Approved: _	March 15, 2006
	Date

#### MINUTES OF THE HOUSE UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on February 14, 2006 in Room 231-N of the Capitol.

All members were present except:

Annie Kuether- excused Vaughn Flora- excused

Committee staff present:

Mary Galligan, Kansas Legislative Research Renae Hansen, Committee Secretary Heather Klaasen, Research Intern

Conferees appearing before the committee:

Hal Gardner, KAN-ED

Others attending:

See attached list.

Hal Gardner, KAN-ED, (<u>Attachment 1</u>), appeared before the committee to answer a series of questions that committee members had concerning the KAN-ED program.

Two particular pieces of information (<u>Attachments 2 & 3</u>), from the Board of Regents report were handed out for the committee. One told of the partial funding shift for the KAN-ED program. The other specified cutting of funds for connectivity.

Louis Bruce, HCF Warden, (Attachments 4), presented continuation written testimony to the previous testimony he presented before the committee during the hearing for **HB 2656**.

Questions and comments were posed by Mary Galligan and Representatives: Rob Olson, Melody Miller, and Jason Watkins.

Additionally, Hal Gardner, KAN-ED, (<u>Attachment 5</u>), presented an overall plan of communication with Kan-Ed user communities.

Further questions were asked by Representatives: Judy Morrison, Carl Holmes, Tom Sloan, Margaret Long, Carl Krehbiel, and Tom Hawk.

The next meeting is scheduled for February 15, 2006.

Meeting Adjourned by Representative Carl Krehbiel.

# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 14, 2006

NAME	REPRESENTING		
Charmine Chambers	Kaned		
Eldon Rightmeier	KBOR/Kan-ed		
Juna Shall	/ /		
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ful platani	Kannas Stołe University		
Drave Debacker	KCDE		
Yathy Gosa	KSDE		
Milt Dougherty	USD 449 Liffle Kiver		
Melinda Slaulee	USDE		
Jennifer Finaley	ILS Hospital Association		
Rosanne Symmetre	Kansas Library anxoceation		
PHIL WAGES	KOPCO		
David Timpony	DISC		
Vin Studing	RTG		
DICK CARTEN	RTG		
DOUG HEACOCK	Kanren		
MIKE REECHT	Cinalde		
Daniel Bryan	<b>L</b> PA		



# KANSAS BOARD OF REGENIS

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

TELEPHONE – 785-296-3421 FAX – 785-296-0983 www.kansasregents.org

February 14, 2006

Representative Carl D. Holmes 125<sup>th</sup> District House Utilities Chair State of Kansas 115-S Topeka Capital Building Topeka, KS 66612

Attention:

Ranae Hansen, Assistant to Rep. Holmes

Following are the questions that were received from your office for further clarification by Kaned and our response to each question.

Question 1: Individual Salaries of Employees on Staff w/Benefits

(See attached FY2006 Kan-ed Staff Salaries)

Question 2: Could we consider touring Greenbush on our yearly tour?

We have spoken with Carol Woolbright, Director of Distance Learning for Greenbush and they would be honored and delighted to have you tour their facilities.

Question 3: How many are now connected to the Kan-ed Network? (Higher Education, K-12 Schools, Hospitals, Libraries)?

Number of those connected as of 1/18/06 (see network map attached):

Higher Education:

24 Higher Education Institutions are connected representing 31 different

buildings\*.

Hospitals:

13 Hospitals are connected plus the Kansas Hospital Association (KHA)

K-12:

135 School Districts are connected representing 153 different buildings\*.

Library:

28 Public Libraries are connected representing 28 buildings\*.

\*Please note that within each building there may be multiple rooms connected.

HOUSE UTILITIES

DATE: Z/I4/06

ATTACHMENT

Since 1/18/06, **5** additional School Districts representing 7 buildings have been connected. These connections are NOT reflected on the attached map.

#### Question 4: How many are not (connected)?

Higher Education: 10 Higher Education Institutions are not connected and have not requested

to be connected.

Hospitals: 49 Hospitals are not connected and have not requested to be connected.

K-12: 175 K-12 organizations are not connected and have not requested to be

connected.

Library: 277 Libraries are not connected and have not requested to be connected.

(Please note, however, Kan-ed fully realizes the Library community does not require direct connection to the Kan-ed intranet for video purposes at this time. That is why the connection rate for libraries is so low. It is affordable access to high speed commercial Internet connections that is of most value to libraries. Kan-ed is re-structuring its local connection subsidy program to meet this need without violating the requirements of the federal E-Rate program.)

#### Question 5: How many have requested a connection and are not?

Higher Education: 20 Higher Education Institutions have requested connection due to the

Higher Education "Connect" Program and are in the process of becoming

connected.

Hospitals: 41 Hospitals have requested connection and are in various stages of the

process.

K-12: 8 K-12 institutions (13 buildings) have requested connection and are in

various stages of the process.

Library: There are no pending connection requests

Question 6: What percentage of the Kan-ed Budget is spent on high-speed connections to schools, hospitals, and libraries?

#### In FY05

The total amount spent for networks services, systems & applications, subsidies, and equipment was \$5,670,414. Total spent in FY 05 \$9,850,136. 58% going to connections.

# Question 7: How much Kan-ed money is directed to K12 institutions and/or organizations?

### Disbursements from Kan-ed Funding Programs to date\*\*

<u>K-12</u>: The K-12 constituent group represents 41% of total Kan-ed membership and has received 51% of Kan-ed funding to date (\$3,840,912.26).

Total 2003-2005 calendar year funding: \$7,589,082.62

Costs for the Kan-ed physical network are not allocated by member type.

\*\*This information includes all awards from the Kan-ed Subsidy program, Technology and Enhancement grant program, and Content & Services Initiative grant program since 2003.

### Question 8: Break down of how the \$10,000,000 budget is spent?

(See attached Kan-ed Budget)

# Question 9: What are the future plans to be independent in your budget? Or are there any?

Even when projecting over a long period of years, it has become evident that Kan-ed will not be positioned to establish an independency for funding.

While we have developed revenue streams and planned for others, the kind of money being generated will most likely come in terms of thousands of dollars, not millions.

There are concepts, which over a long period of time could generate a great deal of money, and while these initiatives would be of value in providing funding otherwise unavailable, they would not become the source for ongoing, stable income for network maintenance or growth. Such concepts might include the development of trusts, and/or endowments for specific categorical growth in areas such as telemedicine, distance learning collaborations, and the development of new approaches to interactivity over the network.

We will remain open to other concepts being explored including underwriting from the private sector, not unlike Public Broadcasting's approach to raising funds. We will continue to evaluate other marketing approaches that are currently evolving such as extending offers to Kan-ed members for discounts on the purchase of optional programs that are not likely to be desired by every Kan-ed member.

Question 10: Why are libraries being required to pay the connection fee when that was the original purpose for Kan-ed? Please send a complete accounting of every dollar spent by Kan-ed for fiscal year 2006 and 2007. Two separate documents.

No fees are charged to any member to connect to the Kan-ed network. Each member does pay for their local access connection.

(See Attached Kan-ed Budget sheet)

### Question 11: What is the status regarding subsidies for libraries?

This subject was discussed at length at our User Advisory Council meeting held on February 3, 2006. It was discussed as it relates to higher education, K-12 schools, hospitals and libraries. As a result of those discussions we believe we have reached a solution regarding the conflict with the federal E-rate program and can reinstate the subsidy program.

## Question 12: How much money do you expect to carry over from FY06 to FY07?

Our expectation at this time is that there would be little or no carry over from FY06 to FY07.

Attached documents are: staff salary and benefits, Kan-ed budget, and map.

Sincerely,

Hal Gardner, Executive Director

Kan-ed

Kansas Board of Regents

### Kansas Board of Regents FY 2006 Kan-ed Staff Salaries Effective 12/4/05

	Position			
Position Title	No.	Salary	<b>Benefits</b>	Total
Kan-Ed Executive Director	K0212021	\$91,085	\$21,646	\$112,731
Network Access Manager	K0212039	\$37,925	\$11,822	\$49,747
Coordinator, Membership Services	K0212325	\$39,001	\$14,248	\$53,249
Research and Development Coordinator	K0212384	\$63,345	\$16,520	\$79,865
Director of Technical Operations &				
Planning	K0212385	\$79,181	\$19,446	\$98,627
Accounting Specialist	K0213748	\$29,453	\$11,532	\$40,985
Video Applications Specialist	K0214768	\$64,063	\$16,652	\$80,715
Director of Business Operations &			And the second section of the section	
Planning	K0215270	\$65,000	\$19,053	\$84,053
Assistant Coordinator, Membership			1)	2 0
Services	K0215758	\$27,000	\$12,030	\$39,030

Kan-ed Budget	FY05 Actual	FY06 to 12-24-05	FY07 Projected
Communications (phones)	23,902.59	5,249.80	29,500.00
Computer Hardware	3,415.66	1,541.36	15,000.00
Computer Software	1,855.20	499.20	10,000.00
Conference & Conference Sponsorship	33,495.23	3,384.06	0.00
Consulting Services *1	1,250,127.38	271,088.18	620,000.00
Content and Services *2	1,657,562.87	2,264,329.18	0.00
Education & Professional Development - Staff	4,375.00	2,283.29	5,000.00
Facility Maintenance	3,813.32	83.70	4,000.00
Subsidies & Grants *3	1,961,554.76	1,032,372.39	1,061,000.00
Membership Fees & Subscriptions *4	91,463.60	10,655.04	52,500.00
Microcomputers	16,833.94	17,420.08	10,000.00
Network Connectivity and Services *5	3,331,023.39	1,991,741.85	5,030,000.00
Office Furniture & Equipment	21,764.59	1,250.86	0.00
Office Supplies & Stationery	12,441.04	3,799.66	15,000.00
Official Hospitality	6,225.93	3,286.49	5,000.00
Postage, Freight, & Express Delivery	904.02	535.65	2,000.00
Printing & Advertising & Media Development	69,654.65	2,446.44	48,500.00
Professional & Scientific Supplies	4,056.85	2,192.64	3,500.00
Regional Delegate Chair Development	10,648.73	810.47	5,000.00
Rents	37,120.30	26,990.94	51,800.00
Salaries, Wages, & Compensation *6	663,720.07	269,413.14	712,323.00
Systems & Applications *7	583,214.21	254,088.99	269,000.00
Travel	60,963.60	18,356.44	50,000.00
TOTAL	\$ 9,850,136.93	\$ 6.183.819.85	\$ 7.999.123.00

<sup>\*1</sup> Office of Evaluation and Innovation, Kansas State University Results Technology Group Dietrich Lockard (E-rate)

LearningStation

library databases

Connected Kansas Kids

<sup>\*2</sup> EMsystems

<sup>\*3</sup> broadband subsidy, grants

<sup>\*4</sup> ARIN, Statenets, SEGP-I2

<sup>\*5</sup> Network Management (Kanren), leased lines, leased routers

<sup>\*6</sup> salaries, benefits, shared Board of Regents administration costs

<sup>\*7</sup> Servers, Marratech, Renovo, Oracle, etc.



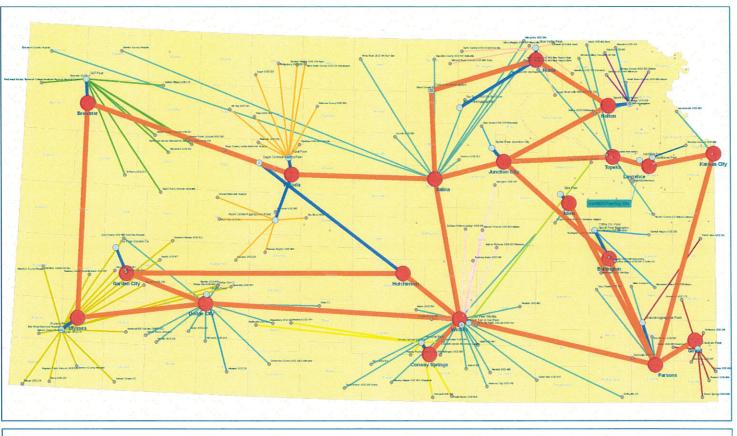


Sunflower Broadband

\_ JBN

- KanREN
- Midwest Connections
- Network Tool & Die
- Pioneer Communications
- Rural Telephone
- S & A Telephone
- S & T Telephone
- Southwestern Bell
- Sprint

- Telcove - Twin Valley



# **CONNECTED MEMBERS**

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rme **Governor** recommends an increase in the state university operating grants totaling \$20.\_ million from the State General Fund:

- the State General Fund portion of a 2.5 percent base salary increase for classified employees and a 2.5 percent merit pool for unclassified employees at the state universities would equate to \$11.8 million:
- the State General Fund of a pay grade adjustment for certain building trade positions at the state universities as part of a state-wide initiative would equate to \$245,389 (including the base salary increases noted above); and
- assuming that the state universities expend the funds in the above manner, the balance of the operating grant increase would be \$7.9 million. The State General Fund portion of the KPERS employer contribution rate increase and the death and disability rate for university employees are not specifically addressed in the Governor's recommendation.

**Staff Note:** Under the operating grant concept, the universities are not obligated to expend these funds in this manner. Increases in other funding sources for these items are included in the budgets of the individual institutions. In addition, the pay grade adjustment for trade positions would not apply to employees of the University of Kansas given that the university is staffed entirely by unclassified positions.

Offset for Lost Out-district Tuition Revenue. The agency requests \$3.2 million from the State General Fund to offset lost out-district tuition revenue for the community colleges and Washburn University. Unless the Legislature takes action, FY 2006 will be the last year that the statutory out-district tuition provisions will be in effect. This funding request is in addition to the base funding of the same amount which was appropriated by the 2005 Legislature and would result in a total of \$6.4 million for FY 2007.

The Governor does not recommend this enhancement.

Partial Funding Shift for KAN-ED Program. The agency requests \$2.0 million from the State General Fund to shift partial funding of the KAN-ED program from the Kansas Universal Service Fund to the State General Fund. 2005 HB 2026 enacted a schedule by which funding for the program would be incrementally shifted to the State General Fund by FY 2009. The FY 2007 portion is \$2.0 million.

The **Governor** does not recommend the enhancement, but instead recommends that the agency utilize the balances in the KAN-ED Fund (an estimated \$1.9 million will carry forward into FY 2007).

Full Funding for Postsecondary Aid Formula for Technical Colleges. The agency requests \$1.8 million from the State General Fund to increase funding for the postsecondary aid formula for technical colleges and schools. The request reflects a 6.0 percent general operating increase. The request does not provide any increase for the capital outlay appropriation.

The **Governor** recommends \$1.0 million from the State General Fund as an increase in Postsecondary Aid for Technical Colleges.

Increase in the Comprehensive Grant Program. The agency requests \$1.0 million from the State General Fund to increase funding for the Comprehensive Grant Program to provide financial assistance to financially needy students. This level of funding will provide an additional 650 awards.

The Governor concurs with the agency's request.

HOUSE UTILITIES

ATTACHMENT



# KANSAS BOARD OF REGENTS

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TELEPHONE – 785-296-3421 FAX – 785-296-0983 www.kansasregents.org

February 9, 2006

The Kansas Legislative Research Department requested responses to the following three questions for today's House Education Budget hearing:

- Q. "The amount being spent on attorney fees for the immigrant tuition lawsuit."
- A. The Board of Regents is not expending any funds allocated to the Board or any of its institutions. The Attorney General is statutorily charged with defending the state and hiring counsel and any associated costs are paid for by that office.
- Q. "If there is any statutory prohibition on using funds other than EBF for capital improvements."
- A. Specifically designated funds, such as the Medical Student Loan Program and Federal College Work Study just to name two of many such funds, could not be used for capital improvements. There are some funds that are specific to capital improvements such as parking and residence hall bond funds. Also, the Restricted Fees Fund has to be used for the purposes that the fees were collected. SGF and General Fee funds can be used for maintenance and repair projects.

It is also important to note that if money is to be used for capital improvements from any source for a project over \$500,000 it has to be approved by the Joint Committee on State Building Construction. There is also appropriation language that designates it in a line item.

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(all amounts Kan-ed is cutting for library connectivity, hospital connectivity, etc. (all amounts Kan-ed is cutting broken out by category)."

A. Earlier this year Kan-ed announced a moratorium pertaining to the 2006 subsidy distribution. This announcement was made due primarily to potential conflicts with the federal e-rate program. This potential problem occurs if a school or library has applied for federal e-rate funds and they also elect to take the Kan-ed subsidy. We believe we now have a solution that will permit Kan-ed to provide this subsidy in 2006.

An amount up to \$3,000 was provided to K-12 schools, libraries, and hospitals last year for internet connectivity. The amount of last year's subsidy broken down by constituent is: K-12 schools \$400,913, libraries \$175,353, and hospitals \$78,592. We would estimate that a subsidy in this current year would be similar to last year's distribution.

HOUSE UTILITIES

DATE: 2/14/04

ATTACHMENT

#### **HUTCHINSON CORRECTIONAL FACILITY** L. E. BRUCE, WARDEN

KATHLEEN SEBELIUS, GOVERNOR

DATE:

February 2, 2006

TO:

Whom it may concern

FROM:

Louis E. Bruce, HCF Warden

RE:

HB 2656

As you are aware I recently appeared before the House Utilities committee to testify in support of HB 2656. It was my deep hope that my appearance before you would contribute to your understanding of the many benefits to Kansans that would be realized by allowing the Kansas Department of Corrections access to the KAN ED Network. If you recall, I emphasized not only cost savings in areas including staff training, but also an enhancement of our efforts in reducing risk to the public by providing inmates with training and educational opportunities that would reduce the likelihood of their return to criminal activities when they are eventually, and in most cases inevitably, released back into society. I was disappointed to learn that the subsequent action taken by your committee was not favorable to the ultimate passage of this bill.

Some of you may recall that prior to my appointment as Warden of the Hutchinson Correctional Facility I served as Deputy Secretary of Corrections under then Secretary of Corrections Chuck Simmons. In this capacity I had the opportunity to work extensively with the Kansas Legislature and have made numerous appearances before various committees. Whether we agreed or disagreed I always felt that I had a good rapport with most Representatives and Senators over the years. During the hearing on HB 2656 last week I developed the perception, through observation of certain body language and some of the questions asked of Hal Gardner, that there may be some personal feelings toward him and/or his organization on the part of some folks and that these might have overshadowed our support of this bill. If I am wrong in my intuition in this regard and there are questions or concerns that remain to be addressed I would be more than happy to meet with any of you individually or as a group.

I thank you for the opportunity to appear before you last week and am hopeful that you will allow me to further clarify any questions that I may have inadvertently failed to answer for you. I am quite positive that the benefits to the KDOC of utilizing the KAN ED Network are substantial and that it would be a disservice to our state if we were prevented from realizing these benefits because of personal differences among those involved in this issue.

HOUSE UTILITIES

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ATTACHMENT

DATE:

### Overall Plan of Communication with Kan-ed user communities Winter 2006

Recognizing the need for improved outreach and communication with constituents throughout Kansas, The Kan-ed Executive Director and staff of Kan-ed will address issues and concerns that have been explicitly stated, or that are implied in position papers, and/or viewpoints expressed in the User Advisory Council and other end-user forums.

Additionally, input received from the seven Kan-ed Regional Chairs in conjunction with Kan-ed membership in each of those regions will be included as part of the staff performance measure for effective communication. These extended efforts throughout the spring and summer, coupled with existing outreach will be measured against current evaluations and opinions expressed in sessions, both formal and informal.

Libraries and Library-Organizations: Libraries in Kansas are organized under the umbrella of the Kansas Library Association and the State Library of Kansas. The concluding statement written into the KLA Kan-ed Position Paper says: "...For Kan-ed to improve its relationship with libraries, it must take three actions:

- 1. Continue to fund informational databases for statewide access,
- 2. Continue to subsidize broadband connectivity to ensure full participation by all members in the use of network resources, and
- 3. Join with the State Library of Kansas to create a strategic plan for the future.

Additionally, Regional Systems Library offices will be utilized for outreach into the seven regions to discuss current and new programs or services and governance procedures. Conferences such as the Tri-Conference will also continue to have Kan-ed presence.

### K-12 Schools and School Organizations:

While the K-12 community has not yet prepared a position paper on their relationship to Kan-ed, a number of organizations have contributed to strengthening the network's utility to serve students, teachers, and administers by providing feedback to Kan-ed through external evaluations, participation in forums and committee work in the area of content and service development, and through their participation in regional forums led by their regional organizations and User Advisory Council venues.

The Kansas State Department of Education will continue to provide an effective communication channeling for Kan-ed through their list serves, e-mail communication, programs and conferences. Education Service Centers throughout Kansas will be utilized in spring and summer sessions as they were during the fall of 2005, as venues for regional updates, forums on specific topics, as well as training and professional development opportunities such as empowered desktop, e-rate, formative assessment and

> HOUSE UTILITIES DATE: 2/14/06
> ATTACHMENT 5

test development, and other Kan-ed sponsored core service components including Kan-ed Live! which provides critical dissemination of events, conferences, and health/safety information.

Hospitals: The hospital community led by the Kansas Rural Health Options Project in partnership with the Kansas Hospital Association, the Kansas Hospital Education and Research Foundation, and the Kansas Department of Health and Environment Office of Local and Rural Health performed an assessment of Kan-ed and to identify how health care could leverage Kan-ed. Specific recommendations to Kan-ed coming out of that study are summarized here.

- 1. Development of a comprehensive approach to security. At least 18 of the 25 technology needs identified by hospitals will fall under the security provisions of HIPAA. Many rural hospitals struggle to have access to basic technology support, let alone support needed to insure secure access to services provided on the Kan-ed network.
- 2. ...Kan-ed should (continue) to provide subsidies to members in areas of the state where the use of high levels of bandwidth is cost prohibitive.
- 3. ...Sufficient bandwidth is required to assure a minimum capacity for sharing of real time consultative and supporting information. Bandwidth must be available immediately; emergency situations cannot be scheduled.
- 4. Create technology support for the dynamic collections of data that are managed and associated with the daily activity of hospitals. Support can include database development, hosting databases on the Kan-ed network, and providing funding to purchase existing applications. A good first step would be to purchase and host a resource management application allowing hospitals to see real time resources (available beds, capacity, etc.). Access to this data is critical in trauma emergencies and disaster situations.
- 5. Prepare a set of solutions recognizing that hospitals will increase their demand over time, especially once Kan-ed demonstrates solutions to other recommendations.

How Hospitals can Leverage Kan-ed

Kan-ed offers opportunities for Kansas hospitals. Specifically, hospitals can use Kan-ed:

- 1. as a way to further use technology as a means to address their needs.
- 2. to create greater opportunities within Kan-ed's constituent process, and
- 3. to seek out additional sources of funds as part of a collaboration with other constituents.

Further opportunities can be created within Kan-ed's Delegate Assembly (regional members organized under a regional chair for extending communications and programs) and workgroups. Participating in these groups will allow hospitals to work with other constituents to ensure that hospital needs for high quality data, security and timeliness of

data are among the reasons Kan-ed becomes more technically capable. It also will allow this broad constituent base to seek out external funding sources that expect collaborations and vision among key community stakeholders.

The regionally based (K-12) education service centers and library systems offices will be utilized in the spring and summer to extend communications about existing and new services and regional governance. Hospitals will be invited along with other constituencies to participate in these ongoing programs of outreach.

**Higher Education:** As with the library, hospital, and K-12 communities of users, Higher Education members will be reached through the same means and procedures (utilizing the UAC, Regional Chairs, Education Service Centers, and Library Systems offices. In addition, Kan-ed will pursue times and places to discuss specific higher education programs and initiatives including time with the Higher Education Strategic Connectivity Taskforce (HESCT), and the Regent's Information Technology Council (RITC).

Kan-ed continues program planning with Blake Flanders on workforce development and with other programs of the Career and Technical Education area including participation in the "Connecting Education & Employment" conference where we will demonstrate the use of the empowered desktop as a utility for career and technical education applications.