

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on January 27, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

J. G. Scott, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Dylan Dear, Kansas Legislative Research Department
Christina Allen, Kansas Legislative Research Department
Cody Gorges, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant
James Fisher, Intern

Conferees appearing before the Committee:

Russell Jennings, Commissioner, Juvenile Justice Authority (JJA)
Rebecca Koster, Mayor, City of Beloit
Mike Cooper, Chairman, Mitchell County Commission
Karen Pahls, Director, Mitchell County Partnership for Children
Murray McGee, Director, Mitchell County Community Development
Carl Brewer, Mayor, City of Wichita
Carl Gerlach, Mayor, City of Overland Park
Joe Reardon, Mayor, City of Kansas City

Others attending:

See attached list.

Introduction of Legislation

Senator Vratil moved to introduce legislation concerning altering the requirements for calling a grand jury by a citizen petition (9rs1573). The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Senator Vratil moved to introduce legislation concerning establishment of a construction register (9rs1604). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Senator Schmidt moved to introduce legislation concerning funeral directors and services (9rs1646). The motion was seconded by Senator Kelly. Motion carried on a voice vote.

Hearing on SB 357 - Authorizing secretary of administration to convey certain real estate on behalf of juvenile justice authority to city of Beloit.

Senator Lee explained that **SB 357** would authorize the Secretary of Administration to convey the title and interest of the former Beloit Juvenile Correctional Facility to the City of Beloit (Attachment 1). Senator Lee informed the Committee that the City of Beloit originally transferred the land to the state at no cost to be used for the correctional facility.

Proponents:

Russell Jennings, Commissioner, Juvenile Justice Authority (JJA), presented testimony in support of **SB 357** (Attachment 2). Commissioner Jennings stated that the 22 youth in residence at the Beloit Juvenile Correctional Facility have been moved to the west campus of the Kansas Juvenile Correctional Complex in Topeka. The Commissioner noted that JJA sees no future use for the property in the juvenile justice system or other state uses. Because no additional funding was appropriated for the facility after May 2010, continued state ownership of the property will come with a cost to the state.

CONTINUATION SHEET

Minutes of the Senate Ways and Means Committee at 10:30 a.m. on January 27, 2010, in Room 548-S of the Capitol.

Rebecca Koster, Mayor, City of Beloit, presented testimony in support of **SB 357** (Attachment 3). Ms. Koster stated that the city lost approximately 50 jobs with the closure of the Beloit facility. The City hopes that the state of Kansas will return the property to the City of Beloit in order for them to turn the facility and grounds into something positive for the community.

Mike Cooper, Chairman, Mitchell County Commission, presented testimony in support of **SB 357** (Attachment 4). Mr. Cooper stated that there is a collective effort between the city of Beloit, Mitchell County and neighboring counties to work together on a plan for usage of the former correctional facility property.

Karen Pahls, Director, Mitchell County Partnership for Children, presented testimony in support of **SB 357** (Attachment 5). Ms. Pahls explained the present use of 2 buildings on the property for child care and would like to continue the program. Ms. Pahls also indicated that facilities on the property are anticipated to be used by the local school district to consolidate programs such as special education programs..

Murray McGee, Director, Mitchell County Community Development, presented testimony in support of **SB 357** (Attachment 6). Mr. McGee indicated that the transfer of ownership of the property to the city of Beloit would provide an opportunity to assist in turning around the economy of Mitchell County and also be beneficial to neighboring counties.

Responding to a question from the Committee, Commissioner Jennings informed the Committee that the land was surveyed before the legislation was drafted.

There were no opponents or neutrals to appear before the Committee.

The hearing on SB 357 was closed.

Senator Lee moved to recommend SB 357 favorably for passage. The motion was seconded by Senator Teichman. Motion carried on a voice vote.

Presentation on Urban Areas as Partners with the State of Kansas

Carl Gerlach, Mayor, Overland Park, presented testimony pertaining to the major cities working in partnership with the state of Kansas (Attachment 7). Mr. Gerlach felt there is real value in working together to move the economy of the state forward and more attractive for outside businesses to come to the state.

Joseph F. Reardon, Mayor/CEO, Unified Government of Wyandotte County/Kansas City, presented testimony regarding joining forces to work together on goals and projects to find cost effective ways of conducting business within the state (Attachment 8).

Carl Brewer, Mayor, Wichita, presented testimony on the urban areas' commitment to work in support of each other and the state for the benefit of the state (Attachment 9). Mr. Brewer noted the importance of working in cooperation with the League of Kansas Municipalities to improve quality of live for all Kansans.

Distribution of Requested Information

Information from Mark Tallman, KASB, as requested by the Committee, relating to the items school districts are required to publish, was distributed to the Committee (Attachment 10).

Adjournment

The next meeting is scheduled for January 28, 2010.

The meeting was adjourned at 11:50 a.m.

SENATE WAYS AND MEANS COMMITTEE

GUEST LIST

DATE: January 27, 2010

NAME	REPRESENTING
Julie Thomas	NOB
John	POB
Woody Morris	KAPA
Michelle Hendrick	City of Beloit Merchant
Max Narduck	✓ ✓ ✓
Brian Keck	Hein law firm
Dale Gaten	City of Wichita
Carl Brewer	City of Wichita
Joe Reardon	Virtified Government
Carl Nerlach	Overland Park
Mark BORANYSK	CARITOL STRATEGIES
Russ Jennings	NA
Keith Bradshaw	JTA
James Bennett	Leavenworth Co Special Ed Coord
Damen High	Sen. Katalis
TRAVIS LOWE	Little Govt Relations
Jen Bruning	OP Chamber
Erica Lucas	Page Page
Alexis Wingerson	Page
Phil Perry	HRA of GKE
Larissa Higgett	shadow

January 19, 2010

The Honorable Jay Emler, Chairperson
Senate Committee on Ways and Means
Statehouse, Room 545-S
Topeka, Kansas 66612

Dear Senator Emler:

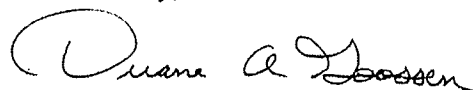
SUBJECT: Fiscal Note for SB 357 by Senator Lee

In accordance with KSA 75-3715a, the following fiscal note concerning SB 357 is respectfully submitted to your committee.

SB 357 would authorize the Secretary of Administration to convey the title and interest of the former Beloit Juvenile Correctional Facility to the City of Beloit. All costs related to the conveyance would be paid by the City of Beloit. If the Secretary of Administration determines that the legal description of the parcel described in SB 357 is incorrect, the Secretary may convey the property utilizing the correct legal description, but the deed conveying the property would be subject to the approval of the Attorney General. SB 357 would take effect upon its publication in the *Kansas Register*.

Funding within *The Governor's FY 2011 Budget Report* assumes that the Beloit Juvenile Correctional Facility will no longer be under the care of the state during FY 2010, with no funding recommended for the facility in FY 2011. If SB 357 is not enacted, then additional funding would be needed in both FY 2010 and FY 2011 to continue to provide routine maintenance to the facility. For FY 2010, the agency states it would need an additional \$41,208 from the State General Fund. Of that amount, \$28,470 would be for utilities, \$8,628 for salaries and wages, and \$5,110 for other operating expenses. In FY 2011, the agency indicates it would need an additional \$316,355 from the State General Fund to cover maintenance expenses at the facility. Of that amount, \$112,164 would be for salaries and wages, \$180,000 for utilities, and \$24,191 for other operating expenditures.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Pat Higgins, Administration
Ursula Hendrickson, JJA

TESTIMONY ON SB 357
TO THE SENATE WAYS AND MEANS COMMITTEE
BY COMMISSIONER J. RUSSELL JENNINGS
KANSAS JUVENILE JUSTICE AUTHORITY
JANUARY 27, 2010



J. Russell Jennings
Commissioner
785-296-0042
rjennings@jja.ks.gov

Senate Ways & Means Cmte
Date 1-27-2010
Attachment 2

The City of Beloit in Mitchell County served as the home for the only female juvenile correctional facility in the state from 1890 – August 2009. In late August 2009, the 22 youth in residence were moved to the west campus of the Kansas Juvenile Correctional Complex in Topeka. The move became necessary in order to meet reduced budget requirements.

In 1889, the City of Beloit gifted, to the State of Kansas, the real estate the former Beloit Juvenile Correctional facility is located upon. The Juvenile Justice Authority (JJA) sees no future use for the property in the juvenile justice system and has engaged in discussions with other state agencies that also see no use for the property in meeting their missions.

Continued state ownership of the property will come with a cost. The Fiscal Note for SB 357 reflects additional anticipated expenses of \$41,208 for FY10 and \$316,355 for FY11 and beyond. These expenses reflect the cost of minimum staffing and expenses to preserve the property and protect the property from deterioration. JJA has contemplated transfer of the property no later than May 1, 2010. In the event transfer does not occur as planned, JJA will require additional funds for FY10 and FY11 as no funds are contained within the Governor's budget for continued expenses. The expenses illustrated in the Fiscal Note do not include any substantial facility repair expense that would normally be paid with State Institutions Building Funds.

JJA supports SB 357, which provides for the transfer of the Beloit property to the City of Beloit for community use.

119 North Hersey Avenue
Beloit, Kansas 67420
785-738-3551
785-738-2517 (fax)



Rebecca Koster
Mayor
www.beloitks.org

Testimony Before the Kansas Senate Ways & Means Committee Topeka, KS

By
Rebecca Koster
Mayor-City of Beloit
Beloit, KS

January 27, 2010

Good morning Chairman Emler, Senator Lee and members of the committee. My name is Rebecca Koster and I am the Mayor of Beloit. I would like to thank you for this opportunity to speak to you about Senate Bill 357 and specifically the former Beloit Juvenile Correctional Facility.

Last summer our city was informed of the states plans to close the correctional facility. It was one of the largest employers in our community and an entity that has been a vital part of our community for more than 120 years.

To give you a little history the Beloit Juvenile Correctional Facility was developed as a result of a community effort. In June of 1889 the City of Beloit gave 80 acres of land, valued at \$3,300 to the state for the development of a Girls Reform School. Several members of the committee also donated private money to the State Board of Charities to assist with this effort. As a result the state established the first and only facility in the state of Kansas to serve female youth sentenced by the district courts in Kansas.

There was never a fence built around the facility. Our community cared for the girls who were sent their. We were involved with the facility and the staff. Many members of our community were employed there. The Girls Industrial School, also known as the Beloit Juvenile Correctional Facility was a key part of our community for more than 120 years.

As Mayor of Beloit I can tell you the closure of the facility last summer was a heavy blow to our community. We lost more than 50 jobs that were held by members of our community and residents from neighboring counties who depended upon the facility to support their families.

Beloit lost the benefit of a facility that had a budget of more than \$3.5 million dollars. We have felt the loss of a payroll of more than \$2 million and we face the loss of utility revenues from one of the largest utility users within the City of Beloit.

What we are asking today is for the State of Kansas to return the property that was graciously given to you so that we may have an opportunity to turn this great loss into something positive for our community.

Land of the Kansas Post Rock

Senate Ways & Means Cmte
Date 1-27-2010
Attachment 3

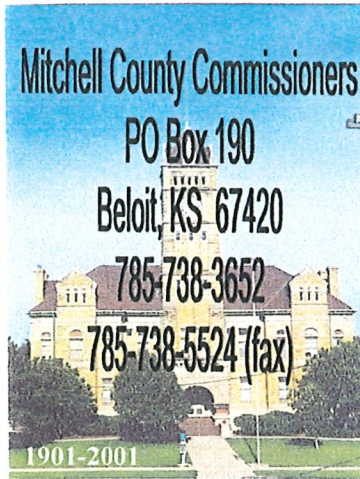
We have worked together for more than a year in an effort to keep the facility open. And when that failed we focused our energy on developing a plan for how our community could utilize the facility to our greatest benefit.

Over the course of the past year we have formed two task force groups to focus on plans for the facility. We have met collectively with representatives from the City of Beloit; Mitchell County Commissioners; USD 273 Board of Education; Solomon Valley Economic Development; Mitchell County Community Development; the North Central Kansas Technical College; Mitchell County Hospital; Mitchell County Early Learning Center and with representatives from our business community.

The loss of the correctional facility has brought us together to work towards developing plans to turn the loss of the state facility into an "opportunity" for our community. Other members of our community will tell you today some of the ideas we have for the future of this facility.

But I want you to know that we are prepared to step up and move forward. Our City Council has already formed a Public Building Commission to prepare to receive and move forward with creating activity and bringing life back to this facility once again.

What we are asking of you is to give back the property that was given to you by our community. Provide us an opportunity to move forward with ideas and plans that will benefit the City of Beloit and our neighboring communities.



1st District Commissioner
Chuck Heidrick
785-738-8154

2nd District Commissioner
Mike Cooper, Chairman
785-738-0130

3rd District Commissioner
Virgil Palen
785-738-8947

Good morning Chairman Emler and good morning Senators. My name is Mike Cooper and I am the Chairman of the Mitchell County Commissioners. As I prepared for this first time meeting, I took the time to review the political history of each of you. Some of you started your careers in a County Commissioners seat, many of you in some elected position, but all of us share one thing in common. We vied for this position because we thought we would be a good community leader. When we took office our intention was for the betterment of the people we choose to represent. What each of us has learned over the years is it is sometimes a difficult position to hold. It is hard enough to deal with the daily requirements of our lives, let alone be handed the task of making decisions which will effect the many lives of the people we represent. I stand before you with one such decision.

A community will come together in a time of need. This has been demonstrated by many Kansas's when a natural disaster hit their area. Although the closing of the Beloit Juvenile Correctional Facility was not a natural disaster, it was a crushing blow to the economy of the area. But much like the devastation of a Kansas tornado, our community has come together to form a recovery plan that may not put us back to a level of a year ago, but it will help to start the rebuilding process.

Since last August, when the final word was received of the closing, we went from working on a plan to keep it open, to a plan on how to recover. It became evident early on that no one agency could financially handle this on its own. Each of us, the County, the City, the School system, and many other individuals went back to their respective organization to discuss what could be done that would help the needs of the all. But, in the same time it must be beneficial to the citizens and groups of the area.

As a County, we were in the desire need to upgrade our jail. As you already know, the State and Federal Correction's over burden has trickled down to the County level. With economic conditions of the area, we, the County Commissioners, saw no possible way of financially burdening the property owners for such an expansion. When the possibility of acquiring the use of one building at the Correctional Facility was presented to our law enforcement, we started to see a way to put some sort of silver lining back into what was otherwise a very cloudy outlook.

The potential use of the facility will eventually save us some money to the out going expense of housing prisoners in other jails, but primarily it will put 5 to 7 new jobs back into the area. It will also reach to the borders of Mitchell County by offering an expanded service to our neighboring Counties. Just this Monday, Osborne County approached our County Commissioner's to the possibility of housing some of their prisoners. They too have an overcrowding problem and this would save them the high cost of transporting to and from.

There are many more prospective idea's I could share with you. All of which lend more creditability to the idea of a community pulling together to work for the common goal of recovery. But first, it is essential for the State to gift the Facility back to us, as economically we cannot afford it any other way.

I would like to share with you one last thought which shows the collaborative efforts being put into process. I cannot articulate the emotional response that would be felt, but I feel you can read between the lines. Karen Pahls

Senate Ways & Means Cmte

Date 1-27-2010

Attachment 4

Director of the largest daycare provider and Early Learning Center of our area is currently housed at the Facility. The State has been gracious enough to let them remain, but if they were forced to leave, not only we would feel a hard repercussion to the young working families, but we would also lose more jobs. Even if they were allowed to stay, but was not afforded the cost sharing utility assets of the other bodies involved, they again would forced to close, as they could not afford the expense of the entire campus. With all of us working together, these utility cost would be shared.

A collective effort is when several individuals, or groups, come together to reach a common goal. It is when self-needs are no longer the high priority, nor an individual profit is the goal. We are asking you to allow us the opportunity to work together and invite you to be a part of our collaboration to achieve this goal. Thank you.



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Mitchell County Partnership for Children

Funded by Smart Start Kansas



Testimony
Before the Kansas Senate Ways & Means Committee
Topeka, KS

By
Karen Pahls
Director
Mitchell County Partnership for Children

January 27, 2010

Good morning Mister Chairman, Senator Lee and all Honorable Committee Members. My name is Karen Pahls. I am the Director of Mitchell County Partnership for Children (MCPC), which is a community agency located on the campus of the Beloit Juvenile Correctional Facility. We have occupied two buildings on the campus since January 2007. MCPC houses a total of 26 staff. Seven staff from our Early Childhood Special Education Program, one Parents as Teachers Parent Educator for our local school district, six MCPC staff as well as the Mitchell County Early Learning Center Child Care Center which employs twelve full-time staff and provides care for 71 full-time children and an additional 17 children on a drop-in basis. I know you understand the need for quality licensed child care in our state. In the urban areas it is somewhat easier to find than in the rural areas, such as North Central Kansas. These children at our Center are from a total of 64 families representing 49 places of employment within our community with 2 parents now participating in workforce training following recent lay-offs.

The children at the child care center range in age from 2 weeks to after school care for children up to age 14 years. We have several children who come from low-income homes as well as many children with special needs. With the MCPC Behavioral Health Consultant, MCPC Registered Nurse, and the Early Childhood Special Education Staff housed within the same campus, the child care staff can meet the needs of all children in our care.

In the spring and fall of 2006 when we were looking for a place to house a Child Care Center, which was a need based on our community assessment, the Beloit Juvenile Correctional Facility cottages were our only option. That remains the case today. If MCPC and the Mitchell County Early Learning Center are not able to remain on this campus, our doors will close simply because there is no other building in Beloit that is even close to the size or conditions we need to house a high-quality licensed Child Care Center. And, neither we nor the community can afford to build one at this time.

MCPC is under the auspices of our local community Resource Council and our local school district, USD 273, who serves as our fiscal agent. The school district is looking at the BJCF school building on campus for consolidation of several programs they currently have in several different locations.

The vision of Mitchell County Partnership for Children is to provide every child and every parent access to quality and affordable childcare, health care, family support and literacy education so that every child enters school ready to learn. Since being located on the campus along with our partner...

Senate Ways & Means Cmte
Date 1-27-2010
Attachment 5

ring screenings, early childhood special education services, quality child care and materials on parenting and early learning from our parent resource center. Suffice it to say we are proud of what we have been able to accomplish through use of the BJCF cottages and of the very positive reports we have received from KDHE inspections the past three (3) years.

In February 2007, the Kansas Health Foundation began a campaign to challenge all of us to make Kansas the best place to raise a child. From that campaign came the Kansas Early Childhood Comprehensive Systems plan (KECCS), a roadmap to guide the provision of services to young children and families. Mitchell County responded to that initial campaign by opening the Mitchell County Early Learning Center and continues to be guided in implementing and delivering services by following our "early learning roadmap", the KECCS plan.

The young families of our community would appreciate your support in returning the campus to the city of Beloit, so that we can build on our extensive effort to do our share in the rural part of our state to help Kansas be the best place to raise a child. Thank you!



Mitchell County Community Development

P.O. Box 567-Beloit, KS 67420

785.738.2717

Testimony Before the Kansas Senate Ways & Means Committee Topeka, KS

By
Murray McGee
Director-Mitchell County Community Development
Beloit, KS

January 27, 2010

Good morning Chairman Emler, Senator Lee and members of the committee. My name is Murray McGee. I am the Director of Mitchell County Community Development. I would like to thank you for this opportunity to speak to you.

Today you have heard from several members of our community in support of Senate Bill 357. We are in a very unique situation. From everything we can tell this is the first time the state has been forced to close a facility that was originally given to them by a community. The Girls Industrial School was started by the Women's Christian Temperance Union who helped raise private money and encouraged the City of Beloit in offering land to the state for the facility. They started the girls' reformatory school and encouraged the Kansas Board of Charities to take it over and develop it further.

The state took on the responsibility for developing the facility that over time became known as the Beloit Juvenile Correctional Facility. It served its purpose for over 120 years. Many girls were served. The community benefited from the jobs created and resources and services utilized by the facility and the staff.

The closure of the Beloit Juvenile Correctional Facility was a heavy blow to our community and our neighboring communities who depended upon it for employment. The lost of 50-60 jobs may not seem like a lot to some. But the Correctional Facility was one of our largest employers with one of the largest payrolls. The payroll and benefits totaled nearly \$2.9 million. In Beloit these were high paying jobs compared to those of most of our manufacturing, retail and service businesses. Fifty to sixty jobs may not seem like a lot in a big city. But when you compare it to our population it would be the equivalent of Topeka losing an employer with 1,500 people or Wichita suddenly losing 4,500 jobs.

We struggle with a declining number of residents in our part of the state. With the closure of the correctional facility some staff had to move to pursue other employment. The City lost sales tax revenue as people left and businesses lost revenues from sales of goods and services provided to the facility and the staff who worked there.

Senate Ways & Means Cmte
Date 1-27-2010
Attachment 6

We struggle with a declining number of residents in our part of the state. With the closure of the correctional facility some staff had to move to pursue other employment. The City lost sales tax revenue as people left and businesses lost revenues from sales of goods and services provided to the facility and the staff who worked there.

This has not been our only loss this past year. We have lost over 225 jobs and we are asking you to provide us an opportunity to turn some of this around. This will benefit us and it will benefit the state.

Returning the property to the community means the state will no longer be liable for \$300,000 in staffing and utilities. It will eliminate another piece of real estate from the states excess property inventory. And it will provide us with the opportunity to take a negative and turn it into a positive.

With the work we have done with the City of Beloit, Mitchell County, USD 273, the Early Learning Center and others we are willing to step up and taken the property off the states hands and assume the responsibility for the facilities, maintenance and utilities.

We have developed plans for usage of the facilities that will be a benefit for the entire community. It will benefit our residents, businesses, schools, college, the City of Beloit and Mitchell County. We feel there will also be benefits for our neighbors as well.

This has been very difficult for us to loose a landmark facility. But we have banded together, looked forward as a community and we are prepared to do our best to make this a great opportunity for our community and our region.

OVERLAND PARK

K A N S A S

ABOVE AND BEYOND. BY DESIGN.

8500 Santa Fe Drive
Overland Park, Kansas 66212

913-895-6000 | www.opkansas.org

Testimony before the Senate Ways & Means Committee
Mayor Carl Gerlach
January 27, 2010

Thank you for the opportunity to be here this morning. We mayors feel it important to share with you our efforts to achieve the same goal as you – building a better and stronger Kansas.

We value what all communities – large and small – bring to the state's rich history and promising future. Our coming together before you is not done to separate ourselves from the rest of the state, particularly other cities. There are strong bonds between Kansans all across the state – the vast majority of us have relatives or friends elsewhere in Kansas.

We have come to believe there is value in working to understand each others' communities better, build trust, and develop an appreciation for what each community contributes to Kansas. We have met in the middle – literally, in Emporia – in December to talk about these efforts.

Today, we have no grand agenda, nor any legislation to seek. Simply, we are asking of you – and of ourselves – to broaden the mind when considering the path of the State of Kansas. While we are all elected to represent a narrow slice of the state, we cannot afford to be narrow-minded or parochial when addressing problems and seeking opportunities.

In this vein, we are asking to be seen as partners in the effort to get the Kansas economy moving again. This will take a combination of righting structural imbalances and making Kansas an even more attractive location for businesses.

We are doing both in Overland Park. The recession has translated into lower revenues, and we've adjusted our five-year fiscal plan to reduce planned expenditures by nearly \$140 million over this period. Over the last year we have eliminated nearly 90 positions in the City, half of which involve real people losing real jobs. Since the beginning of 2009, Overland Park will have eliminated close to 13% of its non-public safety workforce.

On the plus side, we have seen positive actions in the past month. First, J.P. Morgan Retirement Plan Services will be bringing 800 jobs to Overland Park in early 2011. Second, U.S. Bank will be bringing 1,100 new jobs to the City beginning the second quarter of this year. This doesn't balance out the jobs we've seen lost, but it is a needed and much-welcomed beginning.

As you wrestle with difficult funding decisions, please include us in the conversation, so that you have a perspective of how your decisions will affect local governments. We look forward to working with you as Kansas rebounds from this difficult recession.

Senate Ways & Means Cmte
Date 1-27-2010
Attachment 7



Unified Government of
Wyandotte County/Kansas City, Kansas

Joseph F. Reardon, Mayor/CEO

701 North 7th Street, Suite 926
Kansas City, Kansas 66101
Phone: (913) 573-5010
Fax: (913) 573-5020

Joint Mayoral Presentation to the Kansas Legislature

January 27, 2010

**House Appropriations Committee
9am**

**Senate Ways and Means Committee
10:30am**

Mr Chairman and members of the Committee... We appreciate this opportunity to meet with you today on behalf of our three cities.

Our message is one of partnership and cooperation. Wichita, Overland Park and Kansas City are all very different places. Different geographically, different economically, with different needs for our citizens. However, our three cities also have many things in common. Our common bonds are far stronger than our differences. The same can be said of all cities in the State and of the diversity of the State itself.

When our respective cities are successful the State of Kansas is successful. The hard work that we undertake to make our cities stronger places to raise a family, create better neighborhoods, and foster a business climate that creates more jobs, leads to a positive dynamic for our state. Wichita, Overland Park and Kansas City are top contributors to the State of Kansas economy. Our cities like so many others in Kansas, large and small, are proud contributors to the State through the tax revenues generated. Mayor Brewer, Mayor Gerlach and myself realize that focusing on our common needs and working together to support each other's goals, will benefit each of our communities and in turn benefit the entire State of Kansas.

We bring this message of cooperation to the Legislature because it applies to all Kansas
Local Governments are all partners in the effort to make Kansas and its communities
Senate Ways & Means Cmte
Date 1-27-2010
Attachment 8

people to live, work and play. The partnership between my community and the State of Kansas has produced landmark developments such as the Kansas Speedway, Village West and The Legends tourism district, the Schlitterbahn Vacation Village and soon a major league stadium for the Kansas City Wizards Soccer team and office campus for the Cerner Corporation. These projects are creating thousands of new jobs; both permanent and construction jobs. Working together does produce positive results.

The economic crisis hitting us all has made it difficult at times to meet the requirements of an effective partnership. Our cities have managed to survive by reducing or even eliminating services, programs and in some cases employees. At the Unified Government, our workforce has been cut 15%. We have effectively eliminated over 200 positions. Most of our employees are furloughed 15 days and pay has been frozen for two years. We understand that you too are struggling to address the economic crisis on the state level and that difficult choices have to be made to continue to operate effective government. Our focus remains one in which we are making those tough decisions while seeking opportunities to move our communities forward.

Just as our three cities are joining forces to work together on goals and projects where we can, we come today to ask the Kansas Legislature to work with us. We understand budget cuts and the need to make tough decisions in these most challenging economic times but if there are ways we can meet those ends by working together to perhaps find ways of minimizing the negative impacts to our cities, and our citizens, we would like to have those conversations with you.

It might mean the Governor and Legislature encouraging local governments to implement new, innovative, cost effective ways of conducting business that currently aren't allowed under State law. It might mean allowing alternative revenue sources. For example, restoring the LAVTR funding by using the new revenues which will be generated by the casino developments. If we all work together, I believe we can attain economic success and build quality communities.

In these economic times, our three cities are pledging to work together to bring success to each of our communities and in turn the State of Kansas as a whole. We believe it is in the best interest of our cities to forge this path. I believe our citizens expect it. And we are certain that by working with you we can move from economic crisis to opportunity for the citizens of our State. We look forward to working with you.

Thank you again for this opportunity.

8-2

Mayor Brewer
Tri-Mayor Legislative presentation
Jan. 27 Kansas Statehouse
Senate Way and Means, 10:30 a.m. Rm 548S

10:30 a.m. Good morning, Chairman Emler and members of the Senate Ways and Means Committee.

Thank you for this opportunity to begin an important dialog between the Kansas legislature and a unified voice from its major urban areas.

In recent weeks, the three mayors from Wichita, Overland Park and Kansas City, Kansas, took a major first step towards creating a new strategy to address our common problems.

Instead of constantly looking over our shoulder to see if anybody was sneaking up on us, we've decided to look each other in the eye and recognize the challenges we face together.

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Date 1-27-2010
Attachment 9

Each of our communities has a unique role in sustaining our state's economy. Together, our citizens make up one-fourth of the state's population. Our collective impact on the state's economy is equally noteworthy.

As the largest city in the state, Wichita is the regional economic hub of south-central Kansas. We have a workforce that meets the business and personal needs of more than half a million people.

With its strong aerospace history and the second highest concentration of manufacturing jobs in the nation, the area alone contributes nearly half of the state's manufacturing employment earnings.

The diversity of our state is reflected in the diverse populations that reside in the three largest cities in the state. That diversity means we have different problems, requiring different

solutions.

The significance of our joint appearance today is that it symbolizes our commitment to working in support of each other, even though our respective agendas are different.

We want to bring the same perspective to our relationship with our neighbors elsewhere across the state of Kansas, and, most importantly, with the Kansas Legislature.

We know that we'll get a lot more done if we work together than if we work against each other.

Each of the three mayors you see today has played a major leadership role with the Kansas League of Municipalities. We also participate in other metropolitan and regional organizations.

We hope to use those platforms to improve our communication with the state, and to build confidence and trust among us.

We want you to have all the information you need to fully appreciate the challenges we face at the local level. And, in turn, we need to understand and appreciate the huge challenge you face in these tough economic times.

If an issue is important to one of our communities, it is important to all of our communities. A great example is the Historic Tax Credit issue, which is a priority for the Wichita City Council's 2010 legislative agenda. Although it is of great importance to Wichita, it also has an impact throughout the state. For that reason, we're thankful for the support from my fellow mayors in gaining legislative approval of this issue.

On a similar note, the City of Wichita is supportive of the legislative agendas of Overland Park and Kansas City.

We're confident that if we all work together, we will succeed together. If the quality of life is improved in those two cities, the

quality of life is improved for all of us.

Thank you for taking the time in your busy schedule to listen to us, and I would be happy to answer any questions at the appropriate time.

***Note: KASB compiled the following sampling, albeit not necessarily an all-inclusive list, of instances in which school districts are required by state law to publish notices in their designated newspaper. Note the highlighted language specifically.

KANSAS SCHOOL DISTRICT NOTICES BY PUBLICATION

• **Bond Election Notices**

- The board shall give notice of a bond election in the manner prescribed in K.S.A. 10-120, and the election shall be held in accordance with the provisions of the general bond law. The notice of a bond election called pursuant to K.S.A. 72-6761 must be published in a newspaper of general circulation in the school district once each week for two consecutive weeks, with the first publication occurring no less than 21 days prior to the election.

• **Published Resolution of a Lease-Purchase Agreement**

- The board of education of a unified school district is required under K.S.A. 10-1116c to publish a resolution stating its intention to enter a lease-purchase agreement when the agreement involves the acquisition of land or buildings, is for a term exceeding the current fiscal year of the district, and provides for yearly payments that in total exceed \$100,000. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation within the municipality.

• **Notice of School District Elections**

- Notices of board member elections and question submitted elections of a school district shall be made as provided in K.S.A. 25-2018. On or before January 15, the county election officer shall publish a notice of election, one time in a newspaper having general circulation in the school district.

• **School Board Vacancy Notices**

- When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the school district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than fifteen (15) days after such publication. K.S.A. 25-2022.

• **Publication of a Tax Levy**

- According to K.S.A. 72-8801, the board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate for a period of not to exceed five years upon the taxable tangible property in the school district. No levy shall be made until a resolution is adopted by the board and published once a week for two consecutive weeks in a newspaper having general circulation in the school district.

• **School Building Bonds**

- According to K.S.A. 75-2317, notice of the intention to make an application for a school building bond shall be given to the electors by a publication in a newspaper of general circulation in the school district in a form to be prescribed by the state board of education.

- **Local Option Budget**

- According to K.S.A. 72-6433, the board of any district may adopt, by a majority vote of the members, a local option budget in each school year. In lieu of utilizing this option for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district.

- **Closing School Buildings**

- According to K.S.A. 72-8213, the board, by adoption of a resolution, may close any school building at any time it determines the building should be closed to improve the school system of the unified school district. Prior to adopting such a resolution, the board shall call and hold a hearing on the proposal. The notice of such hearing shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication shall be at least 10 but not more than 20 days prior to the date of the public hearing.

- **Transfer of School District Territory**

- According to K.S.A. 72-7108, transfers of territory from one district to another shall be made only after notice of the public hearing on such a petition has been published by the state board of education for two consecutive weeks in a newspaper of general circulation in the district from which territory is to be transferred. The last publication to be not more than 10 nor less than three days prior to the date of the hearing.

***Note: The following are federal requirements for notices schools must provide to individual parents and/or the public at large. Generally, the federal law does not require publication in these instances, although schools may utilize publication as a way to disseminate the necessary information to the public, so long as the federal law does not require a particular method of providing such notice.

ANNUAL FEDERAL NOTICES

- **No Child Left Behind Act**

- Some of the notices that school districts and/or individual schools are required to give under NCLB include: annual report cards; progress reviews; schools identified for school improvement, corrective action, or restructuring; parental involvement policies; state education agency complaint procedures; teacher and paraprofessional qualifications; non-highly qualified teachers; student achievement information; meeting and information and on Title I, Part A; and, a variety of information about the status of English language learners. When notice must be given and who must receive the notice differs for each notice.
- More specifically, NCLB requires the following notices:
 - Districts must disseminate to parents, schools, and the public, an annual report card with aggregate information, including student achievement, graduation rates, performance of local schools, and teacher qualifications. [Section 1111(h)(1) and (2), ESEA.] Guidance, B-5 (SEA) and C-7 (LEA).
 - Districts must annually disseminate to parents, teachers, principals, schools, and the community the results of their yearly progress review of each school. [Section 1116(a)(1)(C), (c)(1)(B) and (c)(6), ESEA.] Guidance, B-7 (SEA) and C-20 (LEA)
 - Schools identified for school improvement, corrective action, or restructuring are to provide to parents of each student a prompt explanation of what the identification means, how the schools compare to others, reasons for the identification, the district's and school's response, how parents can become involved, any corrective action taken, the parental choice and supplemental services options as applicable, restructuring, and other information. [Section 1116(b)(6), 7(E), and 8(C), ESEA, and 34 CFR 200.37(5).] Guidance, C-21, C-22, and C-23.
 - Districts serving schools failing to make adequate yearly progress by the end of the first full school year after being identified for improvement must provide notice to parents of the availability of supplemental services, the identity of the providers, a description of the services, and other information. [Section 1116(e)(2), ESEA.]
 - Districts serving schools failing to make AYP after 1 full school year of corrective action must provide prompt notice to teachers and parents and provide opportunity to comment and participate in preparing a restructuring plan. [Section 1116(b)(8)(C), ESEA.] Guidance, C-27.
 - Schools must notify parents and the community of the school's written parental involvement policy. [Section 1118(a)(2) and (b)(1), ESEA.] Guidance, C-3 and C-4 (LEA), and D-1 (school).

- Districts should disseminate (free of charge to parents of students and to appropriate private school officials or representatives) adequate information about the state's written complaint procedures for resolving issues of violation(s) of a Federal statute or regulation that applies to Title I, Part A programs. *[34 CFR Section 200.11(d).*
- Districts must inform parents of Title I, Part A students at the beginning of each school year that they may request, and the district then will provide, certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child. *[Section 1111(h)(6)(A), ESEA.]* Guidance, C-6.
- Schools should provide (to each individual parent) information on the level of achievement of the parent's child in each of the State academic assessments when scores are received. *[Section 1111(h)(6)(B)(i), ESEA.]* Guidance, D-10.
- Schools shall provide to each individual parent timely notice that the parent's child has been assigned, or taught for 4 or more consecutive weeks by, a teacher who is not highly qualified. *[Section 1111(h)(6)(B)(ii), ESEA.]* Guidance, D-3.
- Schools should annually invite parents to a meeting to inform them about the school's participation in Title I, Part A programs and explain the requirements and their right to be involved. *[Section 1118(c)(1) and (2), ESEA.]* Guidance, D-5.
- Schools should provide timely notice to parents of participating children specific information about Title I, Part A programs, and opportunity to request regular meetings. *[Section 1118(c)(4), ESEA.]* Guidance, D-6.
- Districts shall inform parents of limited English proficient children of how they can be involved in their children's education and be active participants in helping their children attain English proficiency, high achievement levels in core academic subjects, and meet state standards, including notice of opportunities for and holding regular meetings. *[Section 1112(g)(4), ESEA]* Guidance, C-9.
- Districts must inform parents of limited English proficient children identified for participation or participating in a Title I, Part A-funded language instruction educational program under Title III of the ESEA, of: reasons for the identification, level of English proficiency, methods of instruction, how the program will help the child, and other information. Districts must also inform parents of a child with a disability how the language instruction educational program meets the objectives of the child's individualized educational program (IEP). These notice requirements must be fulfilled annually, not later than 30 days after the beginning of school year for children identified before beginning of year; otherwise within the first 2 weeks of child being placed in a language instruction program. *[Section 1112(g)(1)(A) and (3), ESEA.]* Guidance, C-9 and C-10.
- An eligible entity using Title I, Part A funds for a language instruction educational program under Title III of the ESEA must provide separate notice to parents of a child identified for participation in, or participating in, the program to inform them that the program has not made progress on

the annual measurable achievement objectives within 30 days of such failure. [Section 1112(g)(1)(B), ESEA.]

- **Federal Education Rights and Privacy Act**
 - Pursuant to the Federal Educational Rights and Privacy Act (FERPA), school districts must provide parents/guardians and adult students annual notice of their rights to inspect and review education records, amend education records, consent to disclosure of personally identifiable information in education records, and, file a complaint with the U.S. Department of Education. 34 C.F.R. § 99.7.
- **Protection of Pupil Rights Amendment**
 - The Protection of Pupil Rights Amendment (PPRA) requires school districts to adopt a number of policies regarding surveys, instructional materials, physical examinations, personal information used for marketing, etc. Parents must be notified of these policies at least annually at the beginning of the school year and within a reasonable time period after any substantial change is made to the policies. 20 U.S.C. § 1232(h) (c)(2)(A).
- **Child Nutrition Programs**
 - If school districts participate in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, near the beginning of the school year, they must provide both parents and the public information about free and reduced price meals and/or free milk. 7 C.F.R. § 245.5. Districts must also provide parents an application form. If districts want to disclose children's free and reduced eligibility status, they may do so in some instances usually only with prior notice and/or consent. 42 U.S.C. 1758(b)(C)(iii).
- **The McKinney Vento Act**
 - The McKinney Vento Act requires homeless student liaisons to provide public notice of the education rights of homeless students disseminated in places where homeless students receive services under the Act. 42 U.S.C. § 11432(g)(6).
- **The Asbestos Hazard Emergency Response Act**
 - The Asbestos Hazard Emergency Response Act requires school districts to inspect their buildings for asbestos-containing building materials and develop, maintain, and update an asbestos management plan. The school district must annually notify parents, teachers, and employee organizations in writing of the availability of the management plan and planned or in progress inspections, reinspections, response actions, and post-response actions, including periodic reinspection and surveillance activities. 40 C.F.R. §§ 763.84(c), 763.94(g)(4).
- **Title IX**
 - Title IX requires each school district that receives federal funds to have a Title IX coordinator, to notify all students and employees of the name, office address, and telephone number of the designated coordinator, and to adopt and publish a grievance procedure to resolve student and employee complaints under Title IX. 34 C.F.R. § 106.8. Title IX also requires each recipient to publish a notice that it

does not discriminate on the basis of sex in admissions or employment, and any inquiries concerning the application of Title IX may be referred to the Title IX coordinator or the Office of Civil Rights. 34 C.F.R. § 106.9(a). The notice of nondiscrimination must be displayed prominently in each announcement, bulletin, catalog, or application used to recruit students or employees. 34 C.F.R. § 106.9(b)(1).

- **Individuals with Disabilities Education Act**

- Under the Individuals with Disabilities Education Act (IDEA), school districts must give parents of a child with disabilities a copy of procedural safeguards one time a year. However, a copy of procedural safeguards must also be given to parents upon initial referral or parental request for an evaluation, upon filing a request for a due process hearing, and upon request of a parent. 20 U.S.C. § 1415(d)(1). A school district may post a copy of the procedural safeguards on its website. 20 U.S.C. § 1415(d)(1). The procedural safeguards notice must fully explain a number of procedural safeguards specified in the statute in the native language of the parents and be written in an easily understandable manner. 20 U.S.C. § 1415(d)(2).

- **Health Insurance Portability and Accountability Act**

- The Health Insurance Portability and Accountability Act (HIPAA) requires covered entities to provide a notice of its privacy practices. The notice describes how the covered entity may use and disclose protected health information, the covered entities' duties to protect privacy, information about the covered entities' privacy practices, an individual's rights to complain about privacy violations to the U.S. Department of Health and Human Services, and contact information for complaints to the covered entity. 45 C.F.R. § 164.520. When, how, and to whom notice must be given depends of the type of covered entity required to give notice. 45 C.F.R. § 164.520.