

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on March 22, 2005 in Room 313-S of the Capitol.

All members were present except:

Representative Bonnie Huy- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Representative Shari Weber
Representative Delia Garcia
Barbara Hinton, Auditor
Ted Hayes, Executive director State of Kansas Sports Hall of Fame
Richard Konzem, Board of Directors for the Kansas Sports Hall of Fame
Max Falkenstein, Kansas Sport Hall of Fame Inductee
Ernie Berett, Kansas Sports Hall of Fame Inductee
Bob Hanson, CEO of the Greater Wichita Area Sports Commission
Keith Coker, Kansas Lottery
Doug Bowman, Coordinating Council on Early Childhood Development
Ed Henry, Tiny-K Foundation Clay/Washington Counties
Shawn Connor, TARC Board Member
Mary Wise, Tiny-K Network Educator
Laura Cummings
Shelly May, Kansas council on Developmental Disabilities
Edie Howard
Candace Young
Kyle Smith, Kansas Bureau of Investigation

Others attending:

See attached list

Chairman Edmonds opened the meeting for bill introductions and requested a bill that allows occupational therapists and physical therapists to form LLC's and Professional Associations.

With no objections, that bill will be accepted for introduction.

The Chair opened the meeting for public hearing on **HB 2412** concerning the Kansas Sport Hall of Fame; relating to funding thereof; providing for the use of certain lottery revenues therefore amending **K.S.A. 2004** and recognized Representative Shari Weber who stated that the bill would establish new dedicated instant scratch ticket games at the Kansas Lottery, designated to benefit the Kansas Sports Hall of Fame. The Representative requested that the committee give favorable consideration to **HB 2412**. (Attachment 1)

Representative Delia Garcia addressed the committee favoring **HB 2412** and saying that she feels it is exciting to have this in her district as it will educate and inspire people. She asked that the committee give the bill favorable consideration. (No Attachment)

Ted Hayes, Executive Director State of Kansas Sports Hall of Fame, delivered testimony supporting **HB 2412**. His testimony revealed that the Kansas Sports Hall of Fame was founded by the State Legislature in 1961 as part of the state's Centennial Celebration. It has never enjoyed a solid, continuous financial stability which has enabled it to operate continuously to fulfill its mission. **HB 2412** would designate Kansas lottery games,

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 22, 2005 in Room 313-S of the Capitol.

from which revenues would be earmarked for the State of Kansas Sports Hall of Fame to fulfill its mission. (Attachment 2)

Supporting passage of **HB 2412**, Richard Konzem, Vice-President, Board of Directors Kansas Sports Hall of Fame stated in his testimony that sports play a significant role in our society and particularly the influence sports has on our youth. The Kansas Sports Hall of Fame is here to honor, educate and inspire. It shares stories of our Kansas Sports Heroes. He urges the consideration of the committee. (Attachment 3)

Max Falkenstein, Kansas Sports Hall of Fame Inductee, addressed the committee speaking in favor of **HB 2412** saying that the bill would provide much needed financial support. He believes that the Kansas Sports Hall of Fame is a fantastic organization for preserving our state history related to sports. He further stated that he believes that it is time for the Legislature to provide the funding needed for the organization by voting in favor of **HB 2412**. (Attachment 4)

Kansas Sports Hall of Fame Inductee, Ernie Barrett, related that he feels that the Hall of Fame is an important organization for the state to support because it provides a place of inspiration and positive influence on young people who are interested in sports and are seeking positive role models. He feels that we need to preserve that history to insure that it continues into the future. He asked the committee for a favorable vote on **HB 2412**. (Attachment 5)

Bob Hanson, CEO of the Greater Wichita Area Sports Commission, provided testimony favoring **HB 2412**. He personally believes that the Kansas Sports Hall of Fame is an important and valuable asset for all Kansans. If this bill is enacted, there would be help for the funding which is greatly in need of support and would provide for preserving and displaying the accomplishment of many great athletes who have established state, national and world recognition. (Attachment 6)

No other person wished to address **HB 2412** and the floor was opened to discussion with Keith Coker from the Kansas Lottery present in the gallery to answer any questions regarding the scratch lottery tickets as related to the Kansas Sports Hall of Fame.

Chairman Edmonds closed the public hearing on **HB 2412** and opened the public hearing on **HB 2427** concerning the Kansas lottery; establishing a Tiny-K benefit lottery game.

Doug Bowman, serving as staff to the Kansas Coordinating Council on Early Childhood Development Services, explained that their mission is to advise on matters pertaining to children with(or at risk of) developmental delay/disabilities. The proposed lottery game would provide revenue vital to 36 local entities in supporting thousands of parents as they raise their children. He urges support of **HB 2427**. (Attachment 7)

Ed Henry addressed the committee both as a representative for the Tiny-K Foundation Clay/Washington Counties and as the parent of a 19 year old son with mild mental retardation. Mr. Henry described the results achieved by developmentally challenged children as a result of support by the Tiny-K Foundation. He supports the passage of **HB 2427**. (Attachment 8)

As the parent of a daughter with Downs Syndrome, Shawn Connor related they have received guidance, physical therapy, occupational therapy and developmental aid through the Tiny-K program. He feels that this is a wonderful source of support for families when they need it most, both with development of the child and the emotions of the parents. He asked for favorable consideration of **HB 2427**. (Attachment 9)

Mary Wise, Tiny-K Network Educator, feels that passage of **HB 2427** would help provide money to the Tiny-K fund as their funds have decreased and the cost to provide them continues to increase. (Attachment 10)

Laura Cummings of Leavenworth has a daughter who is a recipient of Tiny-K services. Ms. Cummings feels that early intervention is important when a child has been diagnosed as developmentally challenged. They feel that through services provided by Tiny-K and early intervention, their daughter is not significantly delayed in gross or fine motor skills. They urge passage of **HB 2427** which would help fund Tiny-K.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 22, 2005 in Room 313-S of the Capitol.

(Attachment 11)

Representing the Kansas Council on Developmental Disabilities was Shelly May, Grants Manager who delivered testimony on supporting **HB2427**. Ms. Grant named services offered by Tiny-K such as physical therapy, speech therapy, occupational therapy, developmental instruction as well as nutritional services, nursing assistive technology, family counseling and transportation. She further stated that Tiny-K has assisted 2947 children and their families this fiscal year alone. They support the use of Kansas Lottery profits to supplement and enhance services provided by the Tiny-K networks. (Attachment 12)

Edie Howard is the full time mother of a special needs child. Mrs. Howard related that early intervention works due to three main reasons: shapes development of the brain during the most critical window; provides needed training for parents and provides comprehensive and accessible services. She supports **HB 2427**. (Attachment 13) Mrs. Howard also provided a copy of the early childhood skills checklist for three to four year olds. (Attachment 14)

Kathy Johnson, Shawnee County Infant Toddler coordinator provided testimony supporting **HB 2427**. Ms. Johnson stated that Tiny-Kay delivers positive outcomes for all children with a disability. According to her testimony, children involved in early intervention programs are less likely to be involved in our Juvenile Justice system. She further related Kansas facts about the Tiny-K services. (Attachment 15)

Candace Young is the mother of a daughter with developmental disabilities who has received infant services from an early intervention program to which she was referred by her physician after her six month check-up. She feels that because of early interventions services, she no longer needs services from the state. She urges the passage **HB 2427**. (Attachment 16)

No other person wished to address **HB 2427** and the Chairman closed the public hearing.

Chairman Edmonds recognized written testimony from Laura Felty (Attachment 17), Matt Fletcher (Attachment 18), Dawn O'Brien (Attachment 19), Helen Smith (Attachment 20), Ellen Mellard (Attachment 21), Jill and John Lane (Attachment 22) Phil Rust (Attachment 23), Lynn Barger Attachment 24), Paul and Mary Belisle (Attachment 25), Marjorie Bebe, MD (Attachment 26) Julie Horn (Attachment 27), Kim Linner (Attachment 28), and Mindy Blair (Attachment 29)

Last week Chairman Edmonds appointed a subcommittee to deal with issues concerning **SB 19**, however, upon reflection, he no longer found that needs to happen and he resolved that subcommittee.

A subcommittee was appointed two weeks ago with regards to **SB 195** with Vice-Chair Siegfried chairing the subcommittee. Chairman Edmonds recognized Vice-Chair Siegfried with a subcommittee report which amends **HB 2177, HB 2303, HB 2439, HB 2449**, into **SB 195**, and a new definition for firearms for the State of Kansas. Vice-Chairman Siegfried explained all the amendments and the new definition for firearms as well as providing committee members with a copy of the language changes. (Attachment 30, Attachment 31, Attachment 32, Attachment 33, Attachment 34) Also provided for the committee to review was the Brunk amendment regarding criminal use of weapons (Attachment 35)

Chairman Edmonds opened the floor for committee discussion on the proposed amendments. After considerable discussion, and with Kyle Smith of the Kansas Bureau of Investigation present to answer questions, there were still a number of questions regarding the language in the amendments and it was felt that clarification was necessary.

The Chairman requested that Mary Torrence from the Office of the Revisor draft a bill that would include the language from **SB 195**, the amended **HB 2177, HB 2303, HB 2439, and HB 2449** as well as include the definition of firearms and the addition of the Brunk amendment. Mrs. Torrence will then submit the bill back to the subcommittee for further study before bringing it back to the committee for discussion and consideration.

Chairman Edmonds turned the committees' attention to **SB 19** an act concerning the legislative post audit act;

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 22, 2005 in Room 313-S of the Capitol.

prescribing the confidentiality of responses to surveys administered for audits and recognized Barb Hinton, of Legislative Post Audit with a purposed amendment to the bill. (Attachment 36)

The meeting was opened by the Chairman for committee discussion regarding **SB 19**

Representative Burroughs made a motion to adopt the balloon to **SB 19**. Representative Siegfroid seconded the motion. Vote was taken. The balloon was adopted.

Representative Burroughs made a motion to pass the amended **SB 19** out favorable for passage. Representative Siegfroid seconded the motion. Vote was taken. Motion passed.

With no further business before the committee, Chairman Edmonds adjourned the meeting.

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House of Representatives

Testimony for House Federal and State Affairs Committee
March 22, 2005

Chairman Edmonds:

Thank you Mr. Chairman and members of the Committee for your time spent today in reviewing the aspects of HB 2412. I appreciate the opportunity to appear before you as a proponent of this bill to fund the agency budgetary needs of the Sports Hall of Fame.

The Sports Hall of Fame is an entity created by the Legislature over 40 years ago. During that time it has housed sports memorabilia in several locations in Kansas and fulfilled its responsibility to carry out induction ceremonies. This has not been an easy task given the fact that no on-going funding has been received from the state to carry out these statutory responsibilities.

Prior to the Sports Hall of Fame moving to Wichita two years ago, the Sports Hall of Fame was located in Abilene. It was during the last decade that I became acquainted with the mission of this organization. To honor, to educate, to inspire . . . that is the mission statement of the Kansas Sports Hall of Fame. Over those years, the Governor appointed Board of Trustees along with a local Board of Trustees worked to raise money during a capital campaign to pay for displays and museum space. During that time, honorees were selected and an induction ceremony was held each year.

History has been preserved, heroes have been honored and hearts have been inspired to greatness. Through sports participation, true leadership qualities have shown through in outstanding achievements. This is the kind of heritage that the Kansas Sports Hall of Fame was created to preserve and protect. This bill would provide on-going funding for the day to day operations of maintaining the responsibilities outlined in the statues.

HB 2412 would establish new dedicated instant scratch ticket games at the Kansas Lottery, designated to benefit the Kansas Sports Hall of Fame. The Kansas Lottery Commission would designate these games and provide for the implementation. Based on a similar scenario which currently utilizes this method of funding, it is anticipated that these games could raise in excess of \$300,000 a year in an on-going process to meet the operational needs of the Kansas Sports Hall of Fame. It seems fitting that a lottery game would mirror the games of the season, for example, football during the fall, basketball in the winter, etc.

I ask you to give favorable consideration to this bill and the concept of funding the Sports Hall of Fame via the proceeds from designated Lottery instant scratch ticket games.

Best regards,

A handwritten signature in black ink, reading "Shari Weber", with a long horizontal flourish extending to the right.

FEDERAL AND STATE AFFAIRS
Date 3-22-05
Attachment 1

Kansas House of Representatives Federal & State Affairs Committee

Testimony on House Bill #2412

Presented by Ted Hayes, Executive Director – State of Kansas Sports Hall of Fame

Tuesday, March 22, 2005

1. Thank you Chairman Edmonds and members of the Committee for allowing me to **testify in support of HB#2412**.
2. The Kansas Sports Hall of Fame was founded by the State Legislature in 1961 as a part of the state's Centennial celebration. It is governed by a Governor-appointed Board of Trustees; however, the Board receives no funding from the Legislature to fulfill its mandated mission.
3. The mandated mission is to honor those sports figures who have brought pride to themselves, their communities, and the entire state of Kansas, by selecting individuals to be inducted into the state's Hall of Fame. The Board has broadened the mission to include educating and inspiring our state's youth to follow the examples and values the sports heroes have practiced as role models.
4. A 27,000 square foot museum located in the heart of Wichita's Old Town district has been purchased by the City of Wichita and Sedgwick County through issuance of bonds totaling \$1.7-million, for the purpose of housing the Kansas Sports Hall of Fame through a lease agreement between the Public Buildings Commission and the Board of the Hall of Fame.
5. The Hall of Fame started out in Topeka at the Mid-America Fairgrounds during the Centennial Celebration. Through the years, it was moved from Topeka to Lawrence, to Abilene, and recently to Wichita; moves precipitated by the need to attract visitors and private funding in the absence of a permanent funding source from the Legislature or any other specified entity.
6. Throughout the past 45 years, the Hall of Fame has tried on numerous occasions to receive permanent funding assistance through the Legislature, none of which have been successful. Several one-time grants have been provided, however, the organization has survived largely through support received from private donations, museum admissions, fund-raising events including the annual induction ceremony, and from time to time, assistance from participating colleges and universities through voluntary surcharges added to tickets sold for sports events.
7. The Hall of Fame has never enjoyed a solid, continuous financial stability which has enabled it to operate continuously to fulfill its mission. HB#2412 would help provide that essential stability to enable the Hall of Fame to expand its mission to students throughout the state with discounted admissions for school children, scholarships, and classroom materials.
8. In the past 45 years, there have been 25 years when no staff or volunteers existed and therefore no one was inducted – due to a lack of funding for the organization. Even so, the Board has honored 126 Kansas sports heroes and will be adding 15 more next month.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 2

9. Kansans have a tremendous passion for sports as evidenced by the attendance at high school, college and community college sports events. Few states can rival Kansas for the number of world-class athletes, coaches and other participants they have produced. World record holders, Olympic Champions, and national and international sports stars have called Kansas their home. People like Jim Ryun, Barry Sanders, Dean Smith, Ernie Barrett, Gary Spani, Lynette Woodard, Jackie Stiles, Maurice Greene, Steve Tasker, Catherine Fox, Linwood Sexton, Max Falkenstien, Nolan Cromwell, and John Riggins, in addition to countless others, have been a continuous source of pride for Kansans for generations.
10. The values these and others learned through sports participation and how they applied those values to their businesses, families, and communities is the true message the Hall of Fame endeavors to deliver to the youth of this state. Our capital campaign slogan, "*Heroes in Sports . . . Leaders in Life*" is the backbone of the Hall of Fame message.
11. Our colleges, universities and community colleges have produced over 100 national championship teams in numerous sports, further evidence of the quality of the teams and individuals who continue to bring pride to all Kansans. Driving through Kansas, you can see the sign posts welcoming you to cities proudly claiming to be home of certain champions. It's an important part of our heritage and of how we choose to identify ourselves.
12. The Kansas Sports Hall of Fame is the place where a vital part of our history is preserved for students, citizens, and fans to learn about our state's great heritage, be inspired by it, and to enjoy the memories it may have provided for them.
13. HB#2412 would designate Kansas lottery games, from which revenues would be earmarked for the State of Kansas Sports Hall of Fame to fulfill its mission. Representatives of the Kansas Lottery Commission have agreed to be present today to help answer any specific questions with regard to the games and the revenues which they could create for the Hall of Fame.
14. The Kansas Sports Hall of Fame serves a valuable role in preserving an important part of our state's history. HB#2412 would enable the Hall of Fame to continue to preserve that history while serving as a vital source of education and inspiration for future Kansas citizens and leaders.
15. Thank you for your support of this bill. I will be happy to answer any questions.

Kansas House of Representatives Federal & State Affairs Committee

Testimony on House Bill #2412

Presented by Richard Konzem – Vice President, Board of Directors
Kansas Sports Hall of Fame

Tuesday, March 22, 2005

1. Thank you Chairman Edmonds and members of the Committee for allowing me to testify in support of HB#2412.
2. **To Honor...To Educate...To Inspire.** The Kansas Sports Hall of Fame is here to honor Kansas sport heroes who practiced the values needed to succeed in sports and in life; to educate youth of how they applied the values which helped them achieve greatness and to inspire youth to practice the values learned through sports, to help them develop into tomorrow's leaders. Here's just a few examples:
3. A young teenager in Wichita struggles with his decision to bowl on Saturday mornings or go out for the cross-country team. Fortunately, Wichita East HS Coach Bob Timmons convinces him to try cross-country. The young man goes on to be the world record holder in the mile and today, Jim Ryun, represents Kansas in the United States House of Representatives....
4. Or the story of the 7' from Philadelphia who arrives in Lawrence to attend college at KU. Phog Allen, the basketball coach, hopes he'll come out for the basketball team. Wilt Chamberlain not only came out for the team, he changed the game of basketball the first KU coach, James Naismith, invented. But more importantly, along the way, he changed Lawrence and Kansas much like Brown vs. Board of Education, through his leadership in integrating 1950's Kansas.
5. And finally...from the time he was five years old, a young boy in Leavenworth practices being Danny Manning and making the game winning shot for KU in his driveway. The game winning shot didn't quite work out for Wayne Simien last Friday night, but his hard work and the first-class manner in which he represented the state of Kansas to the rest of the country makes all Kansans proud.
6. Kansas has a great story to tell about its' people, their values, their work ethic and their success. We've recently launched a media campaign...*KANSAS, as big as you think*...which highlights our state. Part of the campaign focuses on other Kansas Heroes, Gen. Dwight Eisenhower and Amelia Earhart and their accomplishments.
7. The Kansas Sports Hall of Fame tells the same story about Kansas. Because of the significant role sports plays in our society and particularly the influence sports has on our youth, the Kansas Sports Hall of Fame wants to be a part of that positive campaign and **To Honor...To Educate ...To Inspire**...by sharing the stories of our Kansas Sports Heroes.
8. Thank you for your time and support. I will be happy to answer any questions.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 3

Max Falkenstien Testimony

House Bill 2412 – March 22, 2005

House Federal & State Affairs Committee

Thank you, Chairman Edmonds and Committee Members for the opportunity to speak today in favor of HB 2412 to provide much needed financial support for the Kansas Sports Hall of Fame.

I was appointed to the Board of Trustees for the Kansas Sports Hall of Fame by Governor Hayden in 1986 and was among the first Governor-appointed members of the Trustees. I served as Chairman of the Trustees for eight years.

During that time, the Board made the decision to move the Hall from the basement of the Elizabeth Watkins museum in Lawrence, to Abilene – in effort to find a more financially stable location which would attract more visitors and receive more funding support. After several years in Abilene, the Hall of Fame was recently relocated to Wichita. All of these moves have been made because of a lack of funding support from the state.

During my time on the Trustee Board, we made numerous attempts to receive funding through the legislature, but were always unsuccessful. This agency was created by the Legislature in 1961 and the Governor appoints the Board of Trustees, but for some reason, the state has never provided a permanent way to fund it. I feel this should be corrected, now with the passage of HB 2412.

Several years after I served on the Trustees, I was honored to be inducted into the state of Kansas Sports Hall of Fame and so now I can speak to you, not only as a former Trustee, but also as an inductee.

I believe the Kansas Sports Hall of Fame is a fantastic organization for preserving our state history related to sports. I have personally seen, through my years as a radio announcer for the University of Kansas, how important sports is to the citizens of Kansas, and how the athletes and coaches are able to provide positive influence on young people.

We have a great deal to be proud of in Kansas and the Kansas Sports Hall of Fame provides a venue to bring that pride before the people of the state through museum exhibits, programs for youth, classroom materials and other means.

I believe it is time for the Legislature to provide the funding needed for the Hall of Fame to fulfill its mission. Please vote in favor of HB 2412.

Thank you.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 4

House Bill 2412
Federal and State Affairs Committee

Testimony by Ernie Barrett

March 22, 2005

Thank you for allowing me to testify today for the Kansas Sports Hall of Fame, in favor of HB 2412.

As a lifetime citizen of Kansas, a former athlete, coach, athletic director, fund-raiser and proponent of sports in every way, I have had numerous opportunities during my life, to witness the valuable influence sports has on our young people.

The lessons learned through sports can be a great asset for students to use in pursuit of their careers after their sports careers have ended. I know, because I was one of those former athletes, and I have used the values and principles I learned by participating in sports, every day of my life since I stopped playing.

I have served on the Board of Trustees for the Kansas Sports Hall of Fame as appointed by the Governor. I was inducted into the Hall of Fame and I consider it to be one of the greatest honors I have ever received. I believe I can speak with knowledge and experience about the Hall of Fame, what it means to our state high schools, colleges, universities and the citizens – not to mention to those of us who have been honored by being inducted.

The Hall of Fame is an important organization for the state to support because it provides a place of inspiration and positive influence on young people who are interested in sports and are seeking positive role models.

As you can see from the list of Kansas Sports Hall of Fame inductees, there certainly is no shortage of quality role models for our youth to look up to.

That was why the Legislature founded the Hall of Fame during the Centennial in 1961 to start with, to honor those who brought pride to Kansas.

Today, more than four decades later, the state is still producing outstanding athlete role models for our youth and still achieving incredible successes at our high schools and colleges.

We need to preserve that history to insure that it continues into the future. Today's youth become tomorrow's leaders and they must have role models to emulate. The Hall of Fame provides a place for them to go and learn how their heroes achieved greatness and they can be inspired by those lessons.

By supporting the Kansas Sports Hall of Fame, the Kansas Legislature is making a solid investment in the youth and the future of this state.

I sincerely hope you will vote in favor of HB 2412.

Thank you.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 5



Oral Testimony on House Bill 2412
Submitted to the House Federal & State Affairs Committee
by Robert E. Hanson
March 22, 2005

Chairman Edmonds, Vice Chair Siegfried and members of the committee, as President and CEO of the Greater Wichita Area Sports Commission, I am testifying in support of HB 2412 allowing for lottery funds to support the Kansas Sports Hall of Fame. I personally believe that the Kansas Sports Hall of Fame is an important and valuable asset for all Kansans, and I am proud to serve as Treasure of the Hall of Fame board of directors. This bill, if enacted, will help fund a state entity, which is in great need of support and will provide for preserving and displaying the accomplishments of many great athletes who have established state, national and world recognition.

The Greater Wichita Area Sports Commission is a non-profit organization focused on recruiting and hosting regional, national and world-class sporting events and activities for both participants and spectators. We support activities ranging from youth basketball, professional golf tournaments, the Johnny Bench National Collegiate Catcher of the Year Award, the new Downtown Arena, and the Kansas Sports Hall of Fame. I am very proud that the Wichita Sports Commission was able to play a prominent role in bringing the state's sports hall of fame to our city.

The Mission of the Greater Wichita Area Sports Commission is to enhance the quality of life and the economy by taking the lead in promoting, acquiring and supporting a diversity of youth, amateur and professional sporting programs and events. The Kansas Sports Hall of Fame is and will be a great point of pride to Wichita and the State of Kansas.

Wichita is a destination city and we believe that the Kansas Sports Hall of Fame will generate substantial economic activity and will bring many visitors to our city, which will contribute to the continued revitalization of downtown Wichita. This revitalization have been stimulated by the similar developments of numerous museums in Old Town and on the River, the Hyatt Hotel, apartments and condominiums, the Old Town Warehouse District and several other developments in the area. These developments have provided a good start toward our ultimate objectives, but they are just that... a good start. We need to continue this momentum and finish the job.

I have had the opportunity to visit several wonderful Halls of Fame in other states and they do receive additional funding from their respective states or public funds of some degree. If we are to have a world class facility to honor our world class sports heroes, we must have additional funding and I strongly urge you to support House Bill 2412 and help make the Kansas Sports Hall of Fame a destination treasure for the entire state of Kansas.

Thank you for your consideration.

Robert E. Hanson
 President & CEO

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 6

• MAKE A • Difference

TESTIMONY BEFORE HOUSE FEDERAL AND STATE AFFAIRS COMM. - 3/22/05

Thank you, Mr. Chairman and members of the Committee. My name is Doug Bowman, and I serve as staff to the Kansas Coordinating Council on Early Childhood Developmental Services. Our mission is to advise on matters pertaining to children with (or at risk of) developmental delay/disabilities.

Today, the Council wishes to testify on HB 2427, which provides much-needed revenue to fund Kansas Infant-Toddler Services (ITS), also known as Part C of the Individuals with Disabilities Education Act (IDEA) or *tiny-k*. Kansas chooses to provide these mandated services in a public-private partnership with 36 local entities: our *tiny-k* networks. Each local community determines its own jurisdiction, local lead agency, and method of delivering services. Parents are integral partners on each team that determines if, how, when, and by whom these interventions will occur.

This proposed lottery game would provide revenue vital to these 36 local partners in supporting thousands of parents as they raise their children. Local networks do a tremendous job of maximizing all available resources from a wide variety of agencies. Collaborations are critical to our success.

The number of children served by *tiny-k* continues to climb. We have historically averaged increases of 10-15% each year. The funding support from the state has not kept pace with that growth. This lottery proposal is further evidence of the creativity of our local partners in attempting to meet the growing need.

The *tiny-k* program can point to successful outcomes. A recent evaluation done for the US Department of Education showed Kansas to have one of the premier systems in the nation. Our rankings of parent satisfaction consistently fall in the upper ninety percentages. Most importantly, 26% of the children leaving *tiny-k* services were found to be NOT eligible for special education services later in life. IF we have any hope of achieving the goals set by "No Child Left Behind", we must not wait till kindergarten.

If we wish to prepare young children for maximal success in schools, and in life... If we wish to mitigate the impact of disabilities and developmental delays.... If we wish to avoid higher costs in the future for special education, CDDOs, and other social services.... We must invest in our youngest children, now. Please support HB 2427. Thank you.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 7



tiny-k Foundation

An Early Intervention Network

♦ 427 Commercial Street ♦ Greenleaf, KS 66943 ♦ 785/747-2251 ♦

Testimony for HB2427
concerning establishing a tiny-k benefit lottery
Presented to the House Federal & State Affairs Committee
March 21, 2005

Thank you Rep. Edmonds and members of the committee. I appear before you today asking that you consider passage of HB2427 which will:

- Provide much needed funds to support our infant toddler networks.
- If Kansas lottery allows us in their advertising we will give an 800 number and website for parents or others concerned about an infant or toddlers development to contact to find their local network to address their concern.

Twin Valley, CDDO for Washington & Marshall Counties, has also been the fiscal agent for Clay and Washington County Infant Toddler Services for over 10 years. To take on that role was a choice of our Board of Directors, so we could assist in managing the fiscal and administrative duties of the local "tiny-k" program, at no cost to the program. In the past two years, we have had to help in subsidizing the program as well. This despite receiving free office space from Headstart and therapy and meeting space from both Parents as Teachers and Headstart. Our board chooses to fill this role because we have seen the dramatic positive effect in infants and toddlers with disabilities and delays:

- Helping kids walk and talk much earlier.
- Correcting speech and physical delays that may eliminate those problems for life.
- Over 20% of kids served by infant toddler never enter special education and without infant toddler services their challenges would likely have become lifelong delays!

The results go on and on and it is hard to argue that this program is not effective. Most studies show that we learn most of what we learn before age 3; therefore, the impact of this program on our children with identified developmental delays becomes even more important. Referrals come from doctors, neonatal ICU's, health departments, Parents as Teachers, Headstart, Early Headstart, screenings, the "grapevine", and family and friends of concerned families.

As a volunteer fiscal agent it is becoming harder and harder for our organization to balance a budget that cannot be balanced! We have exhausted every angle to reduce costs, fund raise, and maximize funds, but still the budget becomes less "balanceable" each year. A couple other Network Directors recently told me they have doubled the number of kids served, yet now have 40% less staff than 5 years ago! This could hardly console a parent who has just been told their child has a delay or disability and must come to one of our networks for intervention services!

You may say, "Affiliate with a larger program." But, lest you forget, we charge no administrative fee so consolidation would create no savings! The only way that may create savings is by identifying and serving fewer kids - and that is hardly the solution you or I need! In fact, even if we chose that as a solution, we could not do it, because Federal law requires we serve all kids who need the service.

If you will allow me I will briefly take off my fiscal agent hat and put on my parent hat. My son is a 19 year old young man with mild mental retardation. Infant toddler services were not available when he was a toddler, but we

FEDERAL AND STATE AFFAIRS

Date 3-22-05
Attachment 8

pushed to get physical therapy for him and he learned to crawl at 14 months and walk by age 2. Because we pushed and got speech therapy he learned to talk some after age 2.

Without those services I cringe to think where he would be today. One neurologist advised us he may never walk and I'm not so sure he would have walked or talked without those early services. That's quite a different picture from the young man I know today who has a great possibility of working and living on his own.

Infant toddler services now provides these services for all children in need of them.

You may also want to listen to our local special ed teacher who teaches the most severely challenged boys and girls in our school district. She says nearly all the kids she gets today walk and talk, which is a big change from where we were 20 years ago, when the same population of children were usually in wheelchairs and/or couldn't talk.

Our local school speech therapist tells us he has many less kids in his services because so many had speech impairments corrected before age 3, thanks to infant and toddler services.

That's impact! We ask you to fund this program sufficiently so these services can continue to thrive.

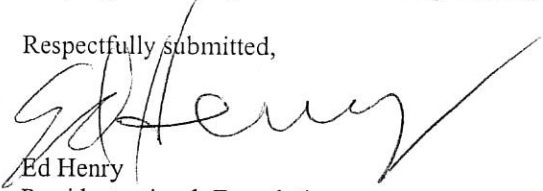
I don't want you to think we aren't doing our part to address the funding crisis, for we are.

We have formed the tiny-k Foundation this past year with support of one representative from each infant toddler network. The foundation's mission is to, "enhance tiny-k services" and it's key purpose is to raise needed funds for infant toddler services. We intend to get it done in a number of ways besides this bill, including grants, fund-raisers, Americores VISTA, and others.

However, until we make our fund-raising more effective, we still need a funded system, and to fully fund it, our estimate is that we need at least \$4 million.

A thought for consideration as you consider tiny-k funding: My board and I don't think you can find a program that has a more positive lifelong impact on peoples' lives than this one. It's a big subjective, but a look at the people we serve in our adult work and living programs would have us venture a guess that as high as 1/3 to 1/2 would not be in our programs if they had received early intervention services! Again, that's impact!

Respectfully submitted,



Ed Henry

President - tiny-k Foundation

CEO - Twin Valley Developmental Services (Marshall & Washington counties)

Fiscal agent - Clay & Washington County Infant Toddler Services

Shawn Connor
2311 SW 17th Street
Topeka, KS 66604
785-234-8789

HOUSE BILL #2427
TESTIFYING AS A PROPONENT

Hello, my name is Shawn Connor, I am a Topeka resident, and I am here to speak as a proponent of House Bill #2427. My wife Sheryl and I are proud parents of two children, Mathew, age 4 and Abby, age 3. I am here to speak about the wonderful services my daughter and us as parents, received through the funding of tiny-k. I have several pictures of Abby that I will pass around so you can see why we are so proud.

Abby was born November 27, 2001, with Down Syndrome. Our prior experience with having a child was a smooth ride. When we were given the news of Abby's Down Syndrome, it sent a bit of a shockwave through my wife and me. The emotions of having a beautiful new baby mixed with the unknown of Down Syndrome were a little overwhelming. The great news is we were not alone. Two days after Abby's birth, we were met by a network of people from TARC, the infant-toddler provider for tiny-k in our area. We discussed the many services that were available to us. It was a breath of fresh air. We had no idea these services even existed. At that point I knew everything was going to be alright.

I want to give you a general idea of the professional services we received and how they affected our family.

A. Guidance

1. Emotional support for us as parents
2. Questions answered thoroughly and timely (discipline, nutrition)
3. Direction and course of treatment
4. Handouts on activities to improve performance
5. Assessment tests to measure progress
6. Educational seminars (IEP)

B. P.T. & O.T. - Services provided at home and daycare on a weekly basis

1. Spandex pants - muscle tone/stability
2. Highchair configuration - stability
3. AFO's - walking/ankle tone
4. YWCA swimming

C. Developmental devices

1. Wooden chair specifically for Abby's size - aide for standing
2. Hand made puzzle - aide for fine motor skills
3. Walker - aide walking (happily she started walking three months ago)

I was so pleased with the services provided that I volunteered as a Board of Director at TARC this past year. The tiny-k program is a wonderful source of support for families when they need it most, both with development of the child and the emotions of the parents. I firmly believe that without these services provided by the professional staff at TARC, Abby would not be where she is today. For that matter, I am not sure I would be where I am as a father. Abby is a happy, healthy and developing three year old with lots of energy and a gracious smile. We are so fortunate to have been blessed with such a loving child and the support of such a wonderful program.

Thank you for your time.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 9

Thank you Rep. Edwards and members of the committee. I am asking for your support of the bill HB2427.

Developmental Services of NorthWest Kansas' Kid-Link program provides tiny-k, early intervention, services to children birth to three years. This is a critical time in the developmental process, also, families need support in their efforts to assist their children.

Research has shown, and I have seen, children who receive early intervention services need less, or no, special services when they enter public school.

Imagine the feelings parents have as they learn of, and accept, the needs of a child born with a disability or who has a delay in development. Having tiny-k services readily available enhances the child's development, and provides the supports the parents' needs in regard to encouraging the child's progress.

Each child we serve has an Individualized Family Service Plan written by professionals, with input from the child's parents. I have worked as a Kid-Link Home Educator for nineteen years. Children with disabilities or delays need special assistance in learning the basic skills of moving, walking, talking, learning and thinking.

The money received to provide these services has decreased and the cost to provide them continues to increase, especially in rural areas where providers often travel many miles to reach the children in their natural environments. Dwindling funding makes it difficult to supply what these children need to function at their full potential. We desperately need more dollars so these children are not left behind.

Respectfully,



Mary Wise
Kid-Link Home Educator

FEDERAL AND-STATE AFFAIRS

Date 3-22-05

Attachment 10

Laura Cummings – daughter is a recipient of Tiny-K services
Fort Leavenworth

Testimony to Federal and State Affairs Committee on March 22, 2005

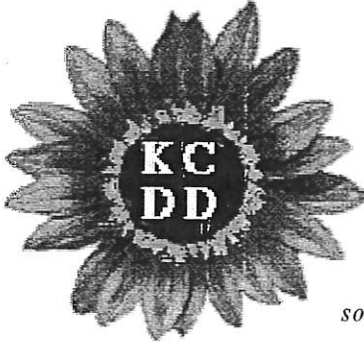
Benefits of early intervention received through Tiny-K

- My daughter, Meredith, was diagnosed with Down Syndrome at birth and began receiving early intervention services in Georgia
- My husband was transferred to Ft. Leavenworth in July 2004. Tiny-K in Leavenworth provided a smooth transition of services for our daughter. We had a contact point prior to moving and Meredith began receiving speech and physical therapy almost immediately upon arriving in Kansas.
- Through services provided by Tiny-K, my daughter is not significantly delayed in gross or fine motor skills due to early identification of activities and exercises to develop muscle tone and self-help skills.
- Meredith's communication skills (verbal and nonverbal) are enhanced through weekly speech therapy sessions. Since weekly sessions began after we arrived in Kansas, Meredith's vocabulary has increased from about 5 spoken and 5 signed words to about 15 spoken and 30 signed words.
- The benefits of speech and physical therapy have allowed Meredith to interact with typically developing peers. This is important as Meredith needs peer role models to further develop her speech, motor, and social skills
- My husband and I believe working early to develop Meredith's gross motor, fine motor, and speech to within normal ranges may help decrease Meredith's need for services once she enters the school system. Our hope is that she may be fully mainstreamed into elementary school and be able to maintain a pace of learning similar to her peers.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 11



Kansas Council on Developmental Disabilities

KATHLEEN SEBELIUS, Governor
DONNA BEAUCHAMP, Chairperson
JANE RHYS, Ph. D., Executive Director

Docking State Off. Bldg., Room 141, 915 Harrison
Topeka, KS 66612-1570
Phone (785) 296-2608, FAX (785) 296-2861

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

FEDERAL AND STATE AFFAIRS COMMITTEE

March 22, 2005

Testimony in Regard to House Bill 2427

Mr. Chairperson, Members of the Committee, I am appearing today on behalf of the Kansas Council on Developmental Disabilities. The Council is federally mandated and federally funded - we receive no state funds. Our mission is to provide information to policymakers, promote systems change and innovation and advocate for individuals with developmental disabilities.

The Council has long been a supporter of services for infants and toddlers who have disabilities. Studies show that the earlier these children are identified and provided services the greater the rate of educational achievement. Kansas has been implementing federally mandated services for Infants and Toddlers under the Individuals with Disabilities Education Act (IDEA). Kansas provides these services in a public-private partnership with 36 entities known as the **tiny-k** networks.

The **tiny-k** networks serve children birth to 3 years who have a developmental disability. The most common services are physical therapy, speech therapy, occupational therapy, and developmentally appropriate instruction. Other services offered include: nutritional services, nursing, assistive technology, family counseling, and transportation. Their current allocation is \$1,871,305 in State General Funds plus \$800,000 in tobacco funds. On December 1, 2004, **tiny-k** networks had served 2,947 children and their families in this fiscal year alone. This is a program that pays big dividends but is under-funded. We support HB 2427 and the use of the Kansas lottery profits to supplement and enhance services provided by the **tiny-k** networks.

We appreciate the opportunity to provide testimony and would be happy to answer any questions.

Shelly May, Grants Manager
913 296-2608

Kansas Council on Developmental Disabilities
smaygm@alltel.net

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 12

Edie Howard's Testimony,
Proponent of HB-2527 2427
Full-Time Mother of Special Needs Child

I have one key point for you today EARLY INTERVENTION WORKS. My Jaclynn is two and a half and has Down syndrome. She has also had a history of serious medical issues: two open heart surgeries, feeding tube and now dislocatable hips. Needless to say, her first 2.5 years have been challenging. According to the books I should expect that she will be able to learn most skills but will take longer and the gap will continue to grow as she matures. I am happy to report the "experts" so far have been wrong. Jaclynn is age appropriate in her cognitive skills, fine motor skills, receptive language skills and expressive language skills if one counts her use of signs. Please see the attached list of early childhood skills. These are the skills require of typically developing two to three year olds in the Blue Valley School District.

Early intervention works due to three main reasons: shapes development of brain during most critical window; provides needed training for parents and provides comprehensive and accessible services. The brain is the only organ not complete at birth - 90% not finished. The brain is wired from conception through six years of age. Synapses are being formed during these years through the senses. Age appropriate stimulation can influence an IQ score up to 20 points (Dr. Frederick Goodwin, National Institute of Mental Health), which for Jaclynn could mean the difference in being retarded or having average intelligence. During these formative years if the brain does not receive adequate stimulation, then the pathways will be lost. For children with special needs, these developmental windows are priceless. If a window is missed, the task of relearning becomes monumental. I am speaking from experience. Jaclynn was on a feeding tube after her open heart surgeries. She missed the window when children naturally develop a rotary chew. It has taken us over a year and nine months to learn what should have taken three to four months. This delay has also impacted speech development. Jaclynn missed over a year of exercising her jaw muscles through eating, so consequently she is also behind in speech production. Low muscle tone also plays an important part of this delay in addition to the difficulties with eating.

The second component of why early intervention works is parent education. My husband and I both have graduate degrees. Not one course or hour in the work force prepared us to work with Jaclynn. Jaclynn receives physical, occupational, speech and special education therapies. Every therapist has a master's degree in their area of specialty. They assess Jaclynn's development in each of their areas, develop a plan, and then show me what I need to do each week to facilitate learning. I could not begin to learn and then teach Jaclynn in each of her developmental areas by myself. By the time I would have an understanding of the material, Jaclynn would already be behind. PARENTS HAVE TO HAVE QUALIFIED THERAPISTS TEACHING THEM WHAT TO TEACH THEIR CHILDREN in order to not miss developmental windows.

The last ingredient of success with early intervention is its comprehensive and accessible services. Infant-Toddler Services of Johnson County provides help with all areas of early childhood development. Jaclynn receives physical and speech therapies twice a week and occupational and special education therapies once a week. They also provide these services immediately. We had our first meeting with our family service coordinator two days after coming home from the hospital. Due to the immediate and comprehensive services Jaclynn does not have delays in most developmental areas. Jaclynn's developmental delays are primarily due to her physical challenges which therapy cannot address.

Thanks to Infant-Toddler Services of Johnson County Jaclynn will need only minimal support services from the public school system. This is not only wonderful for Jaclynn, but it is also wonderful for all of the other children in the classroom. Jaclynn will be a productive, well-behaved classmate and contribut FEDERAL AND STATE AFFAIRS
parent, I could not ask for anything more.

Date 3-22-05
Attachment 13

Early Childhood Skills Checklist

3 & 4 Year Olds (TYPICALLY DEVELOPING)

Name: JACLYNN PICKENS Date: 3-22-05

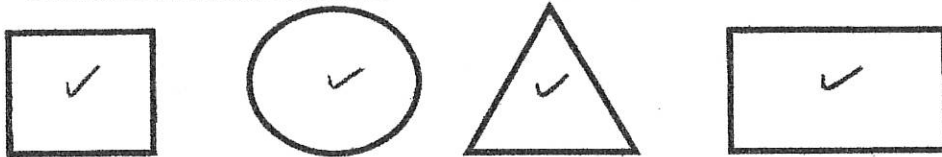
Personal Information...

Knows first name - SW
 Knows Mom's name
 Knows age
 Knows Dad's name

Pre-academic information:

Names basic body parts
10 Rote count to 10
 Receptively knows colors
Red Yellow Blue
Green Orange Pink
Purple Brown Black
White Grey - No
 Recognizes printed name - EMERGING
 Count objects 1-5
 Expressively knows colors
Red Yellow Blue
Green Orange Pink
Purple - No Brown Black
White Grey - No

Shape Recognition...



ALSO KNOWS:
STAR
DIAMOND
OVAL
PENTAGON
OCTAGON
HEXAGON
TRAPEZOID

Basic Concepts:

On Under Over
 Big Small Next to
 Up Down

ALSO KNOWS:

LOUD HOT
QUIET COLD
FAST
SLOW

of 2 yr old child's current level

✓ BUILDS 7-BLOCK TOWER

✓ IMITATES VERTICLE + HORIZONTAL LINES

✓ STRINGS 1" BEADS

✓ PUTS PENCILS IN PIGGY BANK

✓ IMITATES 3-BLOCK TOWER

Motor: ✓ IMITATES CIRCLES

_____ Holds crayon correctly

_____ Draws a 5 part person

_____ Prints first name

_____ Cuts line using scissors correctly

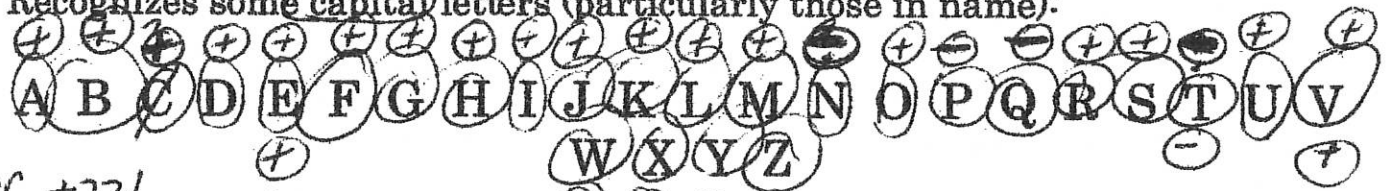
_____ Builds a 9 block tower

Pre-reading:

_____ Recites the alphabet

_____ Knows left to right sequence

Recognizes some capital letters (particularly those in name):



Lower Case = +22/26

* Upper Case 26/26

Classroom Information:

- Attends and Participates during large group activities - Gym/Bounce
- Independently transitions from activity to activity upon request
- _____ Follows classroom routines with some independence
- Follows one-step direction (WORKING ON TWO-STEP DIRECTION)
- Exhibits pretend play
- Exhibits parallel play with peers

Additional Comments:

- ✓ SIGNS 110+ WORDS APPROPRIATELY
- ✓ USES TWO-WORD COMBINATIONS
- ✓ KNOWS PLEASE, THANK YOU, YOU'RE WELCOME
- ✓ KNOWS FARM ANIMALS; ZOO ANIMALS; FOODS; ROOMS IN HOUSE; WEATHER; OUTDOOR TERMS - SUN, MOON, STARS, CLOUDS; TRANSPORTATION VEHICLES
- NUMEROUS VERBS

- ✓ UNDERSTANDS FUNCTIONS OF OBJECTS - Understands categories of objects
- ✓ GOOD READING COMPREHENSION - UNDERSTANDS ACTING ...



Shawnee County
Infant Toddler Services

TARC
Service. Support. Advocacy.



Kathy Johnson, Shawnee County Infant Toddler Coordinator

2701 SW Randolph Ave. Topeka, KS

Phone # 785-232-0597 Email kjohnson@

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 15

Shawnee County Infant-Toddler Services Facts at a Glance

Many of the 36 tiny-k networks operate out of a fiscal deficit.

Fourteen reported a negative cash balance. How? Local partners make up the difference.

Shawnee County Infant Toddler Services (SCITS) receives more than 31% of the total budget from local funds. (The Part C Grant, Categorical Aid and Medicaid reimbursement make up more than 69% of the Infant-Toddler Budget in Shawnee County)

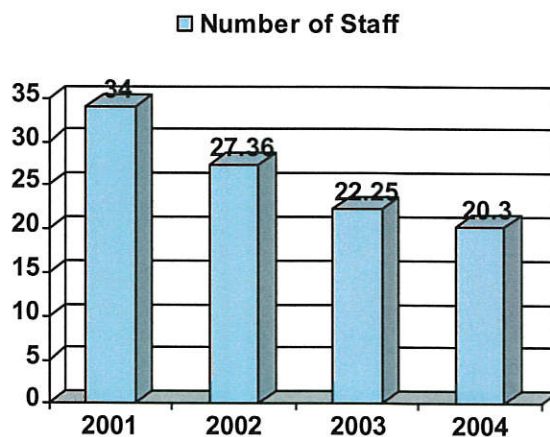
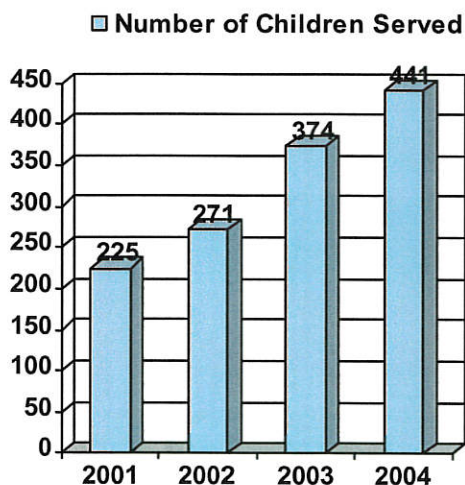
(SCITS) has had a 20% decrease in staffing from 2003-2004 with the loss of a partner agency that provided direct services.



One out of every four tiny-k children don't need further special education.

Data shows that 26% of children close the gap in their developmental delay and then don't qualify for further special education services. This equals a savings for the state of approximately \$2.8 million dollars each and every year.

SCITS - 33% of the Children exit with age appropriate skills and do not qualify for further special education services.



SCITS -In the last four years the number of children served has almost doubled with a 40% decrease in staff because funding has not kept pace.

Shawnee County Infant-Toddler Services Facts at a Glance

For all children with a disability, tiny-k delivers positive outcomes.

Longitudinal studies have shown that for children with severe disabilities, early intervention can reduce the child's future reliance on social services, will enhance the families capacity to meet their child's needs, and maximize the child's lifelong adaptive capabilities.



Funding on a per-child basis has declined for 5 years in a row.

The end result is that compared to five years ago we are serving 46% more children with 28% less governmental funding (per child) If funding were equitable with similar services for children aged 3-5 years, tiny-k would receive an increase of \$2.8 million for a total of \$5.6 million.

Funding has not kept pace with local costs and steady growth, resulting in increase staff case loads and loss of local partners.

These are family- friendly services.

Families serve on the team that decides which services will be provided, by whom, and where. Recent surveys report a 96% satisfaction rate for families.

TARC exit interviews and surveys also show a high rate of family satisfaction.

We must truly strive to leave no child behind!

For many of our children waiting for kindergarten is too late. Research has shown repeatedly that the first three years of life are an opportunity to succeed that we can not afford to miss. Providing the proper developmental supports will translate into meaningful achievement in the lives of young Kansas children.





QUICK STATS

- ★ *Tiny-k* is a mandated program for all eligible Kansas children.
- ★ 90% of brain development occurs during the first three years of life.
- ★ Children who are involved in early intervention programs are less likely to be involved in our Juvenile Justice system.
- ★ Since 2000 there has been a 46% increase in the number of children served by *tiny-k* programs.
- ★ Since 1999 there has been no increase in state general fund money for *tiny-k*.
- ★ In 2004 26% of the children served by *tiny-k* leave the program needing no further services – saving state special education dollars!
- ★ 4457 Kansas infants and toddlers were referred for evaluation in 2002. 2912 were eligible, for the first time, for *tiny-k* services.
- ★ Of the 50 states, Kansas ranks 13th in the number of children enrolled prior to their first birthday.
- ★ 94% of children served by *tiny-k* receive services at home, childcare setting, or community play group.
- ★ 93% of mothers, and 94% of fathers surveyed feel that their child's early intervention program includes what is important to them.
- ★ 90% of mothers, and 91% of fathers surveyed feel that *tiny-k* services meet their child's needs.



KANSAS FACT SHEET

Infants and Toddlers in Kansas are Entitled to *tiny-k* Services by Law

- ★ 37 *tiny-k* Networks provide services to Kansas infants and toddlers identified as eligible
- ★ *Tiny-k* provides mandated services for infants and toddlers with special needs and their families
- ★ By federal law, every eligible child in Kansas shall receive all needed Part C services
- ★ No waiting lists are allowed
- ★ No cost to families

It's Not Just an Entitlement. It's Good for Kansas

- ★ Children who graduate from *tiny-k* services will save school districts \$11,000 per child because participants are less likely to require special or remedial education (Abecedarian Project)
- ★ Costs for children who continue to need special education services beyond age 3 are minimized as a result of early intervention
- ★ Research indicates early intervention minimizes the likelihood of institutionalization in adulthood and maximizes the likelihood of independent living
- ★ Families report an enhanced capacity to meet the needs of their children as a result of early intervention

Statistics

- ★ A one day snapshot indicates 2828 or 2.4% of Kansas 0-3 year olds were served on December 1, 2002
- ★ 4457 children were referred for evaluation for the first time in 2002
- ★ 25% of children eligible for *tiny-k* services achieved their goals in 2002 and were not eligible for early childhood special education services at age 3

Tiny-k National Recognition

- ★ Kansas is one of only 17 States to meet both the national benchmarks for child find set by the Office of Special Education Programs by serving over 2% of the total population of children 0-3 and over 1% of the total population of children 0-3. Kansas serves 2.4% and 1.15 respectively.
- ★ Kansas has met the national benchmark for serving at least 90% of eligible infants and toddlers in the natural environment. Kansas serves 94% of eligible children in the natural environment.

Part C - National Statistics

Who do we serve?

- Estimates of children with disabilities range from 3% to 5.2% for children under age 3 (March of Dimes, 2001; U.S. Department of Health and Human Services, 1995; Elinson, Kennedy & Verbrugge, 1998). According to these estimates, as many as 1.4 million children under age 3 would be eligible for Part C services. In Kansas we serve 2.4% of children under age 3.
- Some disabilities seem to be on the rise. Autism and other conditions within the autism spectrum, for example, are now estimated to occur at a rate of 1 in 500 children (Filipek et al., 2000). The incidence of autism alone has increased over the last 10 years from 2 per 10,000 children to 3 to 4 per 1000 children (Yeargin-Allsopp et al., 2003). This means that of the 4 million babies born last year, 12,000 to 16,000 might be identified with autism or another disorder within the autism spectrum as they reach age 3.
- Increases in autism, multiple births, and prematurity, as well as improved survival of very low birth-weight babies may be a factor in the rising number of children in need of specialized services and support through Part C.
- Families whose incomes are below 200% of poverty are almost 50% more likely to have a child with disability than are families whose incomes are above 200% of poverty (Lee, Sills, & Oh, 2002). A national study of infants and toddlers in early intervention reports that there are more families on public assistance in the Part C system (42%) than in the general population (13%; Hebbeler et al., 2001).
- Children in families with low incomes who receive early educational intervention starting in infancy have higher scores on mental, reading, and math tests than do children who don't receive the intervention (Oser & Cohen, 2003).
- Of the babies entering programs for children with disabilities and developmental delays, 7% were in foster care at the time of entry, about 10 times the rate of children in the general population who are in foster care (Hebbeler et al., 2001).
- The number of young children currently served by the Part C program has increased from a total of 165,351 in 1994 (the first year that the state-reported data are considered reliable) to 247,433 in 2001.

*Information quoted from: America's Babies – The Zero to Three Policy Center
By Cindy Oser and Julie Cohen - 2003*



FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 16

Testimony for HB 2427
March 22, 2005
Candace Young
21038 N. Sail A Way Dr.
Overbrook, KS 66524

BACKGROUND INFORMATION: My daughter, Zoe Schell, received Part C Infant Services through Three Lakes Educational Cooperative from April 2004 until this past month. Zoe was referred by her physician following her 6 month check up due to concerns of gross motor delay. Zoe was assessed by the Three Lakes physical therapist to have low muscle tone and gross motor delays.

WHAT EARLY INTERVENTION SERVICES DID FOR MY DAUGHTER:

**See attached graph*

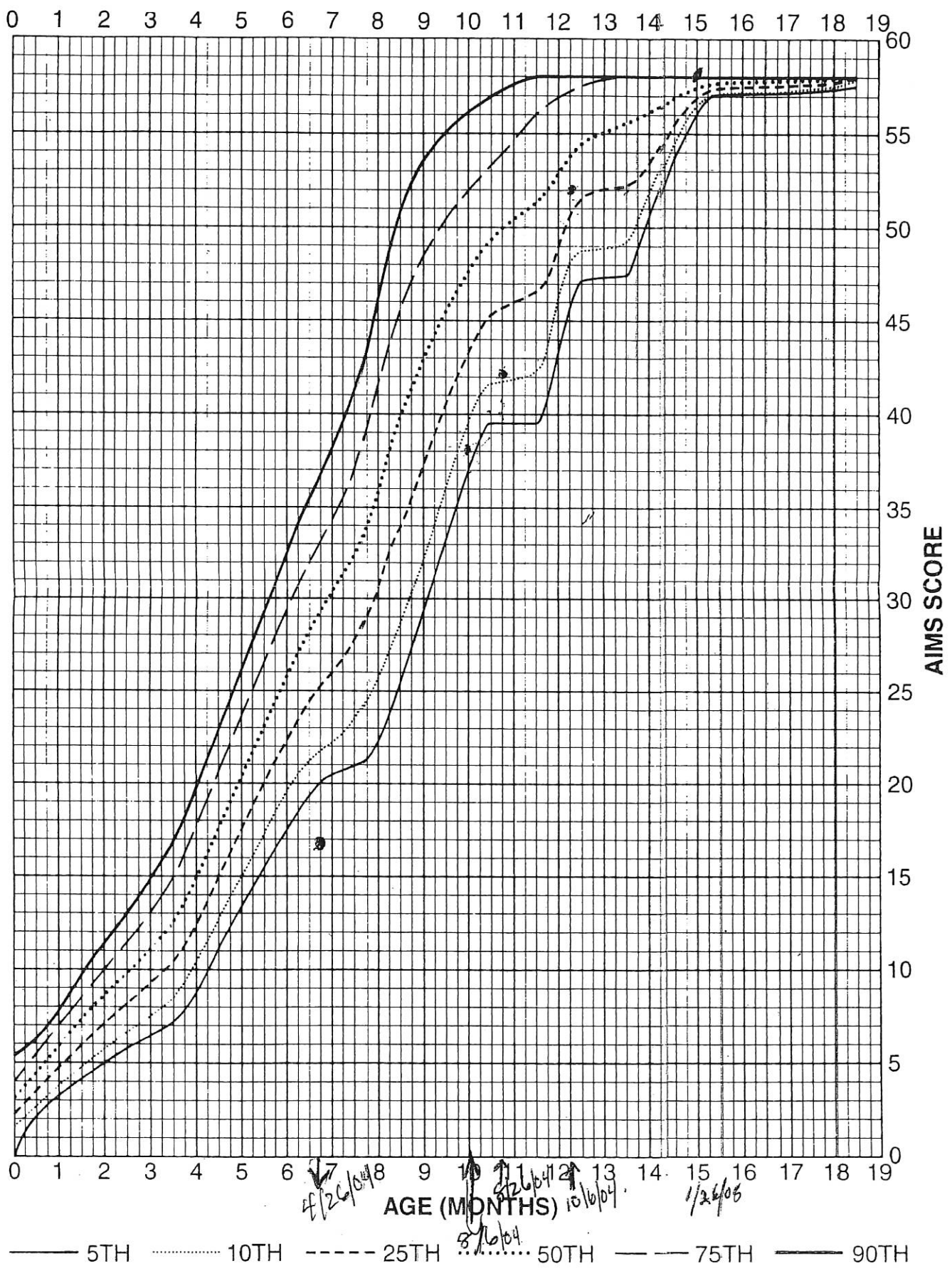
- In only 10 months, Zoe's gross motor skills went from being less than the 5th percentile to being greater than the 90th percentile. Put another way, she went from ***NOT EVEN being ON THE GRAPH*** in April 2004 ***to being ON THE GRAPH (!)*** 4 months later ***to finally being AHEAD OF THE CURVE*** by February 2005.
- Early Intervention provided a team of experts who assessed Zoe's needs then gave us (her parents) the tools to help her to develop as fully as possible.

WHY SHOULD WE FUND EARLY INTERVENTION?

- **This is the ideal type of program—a partnership between experts and families.** They didn't do *FOR* us or *TO* us, **THEY GAVE US THE TOOLS** we needed to help our daughter.
- Because of Early Intervention services, Zoe is now a "NORMAL" toddler, on track to be able to continue to learn and grow.
- **Because of Early Intervention services, Zoe no longer needs services from the State.**
- **The cost of intervening at this point in her life vs. later is certainly less expensive** and the returns at this early stage are great.
- In terms of **her own quality of life**, Early intervention services are **PRICELESS.**

Percentile Ranks

Alberta Infant Motor Scale



Z.S.

Dear Committee Members,

I appreciate being allowed to come before you today to talk about these special children. It is very difficult being a parent with a special needs baby. I know this first hand. My daughter was born 4 months too early. From the moment she was born my families life has been changed forever.

Tesla was born weighing 1lb. No one is sure about how long she was because they were desperately working to save her little life. When I saw her for the first time she had tubes and hoses coming out of every part of her body. I was devastated. The Doctors and Nurses at the hospital were telling me that she would not survive. And if she did survive she would be a vegetable, unable to ever do for herself.

Tesla finally came home from the hospital after 3 very long months. This is where Tiny-k came in to help. They evaluated her as soon as the Doctors thought it would be safe to have people over. They gave me a plan of care. Tiny-k stayed on top of Tesla's development and made and implemented changes in her plan of care throughout her course with them.

There was a time where Tesla got stuck on one of her milestones. She refused to crawl. The therapist tried everything they knew how. We took her to an Orthopedicist who wanted to do Botox shots in her legs and her back. This would paralyze those muscles for her to relearn how to use them. This was a scary prospect for me. I asked if there were any alternatives. The therapists and I batted around the idea of swim therapy. But no one was familiar with it. Children's Mercy got our insurance to cover 6 visits with "aqua therapy". Maureen one of Tesla's therapist with Tiny-k came to several sessions and got a lot of information from the therapist that was providing it through Children's Mercy. Maureen was able to continue this therapy at a local swimming pool and Tesla has been crawling ever since.

I don't know what my family would have done without Tiny-k. They became apart of our family. They gave us the strength and the ammunition we needed to help Tesla reach her potential. It scares me to think that with all the budget cuts a family like ours may not be given this opportunity to do all they can for their special needs child. I would hate to think that the government would give up on these children without giving them a chance to prove themselves. Please allow Tiny-k the fund they need so that all the children who need services can receive them.

Thank you for allowing us to come before you and share our feelings with you.

Sincerely,

Laura Felty and family

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 17



March 22, 2005

TO: House Federal and State Affairs Committee

FR: Matt Fletcher, Associate Director
InterHab: The Resource Network for Kansans with Disabilities

RE: HB 2427 – Establishment of a lottery game to benefit *tiny-k* programs

Chairperson Edmonds and members of the committee, thank you for the opportunity to offer written testimony in support of HB 2427.

As you may be aware, many of our members are part of the statewide network of *tiny-k* programs. As such, its success is important to us. Some of our programs serve persons from birth up to and including their senior years, some serve primarily adults, some serve only children.

Kansas taxpayers benefit from a strong network of services that address disability needs early in life; A strong network that can consistently enhance children's lives and the lives of their parents and siblings, and reduce the extent to which their disability issues become more costly in later years.

Early intervention saves money. In fact, the *tiny-k* network has been able to calculate that their programs save Kansas taxpayers approximately \$2.7 million every year! They accomplish this amazing feat because services provided at the beginning of a child's life can assist that child in closing the gap in their developmental delay, and can keep them from needing any further special education services.

However, despite this stunning success, *tiny-k* programs are seriously underfunded compared to similar services offered by school districts once a child reaches the age of three. That funding gap that now equates to \$2.9 million.

HB 2427 provides a mechanism with which to capture these much needed extra dollars for *tiny-k*.

The Kansas Lottery was originally created in order to raise revenue for much-needed, important items for Kansas. We believe there is no greater much-needed, important item than the assurance of services for these most vulnerable little Kansans.

The membership of InterHab respectfully urges your support of HB 2427.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 18



March 22, 2005

Dear Honorable John Edmonds, Chairperson and committee members:

Nurturing Families, Inc. is the not-for-profit corporation charged with administering the Leavenworth County tiny-k program that provides therapy services to children with developmental delays and disabilities ages birth to three. We provide services from a variety of professional disciplines, including physical therapy, speech/language therapy, occupational therapy, early childhood education, social work, and family service coordination. Grant funding only makes up 1/3 of the budget required to provide these important early intervention services. Currently, there are 85 children in Leavenworth County who receive these services at no cost to their families. Over the past two years, we have provided evaluations for 396 children, and of the 396, we provided therapy to 253 infants and toddlers.

We are contacting you to ask for support for HB 2427. This bill is important to us because it represents 36 networks across the state of Kansas working together to support nearly 5000 infants and toddlers with disabilities or developmental delays. We realize this is not the complete answer to our fiscal issues; however, it is a tiny start in the right direction. Please support HB 2427 because Kansas's infants and toddlers need therapy in their own communities.

Sincerely,

Dawn M. O'Brien, M.Ed.
Director, Nurturing Families, Inc.

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 19

Hi,

I am the Mother of Hope D. Smith. She has been with Kid Link for 13 mo. and has progressed because of all the help she has had.

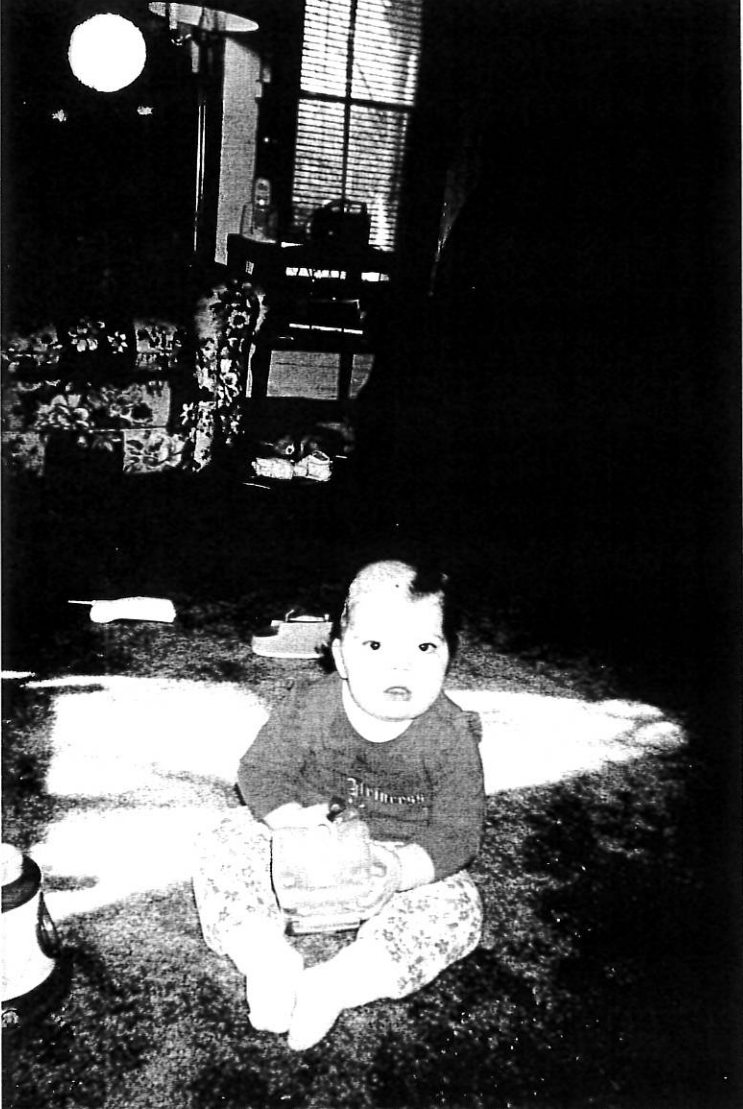
Hope was born with Horlin's Syndrome and had Brain Cancer at the age of 7 weeks old. We spent 6 mo. in Denver at Childrens Hospital. Hope had surgery to remove her first cancer and was treated with Chemo. At the age of 5 mo the second cancer in her brain was found and also was treated by a more aggressive type of Chemo that caused her to have a stroke and she ended up in I.C.U. for 7 weeks on a Resperator and we were told several times that Hope would never live. We never gave up hope.

When we got home Hope was 9 mo old and looked and acted like a new born. She could not roll-turn over or hold her head up. But by the help of Tiny-K & Kid Link Hope can now do just about everything that a child her age should be doing except walking and I know that she will be able to walk in time.

So as you can see that kids do have a better chance of success if they are helped by Tiny-K & Kid Link,

Thank You
Delen M Smith

P.S. I am sending
a picture of Hope.





NORTHEAST KANSAS INFANT TODDLER SERVICES

PO Box 320 Lecompton, Kansas 66050

1- 913-538-5383

Toll Free: 1-877-245-4681

Fax: 1-785-887-6096

Serving Atchison, Brown, Doniphan, Jackson, Jefferson and Nemaha Counties

Testimony for HB2427 – tiny-k benefit lottery
March 22, 2005

Thank you Representative Edmonds and members of the committee for allowing my testimony before your committee. My name is Ellen Mellard. I coordinate a tiny-k program for Northeast Kansas Education Service Center covering Atchison, Brown, Doniphan, Jackson, Jefferson and Nemaha Counties.

I am here to ask for your support of the tiny-k lottery bill. Why should you support this bill and effort?

1. Each year for the past 5 years, we have been asked by you to do more for less. Each year, we have responded by doing so to the best of our ability. We have stretched our budgets and our staff to the maximum. In some instances, we have stretched staff so far that they have chosen to leave tiny-k programs to take positions in systems that are funded at a reasonable level.
2. You have asked us to look for other ways to fund a federally mandated program. We have responded by conducting bake sales, holding boots to collect money on Saturday mornings, selling cookbooks and an endless number of projects that have yielded few dollars with the investment of enormous professional staff time.
3. We have also acted on behalf of the Infants and Toddlers with disabilities in Kansas by coming together to form the tiny-k foundation for the purpose of raising revenue for our financially strapped programs.

We have done our part at the local level. I believe it is time for the state to step up and at least give us the opportunity to generate additional revenue on a statewide basis to help support our programs. This lottery bill would not only provide revenue but also public awareness about a program, tiny-k which has proven its effectiveness time after time.

Please consider the passage of this bill that would help support a critical, mandated program for young children with disabilities and their families.

Respectfully submitted,

Ellen Mellard, Coordinator

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 21

To the Ladies and Gentlemen of the House of Representatives,

We were contacted to write a testimonial to support the current bill HB#2427 that would create a Lottery Scratch ticket with proceeds going to Early Education Centers across Kansas. We were asked to write because our son, Trenton, is severely mentally handicapped and receives services from our local Early Education Center. Trenton is two years old and currently receives an hour a week of services. These services include physical, occupational, and speech therapy.

Background Information on Trenton:

Trenton was born January 16, 2003. He was a beautiful baby boy. We thought he was perfect. Unfortunately, when he was 2 months old, he began having seizures. Within a month he was diagnosed with Lissencephaly. A genetic disorder that left his brain deformed. We were told by the neurologists that he would never be able to walk, talk, communicate or even be able to think. His prognosis was bleak with a life span of three years. We were devastated to say the least. Like most parents, we were willing to do anything to improve his life and give him every chance possible. Fortunately for us, we were provided services from our Early Education Center that we would have never been able to afford on our own. Most children that are diagnosed with lissencephaly require a feeding tube because they simply forget how to eat. Trenton does not need a feeding tube because he has had a speech therapist working with him and us to help him learn to swallow. He is currently doing very well and growing quickly. Because of the physical and occupational therapy he has received, he is now able to sit and stand with assistance. His abilities are exceeding what the doctors had ever thought possible.

Now that you know how Early Education has affected Trenton's life, we would like to let you know how it has affected ours. When Trenton was diagnosed with lissencephaly, it was like the end of the world to us. No surgery or medicine was going to "fix" our child. So little is known about the brain and it's development that little can be done medically to improve his situation. When the doctor's told us what we could expect for Trenton's future, it was not a positive experience. We were told only what he would never be able to do. Nobody ever mentioned what he might be able to do. That is, until we met with the therapists from Sunflower Early Ed. Center. They were hopeful, they were encouraging, they knew what they could do to help Trenton. We understand that Trenton will never be "fixed" and there will be a lot of things that he will never do, but at least they were able to bring us HOPE! Hope, that some day, Trenton will be able to prove those doctors wrong.

Unfortunately, our Early Education Center is tremendously under-funded. Trenton would probably be doing even better if he had more hours of physical and occupation therapy. But our center just does not have the manpower for more. They teach us what to work on at home but we are not therapists. I am a teacher with a background in special education and still struggle with certain concepts. I can't imagine how parents who have to work 40-50 hours a week and have little time or background knowledge to work with their babies do it. These children are our future. They deserve and need more attention than they are being given. If we neglect to teach them and train them at this age, we will never

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 22

have the opportunity again. According to brain research, the brain is most "plastic" from the ages of 0-3 years old. If we continue to under fund or do away with these centers, we are just hurting ourselves. Many politicians campaigned on the motto of "I am for family values." What about our families? It is hard enough to make ends meet for a family, not to mention mounting cost of medicine, gas and other necessities than to be given the cost of hiring therapists, too.

As legislatures, you have the unique opportunity to touch the lives of these handicap children. If you think gambling should not support an effort such as early education, I ask you, would you buy a raffle ticket to support your school's PTA? I see no difference. People will buy these tickets if they know where the money is going. Gambling is not a family value, but supporting early education is, and that is the bottom line. So, I ask you, as a mother and as an educator, PLEASE, vote yes on bill #2427.

Sincerely,

Jill and John Lane
Jill and John Lane, parents to Trenton Lane

TESTIMONY FOR HOUSE BILL 2427

My name is Phil Rust, and I have been the Director of the REACH Developmental Center in Cowley County, Kansas since 1985. REACH has been providing services to infants and toddlers with developmental delays since 1982. We are part of the *tiny-k* network.

As you may be aware there has been a 46% increase in the number of children served by *tiny-k* programs in Kansas since 2000. Our total enrollment in 1999 at REACH was 70 children. Last year in 2004 REACH had a total enrollment of 106 infants and toddlers with developmental delays. There has been no significant increase in funding over the past five years. In fact, *tiny-k* state and federal funding has actually decreased by 28% due to the larger number of children served.

With any business, program expenses continue to increase from year to year. We experience higher health insurance cost annually, gasoline prices continue to soar, and the cost of providing services continue to rise. Our only increase in our funding this year was an increase of our Winfield United Way funding by \$1,000.00. Additionally, our program is going to have to lease office space for the first time beginning June 1. This extra expense will cause a major problem for our program.

You might feel that we need to seek more local funding. We have. We receive 1/4 a mill from Cowley County. This funding was voted in by the tax-payers of Cowley County in 1990, and passed by a 63% majority. We are the only program in the state where the voters actually went to the polls and passed local funding for a *tiny-k* program. We also receive funding from the Winfield and Arkansas City United Way organizations, and we receive a modest amount of funds from our local CDDO.

I feel that people in local communities are supportive of *tiny-k* and the services we provide in Kansas communities. As we know 90% of brain development occurs within the first three years of life. That is why it is so important to see children early and eliminate developmental delays or decrease their long term effect.

I would ask that you seriously consider HB 2427 which would designate a portion of the proceeds of one scratch-off lottery game to the *tiny-k* programs in Kansas.


Phil D. Rust, LASW
Director
REACH *tiny-k* Developmental Center
1406 E. 8th Avenue
Winfield, Kansas 67156
620-229-8304

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 23

Dear John Edmonds,

My son Jack was born in June of 2002. On his second day of life he began having seizures along with other problems. Thus began a whole new world of hospitals, doctors, and specialists. We were told Jack would be, at the least, developmentally delayed. Some doctors even said he would never know us or go to school or even kick a ball. Some stated he would not live past 6 months of age. These were, to say the least, devastating times in our lives. Out of this painful time came a silver lining, the professionals at Infant Toddler Early Intervention, also known as Tiny-K. We began early intervention as soon as we were home, so at 6 weeks of age an arsenal of professionals were at my doorstep ready to help our baby. They gave me the tools to work with to help Jack catch up. They were not just there for Jack but also for myself, my husband as well as our older son, Alex. They gave us direction and guided us at a time when we were just making it through the day.

Jack is now 2 ½ and attends the Early Intervention Preschool. The staff of people that teach Jack are wonderful, loving and talented individuals that I am proud to not only know but also let be with my baby. Jack is now walking and climbing up steps, kicking balls and talks up a storm. He knows his shapes, his colors, he loves to be sung to and read to. He is working on feeding himself and soon we will work on potty training. These are things that didn't just happen, these are things that Tiny-K has taught him and trained me how to work with him so that he could defy the odds and surprise many doctors. Although I never saw my life becoming involved in Tiny-K in this personal way. I truly don't know what I would have done without them or where Jack would be today. I hope and pray that funding is continued and even raised. This is a program we cannot do without. They need qualified staff and equipment to help our babies that come into this world with so much to offer, if given the proper therapy. We will either pay now or later in their lives when these children become adults and are not self sufficient. Please find a way for Tiny-K to continue to make a difference in children's lives. Thank you for your time.

Sincerely,
Lynn Barger
Jack Barger's mom

Lynn Barger, Kansas

FEDERAL AND STATE AFFAIRS

Date 3-22-05
Attachment 24

March 14, 2005

To whom it may concern,

I was very concerned when I heard about the cuts in the kid link tiny-k program. We have had first hand experience of the good that this program is doing.

My son who is now 20 was directed to kid link when he was 3. They worked with him in so many different areas that he needed help in to prepare him for school.

My husband and I are now doing foster care. We have a little boy who is 2. He also flourished in the kid link tiny-k program.

Please understand that our children need this special help to be the best that they can be in the increasingly difficult school systems.

Paul & Mary Belisle



FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 25

March 18, 2005

To Whom It May Concern:

Re: House Bill 2427

I am writing on behalf of Sunflower Early Education Center.

I moved to Great bend, Kansas in May 2004. I have twins who had been receiving occupational and physical therapy services in Texas from the age of five months. My twins were not profoundly premature, but at 36 weeks gestation they were early and did have deficits. They twins' therapy was my main priority with the move. I had arranged to have services continued before I even arrived in Great Bend.

My son and daughter have just turned three. They are most assuredly doing well today due to the early intervention. I happen to be educated and financially stable. I can only imagine how much more profound the effect of early intervention is for kids who are not as advantaged.

These programs and services change lives forever. If problems are not addressed at the earliest stages, an opportunity is lost and a *productive citizen will be lost forever*. The far reaching and long lasting benefit that is a direct result of early intervention cannot be underestimated.

I cannot imagine a better educational program to receive increased funding. If these services were less accessible, children would slip through until school age and it would be too late to achieve an optimal outcome.

This federally mandated program must be optimally administered. The excellent staff at Sunflower Education Center needs the necessary financial support in order to reach out to the ever increasing number of children who qualify for the services.

My children have benefited beyond words. I trust that other children will get the services that they need because you understand how important this funding is to our citizens.



Marjorie M. Beebe MD FACS
Great Bend, Kansas
620.792.5280

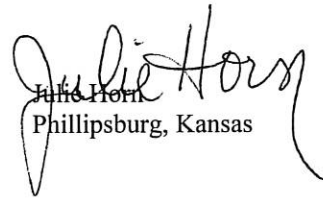
FEDERAL AND STATE AFFAIRS

Date 3-22-05Attachment 26

March 14, 2005

To whom it may concern:

Kid-Link (a tiny-k program) worked with my son, Jackson, for over a year. He was a premature baby and had some mild delays in attention and fine motor areas. Kid-Link's physical therapist, Arloa Barnes, monitored his growth and motor areas the first 18 months. Kid-Link provided weekly services to Jackson after that. They did a lot of different activities and gave me ideas for working with him during the week. Jackson made nice progress while in the program. What I liked a lot was that they came to my home and I didn't have to take him somewhere for the sessions. I think Kid-Link is a really good program that reaches a lot of families that would probably not get any help for their children otherwise.


Julie Horn
Phillipsburg, Kansas

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 27

March 18, 2005

To whom it may concern:

We was introduced to Kid Link Program in 1999 ever since then we have used it and recommended it to others. The program is excellent and the workers are outstanding. Because of them and all there wonderful training and services they provide we where able to help are children develop and understand why they were struggling. We have used Physical Therapy and Speech as well as had them come into are home weekly and at times twice a week, to help us learn new ideas to help are children grow and give us hands on training with are children.

PLEASE PASS THE TINY K LOTTERY

Sincerely

Kim

THE LINNER FAMILY

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 28

March 18, 2005

I am a mother of 1 year old triplet daughters and a 2 1/2 year old Son. My son is curently enrolled in the speech program that Kid Link has to Offer, and one of my three daughters is in the physical therapy program.

Programs like this one are needed all over and there are not near enough of them due to lack of funding. Many families like mine cannot afford to pay for these programs, and we rely on them greatly. If passing the Tiny K Lottery Bill means more funding for programs such as Kid Link, Then please pass this bill.

Thank You,



Mindy Blair

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 29

HOUSE BILL No. 2177

By Committee on Federal and State Affairs

1-26

9 AN ACT concerning disposition of certain forfeited firearms; amending
10 K.S.A. 21-4206 and K.S.A. 2004 Supp. 60-4117 and repealing the ex-
11 isting sections.
12

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

14 Section 1. K.S.A. 21-4206 is hereby amended to read as follows: 21-
15 4206. (1) Upon conviction of a violation or upon adjudication as a juvenile
16 offender for a violation of K.S.A. 21-4201, 21-4202, 21-4204 or 21-4219,
17 and amendments thereto, and K.S.A. 21-4204a, any weapon seized in
18 connection therewith shall remain in the custody of the trial court.

19 (2) Any stolen weapon so seized and detained, when no longer
20 needed for evidentiary purposes, shall be returned to the person entitled
21 to possession, if known. All other confiscated weapons when no longer
22 needed for evidentiary purposes, shall in the discretion of the trial court,
23 be: (a) Destroyed; (b) forfeited to the law enforcement agency seizing
24 the weapon for use within such agency ~~or traded, trading~~ or selling ~~to a properly~~
25 ~~licensed federal firearms dealer for other new or used firearms or acces-~~
26 ~~sories for use within such agency or trading~~ to another law enforcement
27 agency for that agency's use; or (c) forfeited to the Kansas bureau of
28 investigation for law enforcement, testing, comparison or destruction by
29 the Kansas bureau of investigation forensic laboratory.

(3) If weapons are sold as authorized by subsection (2), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.

30 Sec. 2. K.S.A. 2004 Supp. 60-4117 is hereby amended to read as
31 follows: 60-4117. Except as provided in K.S.A. 65-7014, and amendments
32 thereto: (a) When property is forfeited under this act, the law enforce-
33 ment agency may:

34 (1) Retain such property for official use or transfer the custody or
35 ownership to any local, state or federal agency, subject to any lien pre-
36 served by the court;

37 (2) destroy or use for investigative or training purposes, any illegal or
38 controlled substances and equipment or other contraband, provided that
39 materials necessary as evidence shall be preserved;

40 (3) sell property which is not required by law to be destroyed and
41 which is not harmful to the public:

42 (A) All property, except real property, designated by the seizing
43 agency to be sold shall be sold at public sale to the highest bidder for

1 cash without appraisal. The seizing agency shall first cause notice of the
2 sale to be made by publication at least once in an official county news-
3 paper as defined by K.S.A. 64-101, and amendments thereto. Such notice
4 shall include the time, place, and conditions of the sale and description
5 of the property to be sold. Nothing in this subsection shall prevent a state
6 agency from using the state surplus property system and such system's
7 procedures shall be sufficient to meet the requirements of this subsection.

8 (B) Real property may be sold pursuant to subsection (A), or the
9 seizing agency may contract with a real estate company, licensed in this
10 state, to list, advertise and sell such real property in a commercially rea-
11 sonable manner.

12 (C) No employee or public official of any agency involved in the in-
13 vestigation, seizure or forfeiture of seized property may purchase or at-
14 tempt to purchase such property; or

15 (4) salvage the property, subject to any lien preserved by the court.

16 (b) When firearms are forfeited under this act, the firearms, in the
17 discretion of the seizing agency, shall be destroyed, used within the seiz-
18 ing agency for official purposes, traded to another law enforcement
19 agency for use within such agency, *traded to a properly licensed federal*
20 *firearms dealer for other new or used firearms or accessories for use*
21 *within such agency* or given to the Kansas bureau of investigation for law
22 enforcement, testing, comparison or destruction by the Kansas bureau of
23 investigation forensic laboratory.

or sold

If firearms are sold as authorized by this subsection, the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.

other than the sale of firearms

24 (c) The proceeds of any sale shall be distributed in the following order
25 of priority:

- 26 (1) For satisfaction of any court preserved security interest or lien;
- 27 (2) thereafter, for payment of all proper expenses of the proceedings
28 for forfeiture and disposition, including expenses of seizure, inventory,
29 appraisal, maintenance of custody, preservation of availability, advertising,
30 service of process, sale and court costs;
- 31 (3) reasonable attorney fees:

32 (A) If the plaintiff's attorney is a county or district attorney, an assis-
33 tant, or another governmental agency's attorney, fees shall not exceed
34 15% of the total proceeds, less the amounts of subsection (c)(1) and (2),
35 in an uncontested forfeiture nor 20% of the total proceeds, less the
36 amounts of subsection (c)(1) and (2), in a contested forfeiture. Such fees
37 shall be deposited in the county or city treasury and credited to the special
38 prosecutor's trust fund. Moneys in such fund shall not be considered a
39 source of revenue to meet normal operating expenditures, including sal-
40 ary enhancement. Such fund shall be expended by the county or district
41 attorney, or other governmental agency's attorney through the normal
42 county or city appropriation system and shall be used for such additional
43 law enforcement and prosecutorial purposes as the county or district at-

1 torney or other governmental agency's attorney deems appropriate, in-
2 cluding educational purposes. All moneys derived from past or pending
3 forfeitures shall be expended pursuant to this act. The board of county
4 commissioners shall provide adequate funding to the county or district
5 attorney's office to enable such office to enforce this act. Neither future
6 forfeitures nor the proceeds therefrom shall be used in planning or adopt-
7 ing a county or district attorney's budget; or
8 (B) if the plaintiff's attorney is a private attorney, such reasonable
9 fees shall be negotiated by the employing law enforcement agency;
10 (4) repayment of law enforcement funds expended in purchasing of
11 contraband or controlled substances, subject to any interagency
12 agreement.
13 (d) Any proceeds remaining shall be credited as follows, subject to
14 any interagency agreement:
15 (1) If the law enforcement agency is a state agency, the entire amount
16 shall be deposited in the state treasury and credited to such agency's state
17 forfeiture fund. There is hereby established in the state treasury the fol-
18 lowing state funds: Kansas bureau of investigation state forfeiture fund,
19 Kansas highway patrol state forfeiture fund, Kansas department of cor-
20 rections state forfeiture fund and Kansas national guard counter drug
21 state forfeiture fund. Expenditures from the Kansas bureau of investi-
22 gation state forfeiture fund shall be made upon warrants of the director
23 of accounts and reports issued pursuant to vouchers approved by the
24 attorney general or by a person or persons designated by the attorney
25 general. Expenditures from the Kansas highway patrol state forfeiture
26 fund shall be made upon warrants of the director of accounts and reports
27 issued pursuant to vouchers approved by the superintendent of the high-
28 way patrol or by a person or persons designated by the superintendent.
29 Expenditures from the Kansas department of corrections state forfeiture
30 fund shall be made upon warrants of the director of accounts and reports
31 issued pursuant to vouchers approved by the secretary of the department
32 of corrections or by a person or persons designated by the secretary.
33 Expenditures from the Kansas national guard counter drug state forfei-
34 ture fund shall be made upon warrants of the director of accounts and
35 reports issued pursuant to vouchers approved by the adjutant general of
36 Kansas or by a person or persons designated by the adjutant general. Each
37 agency shall compile and submit a forfeiture fund report to the legislature
38 on or before February 1 of each year. Such report shall include, but not
39 be limited to: (A) The fund balance on December 1; (B) the deposits and
40 expenditures for the previous 12-month period ending December 1.
41 Upon the effective date of this act, the director of accounts and reports
42 is directed to transfer each agency's balance in the state special asset
43 forfeiture fund to the agency's new, state forfeiture fund. All liabilities of

1 the state special asset forfeiture fund existing prior to such date are hereby
2 imposed on the Kansas bureau of investigation state forfeiture fund, Kan-
3 sas highway patrol state forfeiture fund and the Kansas department of
4 corrections state forfeiture fund. The state special asset forfeiture fund is
5 hereby abolished.

6 (2) If the law enforcement agency is a city or county agency, the
7 entire amount shall be deposited in such city or county treasury and cred-
8 ited to a special law enforcement trust fund. Each agency shall compile
9 and submit annually a special law enforcement trust fund report to the
10 entity which has budgetary authority over such agency and such report
11 shall specify, for such period, the type and approximate value of the for-
12 feited property received, the amount of any forfeiture proceeds received,
13 and how any of those proceeds were expended.

14 (3) Moneys in the Kansas bureau of investigation state forfeiture
15 fund, Kansas highway patrol state forfeiture fund, Kansas department of
16 corrections state forfeiture fund, the special law enforcement trust funds
17 and the Kansas national guard counter drug state forfeiture fund shall not
18 be considered a source of revenue to meet normal operating expenses.
19 Such funds shall be expended by the agencies or departments through
20 the normal city, county or state appropriation system and shall be used
21 for such special, additional law enforcement purposes as the law enforce-
22 ment agency head deems appropriate. Neither future forfeitures nor the
23 proceeds from such forfeitures shall be used in planning or adopting a
24 law enforcement agency's budget.

25 Sec. 3. K.S.A. 21-4206 and K.S.A. 2004 Supp. 60-4117 are hereby
26 repealed.

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

HOUSE BILL No. 2303

By Committee on Corrections and Juvenile Justice

2-4

9 AN ACT concerning crimes and punishment; relating to minimum fire-
10 arms standards for peace officers; amending K.S.A. 74-5607 and re-
11 pealing the existing section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 74-5607 is hereby amended to read as follows: 74-
15 5607. (a) In addition to other powers and duties prescribed by law, the
16 commission shall adopt, in accordance with the provisions of K.S.A. 77-
17 415 *et seq.*, and amendments thereto, rules and regulations necessary to
18 carry out the provisions of subsection (c) of K.S.A. 74-5616, and amend-
19 ments thereto, and such other rules and regulations as necessary to ad-
20 minister this act. The commission may also adopt such rules of procedure
21 as are necessary for conducting the business of the commission.

22 (b) In all matters pending before the commission, the commission
23 shall have the power to:

24 (1) Administer oaths and take testimony; ;
25 (2) issue subpoenas, compel the attendance of witnesses and the pro-
26 duction of any papers, books, accounts, documents and testimony, and to
27 cause the deposition of witnesses, either residing within or without the
28 state, to be taken in the manner prescribed by law for taking depositions
29 in civil actions in the district courts. In case of the failure of any person
30 to comply with any subpoena issued on behalf of the commission, or on
31 the refusal of any witness to testify to any matters regarding which the
32 witness may be lawfully interrogated, the district court of any county, on
33 application of a member of the commission, may require compliance by
34 proceedings for contempt, as in the case of failure to comply with a sub-
35 poena issued from such court or a refusal to testify in such court. Each
36 witness who appears before the commission by its order or subpoena,
37 other than a state officer or employee, shall receive for such attendance
38 the fees and mileage provided for witnesses in civil cases in courts of
39 record which shall be audited and paid upon presentation of proper
40 vouchers sworn to by such witnesses and approved by the chairperson of
41 the commission or by a person or persons designated by the chairperson; ;

42 (3) enter into contracts necessary to administer the provisions of this
43 act and the certification of law enforcement officers; ; *and*

FEDERAL AND STATE AFFAIRS
Date 3-22-05
Attachment 31

1 (4) assess the costs of such matters pending before the commission
2 under this section against the governmental entity employing the police
3 officer or law enforcement officer.

4 (c) Members of the law enforcement training commission attending
5 meetings of ~~such~~ the commission, or attending a subcommittee meeting
6 ~~thereof~~ authorized by ~~such~~ the commission, shall be paid amounts pro-
7 vided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.
8 The director and the chairperson of the commission shall be responsible
9 for approving all expense vouchers of members.

10 (d) The commission shall meet at least once each year at the training
11 center and may hold special meetings whenever they are called by the
12 chairperson.

13 (e) *The commission shall adopt ~~the~~ rules and regulations that are*
14 *necessary to ensure that law enforcement officers are adequately trained*
15 *and to enforce the provisions of this act. Such rules and regulations shall*
16 *include, but are not limited to, the establishment of a course of ~~firearms~~*
17 *as a standard qualification for active law enforcement officers to carry*
18 *firearms that may also be used for qualified retired officers to carry fire-*
19 *arms pursuant to federal law. The director shall provide ~~qualifications~~*
20 *~~courses for the standard~~ at least twice a year at the times and places the*
21 *director determines to be necessary. The training center shall charge and*
22 *collect a fee from retired state, local and federal officers for the ~~qualifi-~~*
23 *~~ications courses~~, but these fees shall be limited to the actual costs of pre-*
24 *senting the standard qualifications course.*

qualification opportunities

fire

qualification opportunities for
qualified retired officers

25 Sec. 2. K.S.A. 74-5607 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.

HOUSE BILL No. 2439

By Committee on Federal and State Affairs

2-10

9 AN ACT concerning firearms and ammunition, and components or com-
10 binations thereof; prohibiting cities and counties from taking certain
11 actions with regard thereto.

city or county

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

14 Section 1. (a) No ~~political subdivision~~ shall adopt any ordinance ~~or~~
15 ~~resolution, and no agent of any political subdivision~~ shall take any admin-
16 istrative action, governing the purchase, possession, transfer, ownership,
17 ~~carrying~~, storage or transporting of firearms or ammunition, or any com-
18 ponent or combination thereof, other than those expressly authorized by
19 statute. Any such ordinance ~~or resolution~~ adopted prior to the effective
20 date of this act shall be null and void. For purposes of this section, a
21 statute that does not refer to firearms or ammunition, or components or
22 combinations thereof, shall not be construed to provide express
23 authorization.

, resolution or regulation,
and no agent thereof

resolution or regulation

24 (b) Nothing in this section shall:

25 (1) Prohibit a ~~political subdivision from adopting workplace rules re-~~
26 ~~lating to terms and conditions of employment of the workforce, or~~

27 (2) prohibit a law enforcement officer, as defined in K.S.A. 22-2202,
28 and amendments thereto, from acting within the scope of such officer's
29 duties.

city or county from adopting
any zoning measure related to
firearms licensees if otherwise
authorized by law to do so;

30 (c) No person shall be prosecuted or convicted of a violation of any
31 ordinance ~~or resolution of a political subdivision~~ which regulates the pos-
32 session, carrying, storage or transportation of a firearm if such person (1)
33 is possessing, carrying, storing or transporting the firearm without violat-
34 ing any provision of the Kansas criminal code or (2) is otherwise trans-
35 porting the firearm in a lawful manner.

, resolution or regulation

36 ~~(d) The provisions of this section applicable to a political subdivision~~
37 ~~shall also apply to any authority or to a local governmental entity, includ-~~
38 ~~ing a department or agency, but not including any local or regional jail or~~
39 ~~juvenile detention facility.~~

(d) No person shall be
prosecuted under any
ordinance, resolution or
regulation for carrying a
firearm in any air, land or
water vehicle if the firearm is
unloaded and encased in a
container which completely
encloses the firearm.

40 Sec. 2. This act shall take effect and be in force from and after its
41 publication in the statute book.

(3) prohibit a city or county
from regulating the manner of
carrying any firearm on one's
person; or

(4) prohibit a city or county
from regulating in any manner
the carrying or possession of
any firearm in any jail, juvenile
detention facility, prison,
courthouse, courtroom or city
hall

HOUSE BILL No. 2449

By Committee on Federal and State Affairs

2-11

9 AN ACT concerning firearms; placing limitations on the sale, trade or
10 other transfer of ownership of firearms by law enforcement agencies.

11

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

or possession

13 Section 1. (a) ~~No~~ law enforcement agency shall sell, trade or other-
14 wise transfer ownership of any firearm to any person or entity other than
15 another law enforcement agency unless such firearm is first submitted to
16 the Kansas bureau of investigation, or a forensic laboratory approved by
17 the bureau, for ballistic sampling and examination. The cost of such sam-
18 pling and examination shall be paid by the law enforcement agency.

Except as provided in
subsection (c), no

19 (b) The results of any ballistic sampling and examination pursuant to
20 this section shall be submitted for inclusion in the national integrated
21 ballistic information network database.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.

(c) The provisions of this section shall not apply to firearms which (1) are the property of the law enforcement agency, (2) have been subjected previously to ballistic sampling and examination or (3) are not accepted for inclusion in the national integrated ballistic information network database.

(d) The provisions of this section shall not take effect and be in force if the legislature does not appropriate to the Kansas bureau of investigation for fiscal year 2006 sufficient moneys to fund at least one additional full time equivalent forensic firearm inspector position. If the director of the bureau of investigation, in consultation with the director of the budget, determines that such additional position has not been funded, the director of the Kansas bureau of investigation shall publish in the Kansas register on or before July 1, 2005, a notice stating that the provisions of this section are not in force and effect.

K.S.A. 2004 Supp. 21-3110, as amended by section 10 of chapter 145 of the 2004 Session Laws of Kansas, is hereby amended to read as follows: 21-3110. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

(1) "Act" includes a failure or omission to take action.

(2) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.

(3) "Conduct" means an act or a series of acts, and the accompanying mental state.

(4) "Conviction" includes a judgment of guilt entered upon a plea of guilty.

(5) "Deception" means knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.

(6) To "deprive permanently" means to:

(a) Take from the owner the possession, use or benefit of property, without an intent to restore the same; or

(b) Retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(c) Sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.

(7) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.

(8) "Firearm" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.

(9) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.

~~(9)~~ (10) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.

~~(10)~~ (11) "Law enforcement officer" means:

(a) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;

(b) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 21-3409, 21-3411 and 21-3415, and amendments thereto, any employee of the Kansas department of corrections; or

(c) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.

~~(11)~~ (12) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.

~~(12)~~ (13) "Obtains or exerts control" over property includes but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, interest in, or possession of property.

~~(13)~~ (14) "Owner" means a person who has any interest in property.

~~(14)~~ (15) "Person" means an individual, public or private corporation, government,

partnership, or unincorporated association.

~~(15)~~ (16) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

~~(16)~~ (17) "Property" means anything of value, tangible or intangible, real or personal.

~~(17)~~ (18) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

~~(18)~~ (19) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

~~(19)~~ (20) "Public officer" includes the following, whether elected or appointed:

(a) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state.

(b) A member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state.

(c) A judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy.

(d) A hearing officer or presiding officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer.

(e) A law enforcement officer.

(f) Any other person exercising the functions of a public officer under color of right.

~~(20)~~ (21) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

~~(21)~~ (22) "Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit a crime.

~~(22)~~ (23) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

~~(23)~~ (24) "Stolen property" means property over which control has been obtained by theft.

~~(24)~~ (25) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

~~(25)~~ (26) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

K.S.A. 2004 Supp. 21-4201 is hereby amended to read as follows: 21-4201. Criminal use of weapons. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(7) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight.

(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(c) Subsection (a)(4) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S. A. 31-157 and amendments thereto, while engaged

FEDERAL AND STATE AFFAIRS

Date 3-22-05

Attachment 35

in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto; or

(6) special deputy sheriffs described in K.S.A. 2004 Supp. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto; or

(7) judges of the district court.

(d) Subsections (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(8) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(6) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(6); and

(3) in possession of commercially manufactured devices which are: (A) Owned by the law enforcement agency; (B) in such officer's possession only during specific operations; and (C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(6), (7) and (8) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(6), (7) and (8) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) It shall be a defense that the defendant is within an exemption.

(i) Violation of subsections (a)(1) through (a)(5) is a class A nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a severity level 9, nonperson felony.

(j) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

SENATE BILL No. 19

By Legislative Post Audit Committee

1-10

10 AN ACT concerning the legislative post audit act; prescribing the con-
11 fidentiality of *responses to surveys* administered for audits; amending
12 K.S.A. 46-1119 and repealing the existing section.

access to information and records for audits;
and K.S.A. 2004 Supp. 46-1106
sections

14 *Be it enacted by the Legislature of the State of Kansas:*
15 New Section 1. (a) As used in this section:

16 (1) "Audit" means any financial-compliance audit, performance audit
17 or any other audit or audit work conducted by the division of post audit
18 or by a firm under the legislative post audit act;

19 (2) "survey" means any questionnaire or other survey instrument ad-
20 ministered by the division of post audit or by a firm under the legislative
21 post audit act for the purposes and in the course of an audit, including
22 the responses thereto, regardless of form or characteristics; and

23 (3) any other words and phrases used in this section shall have the
24 meanings respectively ascribed thereto by K.S.A. 46-1112 and amend-
25 ments thereto.

26 (b) Each *A response to any* survey administered for the purposes
27 and in the course of an audit approved by the legislative post audit com-
28 mittee shall be confidential and shall not be disclosed pursuant to the
29 provisions of the open records act or under any other law *except as*
30 *required pursuant to the legislative post audit act.* Nothing in this
31 section shall limit the use of any information contained in *responses to*
32 any survey by the division of post audit for the purposes of any audit or
33 for any other purpose authorized or required under the legislative post
34 audit act.

insert attached: Sec. 2. amending K.S.A. 2004 Supp. 46- 1106
and by renumbering sections accordingly;

35 Sec. 2. K.S.A. 46-1119 is hereby amended to read as follows: 46-
36 1119. The provisions of K.S.A. 46-1101 through ~~46-1127~~ 46-1128 and
37 section 1 and amendments thereto and any other acts contained in article
38 11 of chapter 46 of the Kansas Statutes Annotated and any acts amen-
39 datory thereof or made specifically supplemental thereto, shall be con-
40 strued together and may be cited as the legislative post audit act.

41 Sec. 3. K.S.A. 46-1119 ~~is~~ hereby repealed.
42 Sec. 4. This act shall take effect and be in force from and after its
43 publication in the Kansas register.

and K.S.A. 2004 Supp. 46-1106 are

PROPOSED AMENDMENT TO SENATE BILL NO. 19

On page 1, following line 34, by inserting new material to read as follows"Sec. 1. K.S.A. 2004 Supp. 46-1106 is hereby amended to read as follows: 46-1106. (a) (1) A financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports for its annual financial report. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable.

(2) In addition, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The analysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index.

(3) Copies of the reports of audits conducted pursuant to this subsection (a) shall be furnished to the governor, director of accounts and reports, director of the budget, each state agency, the legislative post audit committee and other persons or agencies as may be required by law or by

the specifications of the audit.

(4) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with K.S.A. 46-1121, and amendments thereto.

(b) Including financial-compliance audit work conducted as part of the audit conducted pursuant to subsection (a), financial-compliance audit work shall be conducted at each state agency at least once every three years as directed by the legislative post audit committee. Written reports on the results of such auditing shall be furnished to the governor, director of accounts and reports, director of the budget, the state agency which is audited, the legislative post audit committee and such other persons or agencies as may be required by law or by the specifications of the audit.

(c) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the legislative post audit committee so determines, and such examination may include detailed checking of every transaction or test checking.

Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that

there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance or nonfeasance by a public officer or employee disclosed by any audit or audit work conducted under the legislative post audit act. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit or audit work conducted under the legislative post audit act discloses a shortage in the accounts of any state agency, officer or employee.

(f) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(g) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm conducting a financial-compliance audit or conducting any other financial-compliance audit or audit work shall have access to all books, accounts, records, files, documents and correspondence,

confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm conducting a financial-compliance audit or other ~~financial-compliance~~ audit or audit work under the legislative post audit act and all employees and former employees of the division of post audit or firm performing a financial-compliance audit or other ~~financial-compliance~~ audit or audit work shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms conducting financial-compliance audits or any other ~~financial-compliance~~ audits or audit work under the legislative post audit act and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d), and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d). Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d), and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection (d) may be entered into evidence in any such proceedings. Nothing in

this subsection shall be construed to supersede any requirement of federal law.

(h) Any firm or firms which develop information in the course of conducting a financial-compliance audit or other ~~financial-compliance~~ audit or audit work under the legislative post audit act which the post auditor is required to report under subsection (d) or (e) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e).";

And by renumbering sections accordingly;

Also on page 1, in line 41, by striking "is" and inserting "and K.S.A. 2004 Supp. 46-1106 are";

On page 1, in the title, in line 11, following the semicolon, by inserting "access to information and records for audits;"; in line 12, following "46-1119" by inserting "and K.S.A. 2004 Supp. 46-1106"; also in line 12, by striking "section" and inserting "sections"