

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:40 A.M. on February 22, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Michael Corrigan, Revisor of Statutes Office
J. G. Scott, Kansas Legislative Research Department
Reagan Cussimano, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Audrey Dunkel, Kansas Legislative Research Department
Susan Kannarr, Kansas Legislative Research Department
Matt Spurgin, Kansas Legislative Research Department
Judy Bromich, Chief of Staff
Mary Shaw, Committee Secretary

Conferees appearing before the committee:

Randall Bailes, Kansas State Historical Society
Clark Balderson, Pottawatomie County Economic Development
Dick Seaton, Chairman, Board of Trustees, Audubon of Kansas, Inc.
Michelle Crisler, Landowner, Wamego
Katie Carlgren, Wabaunsee County Economic Development Council
Carol Duffy McDowell, Flint Hills Tallgrass Prairie Heritage Foundation

Others attending:

See attached list.

Bill Introductions

Senator Emler moved, with a second by Senator Barone, to introduce a bill concerning state officers and employees, salaries and compensation, increases for FY 2007, certain expense allowances, classified step movement for FY 2007. Motion carried on a voice vote.

Copies of the Kansas Legislative Research Department Budget Analysis Report for FY 2006 and FY 2007 were made available to the Committee.

Kansas Department of Social and Rehabilitation Services(Attachment 1)

Subcommittee Chairman Dwayne Umbarger reported that the budget subcommittee on the Kansas Department of Social and Rehabilitation Services concurs with the Governor's recommendations in FY 2006 with exceptions and FY 2007 with exceptions.

Senator Teichman moved, with a second by Senator Betts, to adopt the subcommittee budget report for the Kansas Department of Social and Rehabilitation Services in FY 2006 and FY 2007. Motion carried on a voice vote.

The Chairman turned the Committee's attention to discussion of:

SB 490--Creating the Kansas long-term care bill of rights
SB 502--Coordinated system for long-term care services

Senator Emler moved, with a second by Senator Teichman, to amend SB 490 to adopt the balloon amendment containing provisions of SB 502 and change the word "elderly" to "older citizens" in the preamble portion of the bill (Attachment 2). Motion carried on a voice vote.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on February 22, 2006, in Room 123-S of the Capitol.

Senator Teichman moved, with a second by Senator Emler, to amend SB 490 by striking the word "elderly" and replacing it with "older citizens" throughout the bill. Motion carried on a voice vote.

Senator Teichman moved, with a second by Senator Emler, to amend SB 490 on page 2, line 25 (b) to add language "nothing in this act shall create any entitlement to services". Motion carried on a voice vote.

Senator Emler moved, with a second by Senator Kelly, to incorporate all amendments into Senate Substitute for SB 490 and recommend the bill favorable for passage. Motion carried on a roll call vote.

The Chairman opened the public hearing on:

SB 553--State historical society; transfer of property to Audubon of Kansas

Staff briefed the Committee on the bill.

The Chairman welcomed the following conferees:

Randall Bailes testified in support of **SB 553** on behalf of the Kansas State Historical Society (Attachment 3). Mr. Bailes explained that the bill authorizes the State Historical Society to convey property, commonly known as Mount Mitchell, in rural Wabaunsee County, Kansas, to Audubon of Kansas provided the property neighbors and community have knowledge of and support the property transfer which is further explained in his written testimony.

Clark Balderson, Wamego, Kansas, spoke in support of **SB 553** to help the area preserve and enshrine the Col. William Mitchell legacy and to further the economic independence of their area of rural Kansas (Attachment 4).

Dick Seaton, Chairman, Board of Trustees, Audubon of Kansas, Inc., testified in support of the bill and attached information to his written testimony about the conceptual outline for potential stewardship of the 30-acre Mt. Mitchell property (Attachment 5). He noted that this outline was prepared for members of the Mt. Mitchell Committee. The objectives were to explore ways to continue to preserve the prairie, honor the donors, and make the historical and natural heritage attributes of this property appropriately available for public educational and inspirational purposes.

Michelle Crisler, Wamego, Kansas, spoke in support of the bill. Ms. Crisler explained that their address is on Mt. Mitchell Road and they live in the historic Captain William Mitchell home which is one of the few original documented Underground Railroad Stations in the state (Attachment 6). She provided additional information on the history of the property in her written testimony.

Katie Carlgren, on behalf of the Wabaunsee County Economic Development Council, testified in support of **SB 553** (Attachment 7). Ms. Carlgren explained that the Council recognizes the importance of tourism and historical sites in their area. She noted that they see Mt. Mitchell as an educational opportunity for school children and other visitors to learn about the territorial history of Kansas.

Carol Cook, Historian, Wamego, Kansas, spoke in support of the bill. (No written testimony was provided.) Ms. Cook explained that as an historian, she has researched the underground railroad and Mt. Mitchell is worthy as an historical site. She noted that the site is being well-cared for by the Crisler family and that an access to that area is needed.

Written testimony was submitted by Carol Duffy McDowell, on behalf of the Flint Hills Tallgrass Prairie Heritage foundation (Attachment 8).

There being no further conferees to come before the Committee, the Chairman closed the public hearing on **SB 553**.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:40 A.M. on February 22, 2006, in Room 123-S of the Capitol.

Senator Kelly moved, with a second by Senator Emler, to recommend **SB 553** favorable for passage and be placed on the Consent Calendar. Motion carried on a roll call vote.

The meeting adjourned at 11:35 a.m. The next meeting was scheduled for February 23, 2005.

**SENATE WAYS AND MEANS
GUEST LIST**

Date February 22, 2006

NAME	REPRESENTING
Cathy Salisbury	DOB
Julie Thomas	DOB
Randall Backe	KSHS
Kerth Kelle	KU
Frank Aore	DHAF
Tim Hefk	freelance writer
Bob Harder	UMC - KS
Carol Cook	Wabawsee Co.
Doug Bowman	CCECDs
Alex Solomon	TFI Family Services
Pam Scott	Ks Funeral Directors Assn
Ernest C. Fogge	AARP
Stuart Little	Little Govt. Relations
Mike Huttles	Huttles Government Relations
Beth O'neil	Huttles Govt Relations
Mike Hammond	ACMHC
Melissa L. Ness	St. Francis Academy
Kevin Siek	TILRC
Tom Stratton	Ks legal services, Inc.
Art Marie / Prof	SILCK
Shannon Jones	SILCK
Josie Torres	SILCK
Jennifer Schwartz	KACIL

Senate Ways and Means

Subcommittee Reports on the

Department of Social and Rehabilitation Services

FY 2006 and FY 2007



Senator Dwayne Umbarger, Chairperson



Senator Carolyn McGinn



Senator Jean Schodorf



Senator Ruth Teichman



Senator Donald Betts

Subcommittee Report

Agency: Social and Rehabilitation Services **Bill No. --**

Bill Sec. --

Analyst: Kannarr

Analysis Pg. No. Vol. II-1342

Budget Page No. 367

Expenditure Summary	Agency Estimate FY 06	Governor's Recommendation FY 06	Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 494,201,495	\$ 493,794,613	\$ 550,000
Other Funds	814,439,064	822,746,193	0
Subtotal - Operating	\$ 1,308,640,559	\$ 1,316,540,806	\$ 550,000
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	5,397,861	5,397,861	0
Subtotal - Capital Improvements	\$ 5,397,861	\$ 5,397,861	\$ 0
TOTAL	\$ 1,314,038,470	\$ 1,321,938,667	\$ 550,000
FTE Positions	3,847.6	3,655.1	0.0
Non FTE Uncl. Perm. Pos.	91.1	91.1	0.0
TOTAL	3,938.7	3,746.2	0.0

Agency Estimate

The **agency** estimates FY 2006 operating expenditures of \$1,308,640,559, including \$494,201,495 from the State General Fund. The estimate is an all funds decrease of \$8,274,614 (0.6 percent) and a State General Fund increase of \$1,916,208 (0.4 percent) from the amount approved by the 2005 Legislature. Subsequent to the 2005 Session, adjustments and corrections were made to the approved amount. The result of these changes is an approved budget of \$1,316,649,154, including \$492,097,810 from the State General Fund. If these adjustments are accounted for the FY 2006 estimate is an all funds decrease of \$8,008,595 (0.6 percent) and a State General Fund increase of \$2,103,685 (0.4 percent) from the amended approved amount.

The FY 2006 estimate includes supplemental requests of \$8,339,527, including \$3,945,117 from the State General Fund and \$1,818,647 from the Economic Development Initiatives Fund. Absent supplemental requests, the estimate is an all funds decrease of \$16,348,122 (1.2 percent) and a State General Fund decrease of \$1,841,432 (0.4 percent) from the 2006 amended approved expenditures.

The estimate includes operating expenditures of \$33,977,233 (\$16,010,421 SGF) for the **Administration Division**; \$600,544,882 (\$218,381,900 SGF) for **Integrated Service Delivery**; \$670,423,982 (\$259,809,174 SGF) for **Health Care Policy**; and \$3,694,462 for Capital Improvements - Debt Service Interest payments.

Governor's Recommendation

The **Governor** recommends FY 2006 expenditures of \$1,316,540,806 for the Department of Social and Rehabilitation Services, including \$493,794,613 from the State General Fund and \$28,340,350 from the Children's Initiatives Fund. The recommendation is an all funds increase of \$7,900,247 (0.6 percent), a State General Fund decrease of \$6,871,792 (1.4 percent) and a Children's Initiatives Fund decrease of \$2,212 (0.0 percent) as compared to the agency's revised estimate. The recommendation includes \$2,377,831 from special revenue funds for a portion of the agency's supplemental requests. In addition, the Governor's recommendation reflects October 2005 consensus caseload estimates for entitlement programs. The Governor adds \$6,787,477 State General Fund to cover federal existing Medicaid deferrals related to child welfare.

The Governor deletes 192.5 vacant FTE positions. The funding of \$5,462,187, including \$2,078,817 from the State General Fund, associated with those positions is used to reduce agency shrinkage from 13.36 percent to 10.68 percent. Overall funding does not change as a result of this recommendation.

The recommendation includes operating expenditures of \$30,436,039 (\$13,876,872 State General Fund) for the **Administration Division**; \$691,432,172 (\$265,607,506 State General Fund) for **Health Care Policy**; \$590,978,133 (\$214,310,235 State General Fund) for **Integrated Service Delivery**; and \$3,694,462 special revenue funds for debt service interest payments.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. Add \$500,000 from the State General Fund to increase funding for the Community Support Medication program which purchases atypical anti-psychotic medications for individuals with a mental illness who are at risk for hospitalization and who meet income requirements.
2. Add \$50,000 from the State General Fund to fund increases in caseloads for the Funeral Assistance program which provides aid to families currently receiving public assistance to pay for funeral and cemetery expenses for deceased family member.

Subcommittee Report

Agency: Social and Rehabilitation Services **Bill No. --**

Bill Sec. --

Analyst: Kannarr

Analysis Pg. No. Vol. I-1342

Budget Page No. 367

Expenditure Summary	Agency Request FY 07	Governor's Recommendation FY 07	Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 541,041,759	\$ 510,666,852	\$ 4,795,424
Other Funds	823,708,493	845,640,054	4,759,322
Subtotal - Operating	\$ 1,364,750,252	\$ 1,356,306,906	\$ 9,554,746
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Other Funds	11,963,200	5,142,277	0
Subtotal - Capital Improvements	\$ 11,963,200	\$ 5,142,277	\$ 0
 TOTAL	 \$ 1,376,713,452	 \$ 1,361,449,183	 \$ 9,554,746
FTE Positions	3,873.6	3,670.6	12.0
Non FTE Uncl. Perm. Pos.	64.1	64.1	0.0
TOTAL	3,937.7	3,734.7	12.0

Agency Request

The **agency** requests FY 2007 operating expenditures of \$1,364,750,252, including \$541,041,759 from the State General Fund. The request is an all funds increase of \$56,109,693 (4.3 percent) and a State General Fund increase of \$46,840,264 (9.5 percent) above the FY 2006 estimate.

Requested enhancements total \$94,975,277, including \$53,712,056 from the State General Fund and \$3,425,250 from the Economic Development Initiatives Fund.

The request includes operating expenditures of \$30,836,013 (\$14,146,147 SGF) for **Administration**; \$614,681,570 (\$246,513,176 SGF) for **Integrated Service Delivery**; \$715,633,506 (\$280,382,436 SGF) for **Health Care Policy**; and \$3,599,163 for debt service interest payments.

Governor's Recommendation

The **Governor** recommends operating expenditures of \$1,356,306,906 for the Department of Social and Rehabilitation Services, including \$510,666,852 from the State General Fund, \$29,163,081 from the Children's Initiatives Fund, and \$340,000 from the Economic Development Initiatives Fund. The recommendation is an all funds decrease of \$8,443,346 (0.6 percent), a State General Fund decrease of \$30,374,907 (5.6 percent) and a Children's Initiatives Fund increase of \$1,800,000 (6.6 percent) as compared to the agency request. The recommendation reflects October 2005 consensus caseload estimates for entitlement programs. The Governor recommends

\$44,848,410 (\$15,089,610 State General Fund) for a portion of the agency's enhancement package and adds funding for new initiatives including Pre-Kindergarten, energy assistance, and a Grandparents as Caregivers program.

The Governor's recommendation includes funding of \$3,385,572, including \$1,803,522 from the State General Fund, for a 2.5 percent base salary adjustment. The remaining change in salaries and wages between FY 2006 and FY 2007 reflects the absence of the 27th payroll period that was funded in FY 2006.

The Governor deletes 203.0 FTE positions from the agency request as part of the recommendation to eliminate vacant positions and use the associated funding of \$6,183,328 (\$2,391,336 State General Fund) to decrease the agency shrinkage rate from 13.36 percent to 10.26 percent. This recommendation is a deletion of 10.5 additional FTE positions as compared to the Governor's FY 2006 recommendation.

The recommendation includes operating expenditures of \$30,369,914 (\$13,833,888 State General Fund) for **Administration**; \$609,501,689 (\$228,474,507 State General Fund) for **Integrated Service Delivery**; \$712,836,140 (\$268,356,457 State General Fund) for **Health Care Policy**; and \$3,599,163 from the State Institutions Building Fund for debt service interest payments.

Senate Subcommittee Recommendation

The Senate Subcommittee concurs with the Governor's recommendation with the following exceptions:

1. Add \$50,000 from the State General Fund to fund increases in caseloads for the Funeral Assistance program which provides aid to families currently receiving public assistance to pay for funeral and cemetery expenses for deceased family member.
2. Add \$250,000 from the State General Fund to increase funding for the Community Support Medication program which purchases atypical anti-psychotic medications for individuals with a mental illness who are at risk for hospitalization and who meet income requirements. This amount is in addition to the \$250,000 added by the Governor for total increased funding of \$500,000, the same as in FY 2006.
3. Add \$2,500,000, including \$1,000,000 from the State General Fund, to further reduce the waiting list for the Medicaid Home and Community Based Services waiver for the Developmentally Disabled (HCBS/DD).
4. Add \$2,500,000, including \$1,000,000 from the State General Fund, to increase salary rates for direct care workers in the community who provide services to individuals on the Medicaid HCBS/DD waiver. The Subcommittee requests that representatives of the community developmental disabilities organizations report back to the Senate Ways and Means Subcommittee reviewing the SRS budget in the 2007 Session with information about the impact of the additional funding that has been added on salaries for direct care workers in the community.

5. Add \$1,250,000, including \$500,000 from the State General Fund, to reduce the waiting list for the Medicaid Home and Community Based Services waiver for the Physically Disabled (HCBS/PD).
6. Add \$500,000 from the State General Fund to increase funding for grants to Centers for Independent Living which provide services to persons with disabilities to help them live successfully in the community.
7. Add \$210,000 from the State General Fund to continue the College of Direct Supports, a workforce development program for direct support professionals who provide services to disabled consumers in community-based settings.
8. Add \$1,250,000, including \$500,000 from the State General Fund, to increase the hourly rate for personal services provided to individuals on the Medicaid Home and Community Based Services waiver for persons with Physical Disabilities (HCBS/PD).
9. Add \$200,000 from the State General Fund to expand domestic violence prevention services to persons receiving cash assistance by increasing the number of locations and increasing counselors in underserved areas.
10. Add \$675,710, including \$435,424 from the State General Fund, and 12.0 FTE to increase participation in the federal Food Stamp program by providing additional caseworkers and outreach staff in the regional offices. According to agency estimates, the additional staff will result in approximately 2,000 additional families receiving food stamp benefits of approximately \$4.7 million which will then be spent in retail stores statewide.
11. Add \$150,000 from the State General Fund to increase support for the contract with Kansas Legal Services (KLS) to assist Kansans seeking federal disability determinations. The Subcommittee was informed that based on performance for the first half of FY 2006, current funding will not be adequate to meet the needs of clients requiring assistance. In addition, the additional funding will result in federal reimbursements to the state of \$639,000. The Subcommittee does note that uncertainty exists regarding the impact of the current implementation of presumptive disability determination on the number of people requiring assistance from KLS.
12. The Subcommittee expresses its concerns about the potential impact of the recent federal deficit reduction bill on various programs at the agency.
13. The Subcommittee notes the ongoing issues with funding for Level V and VI services. The Subcommittee received testimony requesting State General Fund support for services that Medicaid will no longer support in the future. In addition, the Subcommittee acknowledges the ongoing collaborative process to develop solutions to treat children needing Level V and VI services.
14. The Subcommittee notes testimony it received regarding the importance of crisis stabilization services for children and youth and addition of professional family services to the Sever Emotional Disturbance (SED) waiver. The Subcommittee was informed that the agency is pursuing the use of professional family homes,

grants to Community Mental Health Centers and public/private partnerships for alternative service delivery.

15. The Subcommittee notes its full support for the interim study on mental health services that was recommended during the review of budgets for the state mental health institutions. The study is intended to examine the public mental health system to look at what has taken place since the original Mental Health Reform legislation was passed in the early 1990s, the need for a process to address census increases at state hospitals and reimbursement for community hospitals for inpatient mental health treatment.

SENATE BILL No. 490

By Committee on Ways and Means

2-1

Senate Ways and Means
2-22-06
Attachment 2

9 AN ACT ~~concerning funding for long term care home and community~~
10 ~~based services.~~

creating the Kansas long-term care bill of rights.

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

WHEREAS, The Kansas legislature finds and declares that, in keeping with the traditional concept of the inherent dignity of the individual in our democratic society, that older and disabled citizens should enjoy their later years in health, honor and dignity; and

12 Section 1. ~~(a)~~ This ~~act~~ shall be known as and may be cited as the Kansas long-term care bill of rights.

WHEREAS, Funding for long-term care home and community based services is a priority; and

13 ~~(b) The Kansas legislature finds and declares that, in keeping with the traditional concept of the inherent dignity of the individual in our democratic society, that older citizens and those with disabilities are entitled to enjoy health, honor and dignity; that funding for long-term care home and community based services is a priority; and that future policy development shall be guided by the following principles:~~

WHEREAS, Future policy development should be guided by the principles embodied in the Kansas long-term care bill of rights: *Now, therefore,*

14 (1) The state of Kansas shall strive to provide a comprehensive, integrated long-term care system throughout the state that is responsive to the varied long-term care needs of Kansans of any age or economic status;

section

15 (2) ~~A public policy related to long-term care shall stress individual choice, autonomy, self-determination and privacy;~~

[Delete the numbers and insert lettering; delete the semicolons and insert periods.]

16 (3) ~~Administration of public programs and services to serve all long-term care populations shall be integrated to ensure better, more coordinated policy making, and more efficient service delivery, thus maximizing the appropriate use of state resources;~~

The

17 (4) ~~Long-term care system eligibility requirements and provider reimbursements shall create incentives to expand the most needed services; to serve people in the most appropriate care setting of their choice; and to provide quality care;~~

work toward creating

18 (5) ~~elderly Kansans and people with disabilities shall receive the necessary care and services in the least costly and the least confining setting of choice possible;~~

and disabled citizens of Kansas should

19 (6) ~~public funding shall improve access to and information about care options other than nursing homes as well as care in the home and community;~~

work toward improving

20 (7) ~~the~~ expanded and improved home and community based care services shall be developed in a way that supports and complements the services provided by informal caregivers;

all institutional and residential long term care options as well as the full range of care options

21 (8) ~~all Kansans who are elderly or with disabilities, or both, shall have~~

The state of Kansas shall strive to provide to all long-term care consumers

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access to services through a single point of entry to current descriptive,
 comparative and cost-related information about their various care options;
 (9) strong reporting requirements to document quality and perform-
 ance of all providers shall be a foundation of the long term care service
 system; and
 (10) strong consumer protections and adequate public oversight, ad-
 vocacy and enforcement shall be available for all long-term care
 consumers.
 Sec. 2. This act shall take effect and be in force from and after its
 publication in the statute book.

as well as
 relative performance
 The foundation of the long-term care service system shall be
 and the ability to electronically track people and their care across the
 entire health care and long-term care systems.
 to assist such consumers in receiving appropriate, timely and quality
 care.
 (11) The state of Kansas shall strive to expedite eligibility
 determination and service delivery to all persons eligible for services.
 (12) The department on aging, the department of social and
 rehabilitation services, the department of administration and the Kansas
 health policy authority shall meet on a regular and as needed basis with
 stakeholders and persons representing individuals receiving long-term
 care services to review the ongoing adequacy and quality of care and
 services.
 (13) Such state agencies shall submit an annual report on the quality,
 adequacy and costs of all long-term care, as well as specific
 recommendations and benchmarks for needed reforms, to the governor
 and the legislature annually, during the first week of the regular session.

KANSAS

Kansas State Historical Society
Jennie Chinn, *Executive Director*

KATHLEEN SEBELIUS, GOVERNOR

February 22, 2006

Dear Chair and Committee Members of the Senate Ways and Means:

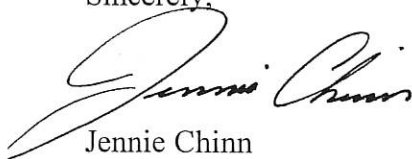
The Kansas State Historical Society supports Senate Bill 553 authorizing us to convey property, commonly known as Mount Mitchell, in rural Wabaunsee County, Kansas to Audubon of Kansas provided that the neighbors and community have knowledge of and support the property transfer.

According to our records, the property was willed to Society in 1953 to be held as a public park. The transfer of the property to the Audubon seems consistent with that purpose. Our files also indicate that the will also placed stipulations on the Society: the hill on the property was to be known as Mount Mitchell in memory of Captain William Mitchell; and a historical marker dedicated to the Connecticut Colony, better known as the Beecher Bible and Rifle Colony, was to be placed and maintained on the summit of the hill. However, the executor's deed on file in the Wabaunsee County Register of Deeds office does not list any stipulations.

Mount Mitchell has never functioned as a state historic site. For many years, there has been a lease for a local rancher to hay the small portion of the property where it isn't too rocky or steep to use farm equipment. Annual income has varied each year depending upon the value of the hay and the size of the crop. We estimate about \$400 income from the hay each year. According to KSA 58-2506, the lease will have to be transferred with the property until the time thereafter it is terminated by the new owner, if so desired, in accordance with the provisions of the statute.

Should there be any questions about this property, the Society will be pleased to address them.

Sincerely,



Jennie Chinn
Executive Director
Kansas State Historical Society



Terry W. Marmet
Director of Historic Sites
Kansas State Historic Society

Randall Bailes

Senate Ways and Means
2-22-06
Attachment 3

Testimony in support of SB 553
Kansas Senate Committee on Ways and Means
February 22, 2006

~~Chairman Umbarger and Members of the Committee:~~

My name is Clark Balderson. My maternal great-grandfather settled in Wabaunsee County in 1875. My paternal great-grandfather was Pottawatomie County sheriff in 1872. I've lived in Wamego – on the border between the 2 counties – for 57 years, with literally hundreds and hundreds of relatives on both sides of the Kansas River.

There is no finer story – no nobler heritage – for our slice of the Kansas River Valley than the Beecher Bible and Rifle settlement that was led by Col. Wm. Mitchell. I grew up learning about this man and his family, including the fact that their home was one of the last stops on the Underground Railroad. In the past 130 years, my relatives have literally lived in the shadow of Mt. Mitchell. They still do today. Needless to say, this is a landmark that means a great deal to us.

Now we have an opportunity to properly recognize this family and its contribution to our area history, while simultaneously helping ourselves economically.

Sometimes in the busy-ness of the development along Wanamaker Road here in Topeka, or the growth surrounding the return of troops to Ft. Riley, it is easy to forget that between the 2 areas the majority of Wabaunsee and Pottawatomie Counties is rural. Those of us in the small towns and rural areas don't always share in the economic good times that come to our neighbors in the cities.

The importance of high return, low impact tourism cannot be minimized. The Columbian Theatre and OZ Museum in Wamego, and the Oregon Trail Park in Westmoreland, are 3 examples of attractions that bring a few thousand visitors and make a difference economically in their small towns. Making historic Mt. Mitchell available to the public will not lead to hordes of visitors. In fact we don't want hordes. But it will lead to several thousand folks who will stop in Alma for gas and lunch, who will stay at an area motel or bed and breakfast, and in the process add a few dollars to our local economies.

I encourage you to support SB 553. Help us help ourselves to preserve and enshrine the Col. Wm. Mitchell legacy and to further the economic independence of our piece of rural Kansas. Best of all, it costs the state of Kansas nothing.

Respectfully submitted,

Clark Balderson
P.O. Box 58, Wamego, KS 66547
785-456-2081
clark@balderson.com

Senate Ways and Means
2-22-06
Attachment 4

Statement of Dick Seaton
Chairman, Board of Trustees, Audubon of Kansas, Inc.
Regarding Support for Senate Bill 553
to the
Kansas Senate
Ways and Means Committee

February 22, 2006

The attached material provides an Audubon of Kansas conceptual outline for potential stewardship of the 30-acre Mt. Mitchell property. This was prepared for members of the Mt. Mitchell Committee and the Audubon of Kansas Board of Trustees in May and June, 2005. Staff of the Kansas State Historical Society, community leaders with a special interest in Mt. Mitchell from Wabaunsee County and Wamego, Kathryn Buster and Audubon of Kansas representatives met in Topeka on May 4. The objectives were to explore ways to continue to preserve the prairie, honor the donors, and make the historical and natural heritage attributes of this property appropriately available for public educational and inspirational purposes.

The consensus was that additional community involvement, outreach to neighboring landowners, more active stewardship and management, and additional funding was needed to provide for improved public visitation and educational purposes. Michael Stubbs, Clark Balderson, Bob Cole, Linda Craighead and Kathryn Buster agreed to form the initial framework for a Mt. Mitchell Committee to work with the Kansas State Historical Society and Audubon of Kansas, Inc. The Executive Committee, and then the full Board of Trustees of Audubon of Kansas on June 4, agreed to accept responsibility for stewardship, management and ownership of the property and to work in partnership with the committee.

As outlined in the conceptual plan and by other materials provided here today, we anticipate that this project will be a continuing partnership with a formalized Mt. Mitchell Committee, the surrounding local communities, the Kansas State Historical Society, neighboring landowners, the township board, Wabaunsee County and other entities. We will pursue funding opportunities to improve parking and a path, benches, educational signage and a brochure.

As illustrated by the recent article in the Omaha World Herald on the 5,000-acre property known as the Hutton Niobrara Ranch Wildlife Sanctuary, Audubon of Kansas is dedicated to land stewardship and is willing to make special commitments to honor the wishes of donors who make their land available for purposes of this nature--even beyond state boundaries. In the case of the Mt. Mitchell property, our commitment will be to the Mitchell family, Mt. Mitchell Committee, the Kansas State Historical Society, neighboring landowners, Kansas Legislature and other partners guiding this opportunity.

I am providing another publication that underscores Audubon of Kansas interest in highlighting the natural, cultural and historical resources of this area of Kansas--the Tallgrass "Prairie Parkway" Wildlife and Natural Heritage Trail guide.

Senate Ways and Means
2-22-06
Attachment 5

Mt. Mitchell Heritage Prairie

The Mt. Mitchell Heritage Prairie.

~~The property has great potential and should be preserved as an educational and historical prairie.~~ With knowledge of the historical significance of the property and the historic relationship with surrounding communities, it should be preserved and valued as a historical landmark with both educational and inspirational appeal. A brochure on the property should be developed and available to help accomplish this and other objectives outlined below, and to enhance interest and appropriate visitation.

Highlighting the History of this Area.

The extraordinary historical significance of the property, and its value in the context of providing a notable place to recognize the associated history of the Underground Railroad in the Wabaunsee Community has been described in the folder of materials provided by Michael Stubbs.

Highlighting the Natural History of the Property, of Prairie.

The prairie is high quality upland prairie with virtually all the diversity that one would expect on a rocky, prairie meadow of this size that has not been excessively grazed in recent decades, excessively mowed or sprayed with herbicides. As a result it has a rich forb component with an array of wildflowers including Missouri Evening-Primrose, Purple Prairie Clover, Compass Plant, and Maximilian's Sunflower. It also has a variety of shrubs, including New Jersey Tea, Prairie Rose, Wild Plum and Rough-Leaf Dogwood. Combined with the native grasses the prairie provides excellent habitat for grassland birds and both ground and shrub nesting birds.

Bob McElroy and I accidentally flushed a Wild Turkey from its nest of 14 eggs on Monday. Other birds seen or heard on the hill that probably nest on one side of the fence or the other included an Eastern Towhee, Brown Thrasher, Catbird and Field Sparrow. A Prairie Falcon, Kestrel and Prairie-chicken flew over, and Franklin's Gulls were following the tractor in the adjacent field down the slope. It is a great place for folks to enjoy birds at this time of year. However, at this time of the year during the peak nesting season it might be desirable for visitors to be encouraged to stay within certain areas or along some route designated as a trail.

Likewise, the brochure should discourage visitors from digging up prairie plants and wildflowers. I have seen people dig up Butterfly Milkweed from Marlatt Park (Top of the World) on the edge of Manhattan.

A Management Protocol for the Property, and Establishment of a Management Committee.

If Audubon of Kansas assumes ownership and stewardship responsibilities, I would recommend that management decisions be made in collaboration with a management committee that would

include a representative of the Kansas Historical Society, both the Wabaunsee and Pottawatomie County Historical Societies and entities with “Visitors Bureau” functions in the two counties, one or more representatives of the family with a heritage associated with the original gift of the property, neighboring landowners, community leaders with a demonstrated interest in the project, and a couple representatives of Audubon of Kansas.

Management Considerations and Visitation Protocols.

The educational component would by its very nature require that some visitation would be allowed, even encouraged, especially for scheduled school, historical and/or nature appreciation groups, and individuals. To the extent that it can be accomplished, it would be appropriate to encourage visitation as part of a plan for historical observances or even “tourism” associated with area history and/or nature enjoyment.

Advancing visitor opportunities will require planning, consultation with neighbors and the county and/or township relative to any needed road improvement, parking, hours open, and both permitted and prohibited activities. Any substantial increase in visitation may require some modest improvement in a short stretch of road. Another complementary enhancement would be some accommodation for parking and turning. If it is necessary to accomplish this on the existing prairie property, we would want that to be as small as possible. We do not want to damage the pristine prairie meadow.

Removal of rocks, either glacial erratic or native limestone, should be prohibited. Removal of surface rocks has probably been the one major physical influence of man on the hill during the past 150 years, but the past removal is probably not very apparent to most visitors and does not substantially change the general character of the property.

Because the area is rather small, and with safety considerations in mind, Audubon of Kansas would not generally want to have the area open to public hunting. Although AOK is not opposed to hunting, public hunting allows for hunting multiple species much of the year, and some of the more thoughtless people involved are inclined to utilize vehicles off road on challenging terrain like MT Mitchell. Others sometimes discharge firearms without adequately considering surrounding residential properties. And, other visitors may disrupt hunting activities and create a feeling of a conflict.

Wildlife watching opportunities would have greater potential for this modestly sized area.

Enhancement Projects and Fundraising Needs.

At the present time there isn't any suitable location for parking, at least not without the prospect of damaging the prairie meadow. That is an impact that Audubon would want to avoid. As potentially envisioned by local supporters of the project, it would be highly desirable to purchase a few acres from an adjacent landowner to develop a nonintrusive, aesthetically pleasing parking area, with a trail to the hilltop. A couple benches along the way would be a desirable

addition and consideration for folks who find the climb physically challenging, or simply want to rest and enjoy the beauty of the pastoral scene, nature and the company of others sharing in the experience.

Obviously there will be costs of ownership, and certainly of any improvements in facilities or services, including educational materials, and this will require contributions and/or some fundraising activities.

Ranch becomes a wildlife sanctuary



The Hutton Niobrara Ranch Wildlife Sanctuary is along the Niobrara River northeast of Bassett, Nebraska.

Photos by Ron Klataske

LAND IS A GIFT TO US ALL

By **PAUL HAMMEL**

WORLD-HERALD STAFF WRITER

BASSETT, Neb. - As an author, Harold Hutton wrote about the outlaws who once inhabited the twisting canyons and wide-open grasslands of Rock County - colorful characters such as Kid Wade and Doc Middleton.

As a rancher, Hutton insisted on leaving some grass behind for the curlews, sharp-tailed grouse and other birds that call the prairie home.



A bobolink in the Hutton Sanctuary. The migratory bird travels south of the equator each year.

He also was an early opponent of building the Norden Dam on the Niobrara River. The dam would have flooded some of the most scenic and biologically diverse parts of the Niobrara, a river Hutton wrote about in his last book, "The River That Runs."

Now, five years after his death, the public will get a chance to experience a unique monument to him.

Preparations are under way to open the 4,919-acre Hutton Niobrara Ranch Wildlife Sanctuary, a mixture of grassy tablelands, tree-filled canyons and lush bottomlands along the Niobrara River, 15 miles north of Bassett.

The sanctuary is Hutton's former ranch. He and his wife, Lucille, who died in 2003, donated the land to Audubon of Kansas, which was willing to accept several conditions accompanying the gift.

Those included requirements that the land never be sectioned and sold off, that it be managed for both cattle and wildlife, and that a local rancher could continue to use the land for grazing.

An old friend and neighbor, Ernie Hasch of Bassett, said Hutton wanted to ensure that the land was managed for both conservation and grazing.

"His philosophy was you take some and leave some," Hasch said. "He enjoyed seeing the birds. He'd seen too many places that had been grubbed and grubbed (of grass) and never came back."

Ron Klataske, director of Audubon of Kansas who met Hutton when both battled the Norden Dam project 30 years ago, said his organization was pleased to accept the "strings."

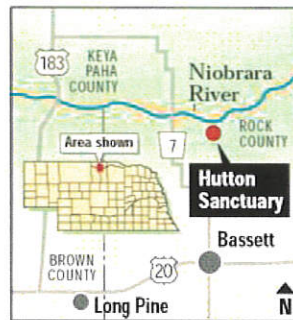
"Many organizations want to accept property without any strings attached. We welcome them," Klataske said. "We want people to rest assured that to the best of our ability, we'll do what they envisioned."

He said the Audubon group added a requirement of its own: that property taxes are still paid on the land. That way, he said, the tax burden is not shifted to neighboring ranchers. Land donated to non-profit groups or government agencies often becomes tax-exempt.

That a Kansas organization, formed in 1999, obtained its first gift of property in extreme northern Nebraska is not that unusual, Klataske said.

Ranchers along the Niobrara got well-acquainted with Klataske when he worked as a regional vice president between 1970 and 1998 for the National

Audubon Society, which is separate from the independent state groups like Audubon of Kansas.



When Hutton began looking to donate his land, along with a \$1 million endowment for its maintenance, the Kansas organization was the only one willing to accept his conditions, Klataske said.

"Appreciation of native grasslands and migratory birds goes well beyond state boundaries. It's a Great Plains objective," he said.

Four members of Audubon of Kansas's board of trustees are Nebraskans: Hasch, Bassett rancher Wes Sandall, Lincoln attorney Charlie Wright and Harold W. Andersen, retired publisher of The World-Herald. A fifth board member, former U.S. Rep. Jan Meyers, R-Kan., grew up in Superior, Neb.

Hasch and Sandall help oversee the Hutton sanctuary, and Hasch, who used to rent pasture from Hutton, has been involved in a massive cedar-tree-removal project on the land.

Thousands of cedar trees that invaded grasslands are being cut down in preparation for restoring short-grass prairie areas on the sanctuary for

grassland birds. Wet meadows along the river will be managed to allow nesting of bobolinks, and a cultivated field will be restored as a grasslands.

Last June, the Audubon group bought an adjacent 160-acre farm with a four-bedroom home, the Easy Lazy Ranch, to be used by students, volunteers and other visitors.

The organization is helping sponsor renovation of the Bassett Lodge, a historic hotel built by cattle producers, which will provide another housing option for workers and visitors.

Long-term ideas include adding trails for hiking and horseback riding, transplanting a small colony of prairie dogs onto the property and displaying paintings of ranching scenes by Lucille Hutton.

A prairie dog town, Klataske said, would build up a food source for golden and bald eagles that frequent the area.

"In an ideal world, we'd have a visitors center like a Sand Hills country school with cases displaying the Indian artifacts that Harold collected," Klataske said.

Hutton was interested in helping his community. The gift of his land should aid that and help tell the story of local wildlife and a unique man, Klataske said.

"If more people visit our property to appreciate nature and wildlife, that's helpful to the local community," he said.

(The aerial photo used in this reprint was substituted to provide an overview of the sanctuary. Sanctuary land is shown along the left side of the river, looking upstream to the west. A scenic shot from another location was used with the article. For additional information please go to www.AudubonofKansas.org or call 785-537-4385.)

Chairman Dwayne Umbarger, and members of the Senate Ways and Means Committee,

Thank you for allowing us the time to speak to you on behalf of the Mt. Mitchell Heritage Prairie property transfer.

My name is Michelle Crisler and I live at 28331 Mt. Mitchell Rd. in Wabaunsee County. My husband and I live in the historic Captain William Mitchell home, which is one of the few original documented Underground Railroad stations in our state. Our property is a registered site with the National Park Service's Network to Freedom program, which commemorates this story of national significance. We live at the foot of Mt. Mitchell on the north side.

The Mt. Mitchell property was given to the State Historical Society in 1953 by Captain Mitchell's son as a memorial park to Captain Mitchell and the Connecticut Kansas Colony. This colony of free-state emigrants gained national attention in 1856 when they left New Haven armed with Sharps rifles and Bibles provided in part by Henry Ward Beecher, the famous abolitionist preacher. The Colony's journey and settlement in Kansas was followed at the time in all of the major papers in the country, both north and south.

The historical society originally had plans to develop the property into a park, but because of budget constraints nothing was ever accomplished and the property became a white elephant that few people knew about.

Today the property is listed in tourist guides and is visited by busloads of schoolchildren and individuals who hike to the top to learn about our Territorial history and look at the monument and the view of the Kansas River valley.

There is no parking area available and the buses and private cars sometimes block the driveways of neighbors. There is no gate to the property and vehicles drive into the hay meadow leaving ruts when it is wet. Since there are no walking paths, erosion is becoming a problem in several areas.

The Board of Audubon of Kansas has agreed to manage the property with the stipulation that a committee of local people be created to work with them making management decisions. This committee is forming and includes myself and representatives from the Wabaunsee township board, the Wabaunsee County Historical Society, the Wabaunsee County Economic Development Council, The Pottawatomie County Economic Development Office, the Mitchell family and other interested parties.

Our goals are to honor the wishes of the original donor of the property by providing safe access, a parking area and to develop walking paths that protect the integrity of the prairie and the privacy of the neighbors. We want to create an environment where visitors and schoolchildren can safely learn about the areas rich history while experiencing a unique remnant of the tallgrass prairie.

We appreciate the committee's time and attention to our request that the property be transferred to Audubon of Kansas.

Thank you.
Michelle Crisler
28331 Mt. Mitchell Rd.
Wamego, KS 66547

Senate Ways and Means
2-22-06
Attachment 6

Wabaunsee County Economic Development Council

PO Box 5 Alma, KS 66401 785-765-4655 wcedc@earthlink.net

Testimony in support of Senate Bill 553 before the
Kansas Senate Committee on Ways and Means
February 22, 2006
Katie Carlgren
Wabaunsee County Economic Development

Dear Chairman Umbarger and Members of the Committee,

As coordinator of the Wabaunsee County Economic Development Council, I would like to express my support of the Mt. Mitchell Heritage Prairie property transfer with Audubon of Kansas.

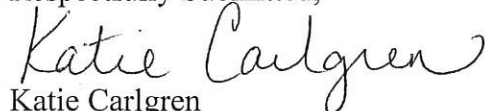
The Wabaunsee County Economic Development Council, recognizes the importance of tourism and historical sites in our area. We are involved in collaborative efforts with other counties and agencies to increase tourism within our region. It would be beneficial to the communities of Wabaunsee County to offer a historical property, like Mt. Mitchell, that would attract visitors. We see Mt. Mitchell as an educational opportunity for school children and other visitors to learn about our territorial history.

It would be incredibly beneficial to have the property managed by Audubon of Kansas, along with a committee of local people. It is the goal of the committee to create a safe environment where rich history can be explored in a safe and unique way.

I appreciate the time and attention to this letter of support regarding the Mt. Mitchell Heritage Prairie property transfer.

Please feel free to contact me, if you have further questions regarding this project.

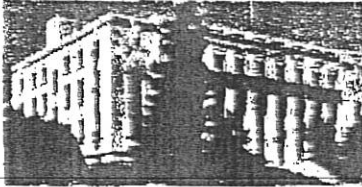
Respectfully Submitted,



Katie Carlgren
PO Box 5
Alma, KS 66401
(785) 765-4655

Senate Ways and Means
2-22-06
Attachment 7

Carly



WABAUNSEE COUNTY COURT HOUSE

COMMISSIONER FIRST DISTRICT
ERVAN D. STUEWE, Alma

COMMISSIONER SECOND DISTRICT
RODNEY L. ALLEN, Maple Hill

COMMISSIONER THIRD DISTRICT
MAURICE GLEASON, Maple Hill

BOARD MEETINGS
10:00 A.M. EVERY MONDAY

OFFICE OF COUNTY CLERK

JENNIFER A. SAVAGE, CLERK

ALMA, KANSAS 66401

TELEPHONE 785-765-2421 or 785-765-2422

FAX 785-765-3704

February 13, 2006

The Honorable Laura Kelly
Kansas Senate – Room 401S
Kansas State Capitol
300 SW 10th St
Topeka, KS 66612

The Honorable Mike Burgess
Kansas House of Representatives – Room 110S
Kansas State Capitol
300 SW 10th St
Topeka, KS 66612

The Honorable Richard Carlson
Kansas House of Representatives – Room DSOB
Kansas State Capitol
300 SW 10th St
Topeka, KS 66612

The Honorable Barbara Craft
Kansas House of Representatives – Room DSOB
Kansas State Capitol
300 SW 10th St
Topeka, KS 66612

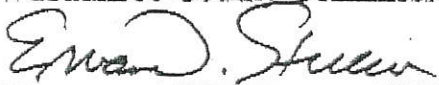
Re: Mt. Mitchell Heritage Prairie


Dear Senator Kelly and Representatives Burgess, Carlson and Craft:


The Wabaunsee County Commission supports the creation of the Mt. Mitchell Heritage Prairie, endorses the efforts of the Audubon of Kansas and of Wabaunsee County residents who are working to realize it, and urges the Kansas Legislature to enact the legislation necessary to make the Mt. Mitchell Heritage Prairie possible. Creation of the Mt. Mitchell Heritage Prairie is a welcome economic development project in Wabaunsee County. The Committee members have worked diligently in contacting adjoining landowners and keeping their welfare in mind.

Thank you for your attention to this matter.

Respectfully,
Wabaunsee County Commission


Ervan D. Stuewe, Chairman


Rodney L. Allen, Vice-Chairman


Maurice Gleason, Member

Testimony in support of Senate Bill 553
before the Kansas Senate Committee on Ways and Means
February 22, 2006

Carol Duffy McDowell, on behalf of the
Flint Hills Tallgrass Prairie Heritage Foundation

Chairman Umbarger and Members of the Committee,

The Flint Hills Tallgrass Prairie Heritage Foundation is a not-for-profit Kansas corporation. Its mission is to promote the appreciation, conservation and stewardship of the Flint Hills physical region as a valuable and irreplaceable national resource and treasure.

The Flint Hills Tallgrass Prairie Heritage Foundation is pleased to support SB 553, which would authorize the Kansas State Historical Society to transfer title to approximately 30 acres in Wabaunsee County, known as Mt. Mitchell, to the Audubon Society of Kansas for management and development as a nature reserve and an historic site.

The 30 acres of this property are intact, healthy, native Tallgrass prairie, a significant asset to our state and nation which should be conserved and protected for future generations.

April 28, 2006, will mark the 150th anniversary of the establishment of the Connecticut Kansas Colony, whose settlement of the community of Wabaunsee in the Kansas Territory, and whose contributions to Kansas Statehood, are significant to Kansas culture, history and government, and merit recognition.

This project is endorsed by the Wabaunsee County Commission, adjacent landowners, living heirs of William I. Mitchell, the Wabaunsee County Historical Society, the Pottawatomie and Wabaunsee County economic development agencies, and the Audubon Society of Kansas. We are grateful for their efforts to create the Mt. Mitchell Heritage Prairie, and pleased to have this opportunity to support them.

The Flint Hills Tallgrass Prairie Heritage Foundation urges the Committee to recommend SB 553 favorably for passage. Thank you for accepting our testimony.

Respectfully submitted,
on behalf of the Flint Hills Tallgrass Prairie Heritage Foundation,

Carol Duffy McDowell
800 SW Jackson St, Suite 914
Topeka, KS 66612

Senate Ways and Means
2-22-06
Attachment 8