

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on March 25, 2008, in Room 123-S of the Capitol.

All members were present except:

Senator Donald Betts, Jr. - excused

Committee staff present:

Jill Wolters, Senior Assistant, Revisor of Statutes
Kristen Clarke Kellems, Assistant Revisor of Statutes
Jason Thompson, Assistant Revisor of Statutes
Audrey Dunkel, Kansas Legislative Research Department
Julian Efird, Kansas Legislative Research Department
Cody Gorges, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research
J. G. Scott, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Representative Ann Mah
Senator Anthony Hensley
Brigadier General Ed Gerhardt, Retired, President, Board of Directors, Museum of the Kansas National Guard
Colonel Robert Dalton, Executive Director, 35th Division Association
Debra Prideaux, Exec. Director, Alumni and Governmental Relations, Fort Hays State University

Others attending:

See attached list.

Chairman Umbarger opened the public hearing on:

SB 680—Kansas lottery; veterans benefit game

Staff briefed the committee on the bill.,

The Chairman welcomed the following conferees:

Representative Ann Mah testified in support of **SB 680 (Attachment 1)**. Representative Mah mentioned that this bill would expand the Veterans benefit lottery game to help fund an addition to the Museum of the Kansas National Guard at Forbes Field. The bill sets out a plan whereby the Veterans benefit ticket is expanded from its current 7-month run to a year-round ticket.

Senator Anthony Hensley spoke in support of **SB 680** (no written testimony was submitted). Senator Hensley explained that this is a two year program for a year-round lottery ticket for the Veterans benefit lottery game in place. He noted that it makes sense to have the ticket year round and it is a creative partnership.

Brigadier General Ed Gerhardt, Retired, President of the Board of Directors of the Museum of the Kansas National Guard, testified in support of **SB 680 (Attachment 2)**. General Gerhardt explained that the Museum of the Kansas National Guard, Forbes Field, has been open for over 11 years. Its mission is to preserve and present the militia heritage in Kansas. It was built with contributions, fundraisers and volunteer labor. It is an approved U. S. Army Museum and as such is entitled to Federal funds for utilities, maintenance and exhibits; however, Federal funds are not available for construction. Over \$220,000 has been raised by the Museum Board and the 35th Division Association. He noted that they are asking for help from the Lottery Veterans benefits game for a couple of years.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on March 25, 2008, in Room 123-S of the Capitol.

Colonel Robert Dalton, Retired, spoke in support of **SB 680** (Attachment 3). Colonel Dalton served in the 35th Division which is still rooted in Kansas today. He detailed information about the 35th Division both in his written testimony and verbally. Colonel Dalton noted that **SB 680** will go a long way in making recognition of the 35th Division possible.

The Chairman closed the public hearing on **SB 680**.

The Chairman opened the public hearing on:

HB 2858--Fort Hays state university foundation, authorized investing agent

Staff briefed the committee on the bill.

Debra Prideaux, Executive Director, Alumni and Governmental Relations, Fort Hays State University, testified in support of **HB 2858** (Attachment 4). Ms. Prideaux explained that **HB 2858** recognizes the name change of the Fort Hays Kansas State University Endowment Association to the Fort Hays State University Foundation.

The Chairman closed the hearing on **HB 2858**.

Chairman Umbarger acknowledged Jason Thompson, Assistant Revisor of Statutes, who provided a staff briefing on the Methamphetamine Precursor Recorder Act (Attachment 5) (**SB 503**). The Committee considered:

SB 503--Methamphetamine precursor recording act

Senator V. Schmidt moved, with a second by Senator Emler, to remove the contents of **HB 2423** and amend the provisions of **SB 503**, **SB 491** and **SB 549** into **Senate Substitute for HB 2423** and recommend **Senate Substitute for HB 2423** favorable for passage. Motion carried on a roll call vote.

The meeting adjourned at 11:35 a.m. The next meeting was scheduled for March 26, 2008.

**SENATE WAYS AND MEANS
GUEST LIST**

Date March 25, 2008

NAME	REPRESENTING
Mike Reedy	LBBA
Ed Perhand	Museum of the Kansas National Guard
Bob Dalton	35th Division Assoc
Shannon Jones	SILCK
Susan Zelenski	9th
Teff Brandon	KBI
Deb Billingsley	KBOP
Day Mays	Crosslink Strategies
Malek Douse	National Guard Assn of KS
Paul Douse	National Guard Assn of KS
Jack Stuebel MG Ret	35th Div Association
Genet Gayle Stuebel	
Paul E. Adol, COL	Ret, NG. Topeka
Michal Henry	National Guard Association of KS.
Bob (Ret) Howard D. Timber	Ret AUS - Olathe KS
COL Robert Bloomquist	35th Div Association + NG Museum
Carol J. Brook	KS Lottery
Ed Van Petten	KS Lottery
Dave Heinemann	4th VP for KS
SHELBY Smith	Crimes Stoppers
Michael Hooper	Kearney & Assoc.
Lindsey Douglas	Hein Law Firm

STATE OF KANSAS

ANN E. MAH
REPRESENTATIVE, 53RD DISTRICT
3351 SE MEADOWVIEW DR.
TOPEKA, KANSAS 66605
(785) 266-9434

CAPITOL BUILDING
TOPEKA, KANSAS 66612
(785) 296-7668



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
EDUCATION
FEDERAL AND STATE AFFAIRS
GOVERNMENT EFFICIENCY AND
TECHNOLOGY

SENATE COMMITTEE ON WAYS AND MEANS

CHAIRMAN UMBARGER - TESTIMONY SB 680

Mr. Chairman and Committee, thank you for allowing us to have a hearing on this issue so late in the session. We had a lot of work to do to make sure everything was in place to support the bill. I am here today to ask for an expansion of the Veterans benefit lottery game to help fund an addition to the Museum of the Kansas National Guard at Forbes Field. The addition would include space for a 35th Infantry Division Museum and a Museum Education Center. I can think of no better way to honor the heroes of our Kansas National Guard, educate the public about our military history, and add value to an already popular tourist destination.

This is a great public/private partnership. The Museum board and the 35th Division Association worked to raise over \$200,000 of the proposed \$1.2 million cost of the addition before seeking other funding. The goal of the group is to complete construction by the 2009 annual meeting of the 35th Division Association. Since most of the 35th Division members are World War II veterans, time is of the essence in completing the project.

The bill sets out a plan whereby the Veterans benefit ticket is expanded from its current 7-month run to a year-round ticket. Currently the proceeds from the 7-month ticket generate about \$900,000 in revenues annually. Those monies are split evenly between national guard scholarships managed by the Kansas Board of Regents and operating expenses and capital improvements for the Kansas veterans' home, the Kansas soldiers' home and the state veterans cemetery system.

Under SB 680, the year-round ticket revenues, estimated to be about \$1.525 million, would be split with 30% to the veterans' homes/cemeteries, 40% to national guard scholarships, and 30% to the Museum expansion. This will generate the same amount of funding for the homes as they currently receive. There will be an additional \$150,000 for scholarships (\$610,000 total annually), and about \$450,000 a year for the Museum. The bill proposes that the Museum funding end after two years. This means that there will be about \$100,000 additional private donations needed to complete the Museum, but we believe that is doable. I have also visited with the Board of Regents representative and General Bunting to determine that they need the extra money for scholarships as they are now borrowing from other funds to finance the scholarship program.

I'll let the veterans here today tell explain the details, but I hope you will agree that in a time of tight budget constraints, using the lottery money for infrastructure improvements is a good way to leverage private monies for the public good.

*Senate Ways and Means
3-25-08
Attachment 1*



Museum of the Kansas National Guard

P.O. Box 19285
Topeka, Kansas 66619-0285
(785) 862-1020

Testimony Senate Ways & Means Committee 25 March 2008

SB 680 – Extension of Veteran's Lottery

BG Ed Gerhardt (Ret)
Museum of the Kansas National Guard

Mr. Chairman, Members of the Ways and Means Committee:

I am BG Ed Gerhardt (Ret), president of the Board of Directors of the Museum of the Kansas National Guard, a retired Asst. Adjutant General-Army, and a principal in the Santa Fe Trail schools.

Thank you for this opportunity to speak on behalf of SB 680, which would extend the Veteran's Lottery scratchoff from 7 to 12 months, with the breakdown of profits for the first two years being:

- 40 Percent – The Adjutant General's Tuition Assistance Program
- 30 Percent – The Kansas Commission on Veteran's Affairs
- 30 Percent – The 35th Division Museum and Museum Education Center

After two years the split would be 50 percent for the Tuition Assistance Program and 50 percent for the Kansas Commission on Veteran's Affairs.

The Museum of the Kansas National Guard, Forbes Field, has been open for over 11 years. Its mission is to preserve and present the militia heritage in Kansas. It was built with contributions, fundraisers, and volunteer labor. It is an approved U. S. Army Museum. As such it is entitled to Federal funds for utilities, maintenance, and exhibits. However, Federal funds are not available for construction.

Thus far, over \$220,000 has been raised by the Museum Board and the 35th Division Association through donations for construction of an addition, which would provide a 35th Division Museum and a Museum Education Center.

The 35th Division Museum would recognize those heroic veterans of the greatest generation who served in the 35th Division in World Wars I & II, as well as those who have served since that time. The 35th saw service in Europe in both wars, and is currently deployed as the Joint Force Headquarters in Kosovo. The World War I veterans are already gone, and it is urgent that we recognize the 35th Division's World War II veterans before they, too, are all gone.

Senate Ways and Means
3-25-08
Attachment 2

The Museum Education Center would provide a place to better tell Kansans and American tourists the story of the Kansas militia, from the Civil War through the War on Terrorism. We especially want to tell the story of the thousands of Kansas Guardsmen who have been deployed and who have served so honorably in Iraq and Afghanistan, including the nine who have paid the supreme sacrifice. Our current Museum is not big enough for the huge story we have to tell.

I have provided you with a drawing of the proposed project and a point paper giving details of how the current Museum is funded and operated and how we would plan to operate the Museum once the addition is complete. Essentially, we would plan to operate the expanded Museum with donations, volunteers, and Federal dollars for utilities, maintenance, and exhibits. We are not asking for state money for operations, just enough lottery money to help put the addition in place.

I would particularly call your attention to the part in the point paper which tells what surrounding states have done to preserve their state's militia heritage:

Iowa – The Iowa Legislature has appropriated \$4 million to build a Museum for the Iowa Guard and 34th Infantry Division, staffed with state employees.

Oklahoma – Provided a building and four employees for the 45th Division Museum

Missouri - Provided a building and two employees to run the Missouri Military Museum

Texas – Provided a building and three employees for the Texas Military Forces Museum, which honors the 36th Infantry Division

Arkansas – Provided facilities at Camp Robinson and two state employees

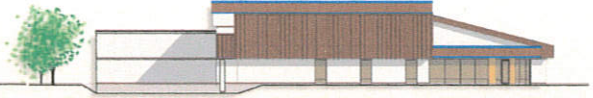
South Dakota – Provided a building and one state employee

I would conclude by saying that the Metropolitan Topeka Airport Authority, the National Guard Association of Kansas, and the Enlisted Association of the Kansas National Guard all support this project.

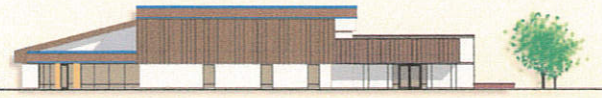
Thank you, and I stand for your questions.



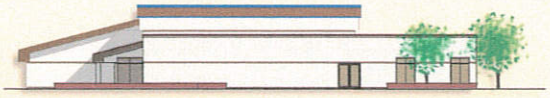
Northeast Elevation



Northwest Elevation



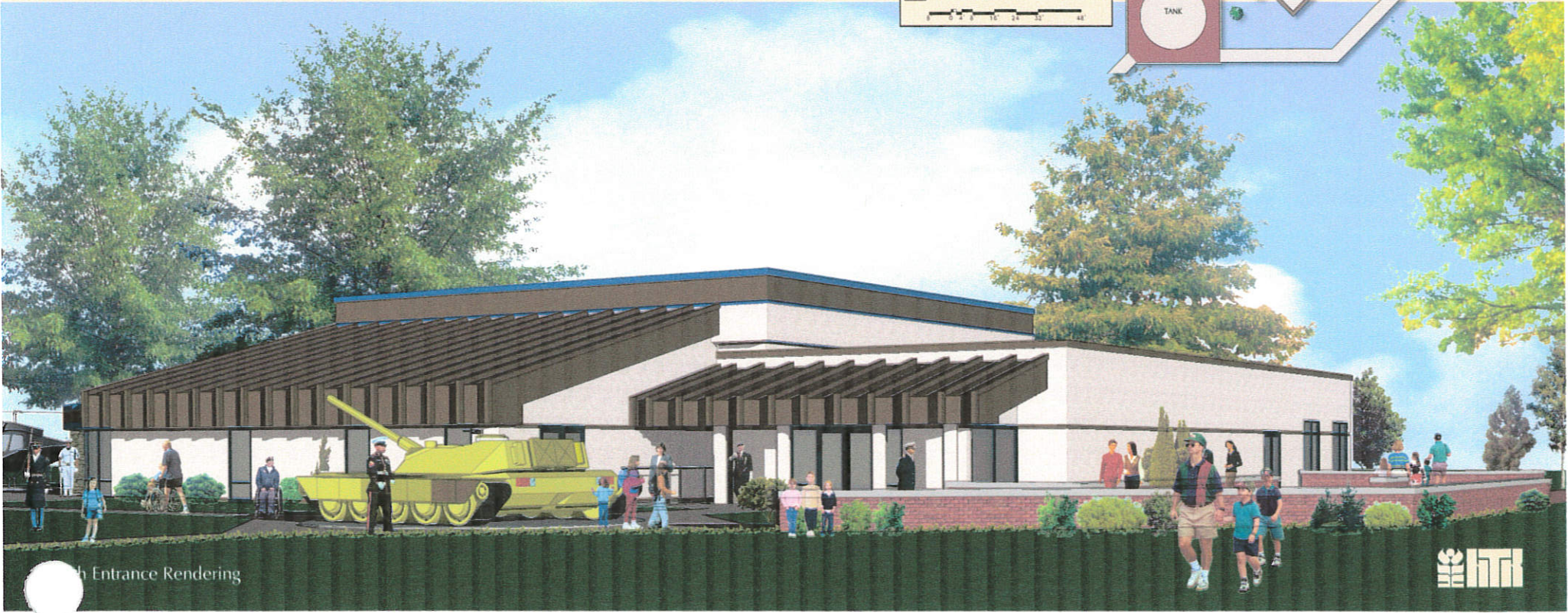
Southwest Elevation



Southeast Elevation

Museum of the Kansas National Guard

Forbes Field Museum Addition



Entrance Rendering





Museum of the Kansas National Guard

P.O. Box 19285
Topeka, Kansas 66619-0285
(785) 862-1020

March 20, 2008

Point Paper – Museum Expansion Project 35th Division Museum – Museum Education Center

1. Who owns the Museum?

The Museum of the Kansas National Guard is owned by the Kansas Military Board and operates under the authority of The Adjutant General of Kansas. It is operated by the 15-member Board of Directors of the Museum of the Kansas National Guard, Inc., a nonprofit corporation organized under the laws of the State of Kansas. The Board is accountable to The Adjutant General and the Kansas Military Board.

2. What is the relationship to the Metropolitan Topeka Airport Authority?

The Museum is located on a 5-acre property of the Metropolitan Topeka Airport Authority, based on a renewable 50-year lease at no charge to the Museum. The current lease expires in 2042. The MTAA is supportive of the expansion to the Museum, and is also currently considering allocation of additional land for Museum exhibits.

3. What is the relationship with the National Guard Association of Kansas and the Enlisted Association of the Kansas National Guard?

The National Guard Association of Kansas (NGAKS), the officer association of the Kansas National Guard, was the originator of the Museum project, providing initial funding and support until the Museum was incorporated and the Board of Directors assumed control. The Museum was completed, dedicated, and opened on 1 February 1997. NGAKS continues to pay monthly rent for office space in the Museum and usually provides a year-end contribution for Museum operations, based on its financial status. It appoints five directors to the Museum Board, as does the Enlisted Association. The other five members are appointed by the Museum Board. Both organizations are supportive of the Museum expansion for a 35th Infantry Division Museum Annex and a Museum Education Center.

4. Who is responsible for maintenance of the Museum and who would be responsible for maintenance of the proposed Museum addition?

Maintenance of the Museum is the responsibility of the Board of Directors of the Museum, and will continue to be the case when the addition is constructed. Maintenance is performed by Museum volunteers, and paid contractors, paid by the Museum Board or from Federal funds of the U. S. Property and Fiscal Office of the Kansas National Guard, depending

on the nature of the maintenance. Mowing, lawn care, exhibit maintenance, etc. are all done by Museum volunteers. The 35th Division Association will assume some responsibility for maintenance when the 35th Division Museum Annex is completed.

Cleaning is done four days a week by an employee of TARC, paid for by Federal funds from the USP&FO for Kansas, as well as by volunteers. Utilities (electricity, gas, and water), except for those for leased space to the National Guard Association of Kansas, are paid by the USP&FO for Kansas from Federal funds. Other utilities (trash service, telephone, internet, satellite dish, etc.) are paid by the Museum Board from Museum funds.

As this is a Federal military museum, utilities and maintenance can be entirely from Federal funds.

5. What is the status of the Museum with regard to the Army Museum System?

The Museum is a recognized Museum of the U. S. Army, and, as such, is authorized to receive Federal equipment and services from both the U. S. Army and the U. S. Air Force through the U. S. Army Center for Military History. Federal equipment (excess and outdated), such as trucks, tanks, artillery, etc., is issued to the USP&FO for Kansas and hand-receipted to the Museum accountable officer, the Command Historian of The Adjutant General. He also hand-receipts for other Federal purchases, such as display cases, furniture, exhibit items (weapons, flags, clothing, equipment, etc.), and all other Federal purchases.

The Museum is also a member of the Kansas Museum Association, the Topeka Area Chamber of Commerce, and the Topeka Tourism Alliance.

6. What efforts have been made to raise funds for the 35th Division Museum Annex and the Museum Education Center?

For nearly four years, the Capital Improvement Committee of the Museum of the Kansas National Guard has conducted a campaign to raise funds through individual and corporate initiatives. No less than ten mailings have gone to potential donors and an informational request has been made to over 100 business and corporations in the Topeka area. Several fundraisers have been conducted. To kick off the campaign, each member of the Board made a contribution to the effort. However, only \$90,000 in designated money for the capital improvement campaign has been obtained. The Museum has also continued to increase funds in the Museum Trust, which now totals over \$160,000.

The 35th Infantry Division Association, a nationwide organization, launched a campaign about two years ago for the construction of the 35th Division Museum in Topeka, and has received over \$120,000 in funds through mail, newsletter, and annual conference solicitations. The 35th Division Committee assumed responsibility for preparation and submission of grant requests, and five of these have been submitted at this point, without response.

7. What is and will be the status of Museum insurance?

The Museum building is currently insured for \$1,030,000 by the Hartford Insurance Company (Pat Weissbeck Agency, Topeka), with annual premiums of around \$4200.00 paid by

the Museum Board. It is understood that when the addition is completed and the 35th Division Museum is housed in the facility, the 35th Division Assn. will share in the premium cost.

In addition, the Museum Board has liability coverage as required by the Metropolitan Topeka Airport Authority for \$1 million for each occurrence and \$1 million for personal injury. The Museum Board also carries Personal Property, Fine Arts (Exhibits), and Bacteria/Fungi coverage.

8. How is the facility managed and how will it be managed in the future?

The Museum is currently managed by the 15-member Board of Directors, with each director assigned a volunteer responsibility, as shown below:

- BG Ed Gerhardt – Board President, Capital Improvements, Publications
- CSM Jack Elliott – Vice President, Curator, & Special Events
- MSG Greg Gilroy – Secretary
- COL Malen Dowse – Treasurer
- CMSgt Roger Wilson – Past President, Air National Guard Exhibits
- COL Cliff Silsby – Construction and Planning
- COL Paul Idol – Volunteers
- COL Calvin Warrem – Financial Advisor
- LtCol Tony DeJesus – Fundraising
- CMSgt Melvin Simpson – Operations
- COL Bob Bloomquist – Federal Property Accessions
- CW4 Carl Bush – Maintenance
- CMSgt Danny Roush – Exhibit Facilitator
- MSgt Kevin Drewelow – Air Guard Exhibits
- CSM John Ryan – Army Guard Exhibits
- LTC Doug Jacobs – Fulltime Command Historian (not on Board of Directors)
- Capt Karl Freundt – Publicity & Public Relations (not on Board of Directors)

Fundraising for Museum operations is done through sale of Perpetual Sustaining Memberships (\$1800 or \$180 per year for 10 years), Annual Sustaining Memberships (\$20 per year), sale of Interior Engraved Bricks (\$200), sale of Exterior Engraved Bricks (\$50), visitor donations, gift shop sales, fundraising (Concessions, Pancake Feed, Business After Hours, etc.), memorial contributions, and patron donations, primarily from active and retired members of the Kansas Army and Air National Guard and their families.

When the 35th Division Museum is housed in the facility, the 35th Division Association will be included as part of the Board of Directors and assigned responsibilities for the Museum. Their fundraising base includes primarily donations from active and retired members of the 35th Infantry Division, and especially World War II veterans of the 35th Division.

Current leadership of the 35th Division Association includes:

- James G. Graff (Ret) – President
- MG Jack Strukel, Jr. (Ret) – 1st Vice President
- CSM Jack Elliott (Ret) – 2nd Vice President
- MG Marvin Pierson, CG, 35th Division – 3rd Vice President
- COL (Chap) Ron Cobb (Ret) – Chaplain
- Richard J. O'Brien – Historian
- MG Michael W. Ryan (Ret) – Judge Advocate

9. What working groups are housed in the building?

The 102nd Military History Detachment, a unit of the Kansas Army National Guard, currently has office space in the Museum, as does the Command Historian of The Adjutant General, both of which provide additional justification for the expenditure of Federal funds on Museum utilities and maintenance.

Also housed in the Museum is the National Guard Association of Kansas Executive Director, Mrs. Michele Henry, and the NGAKS Insurance Administrator, COL Malen Dowse, with monthly rent for this space paid by the NGAKS.

10. What is the current and future relationship between the Museum of the Kansas National Guard and the 35th Infantry Division Association?

With the approval of their respective boards, the Capital Improvement Committee of the Museum (BG Ed Gerhardt, COL Cliff Silsby, and COL Cal Warrem) and the 35th Division Museum Committee (MG Jack Strukel, Jr., BG Thomas Kennedy, and COL Robert Dalton) entered into a joint agreement for the construction of the 35th Division Museum Annex and the Museum Education Center. Each is continuing to solicit funds, and has joined together in support of the efforts to secure funds from an extended Veterans lottery to complete the project.

When funding has been secured and construction is ready to begin, the two boards will construct and operate the Museum under a joint agreement.

Funding for the design of the Museum expansion (approx. \$70,000) was provided by the USP&FO for Kansas through the Directorate of Facilities and Engineering (COL Cliff Silsby) of the Kansas Army National Guard.

11. Why should State and/or Kansas Lottery funds be expended for this project?

The 35th Division is a proud and tested unit of the Kansas and Missouri National Guard, seeing service in both World War I and World War II. It earned five battle streamers in World War II. It entered Europe two days after D-Day and fought across Europe, and served as part of Patton's Third Army during the Battle of the Bulge. The 35th Division (Forward) is currently deployed as the command element for the Coalition Forces in Kosovo as part of the War on Terrorism.

Kansas National Guardsmen have proudly served for over 150 years, including service in the Civil War, Philippine Insurrection, Mexican-Border War, World War I, World War II, Korean War, Vietnam War, the Gulf War, and the War on Terrorism. Many paid the supreme sacrifice, and a number of them earned the Medal of Honor. Since 9-11, most Kansas Guardsmen have been deployed in the War on Terrorism—in Iraq, in Kuwait, in Afghanistan, and other places around the world, with nine of them giving their lives. Many more have been maimed and injured.

It is time that the State of Kansas give greater recognition to these heroes, these Kansans at their best, and allow their stories to better be told, through both the 35th Division Museum and the Museum Education Center. Here Kansans will better be able to learn of their heroes, the sacrifices, and the lives of these Kansas Guardsmen.

12. Have other states provided funding for National Guard Museums?

The State of Kansas has not been previously asked to provide funding for a 35th Division Museum, nor has it been asked to provide funds for construction or operation of the existing Museum of the Kansas National Guard, as has been done in many states. This is the first request for state-supported funds.

Most other states have provided state funding for facilities or provided facilities for their National Guard museums, and most states provide some state funding for staffing and other expenses. The following information on state National Guard museums is provided for nearby states:

Oklahoma's 45th Infantry Division Museum in Oklahoma City, Oklahoma, is housed in a large former Oklahoma Army National Guard Armory, is considered a part of the Adjutant General's Department, and is funded through the Adjutant General's budget. The State of Oklahoma pays a Director and a Curator and two 1000-hour employees (used for weekend host and docent duties). The state also pays for utilities and maintenance for the Museum and \$5000 a year in other expenses. Additional funding for the museum is provided by the 45th Division Association.

The **Iowa National Guard Gold Star Museum** in Camp Dodge, Johnston, Iowa, originally took over the old Adjutant General's Office facility when a new Adjutant General facility was built. **However, the Iowa Legislature recently appropriated \$4 million for the construction of a new Museum and ground-breaking will be held this fall.** This facility is also the 34th Infantry Division Museum. Their Director and Curator are state employees, and have annual salaries of \$70,000 each. Utilities and maintenance are also paid through the Adjutant General of Iowa.

The **Missouri Military Museum** in Jefferson City, Missouri, is located in excess state property which was donated by the state for the Museum and remodeled by Missouri National Guard engineers. The State of Missouri employs a fulltime Director and a fulltime custodian for the Museum, and provides \$6000 a year from the Adjutant General's budget. Utilities are paid from Federal funds. The Adjutant General's Command Historian is based in the Museum, as is the case in Kansas.

The **Jackson Barracks Military Museum** of the Louisiana National Guard, New Orleans, Louisiana, is located at Jackson Barracks as part of the Adjutant General's complex, with staff and operational funding provided by the State of Louisiana in the Adjutant General's budget.

The **Texas Military Forces Museum**, Austin, Texas, is housed in a state Army National Guard structure and also serves as the museum of the 36th Infantry Division. It is staffed by two State of Texas employees and one Federal employee. Utilities and maintenance are paid through a combination of state and federal funds.

The **Arkansas National Guard Museum** is located on Camp Robinson, North Little Rock, Arkansas. It is housed in state property, for which they pay \$1.00 a year in rent. Utilities and maintenance are paid from Federal funds. Additional funds are provided through a combination of fundraising efforts and grants from the Arkansas Natural and Cultural Resource Council, with the Museum Director and a Curator paid by the State of Arkansas after approval from the Arkansas Legislature.

The **South Dakota National Guard Museum** is located in a state-donated Army National Guard facility in Pierre, South Dakota, which was remodeled by Army and Air Guard engineers. It is staffed by one state employee, provided through the South Dakota Dept. of Military and Veterans Affairs, and by volunteers. Utilities and maintenance are paid from Federal funds.

The **Illinois Military Museum**, Springfield, Illinois, is located in a WW II vintage building at Camp Lincoln, which was given to the Illinois National Guard and Militia Historical Society. The State of Illinois pays for one curator, and the remainder of the staff are volunteers. Exhibits and some of the artifact restoration, maintenance, and accountability are done by University of Illinois history students as class projects. Utilities are paid from Federal funds. Donations are secured for exhibits and miscellaneous operating expenses by the Illinois National Guard and Militia Historical Society. The museum is also the 33rd Infantry Division Museum.

The **Nebraska National Guard Historical Society Museum** is located in Lincoln, Nebraska, but information could not be obtained on its operation.

13. Do the Metropolitan Topeka Airport Authority and the National Guard Association of Kansas support the Museum expansion project?

See letter of support from the Metropolitan Topeka Airport Authority, dated February 18, 2008, below:

BG Ed Gerhardt,

I have the pleasure reporting to you that during the Board Meeting of the Metropolitan Topeka Airport Authority, the Board voted in support of your planned expansion of the museum.

If you have any questions or require additional information pertaining to your plans, please do not hesitate to contact me.

**Sincerely,
Eric M. Johnson
Interim President
Metropolitan Topeka Airport Authority**

The list of 2008 State Legislative Priorities of the National Guard Association of Kansas lists expansion of the Museum as one its priorities.



National Guard Association of Kansas 2008 State Legislative Priorities

The National Guard plays a key role in the defense of our nation and our state.

The Kansas National Guard is made up of men and women from every county in the state of Kansas. They reside in each legislative district, and make up the communities in which we live. They are all volunteers, serving both our state and our nation. There are nearly 900 of our 7,500 Kansas National Guardsmen serving in Iraq, Afghanistan, the Balkans and many other places around the world. In fact, since September 11, 2001, more than 5,800 Kansas National Guardsmen have deployed to these and other locations around the world. As our Kansas Guardsmen deploy, others return home to Kansas—to their communities, families, employers and to civilian life. The total economic impact of National Guard units to Kansas communities is estimated to be \$480 million annually.

The National Guard Association of Kansas (NGAKS) is made up of officers of the Kansas Army and Air National Guard, numbering over 1,300. NGAKS's mission is to support and improve the Army and Air National Guard of Kansas, and to advocate for policies that positively affect and benefit National Guard members and their families. This assists the Kansas National Guard in attracting and retaining the quality National Guard members that the citizens of Kansas have come to expect.

During the 2008 Kansas Legislative session, please consider the soldiers and airmen that make up your Kansas National Guard when you set policy and make appropriations which affect their service, their families, and their communities.

Please consider the following State legislative priorities of the NGAKS for Fiscal Year 2009:

- ↓ Ensure state policy protects national guardsmen from losing custody of their children while deployed,
- ↓ Allow bonding authority as needed by the Adjutant General to build state of the art National Guard training centers in Kansas,
- ↓ Support full funding for the Tuition Assistance Program* for Kansas National Guard members for FY 2009 and the "Military Bill of Rights" tenets,
- ↓ Support continued funding for free hunting and fishing licenses and state park entry permits for active National Guard members and expand to include retired National Guard members,
- ↓ Continue funding for the Kansas Armory Maintenance Fund for armory repair, maintenance and capital improvements in communities across the State,
- ↓ Support assistance to Kansas National Guard members returning from deployment for family reintegration, post traumatic stress, substance abuse or other behavioral health issues for both members and families,
- ↓ Exempt traditional guard member drill pay from calculation for eligibility for Unemployment Insurance benefits when laid off from a civilian job,
- ↓ Funding for the expansion of the Kansas National Guard Museum, and
- ↓ Urge Congress to support the National Guard Association Legislative Objectives for Army and Air, including adequate equipment for deploying guardsmen (see www.ngaks.org for objectives.)

As President of the National Guard Association of Kansas, I offer any further information, discussion or testimony on our legislative priorities. I also want to thank you for your continued support of the men and women who make up the Kansas Army and Air National Guard.



Lieutenant Colonel Anthony (Tony) DeJesus, President, NGAKS
For More Information on these or other NGAKS issues, contact
Major Sheli Sweeney at (785) 249-1655 ssweeney@acmhck.org

Visit the NGAKS web site at www.ngaks.org

*In FY 2007, the program was funded at only 80%; making students who are also National Guardsmen pay 20% of their own tuition at institutions of higher learning in Kansas.

35th Division Association
Testimony
Senate Ways & Means Committee
SB 680 – Extension of Veteran’s Lottery
March 25, 2008
COL Robert Dalton (Ret)

Mr. Chairman, Members of the Ways and Means Committee:

I am both honored and humbled by this chance to talk to you about our 35th Division veterans, especially those of WW II. My name is Bob Dalton. I am the Executive Director of the 35th Division Association. Our association’s president, Jim Graff of Middletown, Illinois, sends his greetings to you and wishes he could be here for this moment. Jim served in WW II as a non-commissioned officer in the 134th Infantry Regiment, 35th Division.

I am a Viet Nam veteran and a retired colonel with the KSARNG. I served in the 35th Division as a member of the 69th Infantry Brigade. The 35th Division today is still rooted in Kansas. Its Headquarters is at Fort Leavenworth. A large detachment of its soldiers is presently serving in Kosovo, in charge of the peace-keeping mission.

As part of the “Greatest Generation” of the 20th century, the 35th Division fought in Europe during WW II. It was one of the three divisions in Lt Gen George Patton’s Third Army, the Army that crushed the German southern flank during the Battle of the Bulge. These brave 35th warriors fought through the campaigns of Normandy, Northern France, Lorraine, the Bulge, Rhineland, and Central Europe.

And, sadly, these warriors are joining a 35th Division that marches today without sound. They are joining the WW I Doughboys of the 35th. President Harry S. Truman, as a Captain, leads one of those Artillery batteries. Our WW II warriors are quietly fading into the columns to march in step with their buddies who were killed in action. Within that march are 39 soldiers of the Kansas 69th Infantry Brigade who gave their lives in Viet Nam. Also, among the columns are 9 Kansas soldiers who were killed in Afghanistan and Iraq.

These WW II 35th Division veterans who are still with us are trying to send me their war memorabilia, their uniforms, and their stories. And there is not enough room in the Kansas National Guard Museum for these displays. There is no room to view and study the history of the 35th Division’s achievements and victories. If these veterans make contact with me about personal donations, I must encourage them to send their items elsewhere. Sometimes they send me things without prior coordination. My garage is in danger of becoming an “Artifact Holding Area.”

In September of 2009 we will have the 91st annual 35th Division Reunion in Topeka. We will induct and honor the first class of the newly instituted 35th Division Hall of Fame. Even if we have to set up a tent on the Museum grounds, we need to be able to say, “Here is the site of your future home.” These warriors have a right to be proud, and we have a responsibility to let them be recognized. SB 680 will go a long way in making this recognition possible.

Senate Ways and Means
3-25-08
Attachment 3

FORT HAYS STATE UNIVERSITY

Testimony in Support of HB 2508
Senate Ways & Means Committee
March 25, 2008

Debra Prideaux, Executive Director
Alumni and Governmental Relations

Good morning Chairman Umbarger and other distinguished members of the Senate Ways and Means Committee. It is my pleasure to submit written testimony in support of HB ²⁸⁵⁸~~2508~~ an act concerning Fort Hays state university; relating to Fort Hays state university foundation; amending K.S.A. 2007 Supp. 76-156a and 76-756 and repealing the existing sections.

The FHSU Foundation (formerly the FHSU Endowment Association) is an independent 501(c)(3) non-profit organization that was established in 1946. Its mission is to support and advance the university by actively seeking monetary gifts and bequests and to receive and administer those contributions in a prudent manner in accordance with donors' wishes.

While the Foundation works closely with the university to support its initiatives, the Foundation is an entity that is legally separate from the university. The Foundation is governed by a board of trustees and supervised by a chief executive officer. The Foundation is committed to cultivating lasting relationships with alumni, friends, corporations and other organizations that have a passion for Fort Hays State University and want to continue its legacy of excellence.

On May 7, 2007, the Secretary of State issued a nonprofit corporation certificate of amendment recognizing the name change of the Fort Hays Kansas State University Endowment Association to the Fort Hays State University Foundation. HB 2858 recognizes such action and would cause no fiscal effect to the state of Kansas.

Thank you for your consideration of this important matter. If you should need additional information, I can be reached by contacting the FHSU Alumni Office at (785) 628-4430 or by cell phone at (785) 623-7959.

Senate Ways and Means
3-25-08
Attachment 4

Office of Revisor of Statutes
300 S.W. 10th Avenue
Suite 010-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296-2321 FAX (785) 296-6668

MEMORANDUM

To: Senator Umbarger, Chairman, and
Members of the Senate Ways and Means Committee
From: Jason Thompson, Assistant Revisor (JT)
Date: March 25, 2008
Subject: SB 503, methamphetamine precursor recording act

Senate Bill No. 503 enacts the methamphetamine precursor recording act. Methamphetamine precursors are defined in a manner consistent with K.S.A. 65-7006 as any compound, mixture or preparation containing pseudoephedrine, ephedrine or phenylpropanolamine, but does not include products that have been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts for precursors, and does not include animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra. The bill requires the state board of pharmacy to establish and maintain a program for the recording of methamphetamine precursors.

Each pharmacy is required to maintain an electronic recording log documenting the sale of precursors. Pharmacy is defined in a manner consistent with K.S.A. 65-1626 as the premises, laboratory, area or other place, including in-state, out-of-state and internet facilities where the profession of pharmacy is practiced. The log shall be in a standardized format specified in rules and regulations adopted by the board, which shall include, but not be limited to:

- (1) The name, address and signature of the person purchasing, receiving or otherwise acquiring the methamphetamine precursor;
- (2) the name of the product and quantity purchased;
- (3) the date and time of the purchase; and
- (4) the name, or initials, of the licensed pharmacist, registered pharmacy

technician or pharmacy intern or clerk supervised by a licensed pharmacist who sold the product.

The information in the log shall be submitted by the pharmacy at the point of sale in real time in accordance with rules and regulations adopted by the board. The board is authorized to issue a waiver to a pharmacy that is unable to submit log information electronically, but such information shall be submitted in an alternative format.

Pharmacies and their employees shall not be civilly liable for damages or other relief arising from a sale of precursors that occurs at another pharmacy.

The board shall not impose any charge for establishment or maintenance of the recording program, nor shall the board charge any fees for transmission of data to the program database or receipt of information from the database. The information submitted to the board shall be confidential and shall not be a public record. Data from the log may only be provided to certain people, including law enforcement, but may be provided to entities for statistical, research or educational purposes if identifying information is removed.

The board is authorized to contract with an agency or private vendor to implement and operate the recording log. The log shall be capable of sending real time notification to law enforcement officials. Any contractor shall comply with the confidentiality provisions discussed above and shall be subject to the penalties discussed below. The board or contracting party shall retain all records in the database for 5 years and then destroy such records unless law enforcement or an administrative oversight entity submits a written request for retention of specific information.

The board is required to develop and implement a program to educate pharmacies and employees about the recording program. In addition, the board is required to report annually to the senate committee on public health and welfare and the house committee on health and human services.

Finally, the bill establishes penalties. Failure to submit log information or knowingly submitting incorrect log information, knowingly disclosing log information in violation of the act and knowingly using log information in a manner or for a purpose in violation of the act are each severity level 10, nonperson felonies.