

MINUTES OF THE HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

The meeting was called to order by Chairman Jene Vickrey at 3:30 P.M. on February 10, 2005 in Room 519-S of the Capitol.

All members were present except:

Representative Bonnie Huy- excused
Representative Harold Lane- excused

Committee staff present:

Mike Heim, Legislative Research Department
Martha Dorsey, Legislative Research Department
Norm Furse, Revisor of Statutes Office
Theresa Kiernan, Revisor of Statutes Office
Maureen Stinson, Committee Secretary

Conferees appearing before the committee:

Dick Hanson, Board of Veterinarian Examiners
Melissa Wangemann, Office of the Secretary of State
Chris Ross-Baze, Kansas Department of Health and Environment
Roger Werholtz, Kansas Department of Corrections
Randall Allen, Kansas Association of Counties
Corey Peterson, General Associated Contractors of Kansas
Bob Totten, Kansas Contractor's Association

Others attending:

See attached list.

Chairman Vickrey opened the hearing on:

HB 2186 Counties; awarding of contracts, when bids required

Randall Allen, Kansas Association of Counties, testified in support of the bill (Attachment 1). He said they are requesting that counties' threshold for bidding public building or bridge construction projects be changed from \$10,000 (current law) to \$100,000. He stated they also want to raise the threshold under which a surety or performance bond is not statutorily required to be filed with a board of county commissioners prior to the award of a county construction contract.

Corey Peterson, General Associated Contractors of Kansas, testified in opposition to the bill (Attachment 2). He said the traditional open bidding procedure has worked effectively for public entities for many years and it is their position that it can continue to be used effectively on projects smaller than \$100,000.

Bob Totten, Kansas Contractors Association, testified in opposition to the bill (Attachment 3). He said raising the contract threshold is not in the best interest of the state as it would take private industry out of the opportunity to bid on projects which normally are conducted by the private sector.

Chairman Vickrey closed the hearing on **HB 2186**.

Chairman Vickrey opened the hearing on:

HB 2242 Ombudsman of corrections; records

Roger Werholtz, Kansas Department of Corrections, provided administrative information to the committee concerning the bill (Attachment 4). He explained that the office of the Ombudsman of Corrections was abolished and, therefore, there is no longer a need for a statutory provision providing for the confidentiality of the records of that office.

Chairman Vickrey closed the hearing on **HB 2242**.

Rep. Holland made a motion for the favorable passage of HB 2242 and asked that the bill be placed on the Consent Calendar because the bill is of a non-controversial nature. Rep. Swenson seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE House Governmental Organization and Elections Committee at 3:30 P.M. on February 10, 2005 in Room 519-S of the Capitol.

Chairman Vickrey opened the hearing on:

HB 2198 **Child care facilities records; disclosure**

Christine Ross-Baze, Kansas Department of Health and Environment, testified in opposition to the bill (Attachment 5). She said that the proposed amendment gives the Department discretion to determine if the confidential information is appropriate to be disclosed.

Chairman Vickrey closed the hearing on **HB 2198**.

Chairman Vickrey opened the hearing on:

HB 2118 **Cemetery merchandise trust funds; disclosure of certain information**

Melissa Wangemann, Office of the Secretary of State, provided administrative information to the Committee. She said the bill relates to public disclosure about cemetery merchandise trust funds and permanent maintenance funds (Attachment 6).

Chairman Vickrey closed the hearing on **HB 2118**.

Rep. Goico made a motion for the favorable passage of **HB 2118** and asked that the bill be placed on the Consent Calendar because the bill is of a non-controversial nature. Rep. Oharah seconded the motion. Motion carried.

Chairman Vickrey opened the hearing on:

HB 2148 **Veterinarians; disclosure of fines imposed for violation of veterinary practice act**

Dirk Hanson, State Board of Veterinarian Examiners, testified in opposition to the bill. No written testimony was provided.

Chairman Vickrey closed the hearing on **HB 2148**.

Chairman Vickrey adjourned the meeting.

The next meeting is scheduled for Tuesday, February 15, 2005.



KANSAS
ASSOCIATION OF
COUNTIES

Testimony re. HB 2186

House Governmental Organization and Elections Committee
Randall Allen, Executive Director
Kansas Association of Counties
February 10, 2005

Chairman Vickrey, I am Randall Allen, Executive Director of the Kansas Association of Counties. Thank you for the opportunity to present testimony in support of HB 2186, introduced at our request following endorsement by our membership at our annual conference last November.

The purpose of HB 2186 is two-fold. First, we request that counties' threshold for bidding public building or bridge construction projects be changed from \$10,000 (current law) to \$100,000. K.S.A. 19-214 has included a \$10,000 threshold for bidding of county construction projects since 1980, when it was amended from \$2,000 to \$10,000. Not only does a higher threshold make sense given today's construction costs, it is consistent with how the statutes deal with other entities (i.e. to our knowledge, \$250,000 for state construction projects and no threshold whatsoever for city construction projects). Certainly, there may be times when it is prudent for projects costing less than \$100,000 for boards of county commissioners to bid construction projects. However, there are times when it is more cost effective for a county to negotiate a construction contract rather than use a bidding process to select the person or firm to whom/which the contract is awarded.

The second intended purpose of HB 2186 is to raise the threshold under which a surety or performance bond is not statutorily required to be filed with a board of county commissioners prior to the award of a county construction contract. Currently, K.S.A. 19-214 requires that a contractor obtain and file a surety bond for any county project exceeding \$10,000, for projects involving the construction of any courthouse, jail, or other county building or any bridge. Our second intention in requesting legislation is reflected in a balloon amendment (attached) which would provide that for contracts exceeding \$100,000, a surety bond would be required but for projects less than \$100,000, a bond would not be statutorily required. The surety bond requirement of the current law (i.e. projects in excess of \$10,000) discourages relatively small or newer contractors from bidding on relatively small construction or remodeling jobs of counties. Raising the threshold would stimulate greater competition among contractors, thereby saving counties and taxpayers money. It would also harmonize the county construction law (K.S.A. 19-214) with another existing statute, K.S.A. 60-1111, which states as follows:

“60.1111. Public works bond. (a) Bond by contractor. Except as provided in subsection (c), whenever any public official, under the laws of the state, enters into contract in any sum exceeding \$100,000 with any person or persons for the purpose of making any public improvements, or constructing any public building or making repairs on the same, such officer shall take, from the party contracted with, a bond to the state of Kansas with good and sufficient

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House Gov. Org. & Elections
Date: 2-10-05
Attachment # 1

sureties in a sum not less than the sum total in the contract, conditioned that such contractor or the subcontractor of such contractor shall pay all indebtedness incurred for labor furnished, materials, equipment or supplies, used or consumed in connection with or in or about the construction of such public building or in making such public improvements.”

In fact, K.S.A. 60-1111, applying to all public officials in Kansas, is much less restrictive in terms of the threshold for surety bond posting than K.S.A. 19-214, which applies only to counties. If K.S.A. 60-1111 is appropriate for other public entities, including school districts, community colleges, townships, cities, and even the State of Kansas, why is it not appropriate for counties, and why should there be a different standard for counties? We submit that there should not be a double standard, and posit that our balloon amendment as attached would remove the existing contradiction with K.S.A. 60-1111.

On behalf of our member counties, I urge the committee to carefully consider HB 2186 and, with the requested amendment, report it favorably for passage.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. For more information, please contact Randall Allen or Judy Moler at (785) 272-2585.

HOUSE BILL No. 2186

By Committee on Governmental Organization and Elections

1-26

9 AN ACT concerning counties; relating to the awarding of certain con-
10 tracts; amending K.S.A. 19-214 and repealing the existing section.

11

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

13 Section 1. K.S.A. 19-214 is hereby amended to read as follows: 19-
14 214. (a) Except as provided in ~~subsection (b)~~ *this section* and in K.S.A.
15 19-216a, *and amendments thereto*, all contracts for the expenditure of
16 county moneys for the construction of any courthouse, jail or other county
17 building, ~~or the construction of or any bridge in excess of \$10,000~~
18 ~~\$100,000~~, shall be awarded, on a public letting, to the lowest and best
19 bid. ~~The~~ person, firm or corporation to whom the contract may be
20 awarded shall give and file with the board of county commissioners a
21 good and sufficient surety bond by a surety company authorized to do
22 business in the state of Kansas, to be approved by the county attorney or
23 county counselor, in the amount of the contract; and conditioned for the
24 faithful performance of the contract.

25 (b) The provisions of subsection (a) shall not apply: (1) To the ex-
26 penditure of county funds for professional services; (2) to the provisions
27 of K.S.A. 68-521, and amendments thereto; or (3) to the purchase of
28 contracts of insurance.

29 Sec. 2. K.S.A. 19-214 is hereby repealed.

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

If a contract is in excess of \$100,000, the

1-3

1-3



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**WRITTEN TESTIMONY OF
ASSOCIATED GENERAL CONTRACTORS OF KANSAS
BEFORE HOUSE COMMITTEE ON
GOVERNMENTAL ORGANIZATION AND ELECTIONS
HB 2186**

February 10, 2005

By Corey D Peterson, Associated General Contractors of Kansas, Inc.

Mister Chairman and members of the committee, my name is Corey D Peterson, Executive Vice President of the Associated General Contractors of Kansas, Inc. The AGC of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (with the exception of Johnson and Wyandotte counties).

The AGC of Kansas opposes House Bill 2186 and requests that you not report it favorably for passage as written.

While some AGC of Kansas members would not bid on jobs smaller than \$100,000, many of its the smaller member companies would. This would be more likely in the rural areas, where companies depend on the smaller projects to allow their businesses to survive.

AGC of Kansas has a strong position advocating that construction projects in the public sector be procured in a fair, open and objective manner that is free of political influence. The exemption from bidding laws at this higher dollar threshold would open the door for an increased number of projects that feature contractor selection methods that do not meet this standard.

The traditional open bidding procedure has worked effectively for public entities for many years and it is AGC of Kansas' position that it can continue to be used effectively on projects smaller than \$100,000.

The AGC of Kansas respectfully asks that you not recommend HB 2186 for passage as written.

Thank you for your consideration.

House Gov. Org. & Elections
Date: 2-10-05
Attachment # 2

THE KANSAS CONTRACTORS ASSOCIATION, INC.



OFFICERS

MARY SULLIVAN, *President*
Kansas City, Kansas

CORKY BEACHNER, *Vice President*
St. Paul, Kansas

MIKE MORRAND, *Treasurer*
Paola, Kansas

STAFF

DAN RAMLOW, *Executive Vice President*
BOB TOTTEN, *Public Affairs Director*
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Testimony

By the Kansas Contractors Association before the House
Governmental Organization and Local Elections Committee
regarding HB 2186
February 10, 2005

Mr. Chairman and members of the House Governmental Organization and Local Elections Committee, I am Bob Totten, Public Affairs Director for the Kansas Contractors Association. Our organization represents over 400 companies who are involved in the construction of highways and water treatment facilities in Kansas and the Midwest.

Today, I want to voice our opposition to House Bill 2186 and relay some of our concerns over this issue.

The Kansas Contractors Association believes raising the contract threshold is not in the best interests of the state as it would take private industry out of the opportunity to bid on projects which normally are conducted by the private sector.

House Gov. Org. & Elections
Date: 2-10-05
Attachment # 3

Many of our members are small and if they had to rely on higher priced work, they would find it harder to do business in the state. I have heard from members throughout Kansas who told me, make sure the legislators are aware our counties don't need to do work that should be left to private industry.

I have attached to the end of my testimony a list of over 500 projects KDOT awarded in the past 5 years which were less than \$100,000 in cost. It demonstrates there are contractors available and willing to bid on work less than the threshold suggested in this measure. Furthermore, this list shows only KDOT work which usually is larger than most county projects are.

The Kansas Contractors Association believes that if this bill were passed, counties might increase their work forces to do the work our contractors presently do. That would increase the size of government as more county employees would be necessary to do the work presently done by the private sector. That would mean that your taxes would be higher as government got bigger.

We realize there are some jobs that the counties should do with their own forces such as mowing grass and possibly the repair of potholes. Beyond that, our members say construction projects should be put out for bid and you will get a better price.

Our members are qualified to do the work they contract for. They have the experience and expertise to get the job done and on time. If you leave it to county forces, there is no guarantee the work will be done correctly or even on time. If it is done incorrectly or not on time, who pays; the taxpayers. If the contractor doesn't do the work right or doesn't get it done on time, the county inspector requires them to do it again or pay a penalty for being late. There are no additional costs involved

when a project goes sour when you use a competitive bid process.

What we have found in cases where counties do a fair portion of the work, you find the work being done by the same person who cut the grass last week, painted the courthouse the week before and is now building a bridge across a creek your children take the school bus to school. We question whether the work is done up to the specifications we all should expect

In addition if the threshold for bids goes up to \$100,000, it would create even more opportunities for counties to buy more equipment. In many instances, the equipment is not fully utilized and in our opinion another waste of the taxpayer's dollar. As one former county commissioner who is now in the legislature told me, he remembers his county engineer bought a large piece of equipment and it just sat in the yard. His contention and ours is many counties buy equipment that is rarely used and so the return on the investment is not economical.

Moreover, the county doesn't pay any taxes on their equipment whereas as the private sector does.

The Kansas Contractors Association supports the competitive bid process where the public obtains the services of competent contractors, the quality of the work is bonded and the final costs of the work is known and guaranteed.

We believe this bill, if passed, would increase the costs of a construction project, possibly lower the quality of work performed and cause the taxpayer to pay more for a product than is necessary.

I thank you for your time today and would be happy to answer any of your questions.

AMOUNT	COUNTY	MONTH/YR
\$4,309.24	Riley	6/04
\$4,400.00	Atchison	9/04
\$4,910.43	Atchison	5/04
\$5,362.92	Osage	7/99
\$5,778.00	Saline	3/03
\$5,791.50	Elk	1/04
\$6,932.94	Atchison	5/04
\$7,493.50	Neosho	6/02
\$7,540.10	Marshall	8/02
\$7,643.45	Atchison	5/04
\$7,747.50	Doniphan	2/04
\$7,783.00	Montgomery	3/02
\$7,945.00	Logan	7/04
\$7,987.85	Ellsworth	10/99
\$8,261.26	Harper	5/04
\$8,391.63	Riley	4/04
\$8,469.50	Brown	7/03
\$8,491.16	Russell	1/03
\$8,583.50	Wilson	7/00
\$8,598.75	Rice	10/03
\$8,740.00	Osage	6/99
\$8,917.00	Norton	11/02
\$8,932.20	Thomas	11/01
\$9,000.00	Johnson	11/00
\$9,070.00	Osage	6/99
\$9,281.95	Cowley	4/03
\$9,600.00	Pottawatomie	4/02
\$9,992.55	Jewell	4/03
\$10,175.54	Washington	12/04
\$10,493.00	Anderson	7/00
\$10,760.00	Trego	1/02
\$11,087.80	Sedgwick	9/99
\$11,381.00	Barber	4/02
\$11,764.27	Clay	6/04
\$11,992.42	Johnson	12/02
\$12,057.00	Miami	6/02
\$12,126.05	Wyandotte	9/02
\$12,575.00	Doniphan	7/03
\$12,769.75	Clay/Dickinson	8/02
\$12,893.06	Shawnee	7/02
\$13,309.67	Mitchell	6/04
\$13,410.00	Wabaunsee	4/02
\$13,653.00	Pawnee	7/04
\$13,734.72	Edwards	6/99
\$13,877.81	Saline	10/03
\$14,069.80	Marion	6/00
\$14,648.15	Doniphan	7/03
\$14,744.95	Labette	10/02
\$14,889.17	Cowley	2/03
\$14,917.60	Washington	6/04
\$14,993.85	Norton	2/02
\$15,028.75	Coffey	9/04
\$15,050.50	various	2/01

\$15,392.90	Miami	3/00
\$15,429.20	Edwards	3/03
\$15,815.05	EW LC	4/02
\$16,003.43	Harvey	10/02
\$16,004.20	Bourbon	8/02
\$16,028.83	Trego	1/99
\$16,327.80	Norton	6/03
\$16,441.00	Clay	12/99
\$16,534.64	Harper	5/04
\$16,750.00	Lane	11/03
\$16,916.00	Clay	12/99
\$17,011.00	Osage	5/03
\$17,026.00	Washington	12/99
\$17,036.92	Wilson	1/00
\$17,137.30	Sedgwick	7/03
\$17,225.80	Ellis	11/99
\$17,577.50	Jackson	5/04
\$17,701.35	Cherokee	3/00
\$17,732.84	Russell	6/00
\$17,827.54	CY CD EW RP	1/03
\$17,878.00	Logan	4/00
\$17,941.76	Neosho	10/02
\$17,990.75	Doniphan	5/03
\$17,998.40	Republic	7/00
\$18,308.35	Rice	3/01
\$18,555.52	McPherson	1/04
\$18,590.00	Clark	11/03
\$19,668.30	BT RH	6/99
\$20,001.20	Shawnee	7/04
\$20,102.95	Coffey	7/03
\$20,109.04	Ellis	4/01
\$20,298.00	Shawnee	6/99
\$20,395.80	Marshall	7/99
\$21,218.00	PT RL	6/99
\$21,832.00	Ford	8/01
\$21,987.25	Wyandotte	5/99
\$22,040.28	Osage	7/99
\$22,238.00	Wichita	7/99
\$22,360.90	Washington	5/01
\$22,437.00	Wyandotte	10/01
\$22,684.90	Wichita	4/04
\$22,759.77	Marion	3/04
\$22,828.86	Jewell	6/04
\$22,830.00	Pawnee	4/02
\$22,858.52	Ford	1/04
\$22,875.00	Greenwood	2/03
\$22,925.00	Haskell	4/03
\$23,029.88	Chase/Marion	1/99
\$23,558.25	Johnson	7/03
\$23,604.00	barber/harper	9/04
\$23,633.46	Norton	2/04
\$23,641.30	Wyandotte	6/00
\$23,900.00	Republic	7/02
\$23,969.40	Shawnee	7/01

\$24,110.32	Jackson-Shawn	1/03
\$24,144.33	Barton	3/01
\$24,261.45	FR LB MG NO \	1/03
\$24,287.00	Chase	7/01
\$24,580.50	Stanton	4/03
\$24,624.95	Finney	7/99
\$24,632.60	Ford/Hamilton	1/04
\$24,799.00	Finney	10/99
\$24,809.50	Brown	3/00
\$24,847.31	Cloud	6/04
\$24,866.50	Shawnee	10/00
\$24,895.45	Johnson	6/00
\$24,990.00	Morton	10/03
\$25,037.93	Ottawa	6/04
\$25,178.09	Ellis/Trego	1/04
\$25,289.84	Morris	4/00
\$25,355.00	Clay Dickinson	12/99
\$25,545.50	Clark	10/99
\$25,565.70	Reno	3/99
\$25,955.10	Douglas	6/00
\$26,000.00	Brown	4/01
\$26,227.01	Wyandotte	12/03
\$26,237.00	Gove/Logan	10/00
\$26,578.50	Lyon	6/99
\$26,600.00	Ford	11/03
\$26,710.00	Sedgwick	3/01
\$26,841.00	Crawford	12/99
\$26,989.20	Crawford	2/03
\$26,990.00	Wabaunsee	5/01
\$27,043.04	Doniphan	3/04
\$27,256.45	Barton	4/00
\$27,330.00	Grant	10/99
\$28,347.87	CY CD MC OT	1/00
\$28,769.00	Nemaha	12/01
\$29,090.64	Douglas	4/01
\$29,104.12	Hamilton	7/00
\$29,239.35	Shawnee	7/04
\$29,291.52	Doniphan	3/00
\$29,317.50	Jefferson	7/00
\$29,358.00	Ellsworth	10/99
\$29,376.65	RS EW LC	6/99
\$29,518.00	Leavenworth	8/00
\$29,627.00	Wyandotte	9/04
\$30,000.00	Geary	7/02
\$30,267.00	Lincoln	10/99
\$30,802.00	Washington	12/99
\$30,834.00	Geary	2/03
\$31,108.00	Ellsworth	10/99
\$31,123.87	Montgomery	12/99
\$31,177.58	Republic	8/00
\$31,205.75	Norton	8/99
\$31,230.00	Haskell	11/03
\$31,302.00	Washington	12/99
\$31,450.00	Pottawatomie	6/99

\$31,768.00	Shawnee	12/04
\$31,942.50	Jefferson	7/00
\$31,960.00	Ford	11/01
\$32,135.76	Sedgwick	8/02
\$32,145.00	Seward	3/00
\$32,168.30	Barber	6/01
\$32,182.00	Rice	11/00
\$32,228.00	Republic	8/99
\$32,836.20	Sherman	2/01
\$32,896.20	Anderson	8/99
\$33,090.00	Sedgwick	12/01
\$33,362.34	Marion	6/01
\$33,499.78	Russell	10/01
\$33,611.00	Ford	4/02
\$33,731.25	Cowley	6/03
\$33,793.20	Miami	12/03
\$33,824.40	Ellsworth	7/02
\$33,939.00	Saline	5/00
\$33,994.55	Republic	4/03
\$34,166.00	Rush	9/00
\$34,300.00	Ford	10/00
\$34,555.50	Johnson	8/03
\$34,596.40	Sumner	5/04
\$34,602.48	Sedgwick	8/00
\$34,791.20	Cloud	8/99
\$35,139.80	Shawnee	12/01
\$35,151.00	Meade	4/03
\$35,181.00	Johnson	3/99
\$35,187.10	Reno	5/03
\$35,268.00	Thomas	7/01
\$35,389.50	Ottawa	6/99
\$35,403.52	Harvey	4/00
\$35,657.60	Morton	2/02
\$35,980.10	Mitchell	10/03
\$36,099.50	JO MS NM	1/03
\$36,466.22	District 4	5/99
\$36,596.15	Bourbon	4/03
\$36,717.75	Reno	10/00
\$36,736.04	Doniphan	3/00
\$36,755.58	Rice	5/03
\$37,074.56	Rice	10/03
\$37,212.50	Ellsworth/Saline	8/02
\$37,285.00	Franklin	6/02
\$37,338.00	Barton	9/00
\$37,372.00	Sherman	4/00
\$37,631.42	Cloud	5/01
\$37,869.25	Kearny	9/00
\$38,148.97	Reno	6/03
\$38,394.55	Greeley	1/03
\$38,538.00	Ottawa	5/03
\$38,627.50	Wyandotte	6/04
\$38,681.38	Scott	4/04
\$38,700.00	Ford	11/04
\$38,726.80	Br/Nemaha	4/01

\$38,940.20	Meade	3/01
\$38,950.00	Hodgeman	11/04
\$39,689.50	Wyandotte	1/02
\$39,695.75	Washington	3/02
\$39,700.00	Ness	11/04
\$39,733.20	Harvey/Reno	12/01
\$40,020.00	Kearny	10/99
\$40,079.00	Butler	4/03
\$40,140.53	Shawnee	1/02
\$40,198.50	Haskell	10/99
\$40,277.00	Ottawa	5/03
\$40,401.00	Wyandotte	4/03
\$40,448.00	Cherokee	2/04
\$40,603.45	Shawnee	5/02
\$40,673.14	Leavenworth	1/01
\$40,848.60	Osage	6/04
\$41,013.66	Ellis & Republic	1/02
\$41,253.68	Ellsworth	4/01
\$41,341.70	Ford	11/03
\$41,420.20	Sedgwick	3/00
\$41,500.00	Reno	3/04
\$42,260.00	Ellsworth	6/04
\$42,266.94	Atchison	12/04
\$42,462.25	Rice	3/00
\$42,718.00	Shawnee	9/03
\$42,825.90	Clay	8/03
\$43,084.64	CN SH WA	6/02
\$43,228.30	Wyandotte	9/02
\$43,573.50	Crawford	7/02
\$43,600.40	FO HS SC SW	1/03
\$43,640.60	Franklin	7/00
\$43,755.00	Wabaunsee	3/00
\$43,970.00	Lyon	7/03
\$44,258.00	JF/LV	12/02
\$44,367.00	Bourbon	6/02
\$44,468.16	EW MP	6/99
\$44,890.00	Rice	10/99
\$45,043.63	Sherman	2/01
\$45,757.50	Lane	10/99
\$45,803.80	Ness	1/99
\$46,053.51	Chase	3/99
\$46,237.00	Barber	11/04
\$46,537.50	Scott	11/01
\$46,548.66	GT SV	6/99
\$46,746.59	AT BR	4/00
\$46,875.00	Grant	9/00
\$46,902.00	Grant	4/03
\$47,033.75	Wyandotte	10/03
\$47,426.50	Wyandotte	1/03
\$47,642.50	Cherokee	6/00
\$47,896.23	Ottawa	11/99
\$47,993.75	Wyandotte	7/02
\$48,459.50	JA MS NM	4/02
\$48,530.50	Wyandotte	6/04

\$48,759.80	Sedgwick	10/04
\$48,919.18	Lincoln	6/04
\$48,996.60	Stanton	7/99
\$49,021.50	Washington	7/04
\$49,315.55	Dickinson	7/01
\$49,422.25	Woodson	5/03
\$49,456.50	Ottawa	12/01
\$49,505.20	JF JO SN MS	1/04
\$49,650.00	Thomas	7/04
\$49,661.07	Wabaunsee	1/02
\$49,805.30	Mitchell	6/03
\$50,463.50	Republic	9/03
\$50,510.00	Dickinson	5/01
\$51,228.00	Ottawa	10/99
\$51,249.60	Johnson	9/99
\$51,324.35	Wyandotte	9/02
\$51,435.71	Marion	12/04
\$51,782.96	Franklin	7/00
\$51,950.60	Lyon	3/01
\$52,210.00	Geary	6/01
\$52,260.12	CY WS	4/00
\$52,260.20	Linn	6/04
\$52,265.00	Jefferson	7/02
\$52,388.05	Ottawa	10/99
\$52,395.20	Nemaha	5/03
\$52,774.00	Jewell/Mitchell	10/03
\$53,024.66	DK GE MN	5/00
\$53,410.50	Ness	4/03
\$53,721.90	Harvey/Reno	7/01
\$53,809.75	Wyandotte	9/99
\$53,928.40	District 6	1/02
\$54,157.00	Republic	7/04
\$54,180.60	Co-Ed-KW	6/04
\$54,304.63	Neosho	6/04
\$54,448.50	Clay	2/01
\$54,505.86	JW MC	6/99
\$54,671.00	Jewell	6/99
\$54,672.48	Jackson	4/00
\$54,679.80	Barber	11/04
\$54,726.00	Sedgwick	6/02
\$54,967.08	GE MR WB	6/99
\$54,985.00	Logan	7/04
\$55,299.50	Russell	6/00
\$55,566.20	Butler	3/03
\$55,929.50	Ellsw/Linc/Rice	12/01
\$56,001.30	Wilson	5/02
\$56,475.00	Lincoln	10/99
\$56,719.06	Coffey	8/99
\$56,787.80	Cloud	6/01
\$56,962.00	Cherokee	6/99
\$57,835.00	Cowley	7/02
\$57,882.00	Dickinson	10/03
\$57,973.00	Johnson	9/00
\$58,050.73	Shawnee	2/99

\$58,065.05	Meade	6/04
\$58,318.00	Douglas	10/02
\$58,719.05	Harvey	5/04
\$58,984.00	MS PT	4/00
\$59,100.00	Reno/Sedgwick	3/00
\$59,652.00	Anderson	7/00
\$59,713.62	HP-KM-SU	6/03
\$59,812.24	Finney	4/03
\$59,922.50	Scott	4/03
\$59,959.44	Dist. V	2/04
\$60,180.80	Rawlins	11/99
\$60,486.46	Seward/Steven:	3/01
\$60,709.30	Lincoln	6/99
\$60,901.30	Republic	9/04
\$61,000.00	District 6	3/02
\$61,010.00	Neosho	10/03
\$61,036.45	Cloud	8/01
\$61,416.50	Crawford	4/02
\$61,595.50	Wabaunsee	4/04
\$61,771.89	Russell	1/04
\$62,037.20	Jackson/Jeffers	3/00
\$62,105.50	Dickinson	2/03
\$62,191.98	Miami	5/03
\$62,559.00	Cherokee	5/03
\$62,592.51	Osborne	11/04
\$62,736.15	Jewell	4/99
\$63,115.00	Dickinson	6/03
\$63,179.40	Norton	5/01
\$63,673.00	Labette	4/03
\$63,677.50	Morris	6/02
\$63,782.40	BU HP KW PR .	1/03
\$63,823.76	Ford	4/03
\$63,887.24	Montgomery	6/04
\$64,084.80	Barber	11/04
\$64,120.00	Cowley	3/00
\$64,844.76	Osborne	6/02
\$65,446.20	Sedgwick	1/03
\$65,527.00	Johnson	2/99
\$65,538.13	Montgomery	6/04
\$65,600.00	Gray	10/00
\$65,649.00	Finney	1/04
\$65,915.00	Dist 2	4/02
\$66,051.21	Jefferson/Leave	4/01
\$66,115.00	Geary	9/01
\$66,442.00	Johnson	3/03
\$66,619.59	EL LG RS TH	1/03
\$66,856.00	Geary/Riley	10/01
\$66,888.95	Marion	7/01
\$67,125.59	Neosho	6/04
\$67,197.10	Republic	2/01
\$67,526.00	Labette	2/01
\$67,541.39	Sedgwick	1/02
\$67,550.60	Labette	4/99
\$67,588.60	Atchison	5/99

\$67,761.25	Douglas	5/01
\$67,907.79	Riley	12/99
\$67,910.00	Grant	9/01
\$68,317.80	Jewell	10/01
\$68,645.94	Lyon	4/03
\$68,701.00	Sedgwick	7/01
\$68,759.00	Brown	6/99
\$68,875.00	Douglas	1/04
\$68,880.00	LB MG NO	6/00
\$69,244.00	Barton	10/99
\$69,770.00	Morton	9/99
\$69,833.05	Republic	10/03
\$70,006.30	Clark	11/03
\$70,060.36	Osage	7/03
\$70,146.00	Lincoln	10/03
\$70,167.50	Lyon	8/00
\$70,172.00	Labette	7/00
\$70,252.24	Donphan	1/04
\$70,252.83	AL CK LB MI	1/04
\$70,421.30	Mitchell	10/00
\$70,601.50	Chase	7/00
\$70,690.40	Jefferson	3/00
\$70,706.00	Edwards	7/04
\$70,816.48	Kiowa	6/99
\$70,992.40	Marion	7/04
\$71,075.15	Republic	9/04
\$72,220.50	Wyandotte	2/04
\$72,398.00	Sedgwick	7/04
\$72,674.20	Dickinson	5/03
\$73,322.11	Atchison	1/01
\$73,493.21	Barton	11/04
\$73,521.12	Reno	2/99
\$73,590.95	Osborne	8/00
\$73,718.85	Pottawatomie	4/04
\$73,903.80	Wallace	11/02
\$74,420.98	Osage	5/99
\$74,494.25	Pottwatomie	2/04
\$74,506.28	Sedgwick	5/04
\$74,610.70	Sumner	7/99
\$74,625.93	Barton	2/03
\$75,000.00	Johnson	6/00
\$75,150.78	Shawnee	6/00
\$75,333.55	Butler	11/03
\$75,399.00	Republic	12/99
\$76,307.77	Dickinson	1/03
\$76,380.20	Comanche	9/02
\$76,722.00	Linn	5/03
\$76,775.00	Bourbon	12/99
\$76,939.22	Dickinson	12/99
\$76,948.15	BA BT ED KM	1/04
\$77,210.00	Bourbon	8/03
\$77,659.26	Rooks	6/99
\$78,000.44	Reno	5/04
\$78,515.24	Pottawatomie	7/04

\$78,803.55	Mitchell	6/01
\$79,244.50	Lincoln	6/00
\$79,385.28	Allen	5/01
\$79,454.00	Geary	9/01
\$79,726.50	Shawnee	5/99
\$79,924.80	District 5	1/02
\$80,279.00	Lincoln	6/02
\$80,534.15	Wabaunsee	2/00
\$80,978.12	Butler	7/99
\$81,892.00	LG Th	4/00
\$82,225.56	Chase	6/02
\$82,275.60	Phillips	4/04
\$82,319.25	Reno	3/00
\$82,475.00	Johnson/Wyanc	9/02
\$82,532.00	Graham	6/03
\$82,653.83	Lyon	10/01
\$82,896.40	Sedgwick	1/99
\$83,191.15	Chase	10/01
\$83,249.00	Cherokee	3/00
\$83,360.00	Ellswroth	6/04
\$83,854.00	Wilson	12/99
\$83,899.49	Barton	5/04
\$83,961.27	Cloud/Jewell	12/01
\$83,971.50	Douglas	8/99
\$84,268.60	Jewell	11/00
\$84,490.60	Wyandotte	9/04
\$84,594.74	Osage	11/99
\$84,644.32	CD MC	4/00
\$84,998.00	Wyandotte	4/99
\$85,085.40	Dickinson	7/04
\$85,566.00	Jefferson	5/01
\$85,686.25	Jackson	8/02
\$87,072.20	Smith	6/01
\$87,121.75	Pottawatomie	7/02
\$87,323.80	Barber	11/04
\$87,330.00	Gray	11/03
\$87,445.00	Marshall	5/02
\$87,618.75	Wyandotte	8/99
\$87,958.21	Marion	8/00
\$88,455.00	Bourbon	8/99
\$88,589.43	Wilson	5/03
\$89,267.50	Neosho	10/02
\$89,331.05	Saline	1/03
\$90,831.22	Wyandotte	4/03
\$90,936.00	Cherokee	5/03
\$90,995.67	Douglas	6/01
\$91,014.30	Marshall	8/99
\$91,069.00	BT RN SF	5/00
\$91,101.86	Pottawatomie	12/01
\$91,150.00	Republic	8/00
\$91,355.58	Scott	11/01
\$91,842.30	Rooks	11/03
\$91,967.62	JW MC	4/02
\$92,402.62	Butler	7/01

\$92,913.75	Brown	10/01
\$93,021.92	Allen	3/00
\$93,127.80	Atchison	7/00
\$93,462.40	Pottawatomie	8/02
\$93,610.00	Reno	9/04
\$93,998.00	Miami	8/99
\$94,049.00	Washington	12/04
\$94,162.25	Sumner Co.	5/03
\$94,215.00	Lyon	10/04
\$94,309.63	Meade	7/99
\$94,487.00	Geary	3/99
\$94,865.32	Coffey	5/03
\$94,998.80	District 1	1/02
\$95,285.50	Dickinson	8/00
\$95,475.60	Osage	4/04
\$95,755.40	Johnson	9/99
\$95,779.50	Barber	2/01
\$95,906.00	Riley	11/02
\$96,109.00	McPherson	2/00
\$97,050.83	District 5	1/02
\$97,080.76	Sedgwick	7/00
\$97,469.00	Finney	6/00
\$97,592.46	Butler	6/04
\$97,711.35	Butler-CH-MO	6/04
\$98,572.46	Jewell	5/02
\$98,600.75	Gray	6/99
\$98,604.40	Com/Ed/Kiow	9/00
\$98,706.00	Greenwood	5/00
\$99,051.00	Leavenworth	4/02
\$99,137.30	Sedgwick	12/01
\$99,383.89	Jefferson	4/03
\$99,740.90	Various	2/02
\$100,115.00	Woodson	12/99



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2242
to
The House Committee on Governmental Organization and Elections

By Roger Werholtz
Secretary
Kansas Department of Corrections

February 10, 2005

HB 2242 repeals K.S.A. 74-7405a which provides for the confidentiality of the records of the Ombudsman of Corrections. The Department of Corrections supports HB 2242.

The office of the Ombudsman of Corrections was abolished and therefore there is no longer a need for a statutory provision providing for the confidentiality of the records of that office. The department identified this statute in response to the Revisor's survey requesting agencies to identify confidentiality provisions which are no longer relevant.

House Gov. Org. & Elections
Date: 2-10-05
Attachment # 4

Kansas Legislature

[Home](#) > [Statutes](#) > Statute

[Previous](#)

[Ne](#)

74-7405a**Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES****Article 74.--OMBUDSMAN OF CORRECTIONS**

74-7405a. Same; confidentiality of records. Records of the office of the ombudsman of corrections or of the corrections ombudsman board which relate to complaints by correctional inmates or employees shall not be disclosed directly or indirectly to any person except as authorized by the ombudsman of corrections or by a majority vote of the corrections ombudsman board.

History: L. 1984, ch. 187, § 14; Feb. 9.

4-2



KANSAS

RODERICK L. BREMBY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF HEALTH AND ENVIRONMENT

Testimony on House Bill 2198

To

House Committee on Governmental Organization and Elections

**By Christine Ross-Baze
Director, Child Care Licensing and Registration Program**

Kansas Department of Health and Environment

February 10, 2005

Representative Vickrey and members of the Governmental Organization and Elections Committee. I am here to testify on HB 2198 concerning records that can be released by the Department. I would like to begin by providing the Committee an overview of the Department's response when a parent makes an open records request for child care facility or family day care home information.

The typical request is from a parent whose child is attending a child care center or day care home or from a parent who has narrowed their search and would like to check the compliance history of a few centers or homes before making a decision. Parents want to know if the center or home is licensed and often request complaint findings or inspection findings for the last year or two. Parents already have identifying information about the center or day care home when they contact the Department. The Department responds by providing the licensing information and copies of the complaint and inspection findings. The Department marks out the name, address and telephone number of the child care facility or family day care home on the copies provided to the parent. In addition, the Department marks out any identifying information about individuals. Since parents already have the name, address and telephone number of the child care facility or family day care home when they make their request, they are able to match up the information provided by the Department with the center or home.

Under the current statute, the Secretary of Health and Environment has the authority to release the name, address or telephone number of a child care facility, maternity center or family day care home when the Secretary determines the release is necessary to protect the public or the patients or children who are being served. In

practice, the Department has released Emergency Orders of Suspension under this authority and could notify the public of outbreaks or other public health concerns if necessary.

Given the Department's ability under current statute to give parents information they need to make child care choices, the proposed amendment to KSA 65-525 seems unnecessary and has some other consequences which should be taken into consideration as follows:

The proposed amendment gives the Department discretion to determine if the confidential information is appropriate to be disclosed. This puts the Department in the position of making judgments about what is "appropriate" to be disclosed, what may "affect the child's health, safety and welfare", who is considered a "parent" and what are "child care services". There is some concern this will open the door for legal arguments about what should or should not be released to parents.

The proposed amendment does not differentiate between day care facilities and homes and foster care facilities and homes. Family foster homes are child care facilities under the statute. Parents who have had their children removed from their care due to abuse or neglect could have access to the name, address and telephone number of foster parents under the proposed language if the Department determines it is appropriate. If the intent is to limit the proposed amendment to day care facilities and homes this should be made clear in the statute.

A registered family day care home is not statutorily defined as a child care facility. The language proposed in KSA 65-525(c)(8) does not include "family day care home".

Thank you for the opportunity to testify before you today. I am available to answer any questions you may have.

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
TESTIMONY OF THE SECRETARY OF STATE
TO THE HOUSE GOVERNMENTAL ORGANIZATIONS AND ELECTIONS COMMITTEE
ON HB 2118

FEBRUARY 10, 2005

Mr. Chairman and Members of the Committee:

The Secretary of State appreciates the opportunity to appear today to brief the committee and answer questions relating to HB 2118, which relates to public disclosure about cemetery merchandise trust funds and permanent maintenance funds.

The bill amends K.S.A. 17-1312e(b), which currently allows—but does not mandate—the Secretary of State to disclose upon request whether a cemetery corporation maintains a merchandise trust fund or maintenance fund, and whether the funds are in compliance with law. HB 2118 simply amends this provision to *require* the Secretary of State to disclose this information when a request is made.

When asked for this information, our office has always provided the information. Therefore, this bill will not change our procedures.

I would be happy to answer any questions relating to the bill.

Melissa A. Wangemann, Legal Counsel
Deputy Assistant Secretary of State

House Gov. Org. & Elections
Date: 2-10-05
Attachment # 6