors shall be appointed for terms of four years. Each director shall hold office for the term of appointment and until the successor has been appointed. In the event of a vacancy, the vacancy shall be filled by the legislative officer who appointed the director who created the vacancy in the manner provided for the original appointment for the remainder of the unexpired portion of the term.

(e) Members of the board of directors, in their dealings with enterprises that may receive financing through the corporation, shall declare any potential conflict of interest and abstain from voting prior to taking any actions relating to that transaction.

(f) The board of directors shall conduct a national search and select a corporate president who meets a national standard of experience, ability and initiative for similar positions. The corporate president shall not be a member of the board.

(g) The board of directors shall hold all board meetings within the state of Kansas.

(h) Members of the board of directors are entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto.

(i) The board shall annually elect from the private sector membership one member as chairperson and one member as vice-chairperson.

(j) The board of directors shall meet at least once during each calendar quarter, and at such other times as may be provided in the rules of the corporation, upon call by the president, the chairperson or upon written request of a majority of the directors.

(k) A majority of the board of directors shall be necessary to transact corporation business, and all actions of the directors shall be by a majority vote of the full number of corporate directors.

(l) The directors shall establish an executive committee composed of the chairperson, vice-chairperson and three additional members chosen by the chairperson from among the remaining directors. The executive committee, in intervals between board meetings, may transact any board business that has been delegated to the executive committee. A majority of the executive committee shall be necessary to transact business and all actions of the executive committee shall be by a majority vote of the committee.

(m) No member eligible to serve
(n) A member of the board of directors by the governor for cause on the ground of being thereon.

History: L. 245, § 1; L. 1995, § 13; L. 1995, § 1; July 1.

Attorney General
Kansas, Inc. and governmental ethics
Ad Astra funds meetings act. 97-8

74-8102.

Law Review and
"Are State-Sponsored Development
P. McClorey, 7

Attorney General
Ad Astra funds meetings act. 97-

74-8103.

Attorney General
Kansas retail

74-8104

Attorney General
Ad Astra funds meetings act. 97-

74-8105

agreement employees; tents, appropriations, the chief executive officer's salary. The president shall serve as president of the corporation. The president shall serve as president of the corporation. The president shall serve as president of the corporation.

Senate Commerce Committee
April 3, 2000
Attachment 2-1

(m) No member of the board of directors is eligible to serve more than two terms of office.

(n) A member appointed to the board of directors by the governor may be removed by the governor for cause, stated in writing, after a hearing thereon.

History: L. 1986, ch. 284, § 4; L. 1991, ch. 245, § 1; L. 1992, ch. 221, § 1; L. 1993, ch. 136, § 13; L. 1995, ch. 241, § 17; L. 2000, ch. 157, § 1; July 1.

Attorney General's Opinions:

Kansas, Inc. and KTEC are state agencies subject to state governmental ethics laws. 97-59.

Ad Astra funds are not subject to open records act or open meetings act. 97-85.

74-8102.

Law Review and Bar Journal References:

"Are State-Sponsored Venture Capital Funds Necessary for the Development and Growth of the Kansas Economy?" Matt P. McClorey, 7 Kan. J.L. & Pub. Pol'y, No. 3, 152 (1998).

Attorney General's Opinions:

Ad Astra funds are not subject to open records act or open meetings act. 97-85.

74-8103.

Attorney General's Opinions:

Kansas retailers' sales tax, exemptions. 92-126.

74-8104.

Attorney General's Opinions:

Ad Astra funds are not subject to open records act or open meetings act. 97-85.

74-8105. President, salary, employment agreement, powers, duties and functions; employees; business plan, preparation, contents, approval by board, presentation to legislative committees. (a) The president shall be the chief executive officer of the corporation and shall serve at the pleasure of the board. **The president's salary shall be set by the board of directors.** The president shall be in the unclassified service under the Kansas civil service act. **The board of directors may negotiate and enter into an employment agreement with the individual selected** as president of the corporation which may provide for such compensation and such provisions for allowances, benefits and expenses as may be included in such agreement. The board of directors is authorized to make all payments and payroll deductions as may be required under such agreement. The president shall direct and supervise administrative affairs and the general management of the corporation.

(b) The president:

(1) May employ and terminate such other officers and employees as designated by the board of directors. **Any officer or employee of the corporation who receives a salary allocated from state funds shall receive no other compensation including, but not limited to, salaries, bonuses, fees or incentives for performance of any duties on behalf of any entity which is a subsidiary of or is otherwise related to the corporation or is a business in which the corporation or any entity related to the corporation has invested state funds. The president's employment contract, including any renewal of an existing contract, shall be made available to the senate commerce committee and the house economic development committee, or if the legislature is not in session, the joint committee on economic development, prior to execution of the contract.** Such officers and employees shall be in the unclassified service under the Kansas civil service act;

(2) shall attend board meetings;

(3) shall appoint a secretary to keep a record of all proceedings and maintain and be custodian of all financial and operational records, documents and papers filed with the corporation and of the minute book of the corporation; and

(4) before accepting any applications as provided for under this act, shall prepare a business plan which shall include the corporate analysis of funding levels of programs in other states that are shown in the report required in subsection (b) of K.S.A. 74-8111 and amendments thereto and the threshold funding levels specified in subsection (c) of K.S.A. 74-8111 and amendments thereto. Upon approval of the business plan by the corporation board, the plan shall be presented to the standing committee on commerce of the senate and the standing committee on economic development of the house of representatives or the joint legislative committee on economic development for review and evaluation.

History: L. 1986, ch. 284, § 5; L. 1987, ch. 317, § 8; L. 1993, ch. 136, § 14; L. 1995, ch. 255, § 5; L. 1996, ch. 236, § 1; July 1.

Attorney General's Opinions:

Kansas, Inc. and KTEC are state agencies subject to state governmental ethics laws. 97-59.

74-8108. Small business innovation research matching grant bridge financing programs. (a) The corporation is directed to develop a small business innovation research (SBIR) matching grant program which meets the highest

Senate Confirmation Information Summary
Prepared and Submitted by the Office of Governor Bill Graves

Appointee: David E. Shulenburger

Position: Member, Kansas Technology Enterprise Corporation Board of Directors

Appointment Date: Upon confirmation by Senate Expiration Date 1/15/2006 Term four years

Statutory Authority: KSA 74-8101 Party Affiliation: Democrat

- Statutory geographic representation requirements (*indicate any that apply*):
- Congressional District: _____
 - County: _____
 - Size requirement (*if any*): _____
 - Other, specify: _____

- Statutory party affiliation requirement: No more than _____ members from the same political party.
- Statutory industry or occupation requirements Senior administrator at Kansas educational institutions governed by the board of regents or engineers or scientists who have extensive experience in managing basic or applied scientific and technological research.

Salary _____ Predecessor: himself – reappointed

Board Composition Prior to Confirmation of New Appointee:

(SEE ATTACHED LIST)

Senate Commerce Committee
Apr. 13, 2002
Attachment 3.1

Kansas Technology Enterprise Corporation

Member Name		County	Party	CD	Occupational Industry	Expiration Date
Beggs	Donald	Sedgwick	U	4	Regents' Institution Administrator or Scientific Member (WSU)	01/15/2003
Brush	Douglas	Osborne	R	1	Emerging Industries Member (graphics via internet)	01/15/2002
Bryant	Tom	Crawford	U	2	Regents' Institution Administrator or Scientific Member (PSU)	01/15/2004
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Haggart	Edmond (Ted)	Douglas	R	3	Commercial Banking Member (experience with technology industry)	01/15/2003
Krause	Robert	Riley	R	2	Regents' Institution Administrator or Scientific Member (KSU)	01/15/2005
Rahjes	Doyle	Phillips	R	1	Resource-Based Industry Member (Agriculture)	01/15/2003
* Shulenburg	David	Douglas	D	3	Regents' Institution Administrator or Scientific Member (KU)	01/15/2002
Taylor	Tracy	Johnson	R	3	High Risk Venture Investments Member	01/15/2002
Voeller	John	Johnson	R	3	Telecommunications/Information Services Representative	01/15/2005

* Indicates member being replaced

GOVERNOR'S APPOINTEES ONLY

essing plant or facility or a storage, warehousing or distribution facility. The secretary of revenue shall provide the completed questionnaires and copies of sales tax exemption certificates to Kansas, Inc. for the preparation of such report.

(b) Prior to the commencement of the 2002 legislative session, Kansas, Inc. and the Kansas department of revenue shall agree upon procedures for the purpose of disclosure of corporate and individual taxpayer information to fulfill the purposes of this section and protect sensitive taxpayer information to the extent possible consistent with this section. Such procedures shall be submitted to an appropriate committee at the commencement of such session in the form of a proposed bill.

History: L. 1994, ch. 188, § 1; L. 2001, ch. 164, § 1; July 1.

Revisor's Note:

Section was also amended by L. 2001, ch. 133, sec. 1, but that version was repealed by L. 2001, ch. 164, sec. 2.

Article 81.—KANSAS TECHNOLOGY ENTERPRISE CORPORATION

Cross References to Related Sections:

Kansas economic opportunity initiatives fund, see 74-50,151.

74-8101. Kansas technology enterprise corporation; creation; board of directors, membership, qualifications, terms, compensation and expenses; meetings; transaction of business; corporate president; executive committee, membership, duties. (a) There is hereby created a body politic and corporate to be known as the Kansas technology enterprise corporation. The Kansas technology enterprise corporation is hereby constituted a public instrumentality and the exercise of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) The corporation shall be governed by a board of 20 directors who shall be residents of this state. The board shall consist of (1) the governor or, at the discretion of the governor, the secretary of the department of commerce and housing, (2) the secretary of the state board of agriculture, (3) four directors who are members of the legislature appointed as provided in subsection (d)(1), (4) four directors who are appointed by legislative officers as provided in subsection (d)(2), and (5) ten directors appointed by the governor subject to senate confirmation as provided in K.S.A. 75-

4315b, and amendments thereto. Except as provided by K.S.A. 2001 Supp. 46-2601, and amendments thereto, no person whose appointment is subject to confirmation by the senate, shall exercise any power, duty or function as a member of the board until confirmed by the senate.

(c) (1) All 10 of the directors appointed by the governor shall be persons recognized for outstanding knowledge and leadership in their fields. Six of the directors shall be persons from the private sector and four shall be persons from the public sector. The four appointees from the public sector shall consist of one or more of the following: Senior administrators at Kansas educational institutions governed by the board of regents or engineers or scientists who have extensive experience in managing basic or applied scientific and technological research. Of the six directors appointed from the private sector:

(A) Four directors shall be persons who represent industries of the Kansas economy including small enterprises which include, but are not limited to:

- (i) Resource-based industries of agriculture, oil and gas;
- (ii) advanced technology industries of aviation, manufacturing, information and design; and
- (iii) emerging industries of telecommunications, computer software, information services and research services; and

(B) two directors shall be persons who represent the private financial sector of whom one shall have experience in the area of high-risk venture investments, and the other shall have commercial banking experience in an industry of special technological importance to the Kansas economy.

(2) In making appointments to the board, the governor shall give consideration to the qualifications of the persons who served as commissioners of the Kansas advanced technology commission and shall give consideration to appropriate geographical representation.

(3) Of the members first appointed to the board, two directors shall be appointed for a term of one year, two directors shall be appointed for terms of two years, three directors shall be appointed for terms of three years and three directors shall be appointed for terms of four years. Except as provided by paragraph (4), successors to such directors shall be appointed for terms of four years. Each director shall hold office for the term of appointment and until the successor has

been appointed and confirmed. In the event of a vacancy, the vacancy shall be filled by the governor in the manner provided for original appointments for the remainder of the unexpired portion of the term.

(4) The terms of directors appointed pursuant to this subsection who are serving on the board on the effective date of this act shall expire on January 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter, directors shall be appointed for terms of four years and until their successors are appointed and confirmed.

(d) (1) Four directors shall be members of the legislature as follows: The speaker of the house, the house minority leader, the president of the senate, and the senate minority leader, or legislators who are appointed to represent them and who will provide continuity by virtue of their membership on the standing committee on commerce of the senate, the standing committee on economic development of the house of representatives or the joint committee on economic development. Legislative officers designated in this subsection shall serve by virtue of office. Legislators appointed under this subsection shall serve from the dates of their appointment until the first day of the regular legislative session in odd-numbered years and are eligible for reappointment.

(2) (A) Four directors shall be appointed by legislative officers as follows: (1) One shall be appointed by the speaker of the house, (2) one shall be appointed by the house minority leader, (3) one shall be appointed by the president of the senate, and (4) one shall be appointed by the senate minority leader. The members so appointed shall be persons who are recognized for outstanding knowledge and leadership in their fields, who are from the private sector and who represent industries of the Kansas economy including small enterprises which include, but are not limited to:

- (i) Resource-based industries of agriculture, oil and gas;
- (ii) advanced technology industries of aviation, manufacturing, information and design; and
- (iii) emerging industries of telecommunications, computer software, information services and research services.

(B) Of the directors first appointed by legislative officers under this subsection (d)(2), the directors appointed by the speaker of the house and the president of the senate shall be appointed to

a term of four years and the directors appointed by the house minority leader and the senate minority leader shall be appointed to a term of two years. Successors to such directors shall be appointed for terms of four years. Each director shall hold office for the term of appointment and until the successor has been appointed. In the event of a vacancy, the vacancy shall be filled by the legislative officer who appointed the director who created the vacancy in the manner provided for the original appointment for the remainder of the unexpired portion of the term.

(e) Members of the board of directors, in their dealings with enterprises that may receive financing through the corporation, shall declare any potential conflict of interest and abstain from voting prior to taking any actions relating to that transaction.

(f) The board of directors shall conduct a national search and select a corporate president who meets a national standard of experience, ability and initiative for similar positions. The corporate president shall not be a member of the board.

(g) The board of directors shall hold all board meetings within the state of Kansas.

(h) Members of the board of directors are entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto.

(i) The board shall annually elect from the private sector membership one member as chairperson and one member as vice-chairperson.

(j) The board of directors shall meet at least once during each calendar quarter, and at such other times as may be provided in the rules of the corporation, upon call by the president, the chairperson or upon written request of a majority of the directors.

(k) A majority of the board of directors shall be necessary to transact corporation business, and all actions of the directors shall be by a majority vote of the full number of corporate directors.

(l) The directors shall establish an executive committee composed of the chairperson, vice-chairperson and three additional members chosen by the chairperson from among the remaining directors. The executive committee, in intervals between board meetings, may transact any board business that has been delegated to the executive committee. A majority of the executive committee shall be necessary to transact business and all actions of the executive committee shall be by a majority vote of the committee.

(m) No member of the board shall be eligible to serve more than two terms.

(n) A member appointed by the governor may be removed by the governor for cause, stated in writing thereon.

History: L. 1986, ch. 28 § 245, § 1; L. 1992, ch. 221, § 13; L. 1995, ch. 241, § 17; July 1.

Attorney General's Opinions:
Kansas, Inc. and KTEC are state governmental ethics laws. 97-59.
Ad Astra funds are not subject to meetings act. 97-85.

74-8102.

Law Review and Bar Journal Re:
"Are State-Sponsored Venture Capital Funds the Development and Growth of the State?" P. McClorey, 7 Kan. J.L. & Pub.

Attorney General's Opinions:
Ad Astra funds are not subject to meetings act. 97-85.

74-8103.

Attorney General's Opinions:
Kansas retailers' sales tax, exempt.

74-8104.

Attorney General's Opinions:
Ad Astra funds are not subject to meetings act. 97-85.

74-8105. President.

agreement, powers, duties, employees; business plan, approval by board of directors, legislative committees. (a) The chief executive officer shall serve at the pleasure of the board. The president shall be in accordance with the Kansas civil service law. The president and directors may negotiate a employment agreement with the president of the corporation for such compensation and allowances, benefits and expenses included in such agreement. The president is authorized to make all decisions as may be required for the operation of the corporation. The president shall handle all administrative affairs and other matters of the corporation.

(b) The president:

(m) No member of the board of directors is eligible to serve more than two terms of office.

(n) A member appointed to the board of directors by the governor may be removed by the governor for cause, stated in writing, after a hearing thereon.

History: L. 1986, ch. 284, § 4; L. 1991, ch. 245, § 1; L. 1992, ch. 221, § 1; L. 1993, ch. 136, § 13; L. 1995, ch. 241, § 17; L. 2000, ch. 157, § 1; July 1.

Attorney General's Opinions:

Kansas, Inc. and KTEC are state agencies subject to state governmental ethics laws. 97-59.

Ad Astra funds are not subject to open records act or open meetings act. 97-85.

74-8102.

Law Review and Bar Journal References:

"Are State-Sponsored Venture Capital Funds Necessary for the Development and Growth of the Kansas Economy?" Matt P. McClorey, 7 Kan. J.L. & Pub. Pol'y, No. 3, 152 (1998).

Attorney General's Opinions:

Ad Astra funds are not subject to open records act or open meetings act. 97-85.

74-8103.

Attorney General's Opinions:

Kansas retailers' sales tax; exemptions. 92-126.

74-8104.

Attorney General's Opinions:

Ad Astra funds are not subject to open records act or open meetings act. 97-85.

74-8105. President, salary, employment agreement, powers, duties and functions; employees; business plan, preparation, contents, approval by board, presentation to legislative committees. (a) The president shall be the chief executive officer of the corporation and shall serve at the pleasure of the board. The president's salary shall be set by the board of directors. The president shall be in the unclassified service under the Kansas civil service act. The board of directors may negotiate and enter into an employment agreement with the individual selected as president of the corporation which may provide for such compensation and such provisions for allowances, benefits and expenses as may be included in such agreement. The board of directors is authorized to make all payments and payroll deductions as may be required under such agreement. The president shall direct and supervise administrative affairs and the general management of the corporation.

(b) The president:

(1) May employ and terminate such other officers and employees as designated by the board of directors. Any officer or employee of the corporation who receives a salary allocated from state funds shall receive no other compensation including, but not limited to, salaries, bonuses, fees or incentives for performance of any duties on behalf of any entity which is a subsidiary of or is otherwise related to the corporation or is a business in which the corporation or any entity related to the corporation has invested state funds. The president's employment contract, including any renewal of an existing contract, shall be made available to the senate commerce committee and the house economic development committee, or if the legislature is not in session, the joint committee on economic development, prior to execution of the contract. Such officers and employees shall be in the unclassified service under the Kansas civil service act;

(2) shall attend board meetings;

(3) shall appoint a secretary to keep a record of all proceedings and maintain and be custodian of all financial and operational records, documents and papers filed with the corporation and of the minute book of the corporation; and

(4) before accepting any applications as provided for under this act, shall prepare a business plan which shall include the corporate analysis of funding levels of programs in other states that are shown in the report required in subsection (b) of K.S.A. 74-8111 and amendments thereto and the threshold funding levels specified in subsection (c) of K.S.A. 74-8111 and amendments thereto. Upon approval of the business plan by the corporation board, the plan shall be presented to the standing committee on commerce of the senate and the standing committee on economic development of the house of representatives or the joint legislative committee on economic development for review and evaluation.

History: L. 1986, ch. 284, § 5; L. 1987, ch. 317, § 8; L. 1993, ch. 136, § 14; L. 1995, ch. 255, § 5; L. 1996, ch. 236, § 1; July 1.

Attorney General's Opinions:

Kansas, Inc. and KTEC are state agencies subject to state governmental ethics laws. 97-59.

74-8108. Small business innovation research matching grant bridge financing programs. (a) The corporation is directed to develop a small business innovation research (SBIR) matching grant program which meets the highest

STATE OF KANSAS



FILED

APR 17 2001

RON THORNBURG
SECRETARY OF STATE

KANSAS GOVERNMENTAL ETHICS COMMISSION

STATEMENT OF SUBSTANTIAL INTERESTS FORM

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by individuals who are required to do so by law. Any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 785-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

SHULENBURGER DAVID E MI
Last Name First Name

PRENTICE CAROL M
Spouse's Name

1620 INDIANA
Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

LAWRENCE KS 66044
City, State, Zip Code

785-865-4153
Home Phone Number (include area code)

785-864-4904
Business Phone Number (include a code)

B. THIS FORM IS REQUIRED TO BE FILED BECAUSE YOU ARE:

(check one or more of the following)

- 1. State Elected Official (Governor, Lt. Governor, Attorney General, Commissioner of Insurance, State Treasurer, Secretary of State, State Senator, State Representative, Member of State Board of Education or District Attorney);
- 2. Appointed Member of a State Board, Council, Commission or Authority;
- 3. Appointed State Position is Subject to Senate Confirmation;
- 4. Employee of a State Agency or University;
- 5. General Counsel for a State Agency;
- 6. Candidate for State Office.

University of Kansas KTEC
List Name of Agency, Board, University or Elected Position (You may use abbreviations but not acronyms)
Provost's Office, Provost Board Member
Division if applicable (May use acronyms) Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

0357

Rev. 2/2001

3.6

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income, and specific stocks, mutual funds or retirement accounts in which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "C", check here _____

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. CRJ trust	Agricultural estate	ownership	<input checked="" type="checkbox"/> You	<input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Jointly
2. Capital Federal	Banking	stock	<input type="checkbox"/> You <input checked="" type="checkbox"/> Spouse	<input type="checkbox"/> Jointly
3. Rockwell Int	Manufacturing	stock	<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
4. May Dept store	Retail	stock	<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
5. Payless shoes	Retail	stock	<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
6. FIAA/CRIE	Mutual fund	stock	<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
7. Fidelity Growth & Income	Mutual fund	stock	<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
8. IDS	Mutual fund	stock	<input checked="" type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
9.			<input type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly
10.			<input type="checkbox"/> You	<input type="checkbox"/> Spouse <input type="checkbox"/> Jointly

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
 If you have nothing to report in Section "D", check here

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

3.7

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here X.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.			
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	University of Kansas	Lawrence, KS	Education
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section.
If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	CKJ Trust	partner	Spouse
2.	CRL	board member non profit	me
3.	KFC	board member district chair non profit	me
4.	KTEC	board member non profit	me
5.	TIP National Advisory Board	board member non profit	me
6.	KVCR	board member vice chair non profit	me
7.	Lawrence Chamber of Commerce	board member	me
8.			

G. RECEIPT OF FEES AND COMMISSIONS: List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here ____.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.	CRJ Trust	4120 SE 37th St, Topeka, KS 66605	Spouse
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. DECLARATION:

I, David Shuler, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4/15/01
Date

[Signature]
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____

Return your completed statement to the Secretary of State, Memorial Hall, First Floor, 120 SW 10th Ave., Topeka, Kansas 66612-1594.

APPOINTMENTS QUESTIONNAIRE

Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: David E. Shulenburger

Home Address: 1620 Indiana

City, State, Zip: Lawrence, KS 66044

Business Address: Office of the Provost, University of Kansas, 1450 Jayhawk Boulevard, Suite 250

City, State, Zip: Lawrence, KS 66045-7535

Home Phone: 785-865-4153 Business Phone: 785-864-4904

Date of Birth: 9/19/45 Place of Birth: Salisbury, NC

Party Affiliation: Independent KBI Check: NA In Process Complete

BACKGROUND

1. List high school, college, or other education institutions attended along with the date attended and degree conferred.

<i>Education Institution</i>	<i>Dates</i>	<i>Degree</i>
<u>West Rowan High School</u>	<u>1959-63</u>	<u>High School</u>
<u>Lenoir Rhyne College</u>	<u>1963-67</u>	<u>BA</u>
<u>University of Illinois</u>	<u>1967-68, 1971-74</u>	<u>MA, Ph.D.</u>

2. List memberships in business, trade and professional organizations for the past 10 years.

<i>Organization</i>	<i>Dates</i>
<u>American Economic Association</u>	<u>1967-present</u>
<u>Industrial Relations Association</u>	<u>1967-present</u>

3. List any public offices you have been elected or appointed to, along with the dates of service.

<i>Office Held</i>	<i>Dates</i>
<u>KTEC Board</u>	<u>2000-2003</u>
<u>KIC (Kansas Innovation Corporation)</u>	<u>1996-present</u>
<u>Duke University Talent Identification Program</u>	<u>2000-2003</u>
<u>National Board of Advisors</u>	
<u>Center for Research, Inc. Board of Directors</u>	<u>1998-present</u>
<u>Center for Research Libraries Board of Directors</u>	<u>2000-2002</u>
<u>Bio-One Board of Directors</u>	<u>1999-present</u>

3-10

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

<i>Position</i>	<i>Government Entity</i>	<i>Dates</i>
None		

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist activities for which you were compensated.

<i>Group</i>	<i>Compensation (yes/no)</i>	<i>Dates</i>
None		

6. List experience or interest which qualify you for the position to which you have been appointed.

Academic Economist
KIC Board member

7. Summarize business and professional experience.

I have been an academic economist and administrator since 1967.

8. List any service in the United State military. Include dates of service, branch, date and type of discharge.

<i>Branch</i>	<i>Discharge</i>	<i>Dates</i>
None		

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of \$100 or less was imposed).

10. List and provide details of any interests that may present a conflict of interest for this position.

I am employed by the University of Kansas. Some of our faculty and centers receive KTEC funding. As in the past, I would exempt myself from votes and discussions regarding such funding.

I, David E. Shulenburger, declare that this questionnaire is true, correct and complete to the best of my knowledge.

David E. Shulenburger
Signature

March 15, 2002
Date

*Return completed questionnaire to Judy Krueger, Secretary of Appointments, State Capitol, Rm 226-S, Topeka, Kansas 66612.
If you have questions, please call 913/296-4052.*

BIOGRAPHICAL INFORMATION

David Shulenburger is Provost of the University of Kansas and has been the chief academic officer since 1993. He came to the University in 1974 and currently holds the faculty rank of Professor in the School of Business.

His teaching and research areas are business economics and labor relations, with a major focus on wage determination. He has been recognized for his teaching ability by the receipt of University-wide teaching awards.

He is active nationally as an advocate for reform in the areas of scholarly communication and academic accreditation.

He previously served as a faculty member at Clemson University and as a labor economist for the U.S. Department of Labor.

He received his Ph.D. and Masters degrees from the University of Illinois and his undergraduate degree from Lenoir Rhyne College.

Professor Shulenburger's campus address is: Office of the Provost, University of Kansas, Lawrence, KS 66045-1501 (785) 864-4904. His e-mail address is dshulenburger@ukans.edu.

3.13

TESTIMONY
SENATE COMMERCE COMMITTEE
APRIL 3, 2002

Good morning, Madam Chair and members of the committee, my name is Paul Bicknell. I am the Chief of Contributions, Kansas Department of Human Resources. Thank you for the opportunity to appear before you along with my colleague Steve Markley, Chief of Benefits, Kansas Department of Human Resources, to report on HB 3021.

House Bill 3021 is the result of the efforts of the Kansas Department of Human Resources Employment Security Advisory Council, which voted unanimously in support of amendments set out in HB 3021. The council is made up of four employee members, four employer members and four public members.

I would first like to turn the committee's attention to the amendment to K.S.A. 44-710 which is on page 21, lines 39 through 41. This amendment adds a new subsection (G) and provides that no contributing employer or rated governmental employer's account shall be charged with respect to their pro rata share of benefit charges if such charges are of \$100 or less.

At this time I'll turn the presentation over to my colleague Steve Markley, Chief of Benefits, Kansas Department of Human Resources. Mr. Markley will walk you through the other amendments in the bill.

Senate Commerce Committee
APRIL 3, 2002
Attachment 4.1

TESTIMONY
SENATE COMMERCE COMMITTEE
April 3, 2002

Good morning, Madam Chair and members of the committee; my name is Steve Markley and I am the Chief of Benefits Administration for the Kansas Department of Human Resources. I appreciate the opportunity to appear before you along with my colleague Paul Bicknell, to report on HB 3021.

This bill is the result of efforts by the Kansas Department of Human Resources Employment Security Advisory Council, which you heard voted unanimously in support of amendments set out in HB 3021. The council advises the agency on employment matters and reviews suggested changes in our law.

Along with the section explained by Mr. Bicknell, the second portion of HB 3021 under 44-703 (page 1 line 38 through page 2, line 6) expands the definition of our base period and creates an "alternative base period" for individuals having a worker compensation injury. This HB attempts to correct the situation of individuals who had a work related injury, recovered, were subsequently released to return to work, unable to find work, and thus excluded from UI benefits, since there were no wages in the base period. Naturally, the recovered party will be required to be "able and available" under our normal work search requirements.

Senate Commerce Committee
April 3, 2002
Attachment 5.1

Page 2, Testimony HB 3021 – Markley

The next section under 44-703 (page 20, line 20-23) adds a definition of “qualifying injury” covered under the Worker Compensation Act, KSA 44-501 *et seq.*

The final section under 44-705 provides qualifiers to the alternate base period. Regular qualifiers of thirty (30) times the weekly benefit amount and wages in more than one quarter are listed on page 21, line 41 through page 22, line 2, and are added to the “alternative base period.” Additional filing elements for claimants (page 22 line 3 through line 10), include sections under 44-705 (g), which are: (1) filing within four (4) weeks of being released to return to work by a licensed and practicing health care provider; (2) filing for benefits within 24 months of the date the qualifying injury occurred; and (3) the claimant having made an attempt to return to the previous employer, but comparable, suitable work was not available.

Due to the cooperation of the Employer Security Advisory Council and the House Business, Commerce and Labor Committee, House Bill 3021 passed the House 121 – 0. I now ask that this be passed out of committee and placed on the consent calendar. This concludes my testimony and I am now available for any further questions.