

Approved: Jan. 20, 1994  
Date

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS.

The meeting was called to order by Chairperson August Bogina at 11:00 a.m. on January 19, 1994 in Room 123-S of the Capitol.

All members were present except: Senator Moran

Committee staff present: Kathy Porter, Legislative Research Department  
Norm Furse, Revisor of Statutes  
Judy Bromich, Administrative Assistant  
Ronda Miller, Committee Secretary

Conferees appearing before the committee: Downer M. Tyler

Others attending: See attached list

The Chairman noted that the purpose of this meeting was to provide a hearing on the appointment of Mr. Downer M. Tyler to the State Civil Service Board. He called attention to documents which were distributed to members: Attachment 1 (a Senate confirmation questionnaire), Attachment 2 (a personal resume presented by Mr. Tyler), Attachment 3 (qualifications and duties of State Civil Service Board members), and Attachment 4 (tables illustrating the Civil Service Board activities and the types of actions appealed during FY 93 as compared to FY 92).

In answer to members' questions, Mr. Tyler stated that he had been serving on the State Civil Service Board since August, 1993 and that he had reviewed approximately 30 cases since that time. He stated that he did not believe there was currently a backlog of cases. Mr. Tyler stated that his employment for Highland Park Pharmacy consisted of delivering prescriptions to care and nursing homes.

It was moved by Senator Salisbury and seconded by Senator Petty that the appointment of Mr. Downer M. Tyler to the State Civil Service Board be confirmed. The motion carried on a roll call vote.

The Chairman requested that members come promptly to the January 20 meeting for an overview of Performance Based Budgeting by Gloria Timmer, Director, Division of the Budget.

The meeting was adjourned at 11:30 A.M.

The next meeting is scheduled for January 20, 1994.

GUEST LIST

COMMITTEE: SENATE WAYS AND MEANS

DATE: Jan 19, 1994

[illegible]

SENATE CONFIRMATION QUESTIONNAIRE  
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: DOWNER M. TYLER

Home Address: 5006 SW 28th

City, State, Zip Code: TOPEKA KS 66614-2320

Home Phone: 913 / 272-7519

Business Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Business Phone: / \_\_\_\_\_

Date of Birth: 6-19-18 Place of Birth KIRWIN, KS

Party Affiliation DEMOCRAT

Appointed as: Civil Service Board

Effective 7/8/93 for the 4 year term

ending 1/31/95 Succeeding Joe Miller

Salary n/a Statutory Authority 75-2327a

Statutory Requirements \_\_\_\_\_

1. EDUCATION:

High School FRANKFORT KS

Year Graduated 1936

Postsecondary

Degree, etc.

Dates

UNIVERSITY OF KC MO.

NONE

1944-1947  
PART TIME

SWAM  
January 19, 1994  
Attachment 1

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS: NO

Dates	Name	Location
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_____	_____	_____
_____	_____	_____
_____	_____	_____

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? X Yes        No  
If so, please list dates and offices held.

Date	Office
------	--------

<u>9-12-91</u>	<u>DEALER REVIEW BOARD MEMBER</u>
_____	_____
_____	_____

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? YES  
If so, please list dates and offices held:

<u>1944-1952</u>	<u>FBI ADMINISTRATIVE CLERK</u>
<u>1963-1974</u>	<u>USPO. RURAL MAIL CARRIER</u>
<u>1981-1983</u>	<u>US MARSHAL SERVICE PART TIME GUARD DUTY</u>

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? NO  
If you were a registered lobbyist, did you receive any compensation?  
List groups you represented or for which you employed a lobbyist:

_____
_____
_____

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED:

SERVED ON FEDERAL JURY

OBSERVED COURT CASES WHILE EMPLOYED BY U.S. MARSHAL.

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE: \_\_\_\_\_

FBI ADMINISTRATIVE CLERK

PART TIME U.S. MARSHAL SERVICE

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? YES

If so, please list dates of service, branch of service and date and type of discharge:

ARMY 8-26-42 TO 12-2-43 HONORABLE CDD

WOUNDED IN ACTION

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? NA

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

NA

Return to: Mary Holladay  
Appointment Secretary  
Office of the Governor  
2nd Floor, State Capitol  
Topeka, KS 66612

Lawrence M. Tyler  
Signature



FILED

APR 08 1993

BILL GRAVES  
GOVERNOR OF STATE

## KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR STATE BOARD MEMBERS

**INSTRUCTIONS.** This statement (pages 1 through 4) must be completed by each member of a board, council or commission designated by their agency head (K.S.A. 46-247, 46-248, 46-282, and 46-285). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

**A. IDENTIFICATION:**

PLEASE TYPE OR PRINT

TYLER DOWNER M

Last Name

First Name

MI

GEORGIA

Spouse's Name

5006 SW 28TH

Number &amp; Street Name, Apartment Number, Rural Route, or P.O. Box Number

TOPEKA KS 66614-2320

City, State, Zip Code

913\*\*272\*\*7519

Home Phone Number

Business Phone Number

**B. MEMBER OF A STATE BOARD, COUNCIL OR COMMISSION:**

DEALER REVIEW

List Name of Board, Council or Commission

DIVISION OF VEHICLES

List name of Agency

\* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

\* 1968

- C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "C", check here \_\_\_\_.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1.	Farm Land (Froggert) 36-4-9 Marshall County, N.J.	Owned since July 1988	— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	
2.			— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	
3.			— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	
4.			— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	
5.			— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	
6.			— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	
7.			— — You	— — Spouse
— — Jointly			— — Jointly	
— —			— —	

- D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
- If you have nothing to report in Section "D", check here ✓.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. **RECEIPT OF COMPENSATION:** List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE \_\_\_\_.

If you have nothing to report in Section "E"1, check here \_\_\_\_.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	HIGHLAND PARK PHARMACY	1244 SE 27	PHARMACY
2.		TOPEKA, KS 66605	

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ☒.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.			
2.			

F. **OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS:** List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here \_\_\_\_.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	VETERAN OF FOREIGN WARS	Legislative chairman	self
2.			
3.			
4.			
5.			

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "G", check here ☒.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, DOWNER M TYLER, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

4-7-93  
Date

Downer M - Tyler  
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES \_\_\_\_.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

Ms. M. Allen  
3731 S. W. 38th Street  
Topeka 66610  
State Civil Service Board  
At Large Appointee

R (913) 267-6966 01/31/98

Ms. Mary Holbrook  
2005 Washington Blvd.  
Kansas City 66102  
State Civil Service Board  
Third District Appointee (Gov. promised demos NOT TO REAPPT)

D 01/31/94

Reverend William Jones  
145 North Green Street  
Wichita 67214  
State Civil Service Board  
Fourth District Appointee

01/31/97

Mr. John Sherman  
210 Kunkle Drive  
Ellsworth 67439  
State Civil Service Board  
First District Appointee

R (913) 472-3186 01/31/97

Mr. Downer Tyler  
5006 S. W. 28th Street  
Topeka 66614  
State Civil Service Board  
Second District Appointee

D (913) 272-7519 01/31/95

## R E S U M E

Downer M. Tyler

Telephone: (913) 272-7519

5006 SW 28th

Birth Date: June 19, 1918

Topeka, Kansas 66614

Social Security No. 488-36-1968

### EDUCATION:

Frankfort High School, Frankfort, Kansas. Graduated 1936  
Kansas City University, Kansas City, Missouri. Attended 2½ years.

### MILITARY:

US Army, September, 1942 - December 1943  
Wounded on invasion of Sicily -- Certified Certificate of Disability --  
Ten Point Veteran

### MEMBERSHIPS:

American Legion - Past Commander, Capitol Post #1, Topeka; Veterans of Foreign Wars - Past Commander, Philip Billard Post #1650, Topeka, Kansas; Masonic Lodge - Past Master, Lodge No. 67, Frankfort, Kansas; Arab Shrine - Past President NeMar Shrine; Order of the Eastern Star - Past Patron, Chapter 67, Frankfort, Kansas; Legion of Honor - Past Commander, Unit of Arab Shrine; Moose; Elks; Disabled American Veterans; St. Andrews Presbyterian Church, Topeka, Kansas.

### POLITICAL:

Century Club (29 Years); Democratic Action Committee; Democratic National Committee Supporting Member.

### EMPLOYMENT:

1983 - ~~Present~~ <sup>1991</sup> Part Time Mail Clerk - American Lung Association (20 hours per week)  
1981 - 1983: Part Time US Marshal Service  
1980 - 1981: Volunteer for Fraternal Organizations  
1974 - 1979: Rural Mail Carrier - Tecumseh, Kansas  
1963 - 1974: Rural Mail Carrier - Frankfort, Kansas  
1952 - 1963: Operated Service Station - Farmer - Substitute Mail Carrier  
1944 - 1952: FBI - Administrative Clerk

### REFERENCES:

Robert E. Tilton, 2811 SW Burlingame Road, Topeka, Kansas 66611  
Lila Evans Lander, 1308 Cornwall, Topeka, Kansas 66611  
~~Deceased~~ ~~Ira Shrock, 307 South 13th, Marysville, Kansas 66508~~  
Shirley Wassenberg, 209 North 11th, Marysville, Kansas 66508

SWAM  
January 19, 1994  
Attachment 2

January 18, 1994

MEMORANDUM

TO: Senator Gus Bogina  
FROM: Norm Furse  
RE: State Civil Service Board Members Qualifications and Duties

I. Qualifications for Membership on State Civil Service Board.

- A. Members must be in "sympathy with the application of merit principles to public employment." (75-2929a)
- B. Not more than three members of the board shall be of the same political party. (75-2929a)
- C. No member of the board shall hold any other public office or public employment, except military office or the office of notary public. (75-2929a)
- D. One member must be appointed from each congressional district and the remainder shall represent the state at large. Please note: Subsequent redistricting of congressional districts does not qualify any member of the board who is serving at the time of redistricting from being reappointed as a member of the board. (75-2929a)
- E. Members are appointed to hold office for a term of four years and until a successor is appointed and qualified. Vacancies on the board are filled by appointment for the unexpired term in the case of vacancies occurring before the end of a term. (75-2929a)

II. Powers and Duties of State Civil Service Board.

- A. The state civil service board hears appeals taken to it as provided by state law in matters concerning demotion, dismissal or suspension of permanent employees in the classified service, or concerning refusal to examine an applicant or to certify a person who is eligible for a job class and in matters concerning alleged violations of K.S.A. 75-2973 (the whistle-blower act).
- B. Administrative matters and other matters as may be related to board meetings.

(27)

SWAM  
January 19, 1994  
Attachment 3

# ADMINISTRATION

## CIVIL SERVICE BOARD

The Director of the Division of Personnel Services acts as Secretary of the State Civil Service Board and is responsible for the primary administrative function of the Board, which is to hear appeals filed by permanent classified civil service employees. The Board can also hear appeals concerning refusal to examine or certify an applicant as eligible for a job class.

The Civil Service Board consists of five citizens, one from each of the four congressional districts of the State and one member selected at-large, all appointed by the Governor and confirmed by the Senate.

The Board in FY 93 received 128 appeals filed by employees in classified positions. The tables which follow describe the Civil Service Board activities and the types of actions appealed during FY 93 as compared to FY 92.

### Types of Actions Appealed to State Civil Service Board

Activity	Fiscal Year	
	1992	1993
Dismissal of Permanent Employee	51	72
Suspension of Permanent Employee	30	45
Demotion of Permanent Employee	8	5
Other	9	6
<b>TOTAL</b>	<b>98</b>	<b>128</b>

### State Civil Service Board Activities

Activity	Fiscal Year	
	1992	1993
Appeals to Board:		
Received	98	128
Number of Hearings Held	59	106
Board Decisions on Appeals Heard:		
Affirmed	20	42
Modified	9	12
Reversed	11	9
•Settled	13	13
•Withdrew	13	12
•Defaulted	9	19
Lacked Jurisdiction	2	12
* This action may occur before a board decision		
Hearings carried to next FY:	21	9
Applications to Board for Rehearing:		
Accepted	1	2
Denied	12	21
Days the Board Was in Session	57	87

SWAM  
January 19, 1994  
Attachment 4