

MINUTES OF THE HOUSE APPROPRIATIONS COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 12:30 p.m. on March 27, 2008, in Room 514-S of the Capitol.

All members were present except:

Representative Virginia Beamer - excused
Representative Pat George - excused

Committee staff present:

J. G. Scott, Legislative Research Department
Cody Gorges, Legislative Research Department
Audrey Dunkel, Legislative Research Department
Julian Efird, Legislative Research Department
Michael Steiner, Legislative Research Department
Jarrod Waltner, Legislative Research Department
Jim Wilson, Revisor of Statutes
Nobuko Folmsbee, Revisor of Statutes
Jason Long, Revisor of Statutes
Nikki Feuerborn, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Roger Werholtz, Secretary, Department of Corrections
Frank Henderson, Executive Director, Crime Victims Compensation Board, Attorney General's Office
Sandy Barnett, Kansas Coalition for Sexual and Domestic Violence
Scott Schneider, Director of Government Affairs, Cox Communications
Brad Williams, Executive Director, Kan-ed

Others attending:

See attached list.

- Attachment 1 Testimony on **SB 524** by Secretary Werholtz
- Attachment 2 Testimony on **SB 524** by Frank Henderson
- Attachment 3 Testimony on **SB 524** by Sandy Barnett
- Attachment 4 Testimony on **HB 2990** by Scott Schneider
- Attachment 5 Written testimony on **HB 2990** by Richard Veach
- Attachment 6 Testimony on **HB 2990** by Brad Williams
- Attachment 7 Written testimony on **HB 2990** by Jennifer Findley
- Attachment 8 Written testimony on **HB 2990** by Rosanne Siemens

Hearing on **SB 524**

Hearing on SB 524 - Secretary of corrections authorized to expend funds collected from inmates for crime victims assistance, inmate services and supervision and management of offenders.

Jarrod Waltner, Legislative Research Department, explained that **SB 524**, as amended, would create a new fund in the Department of Corrections called the Victims Assistance Fund and shift the funding from the Crime Victims Compensation Fund in the Attorney General's office to the new fund for 1 year at which time the fund would be returned to the Attorney General's office.

Responding to questions from the Committee, Mr. Waltner noted the reasoning is because of reduced funding from the federal Byrne grant - a reduction of approximately 2/3 from previous funding, resulting in considerable lost funding for the Department of Corrections. Mr. Waltner stated that the Attorney General's office has a surplus in the Crime Victims Compensation Fund at the present time.

Roger Werholtz, Secretary, Department of Corrections, presented testimony in support of **SB 524**

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(Attachment 1). Secretary Werholtz noted that this is a short-term remedy stating that **SB 524** would amend current law and provide that fees collected from offenders for services provided to them could be used to fund the Department's crime victim assistance operations. The 1-year program authorized by **SB 524** would allow the Department of Corrections to continue services until new funding is established.

Responding to questions from the Committee, Secretary Werholtz stated that there is a legislative nationwide effort to get federal grant funding restored to the previous level of funding. The Secretary indicated that the funding is used for preparation of offenders for release, working with the victims and keeps them informed, assist victims when they appear in court and help victims to understand policies.

Frank Henderson, Executive Director, Crime Victims Compensation Board, provided testimony in support of **SB 524** (Attachment 2). Mr. Henderson stated that the Crime Victims Compensation Board is confident that they can absorb the anticipated \$348,000 reduction of revenue in FY 2009 as a result of **SB 524** and assist with the immediate need of the Department of Corrections.

Responding to a question from the Committee concerning the balance in the fund, Mr. Henderson stated that the balance varies with an approximate pay-out in FY 2007 of \$4 million. The largest source of revenue is the percentage of fines and penalties assessed by the District Courts.

Sandy Barnett, Kansas Coalition for Sexual and Domestic Violence, presented testimony in support of **SB 524** (Attachment 3). Ms. Barnett stated that they support the legislation in order to keep crime victims as safe as possible.

There were no other proponents or opponents to appear before the Committee.

The hearing on SB 524 was closed.

Hearing on HB 2990

Hearing on HB 2990 - Kan-Ed act; purposes of act.

Audrey Dunkel, Legislative Research Department, explained that **HB 2990** concerns the Kan-ed act and further defines the network. Ms. Dunkel noted that the Board of Regents indicated that there would be some fiscal impact from the legislation; however, it has not been determined at this time.

Scott Schneider, Cox Communications, presented testimony in support of **HB 2990** (Attachment 4). Mr. Schneider noted that they have been working with Kan-ed concerning changes in the system. At the present time, Kan-ed indicates that industry will have the ability to connect into the Kan-ed system. Mr. Schneider noted that the legislation would establish ground rules and make sure that vendors have the right to connect to the Kan-ed network.

Written testimony in support of **HB 2990** was received from Richard Veach, General Manager and CEO, Pioneer Communications (Attachment 5).

Brad Williams, Chief Information Officer, Kan-Ed, presented testimony in opposition to **HB 2990** (Attachment 6). Mr. Williams stated that the legislation would not allow Kan-Ed to set standards to provide a secure system for the members.

Responding to questions from the Committee, Mr. Williams stated that he would be willing to work with Kan-ed to determine language that should appear in the bill to provide security for those using the network; however, it would take considerable time to accomplish. Mr. Williams stated that the intent of Kan-ed was to have a stronger approach. It was the decision of Kan-ed to allow locate providers to connect local members to the network and allow for a choice. Mr. Williams felt that the language in the bill was not progress in the right direction.

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Written testimony in opposition to **HB 2990** was received from:

- Jennifer Findley, Director of Education, Kansas Hospital Association (Attachment 7).
- Rosanne Siemens, Executive Director, Kansas Library Association (Attachment 8).

There were no other proponents or opponents to appear before the Committee.

The hearing on HB 2990 was closed.

Hearing on HB 2991

Hearing on HB 2991 - Juvenile justice authority; creating the juvenile correctional facilities closure and repurposing commission.

Representative Tafanelli explained that **HB 2991** would establish a Juvenile Justice Authority Commission for the purpose of closing or re-purposing facilities with declining population. The bill would set up a 9-member board charged with review of the future of the facilities and make recommendations to the legislature on closure or re-purposing the facilities.

Responding to a question from the Committee, Representative Tafanelli stated that if the Board made a recommendation for re-purposing of a facility, the recommendation would be subject to appropriations. If the recommendation was for closure, it would be automatic.

Russ Jennings, Commissioner, Juvenile Justice Authority (JJA), presented testimony neutral on **HB 2991**. Mr. Jennings noted that there have been questions about what to do with unused facilities and requires a review of options. Responding to a question from the Committee, Mr. Jennings stated that the legislation calls for JJA to staff the Commission and provide assistance to the Commission to complete the process.

There were no other proponents or opponents to appear before the Committee.

The hearing on HB 2991 was closed.

Discussion and Action on Sub for SB 485

Discussion and Action on Sub for SB 485 - Sub for S 485 by Committee on Ways and Means—Counties; alternative building construction procurement contracts; bidding changes.

Representative Watkins made a motion to recommend **Sub for SB 485** favorable for passage. The motion was seconded by Representative Masterson.

Representative Watkins made a substitute motion to amend **Sub for SB 485** by adding “school districts”. The motion was seconded by Representative Masterson. Motion failed on an 8-10 vote.

Representative Watkins renewed the motion to recommend **Sub for SB 485** favorable for passage. The motion was seconded by Representative Masterson. Motion carried.

Discussion and Action on HB 2987/SB 387

Discussion and Action on HB 2987 - Deferred maintenance support, pilot investment program for investment of idle funds of a state educational institution.

Representative Tafanelli made a motion to recommend **HB 2987** favorable for passage. Motion was withdrawn.

Representative Tafanelli made a motion to remove the contents of **SB 387, insert the contents of **HB 2987** into **House Substitute for SB 387** and recommend **H Sub for SB 387** favorable for**

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passage. The motion was seconded by Representative Wolf. Motion carried.

Discussion and Action on SB 417

Discussion and Action on SB 417 - Establishing a housing development grant program; waiving certain requirements for rural housing incentive district creation.

Representative Feuerborn made a motion to recommend **SB 417** favorable for passage. The motion was seconded by Representative Masterson.

Representative Feuerborn made a substitute motion to amend language in **SB 417**, Line 36 by striking the \$50,000 and insert language to reduce amount to "not more than \$25,000". The motion was seconded by Representative Gatewood. Motion carried.

Representative Yoder made a motion to amend **SB 417** by delete reference to funding from the Expanded Lottery Act Revenues Fund (ELARF) and insert language to be funded by the State General Fund (SGF). The motion was seconded by Representative Gatewood. Motion carried.

Representative Masterson made a motion to amend **SB 417** by adding language for reimbursement to the State General Fund (SGF) from the Expanded Lottery Act Revenue Fund (ELARF) if funds became available in ELARF. The motion was seconded by Representative Tapanelli. Motion failed.

Representative Tapanelli made a motion to amend **SB 417** to remove any reference to the two federally declared disasters in the bill and make it applicable to all federally declared disasters. The motion was seconded by Representative Powell. Motion withdrawn with approval of the second.

Representative Feuerborn made a motion to recommend **SB 417** as amended favorable for passage. The motion was seconded by Representative Lane. Motion carried.

Bills with Hearings Earlier Today

There was no objection from any member of the Committee to working bills that had hearings earlier today.

Discussion and Action on HB 2991

Discussion and Action on HB 2991 - Juvenile justice authority; creating the juvenile correctional facilities closure and repurposing commission.

Representative Tapanelli made a motion to recommend **HB 2991** favorable for passage. The motion was seconded by Representative Holmes.

Representative Tapanelli made a substitute motion to amend **HB 2991** by deleting language on Page 2, Section 3(b) binding future legislatures and allow for technical corrections to the bill. The motion was seconded by Representative Bethell. Motion carried.

Representative Tapanelli made a motion to recommend **HB 2991** favorable for passage as amended. The motion was seconded by Representative Wolf. Motion carried.

Discussion and Action on HB 2990

Discussion and Action on HB 2990 - KAN-ED act; purposes of act.

Representative Watkins made a motion to recommend **HB 2990** favorable for passage. The motion was seconded by Representative Masterson.

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Representative McLeland made a substitute motion to remove language in **SB 391** and insert the language of **HB 2990** into **House Substitute for SB 391**. The motion was seconded by Representative Bethell. Motion carried.

Representative Bethell made a motion to recommend **H Sub for SB 391** favorable for passage as amended. The motion was seconded by Representative Watkins. Motion carried.

Discussion and Action on SB 524

Representative Feuerborn made a motion to recommend **SB 524** favorable for passage. The motion was seconded by Representative Tafanelli. Motion carried.

Adjournment

The meeting was adjourned at 2:15 p.m. The next meeting of the Committee will be "on call of Chair".


Sharon Schwartz, Chair

House Appropriations Committee

March 27, 2008

Upon First Recess of the House

NAME	REPRESENTING
Brad Williams	KBOR / Kan-ed
Sandy Barnett	KCSOV
Jennifer Findley	KHA
SCOTT SCHNEIDER	Cox Communications
Gregg Jensen	Cox Communications
Chad Austin	KHA
Doug Smith	RITC/SITA



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 524
to
The House Appropriations Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
March 27, 2008

The Department of Corrections supports enactment of SB 524 as amended by the Senate Ways and Means Committee. SB 524 was passed by the Senate unanimously. The Department's intent is to secure funding from inmate fees and wages for the Department's victim services. For FY 2009, the Department's Office of Victim Services is supported by federal grants in the amount of \$348,000 which are proposed to be eliminated or severely cut. SB 524 would amend K.S.A. 75-52,139 to provide that fees collected from offenders for services provided to them could be used to fund the Department's crime victim assistance operations. These funds are currently being sent to the Attorney General's Crime Victim Compensation Fund and for FY 2007 was \$303,000. In order to fully fund the Department's Office of Victim Services, SB 524 also amends K.S.A. 75-5211 to permit a portion of the deductions from inmate wages be used for the Department's crime victim assistance program. For FY 2009, the portion from inmate wages that would be used for the Department's victim assistance operations would be \$45,000. SB 524 would allow the Department to utilize fees paid by offenders and deductions from their wages to fund the Department's Office of Victim Services and also provide an opportunity for other victim service programs to seek federal grant funds. The use of offender paid fees and wage deductions would generate a more stable funding source than reliance on federal grants.

SB 524 would not affect funds collected pursuant to K.S.A. 74-7336 (District Court Docket Fees, fines penalties and forfeitures). These funds would continue to go to the Crime Victims Compensation Fund as would the balance of the wage deductions collected pursuant to K.S.A. 75-5211.

The Department's Office of Victim Services serves as an invaluable liaison between crime victims and their families and the Department's facility and field service staff. That office screens visiting requests, coordinates safety and release plans with victims and parole staff to ensure that law enforcement agencies, community organizations, and schools are involved in meeting the victim's needs and supervision requirements of the offender and conducts a

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DEPARTMENT OF CORRECTIONS
900 S.W. Jackson Street; Topeka, KS 66612-1284 • (785) 296-3317 •

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victim/offender dialogue program. Victim Services also provides notifications to crime victims regarding the status of the criminal who victimized them and serves as a liaison between victims and the Kansas Parole Board including the Board's public comment sessions. The Department's Office of Victim Services is an active partner with both public and private entities providing services and information to crime victims throughout the state. The Office of Victim Services also provides services to Department staff victimized by offenders in the Department's custody.

The Department urges favorable consideration of SB 524.

State of Kansas

Office of the Attorney General

CRIME VICTIMS COMPENSATION BOARD

120 S.W. 10th Avenue, 2nd Floor

Topeka, Kansas 66612-1597

PHONE: (785) 296-2359 FAX: (785) 296-0652



STEPHEN N. SIX
ATTORNEY GENERAL

RITA L. NOLL, CHAIR
NAN M. PORTER
ROGER S. VILLANUEVA

House Appropriations Committee
Testimony of Frank S. Henderson Jr.
Executive Director, Crime Victims Compensation Board
Office of Attorney General Stephen N. Six
Re: Senate Bill 524
March 27, 2008

Chairperson Schwartz and Members of the Committee:

I thank you for the opportunity to address the committee today on behalf of Attorney General Six and the Crime Victims Compensation Board regarding Senate Bill 524. The Crime Victims Compensation Board was created by the 1978 Legislature, as a payer of last resort to assist victims of violent crime with out of pocket losses. The Board has granted awards in excess of fifty-five million dollars, and has operated without the commitment of the state general fund since 1986.

This bill authorizes the Secretary of Corrections to retain fees from offenders, as well as a portion of inmate wages, to support victim assistance operations. The Crime Victims Compensation Board has received the benefit of these fees, and relied upon them for over ten years. These fees were a lifesaver to the Board when funding was inadequate to meet the demands of the claims for compensation received by the Board.

Since that time, the United States Department of Justice has increased the matching grant to the Crime Victims Compensation Board by 50%, the Board adopted a policy in which medical providers accept 80% as payment in full, and additionally, the Kansas Legislature increased the percentage of fines and penalties credited to the fund. These measures have allowed the Crime Victim Compensation Board to award payments in every eligible application without delay. Last year the Board granted awards of \$4,178,000 to victims of violent crime in Kansas. This was the largest payout in the thirty year history of the Board.

The Board projects that we can absorb the anticipated \$348,000 reduction of revenue in FY 2009. While keeping these funds in Crime Victim Compensation would enable us to do more for victims, we are supportive of SB 524, as amended and proposed for one year, to assist with the immediate need of the Secretary of Corrections. Funding for the Board may need to be reviewed next year to ensure it is adequate to meet the needs of crime victims.

Thank you for your time and consideration. I am available to answer any questions you may have.

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kcsdv Kansas Coalition Against Sexual and Domestic Violence



634 SW Harrison Topeka, Kansas 66603
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org • www.kcsdv.org

House Appropriations Committee
March 27, 2008
SB 524

Chairwoman Schwartz and Members of the Committee:

The Kansas Department of Corrections instituted a victim service unit in 2001 funded by numerous grant programs. In the few short years since beginning this work, the Department of Corrections Victims Division has become a critical link to both victim safety and offender management. Frankly, it is perhaps the most successful addition to the victim services field in Kansas over the past decade; it is literally a lifeline to thousands of victims and their families. I can certainly attest to the importance of their partnership with domestic violence and sexual assault victim programs all across Kansas.

Unfortunately, the Justice Administration Grants (JAG), formerly Edward Byrne grants, has been reduced at the federal level resulting in a 67% loss of funds to Kansas. This grant program had provided the core funding for the Department of Corrections' victim services. These services need to be built upon, not reduced. SB 524 seeks a way to manage the reduction in federal funds for the upcoming year.

Senate Bill 524 authorizes the Kansas Department of Corrections to expend fees collected from inmates in three program areas: victim assistance operations, inmate services, and supervision and management of offenders. Currently, fees collected from inmates are voluntarily deposited into the Crime Victims Compensation fund along with a percentage of gross wages paid to inmates, which is required by statute (K.S.A. 75-5211). SB 524 will allow the Department of Corrections to retain the portion of fees they are voluntarily submitting and expend them on maintaining the victims' services division.

The impact of this loss of funding to the Crime Victims' Compensation fund is expected to be less than \$350,000 and during FY 2009 will have minimal effect on the Crime Victims' Compensation Board's ability to pay claims to crime victims. KCSDV strongly supports the diversion of these inmate fees for FY 2009.

However, the crime victim compensation requests vary from year to year and there is no projection of the long-term impact of diverting these funds from crime victims' compensation to crime victim services. Therefore, **KCSDV views SB 524 as an emergency and temporary resolution to the sudden and unexpected loss of federal funds.**

KCSDV urges the House Appropriations Committee to support SB 524 as a one-year measure to allow time for a long-term solution that does not reduce one type of crime victim service to fund another – both are critical!

Respectfully submitted,
Sandy Barnett
Executive Director

Member Programs Serve All 105 Counties in the State

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ATTACHMENT 3



House Appropriations Committee
Kan-ed Interconnection Testimony
Scott J. Schneider, Director of Government Affairs
Cox Communications
March 26, 2008

Madam Chair and members of the committee thank you for holding this hearing and for allowing me the opportunity to present our views regarding this legislation. Cox Communications was one of the first providers to support the concept of Kan-ed. We provided cash for the initial research into the structure of Kan-ed and have since dedicated significant amounts of our private capital to build last mile connections to new Kan-ed members.

Cox placed a value on Kan-ed because the Legislature told us they valued a competitive market place. Only seven years after the passage of Kan-ed, and we are on the verge of impairing not only private contracts but also potentially impairing private sector investment in new technologies. We support connected learning, but we will not support giving any company exclusive access to an entire market sector.

To that end, the Kan-ed director has recognized the value of engaging all service providers and has recently distributed a letter indicating Kan-ed's intention of allowing interconnections, user choice, and establishing fair interconnection standards.

We applaud this move and would ask this Committee to consider codifying this approach. As we move forward with Kan-ed, Cox desires consistent and fair rules. This legislation goes a long way toward providing an adequate approach all parties can use as their guideline.

Cox Communications believes connected distance learning is a valuable tool. This legislation encourages all companies to continue investing in broadband infrastructure.

Thank you, I would be happy to answer any questions.

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House Appropriations Committee
House Bill 2990 Comments
Richard K. Veach, General Manager & CEO
Pioneer Communications
March 27, 2008

I am submitting comments on House Bill 2990 on behalf of our company, Pioneer Communications, headquartered in Ulysses, Kansas, as well as several other rural telecommunications companies, including South Central Telcom in Medicine Lodge, Kansas, Gold Belt Telephone in Rush Center, Kansas, and Totah Telephone in Southeast Kansas.

Let me unequivocally state that we are philosophically in favor of the concept of providing high-speed Internet access and Kan-ed access to schools, libraries, and hospitals in Kansas. We are not opponents of Kan-ed, but recently we have had serious concerns about the direction in which Kan-ed was headed following the issuance of an RFP in late 2007. The result of that RFP was to allow Kan-ed to use one single provider to deliver Kan-ed access and commercial Internet to all Kan-ed members.

Historically speaking, the rural companies' support for the Kan-ed program was based entirely on fundamental policy understandings. These understandings were that the State of Kansas would not, through Kan-ed, compete with private enterprise and that Kan-ed would not impair contracts that current providers had with schools, libraries and hospitals.

Following the RFP, the direction in which Kan-ed appeared to be headed was to allow the State of Kansas, through Kan-ed, to compete with private enterprise by reselling telecommunications and commercial Internet services. It would have also impaired current providers' contracts with schools, libraries and hospitals, by forcing Kan-ed members to use one particular provider to connect to Kan-ed and by offering free commercial Internet access.

The rural telecommunications industry, along with other industry participants, approached Kan-ed with these concerns. Brad Williams, Executive Director of Kan-ed, has pledged his support in working with industry and our concerns. As Kan-ed and industry participants move forward and work together, one of the principal concerns is allowing local providers to work with the Kan-ed members in their service footprint to provide Kan-ed access for those members by interconnecting with the Kan-ed backbone. Bill 2990 codifies these interconnection rights. We believe codifying this language establishes important ground rules that will move Kan-ed and industry participants in the right direction as we work together to provide Kan-ed access to schools, libraries and hospitals across Kansas.

Due to the quick movement of this bill, not all rural telecommunications companies have had input in these comments. However, it is my belief that we are headed in the right direction for all rural telecommunications companies.

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ATTACHMENT 5



KANSAS BOARD OF REGENTS

1000 SW JACKSON • SUITE 520 • TOPEKA, KS 66612-1368

Kan-ed

TELEPHONE – 785-296-3421

FAX – 785-296-0983

www.kansasregents.org

March 21, 2008

Dear Kan-ed Network Provider,

It is a pleasure to contact you today with some substantial updates regarding the Kan-ed network. As many of you know, Kan-ed assisted the Division of Information Systems and Communications (DISC) with a Request for Procurement (RFP) to establish a new statewide layer 3 AVPN network. DISC and Kan-ed were diligent and followed all state and federal procurement guidelines and we have contracted in accordance with the Kan-ed statute. We even employed a neutral third-party network consulting firm to review the RFP responses. Kan-ed received four bids on the scope of work, and the winning solution was provided from AT&T.

Over the last few weeks, I have received many comments from cable companies, independent phone companies, and our Kan-ed members concerning the new network. There have been many discussions about what this new contract means for you and your customers, who are also Kan-ed connected members or wish to become Kan-ed connected members. Kan-ed members are established in statute as schools (K-12 and higher education), libraries and hospitals.

Upon initial completion of this RFP process, it was Kan-ed's intent to require Kan-ed members to connect to the private network using AT&T as the sole provider. After much discussion and assurances by the independent phone company and cable associations regarding their ability and willingness to support Kan-ed and meet peering/interconnect standards to connect to the new network, I have decided that it is in the best interest of the Kan-ed membership to continue to work with independent phone and cable companies to allow peering and establish interconnect standards. Establishing peering and interconnect standards will take much work and commitment by all, and I will need your commitment to work with AT&T and Kan-ed to establish these interconnects. I have come to believe that local members can be served best by their local providers, but the local providers must be willing to work with me to establish standards that will benefit our Kan-ed members and simplify connections across the State.

Kan-ed will work with you, AT&T, and our third party neutral network consulting firm Calence, LLC, to establish interconnect agreements for those companies that wish to aggregate and connect their Kan-ed members to the new statewide AVPN network provided by AT&T. In order to provide our Kan-ed members with the best service that they deserve, interconnect agreements will need to support QoS (business class of service), MPLS and other standards. We will be working with you proactively through an engineering initiative, on interconnect specifications as we move the Kan-ed network forward.

Kan-ed members will have the option of using direct AT&T connections to the Kan-ed AVPN network should they so desire. Kan-ed members can also elect to use internet service from AT&T if they desire, since it is part of the State contract. However, F

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use of a direct AT&T connection for either private network connectivity to the Kan-ed network or for commercial internet access. This is a fundamental change from past communications.

As we move through the process of identifying interconnect and peering standards, should a provider not be able to meet industry standards that are established as part of the interconnect agreement, Kan-ed MAY then require that the Kan-ed member use the AT&T direct connection solution in order to connect to the Kan-ed network.

I want to thank you for your service in the past, and I look forward to working with you in the future. If you have any questions, please feel free to contact me via e-mail at bwilliams@ksbor.org.

Sincerely,



Brad Williams
Chief Information Officer
Executive Director of Kan-ed

CC: President Reginald L. Robinson

6-2



Thomas L. Bell
President

To: House Appropriation Committee Members
From: Jennifer Findley, Director of Education
Date: March 27, 2008
Re: HB 2990

The Kansas Hospital Association appreciates the opportunity to provide comments on HB 2990. Kan-ed provides programs and services to more than 100 hospitals which have resulted in better efficiencies and quality of services to Kansans and the communities they serve.

Kan-ed is a cost effective use of technology for hospitals and the patients and communities they serve. We are concerned about any changes to the current statute that would result in jeopardizing the security and reliability of the Kan-ed network and are opposed to HB 2990.

The new language in Section 1 (c) (6) has raised some concerns on the part of hospitals which we would like to bring to your attention. Our interpretation of this new language is that Kan-ed will be prohibited from denying connections to the network that do not meet technical standards. This change would have two specific implications to hospitals.

- *Decreased security*
Kan-ed provides currently hospitals with a secure, private network for the transmission of telemedicine and health information exchange activities. Protecting the privacy of a patient is paramount. We are not supportive of any changes that restrict the ability of Kan-ed to assure network security.
- *Decreased reliability/quality of service*
The reliability and quality of service provided by the robust Kan-ed network is superior to the commercial Internet. In emergency situations hospitals can not afford to find their bandwidth has been decreased or even worse, is out of service. We are not supportive of any changes that would prohibit the operation of a standards based network which could result in decreased reliability and quality of service.

Thank you for consideration of our comments. Please feel free to contact us if you need any additional information.

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Kansas Hospital Association

215 SE 8th Ave. • P.O. Box 2308 • Topeka, KS • 66601 • 785/233-7436 • Fax: 785/

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Representative Sharon Schwartz
Room 517 – S
Capitol Building
Topeka, Kansas 66612

Dear Representative Schwartz,

The Kansas Library Association has concerns regarding HB2990 and would like you to consider acting in opposition to this bill.

While the KLA is vendor neutral on this issue, there is concern about the removal of standards for the KanEd network. It is our understanding that peering standards are very important in the implementation of a strong and secure network. Without standards the network could possibly become exposed to security problems and there would be no accountability. This could possibly even create a situation where there would be a violation of privacy on the network.

70% of Kansas libraries are not connected to broadband. The proposed legislation in HB2990 Section 1, (b) (2) would force KanEd members to competitively bid at the local level for their connection, which does not move the effort to connect all libraries in Kansas forward. Recent and ongoing negotiations by KanEd with providers appears to have solved the “last mile” problem and this proposed language prevents the solution.

Thank you for your consideration of this issue.

Sincerely,

Rosanne Siemens
Executive Director

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