

Teacher Guide for
The Government of Kansas

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Kansas State Representative

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Introduction

The sixth edition of *The Government of Kansas* offers teachers and students a current review of the types and levels of state government and services available to the state's residents, and a look at the state's history and future.

The Teacher Guide to accompany *The Government of Kansas* is designed to facilitate the development of lesson plans, examinations, research papers, and class discussions. Each chapter of the guide addresses the contents of the corresponding chapter in the text. While written specifically for the sixth edition of the text, many of the study guide questions will work equally well to stimulate discussion among students who have read the fifth edition. The guide includes:

■ **Introductory Comments.** Each chapter of the guide will contain introductory comments, which provide supplemental information rather than summarizing the text. The introductory comments are not a substitute for reading the text itself. This guide is meant to be used in close conjunction with the text, and in some instances the guide refers to specific pages in the text.

■ **Study Questions.** The guide provides an extensive list of suggested research or study questions to stimulate class discussions or research papers. The topics raised are not all-encompassing, but are designed to stimulate thought about how Kansas' history and the behavior of Kansans affect the communities and state in which we live. The guide's attention to historical events should serve as a transition to discussion of current and future political interactions and issues. The study questions also may be the basis for essay exams.

■ **Test Questions.** Each chapter includes suggested test questions. These are in easily graded formats and we have avoided questions about minutiae. The questions are also good starting points for discussion. For example, Chapter 1 contains a question about how many counties have population densities of less than 11 people per square mile. In addition to being a legitimate test question, this also can stimulate discussion about why population density is important to Kansans and to the state's elected officials.

■ **Additional Resources.** Each chapter of the Teacher Guide also contains a brief list of resources readily available to you and your students, with contact information about each resource person or organization. The resources can provide additional supplemental materials, research paper assets, and links to questions not addressed in the text.

In asking for information, phrase your questions as specifically as you can. If you have gone to the correct office or agency but do not receive the information you want, you may not have asked your question clearly.

■ **Suggested Class Activities.** Class activities and field trips are suggested at the end of each chapter as a means of bringing Kansas' history and political processes to life for students and faculty. While not every activity can be experienced, choices are offered to match the needs and resources of a variety of classes and schools.

This Teacher Guide should be considered a work in progress. As you use it in conjunction with the text, please note subjects that were omitted or not covered to your satisfaction, assistance you would welcome, and ideas that will make a revised version of the Teacher Guide to *The Government of Kansas* more valuable to you and your students. Please send your comments to:

Marvin Stottlemire, Assistant Director
University of Kansas Public Management Center
KNEA Building
715 W. 10th Street
Topeka, Kansas 66612-1617

Chapter 1

The State and Its People

The land now within the borders of Kansas was visited by Spanish and French explorers, but they did not settle that land. The original boundaries of the Kansas Territory included the area of Colorado east of the Continental Divide. Imagine the differences that would exist today if Kansas stretched 200 more miles from east to west. We might have Regents universities in “western Kansas” (Denver, Boulder, Fort Collins, Pueblo). What is now Kansas City, Missouri, would also be in Kansas. We might attempt to attract citizens to the “empty” spaces between Salina/Wichita and Denver.

The Kansas-Nebraska Act passed by Congress and signed by the president reopened the national debate about the geographical and political areas in which slavery would be permitted. The issue had previously been “settled” by recognition of the Mason-Dixon Line, which permitted slavery only below that line.

Kansas has a rich history on the national political scene that belies the state’s relatively small population and isolation within the American heartland. Such notables as Alf Landon, Charles Curtis, Bob Dole, Carry Nation, John Brown, Langston Hughes, and Karl Menninger are linked with Kansas, as are the Populist Party, the free silver movement, cattle drives to Dodge City and Abilene, and the landmark court case, *Brown v. Board of Education of Topeka*.

State demographics reflect changes in the economic contributions of agriculture and industry, urbanization of the state, age and ethnicity, and the difficulty of providing necessary government services to citizens in every county.

Study Questions

1. With reference to the map of Kansas on page 10 of the text, did more counties lose or gain population in the last decade? What does this mean for the state’s future?
2. How does population density influence government planning?
3. What types of businesses and jobs are attracted to high- and low-population counties? Why? What does population density tell us about the economic prospects of a county?
4. How have changing economic opportunities affected the ethnicity and population distribution of the territory/state?
5. How can Kansas market its rich historical heritage to the rest of the nation, thereby improving the state’s tourism industry? What economic and political strategies exist to improve Kansas’ social and economic cohesiveness?

Test Questions

1. The Kansas Territory originally extended west to the _____.
 - a. Present Colorado-Kansas state line
 - b. Continental Divide (p. 2)**
 - c. New Mexico Divide
 - d. Platte River

2. The issue of whether Kansas would be a “free” or “slave” state was decided by _____.
 - a. Congress
 - b. the elected territorial government (p. 3)**
 - c. a direct vote of the territory’s residents
 - d. a conference of Caucasian, Negro, and Indian territorial residents

3. Kansas is divided into 105 counties. How many have populations of more than 100 per square mile?
 - a. 3
 - b. 5
 - c. 7 (p. 9)**
 - d. 9

4. How many Kansas counties have populations of 11 persons or fewer per square mile?
 - a. 26
 - b. 37
 - c. 55 (p. 9)**
 - d. 63

5. Eastern Kansas receives approximately _____ the rainfall that northwestern Kansas receives.
 - a. twice (p. 7)**
 - b. one-third
 - c. one-fourth
 - d. one-sixth

6. According to the U.S. Census Reports, farm employment in Kansas declined between 1970 and 2000 from 10 percent of the state’s workforce to _____.
 - a. 7 percent
 - b. 4 percent (p. 8)**
 - c. 2 percent
 - d. 1 percent

Additional Resources

Department of Commerce
1000 SW Jackson Street, Suite 100
Topeka, Kansas 66612-1354
Agriculture Products Business Development Division
785-296-5298
Agriculture Products Development (Marketing) Division
785-296-3736

Office of Vital Statistics, Kansas Department of Health and Environment
Landon State Office Building, 900 SW Jackson Street,
Topeka, Kansas 66612
785-296-1417

Local county historical societies and museums

Students’ grandparents

Suggested Class Activities

- Secure a map from the Kansas Geological Survey reflecting variations in the state’s annual moisture levels, and a map from Kansas State University reflecting agricultural production and practices. Match the two maps, and discuss how declining water levels in the Ogallala Aquifer or decreased rainfall as a result of global warming will affect production and demographics.

Kansas Geological Survey
The University of Kansas, 305 Moore Hall,
Lawrence, Kansas 66045
785-864-3965

Dean of Agriculture, Kansas State University,
Manhattan, Kansas 66506
785-532-6147

- Use a copy of the 2000 U.S. Census Report to examine demographic changes in the state’s population. Note that an increasing number of people speak a primary language that is not English. How will this affect the state’s education, public services, public safety, and other services?
- Visit a senior citizen center or adult-care facility and talk with the older residents about changes they have seen as Kansas moved from the horse to horsepower.
- Visit a farm, factory, or small business and learn about its role in the state’s economy. Ask where products are bought and sold. How much of the profit stays in the local community? Do opportunities exist for the business to grow and for employment opportunities to increase? Develop a flow-chart of the business’ raw materials and finished products. Where do they come from and go? Where is the capital investment concentrated? Where are the employment opportunities?

Chapter 2

The State Constitution

Appendix: Constitution of the State of Kansas

Kansas had a tempestuous early history as a battleground between European settlers and Native Americans, pro-slavery and anti-slavery forces, and frontier and urban residents. Each conflict between individual Kansans epitomized conflicts between larger geopolitical, economic, and cultural groups.

The current athletic rivalries between supporters of the University of Kansas, Kansas State University, and the University of Missouri are pale remnants of the military battles between Kansas and Missouri residents before the American Civil War.

Kansas was organized as a separate territory in 1854 under the terms of the Kansas-Nebraska Act. This heralded a contentious period in American politics, with frequent violence in defense of cultural ideals. Political debates today are mild compared with the impassioned speeches of the 1850s and 1860s, which often featured a call-to-arms in defense of ideas. Plundering occurred as people “removed” those who did not agree with them, and private “armies” roamed both Kansas and Missouri.

States were admitted to the Union on the basis of whether they permitted ownership of slaves. Kansas citizens were to decide whether owning slaves would or would not be permitted. That decision was not easy (the Lecompton Constitution was voted on three times). Pro- and anti-slavery supporters took turns boycotting the election and enlisting nonresidents to vote on their side.

The current Kansas Constitution is a resource for examining how our society has evolved since the early tempestuous days. Articles 5 and 14 are particularly relevant to Chapter 2.

Study Questions

1. With reference to the sections on Amending the Constitution and Constitutional Revision (text pp. 23–27), has the process of changing the Kansas Constitution itself changed? Has the power of the Legislature over the process increased?
2. What is government? Is “government” the structure, the process, or the people (office holders, bureaucrats, voters, all citizens)? What constitutes “good” government? Do you trust government? Do your parents trust government? Why or why not?
3. If eligible people do not vote, are they acting irresponsibly? To ensure good government, should prospective voters have to pass a test (similar to the driver’s license test) to prove that they are knowledgeable about issues and candidates? Should candidates be required to pass a similar test before being permitted to file for office? What problems could you predict with such tests?
4. What was the Kansas-Nebraska Act and why did so much bloodshed occur in what is now Kansas? Address the national debate about admitting new states to the Union, the economics and culture of slave ownership, and the reasons that slavery did not establish a real foothold in Kansas.
5. Why do some historians claim that the Lecompton Constitution and the politics associated with its writing and promotion laid the groundwork for the American Civil War?

Test Questions

1. The first approved Kansas Constitution, the Wyandotte Constitution, extended suffrage (the right to vote) to _____.
 - a. all free men and women
 - b. white men and women
 - c. all war veterans
 - d. white males (p. 20)**
 - e. all of the above
2. Article 5 of the Kansas Constitution defines the current terms of suffrage (the right to vote) in this way:
 1. Persons must be at least 18 years of age.
 2. Persons must prove they are mentally fit and knowledgeable.
 3. Persons may not be convicted felons unless they have been pardoned.
 4. Persons may vote if in jail for misdemeanor crimes.

The most correct answer is:

- a. 1 and 2
 - b. 1, 2, and 3
 - c. 1, 3, and 4
 - d. 1 and 3 (p. 450)**
 - e. all of the above
3. Article 14 of the Kansas Constitution addresses amendment and revision of the document. If the Legislature will not approve a proposed constitutional amendment or call a constitutional convention, the voters may submit petitions to the Kansas Supreme Court, signed by at least 10 percent of eligible voters, to compel the Legislature to take action.

True
False (pp. 462–463)
 4. _____ is *not* guaranteed in the Kansas Bill of Rights.
 - a. Liberty of press and speech
 - b. Property rights of citizens and aliens
 - c. The right to reasonable bail
 - d. Indian territories established and guaranteed (pp. 439–440)**

Additional Resources

Lecompton Historical Society and Kansas Historical Society at Historic Constitution Hall
319 Elmore Street, Lecompton, Kansas 66050
785-887-6520

Kansas History Center
6425 SW 6th Avenue, Topeka, Kansas 66615-1099
785-272-8681

Suggested Class Activities

- Visit Historic Constitution Hall in Lecompton and learn about the fight between those who wanted Kansas to permit slavery and those who opposed it.
- Visit the Ag Hall of Fame in Bonner Springs (Wyandotte County) and learn how early Kansans survived the rigors of the prairie.
- Visit the Mennonite Heritage Museum in Goessel and learn how early immigrants from Russia brought the hard red winter wheat on which our state's agricultural base is built.

Chapter 3

The Legislature: Its Members and Its Organization

This chapter gives a cursory review of the Kansas Legislature's history, with attention to such details as how the number of legislators, their pay, and the length and frequency of legislative sessions have changed over the years.

While providing a snapshot of today's legislative membership, this chapter directs greater attention to historically significant political issues as they relate to reapportionment. Considered by some scholars and political practitioners as the most "political" act of any elected body, reapportionment represents both the *means to provide equal access* to government and a *means to effectively disenfranchise* groups of citizens.

The location of district lines can provide an advantage to a particular candidate, political party, or ideology. Apportionment may provide sufficient leverage to prevent even a sufficiently motivated, funded, and attractive candidate with a different perspective or party affiliation from winning an election.

District boundaries are generally drawn to reflect conditions at that time; they often do not consider how demographics will change over the next decade.

Kansas legislators generally reflect the state's population by occupation, economic condition, and education. However, legislators from many districts tend to be older than their average constituent. This is a good chapter in which to examine the structure and organizational procedures of the Kansas Legislature and to ask why individuals seek elective office at any level, what types of rewards are sufficient to keep them involved, and how the public perceives elected officials.

This chapter also provides a good opportunity to ask about term limits and the effect of such limits on policy development and practical political power involving voters, elected officials, state and local employees, lobbyists, and other groups.

Study Questions

1. What motivates citizens to want to be a legislator?
2. In a sense you, as a reader of pages 50–51 of the text, are having an interview with three former leaders of the Kansas Legislature. Is there a consensus among the three as to the job of a good legislator? Explain.
3. What types of rewards keep legislators involved and persuade them to continue to run for office?
4. Is it a good idea to limit how many terms a legislator may serve? Can legislators be assured of their reelection? Do term limits unduly expand the power of legislative and executive staff members? Do you think term limits are a good idea?
5. Legislators traditionally try to avoid placing two incumbent legislators in the same legislative districts during the reapportionment process. Do such efforts constitute "gerrymandering"? Is gerrymandering legal? Is it ever a politically acceptable process? Why or why not?

6. Should persons other than legislators draw district boundaries during the reapportionment process? Explain your answer and tell who you think should make those decisions.
7. How does the 2002 legislative district in which you live differ from the 1992 boundaries? Why were the boundaries changed? Who benefited and who suffered?
8. During the past three legislative elections, how many incumbents were defeated? How many retired? In your legislative district, were the races competitive or one-sided? Why?
9. What are the advantages and disadvantages to incumbency during elections?
10. Does legislative compensation limit who *may* serve and who *wants* to serve in the Kansas Legislature? If yes, how, and with what consequences for public policy-making? If no, what benefits accrue to policy-making and Kansas residents? Note that a few private employers continue to pay their employee-legislators their private-sector salary, simply deducting the state pay received for serving in the Legislature. Most employers do not, and many legislators are retirees or have a second person financially supporting their "political habit."

Test Questions

1. The Kansas House of Representatives and the Kansas Senate are limited to _____ members.
 - a. 137 House, 41 Senate
 - b. 105 House, 33 Senate
 - c. 155 House, 47 Senate
 - d. **125 House, 40 Senate (p. 32)**
2. The Kansas Legislature was first reapportioned using the U.S. Census, instead of the Kansas Agricultural Census, in _____.
 - a. 1972
 - b. 1982
 - c. **1992 (p. 34)**
 - d. 2002
3. Today, most Kansas legislators are farmers/ranchers and lawyers.

True

False (p. 38)

4. Candidates for the Kansas Legislature must be _____.
 1. at least 18 years old
 2. property owners
 3. citizens of the United States and residents within the district
 4. English-speaking
 5. at least high school graduates

The most correct answer is:

- a. 1, 2, and 4
 - b. **1 and 3 (p. 29)**
 - c. 3, 4, and 5
 - d. all of the above
5. The Kansas Constitution limits the number of terms a legislator may serve to four.

True

False (The Kansas Constitution does not address term limits for legislators.)
 6. Name the current Kansas representative and senator from the legislative district in which you live.

Additional Resources

Local current or former legislators

Local media: How do they cover legislative issues, legislators, and elections?

Kansas Secretary of State: Elections and legislative matters
Memorial Hall, 10th and Jackson Streets, Topeka, Kansas 66612
785-296-4561

Publications available through the University of Kansas Public Management Center
715 W. 10th Street, Topeka, Kansas 66612-1617
785-296-2353

Introducing the Kansas Legislature, by Marvin Harder

Legislative Research Department
State Capitol, Room 545 N, Topeka, Kansas 66612
785-296-3181

Suggested Class Activities

- Students are encouraged to contact their local legislators about serving at the Capitol as a page for a day.
- Contact the Legislative Research Department (see Additional Resources above) and request population data used for redistricting the 125 House and 40 Senate seats. Divide the class into Republicans and Democrats, urban and rural legislators. Ask them to reapportion the state.

- Conduct a public opinion poll of registered voters. Contact the county clerk or election officer for a list of registered voters. Randomly select names and call or visit those persons. Develop a list of 10 questions concerning public issues and public officials. Among the questions students might ask:

Please name the state representative from your area.

Please name the state senator from your area.

- Students might want to divide the pollsters into two groups, one group asking the above questions and the second asking:

Which of the following is the state representative from this area? (Give three choices.)

- Are there differences in the ability of respondents to correctly name their legislators? How many persons could name their legislator, name the governor, and correctly answer all questions? What does this tell us about public interest in political issues?

Chapter 4

The Legislature: Making Laws, Appropriating Dollars, Lobbying and Interest Groups

Appendix: Kansas Constitution, Article 2

The Kansas Legislature has authority to set tax rates and types, fund state programs and transfer funds to local units of government, and oversee operations of the executive branch. The Kansas Legislature holds all powers enumerated in the Kansas Constitution, as well as all powers reserved to the people. Court decisions have established that, as the representative of the people, the Legislature is the “people acting.”

Local governments rely on revenue sharing and legislative authorization to grant authority for local tax levies. For example, the Legislature must vote to approve an increase in a county’s sales tax rate before the local county government can implement the increase. In an analogy that students may recognize, parents provide an allowance—but they also have veto power over the child’s accepting a job as a means of raising additional funds (for that first car?).

The Legislature determines the amount of spending in the current and next fiscal years and the mix of revenue streams that will fund those operations. Hence, the annual political struggles within the body are three-fold:

- Which *existing* programs will receive increased funding?
- Which *new* programs will be funded?
- Where will the *money* come from?

An approved program without funding is effectively terminated.

During fiscally challenging times, a fourth question may be asked:

- What programs should be down-sized or eliminated?

Passing legislation is an art, not a science. It is easier to prevent passage of a bill than to enact one. The abbreviated flowchart of the legislative process on text page 52 does not explain that committee chairs sometimes have more bills to process than time in which to hold hearings. They may decide to skip or not hear a bill, which generally kills the proposal. On rare occasions, a bill’s sponsor may be able to amend it into another bill, but if hearings are not held, prospects are dim.

The flowchart also cannot address how well an individual legislator understands the official rules of the body and the formal and informal processes. For example, a member of the minority party may seek a co-sponsor from the majority party or ask a committee chair to introduce the bill as a “committee bill” to enhance its viability.

An analogy: The best athletic coaches know the rules (such as how to call time out), are flexible (know when to substitute players), and are well-versed in the subject (strategies and player conditioning). Even so, the best coach and the best-prepared team do not always win. So, too, with legislative ideas. Frequently it takes three or more years for an issue to assume sufficient prominence or for a legislator to educate her colleagues sufficiently before a bill passes.

The informal “Rule of 63-21-1” may explain otherwise unexplainable political decisions: A majority of the 125-member House of Representatives is 63; a majority of the 40-member Senate is 21; and the governor is one. Thus, any legislation supported by 63 members of the House, 21 senators, and the governor becomes law—if all those people stay united through the purposely cumbersome process.

Few citizens take the time to examine the issue of leadership within the legislative process. Most of the public and media focus on the titular leaders. Persons whose title is “speaker,” “president,” “committee chair,” and so forth are leaders, selected by their peers in a formal procedure. However, many informal leaders are the people who actually move bills through the legislative process because they have substantive expertise and are respected by their colleagues, understand and can navigate the body’s rules and processes, and can marshal public opinion in support of their proposals. Not every legislator is a leader.

Budget discussions between the president and Congress frequently fall apart because they cannot agree on how much money will be available to spend. Kansans are fortunate that a process is in place to ensure that all parties work from a common set of numbers.

The Consensus Estimating Group is composed of economists from the University of Kansas, Kansas State University, and Wichita State University; the governor’s budget director; and the director of Legislative Research. The group meets each April to estimate the next fiscal year’s revenues, and each November to review and revise those numbers based on four months of experience.

Kansas operates on a cash basis, as money may only be borrowed (through the sale of bonds) for capital construction projects, not for operations. The Legislature and the governor use the April revenue estimates to set the appropriations budgets. If the Consensus Estimating Group predicts additional revenue growth for the state’s coffers, additional expenditures may be made. If revenue estimates are down, reductions in the rate of growth or actual budgets will be made before passage of the budget and signing by the governor. The Consensus Estimating Group works closely with the Kansas Department of Revenue and makes projections for the major revenue sources (individual and corporate income taxes and sales taxes) as well as the total revenue available.

The November review and revision of the estimates permits the governor to develop a more accurate budget request for the next fiscal year. The governor provides a proposed budget to the Legislature every January.

Note that even though the Consensus Estimating Group is diligent and accurate, a one percent error equates to approximately \$45 million. Thus, if the group is accurate 98 percent of the time, the Legislature and governor may still need to add or cut \$90 million from proposed budgets.

It also is important to note that state law requires the governor to submit a balanced budget in his or her state-of-the-state address (see Chapter 5) and the

Legislature must pass a budget with at least a 7.5 percent ending reserve. The ending balance requirement recognizes that state revenues do not come into the Department of Revenue on the same schedule that payments must be made to local governments. Thus, the ending balance fund addresses the state’s general fund (the largest pool of revenues) cash flow pattern and minimizes how often the state must borrow money from other funds to pay its bills.

The Legislature seldom is a creature of vision. It tends to be reactionary as individual legislators inform their colleagues about forthcoming opportunities and potential crises. The Legislature frequently must be forced to confront situations that will require significant expenditures but will not be popular politically. For example, the state did not appropriate funds to remodel or construct prisons until a federal district judge ordered the state to find new facilities or release inmates.

Finally, the text addresses the role of lobbyists. Lobbyists frequently are described as representing “special interests” and portrayed negatively. The term “special interest” suggests something separate from the “general” or “public” interest. But lobbyists, government liaisons, and nonpaid citizen advocates who interact with legislators all provide one essential commodity for the development of responsible legislation: information.

Almost every issue, and certainly every significant one, generates conflicting input. The role of the legislator is to listen to the counsel offered, use other resources to obtain additional information, and make an informed decision. Public broadcasting groups, the Girl Scouts, and General Motors have lobbied Kansas legislators, as have legislative liaisons from the Board of Regents institutions and the departments of Corrections and Social and Rehabilitation Services.

Study Questions

1. Do you see common themes about how legislators view lobbyists in the “interviews” with six legislators on page 64 of the text?
2. Under the separation-of-powers doctrine of the Kansas and U.S. constitutions, should the Legislature be permitted to review and change budgets submitted by the executive and judicial branches?
3. Kansas limits political contributions to \$500 for House candidates, \$1,000 for Senate candidates, and \$2,000 for statewide office candidates per contributor per primary or general election race. Courts have established that individuals may

spend as much of their own money as they desire. Are contribution limits fair to candidates, to the public, and to good government?

4. How much money does it cost to run for a legislative seat? How do candidates raise the necessary funds?
5. Political action committees (PACs) are frequently reviled as having undue influence on elected officials. What constitutes a PAC? How do PACs acquire their money? Do PACs have internal checks and balances? Does public accountability of PAC expenditures exist?
6. The United States and Kansas are representative democracies. How much influence should public opinion polls receive? Does the public usually have enough information about issues and policy alternatives to make informed judgments? Do pollsters provide enough information to generate sound discussion and choices by the respondents instead of generating simplistic, easily calculated responses?
7. Do you belong to any special-interest groups? Do your parents? Do your school's teachers and administrators? If any group with a public policy agenda is a special interest, is the term simply a means of trashing one's opponents? Does the term imply that members of the public and public policy never benefit if a special interest benefits? Is the term a recognition that all Kansans are special and have interests?
8. How do you define leadership? How many real leaders are on your student council, your football team, your 4-H club?
9. Do you think that the state's budget resources are appropriately distributed? What changes would you recommend to the Legislature? Why? What are your budget priorities? Do you recommend redistributing available funds (making "winners" and "losers") or do you want to appropriate additional funds? If you want additional funds, how will you raise them?

Test Questions

1. The number of legislators who may introduce a bill is _____.
 - a. **165 (p. 48)**
 - b. 125
 - c. 40
 - d. 10
2. Legislative oversight of the executive branch includes the ability to set agency budgets.
 - a. **True (p. 47)**
 - b. False
3. A group of persons who organize and jointly contribute money to a political candidate is called a _____.

Political Action Committee or PAC (p. 65)

4. The number of political interest groups that have registered lobbyists at the Capitol is _____.
 - a. less than 20
 - b. between 80 and 100
 - c. between 200 and 300
 - d. **more than 600 (p. 66)**
5. Kansas has a nonpartisan legislative staff of researchers and attorneys. This means that _____.
 - a. legislative staff may not belong to a political party
 - b. **legislative staff serve both Republican and Democrat members equally (p. 58)**
 - c. legislators pick their own staffs
 - d. Kansas is a strange but wonderful place in which to live

Additional Resources

Governmental Ethics Commission
109 SW 9th Street, Topeka, Kansas 66612-1287
785-296-4219

State Library, Reference, and Legislative Services:
Copies of bills
State Capitol, Topeka, Kansas 66612-1504
785-296-3296

Governor's Office: State-of-the-State Address and State
Budget
State Capitol, Topeka, Kansas 66612-1504
785-296-3232

Publications available through the University of Kan-
sas Public Management Center
715 W. 10th Street, Topeka, Kansas 66612-1617
785-296-2353

*The Changing Nature of Interest Group Politics in
Kansas*, by Allan Cigler and Dwight Kiel

*The Appropriating Process in the Kansas Legisla-
ture*, by Marlin Rein and Sherry Brown

*Estimating Revenues of the State General Fund in
Kansas*, by Richard Ryan and Darwin Daicoff

The Kansas Budget Process: Concept and Practice,
by Lynn Muchmore and Harley Duncan

The Kansas Legislature: Structure and Process, by
Marshall Reece

Suggested Class Activities

- Hold a mock Kansas legislative session. Divide into political parties in the House or Senate, draft bills, hold hearings at which interested parties may testify, vote in committee on proposed amendments, and debate a bill on the floor of the entire House or Senate.
- Visit the Kansas Legislature while it is in session. Call the state library, 785-296-3296, for schedules.
- Research a state issue important to you. Write a letter to your legislator about the issue and your position on it. Be specific about what interests you, what you would like the legislator to do, and how the legislator can contact you.
- Interview one or more lobbyists about their role in the political process. Call the Kansas secretary of state, 785-296-4561, for a copy of the Legislative Lobbyist Directory. This contains the names, telephone numbers, and employing group of all registered lobbyists.

Chapter 5

Political Parties and Popular Control

Appendix: Kansas Constitution, Articles 4 and 5

The text lists many of the political parties that have received votes from Kansans during the past 100-plus years. Some parties (Communist, Prohibition) were part of national movements; some (Socialist) were major influences on the national and Kansas political scene and policies; and some (Anti-Mason) were more regional in scope.

While more Kansans identify themselves as Republican than Democrat (see graphics on pages 77 and 79), this varies widely from county to county. Approximately a quarter of Kansas voters are independents (persons who register to vote but do not select a political party affiliation). When independents are willing to vote, and are joined with party members who are willing to vote for someone of the other party, they can determine the outcome of an election.

Political party affiliation also masks potentially deep divisions within the two major parties. Both have moderate/liberal and conservative wings. Primary elections frequently are fought over intraparty divisions, and voter party allegiances can be affected by issues such as abortion.

Discussions among precinct committee members are important, but most committees do not actively assist candidates. They assume a role of importance only if a vacancy must be filled or there is a contested party leadership race. The most politically active precinct persons, generally not office holders, seek roles at the county and state political party levels. State and county parties frequently have suborganizations reflecting party membership (women, Hispanics, African Americans). Such subgroups reflect the “big tent” philosophy that the major parties have adopted: all people are welcome.

Primary elections narrow the field of candidates to a maximum of two per office or “seat” in both partisan and nonpartisan races. Because only two candidates per office/seat will be on the general election ballot, it is in the best interest of each political party to have those candidates closely reflect the views of a majority of voters.

In national general elections, only slightly more than 50 percent of registered voters actually vote. In primary elections, that percentage is even lower. Voter turnout can make a significant difference in who is nominated for the general election. General elections usually are won by the candidate who most closely approximates the interests and political perspectives of the voting public; primary elections usually are won by the candidate whose philosophical supporters turn out. It is easier to win a primary election on a single issue than to win a general election on a single issue because of the larger number of voters and competing issues/interests.

Kansas and the United States have single-member districts in which the candidate who receives at least one more vote than the next-highest candidate wins. In other words, the winning candidate receives a plurality, not necessarily a majority, of the votes cast.

You may wish to explore how single-member districts differ from proportional representative systems, and how those differences affect political campaigns, voter fragmentation, government stability, and policy development.

Absentee voting should be distinguished from advance voting. Absentee ballots traditionally were available only to persons who would be out of town on election day or were physically unable to vote in person. The Kansas Legislature changed to an advance

voting procedure so that persons do not need a reason to vote early. Because advance-voting ballots may be available as early as 20 days before an election, advance voting has affected the way in which many candidates campaign, including the timing of their advertising and mailing campaigns. Advance voting also means that some persons will have voted before a candidate knocks on their door. Voters cannot change their votes after sending in the advance ballot, even if they receive new information and want to vote for “the other guy.”

Study Questions

- Although it began as an educational issue, the changing of science requirements for all Kansas schools by the State Board of Education soon became a political issue, with Kansas becoming an object of ridicule. Refer to the *New York Times* newspaper article on text page 78. Is the article accurate? Has this controversy affected your school?
- Although the Republicans and Democrats dominate contemporary elections, many other parties are listed on Kansas ballots. Identify some of them. What offices do their candidates contest? What percent of the vote do the minor parties receive?
- Do the officials elected in partisan elections in your county currently or always reflect the voter registration numbers?
- Kansas has a “closed” primary, meaning that only persons listed with the county clerk as members of a political party may vote in that party’s primary elections. A few states have “open” primaries, in which registered voters may vote in the political party primary of their choice, regardless of party affiliation. Do open primaries increase voter participation? Do they permit members of one party to influence the candidate selection of the other political party? Do you believe Kansas should have open or closed primaries? Why? Should independent voters be permitted to vote in primaries without having to declare a party preference?
- Kansas does not provide for initiatives and referendums at the state level; California does. After reviewing California’s experience with citizen-initiated constitutional reforms, do you think Kansas should adopt similar provisions, or does representative democracy, as practiced in Kansas, provide sufficient responsiveness to citizen interests?
- Should Kansas hold a presidential preference primary, regardless of the cost, to select the persons who will go to the national conventions of the major political parties, or should the parties continue to select their delegates through state and district conventions? Explain.
- How do local media cover political party issues at the state and local levels?

Test Questions

- Persons who wish to be candidates must file notice with _____.
 - city or county commissioners
 - local political party officials
 - state political party officials
 - the county clerk, election commissioner, or secretary of state (p. 91)**
- Persons may register to vote if _____.
 - they are 18 years of age
 - they will be 18 by the general election (p. 91)**
 - they are under 18 but have parental permission
 - they are registered for the draft
- Most elections in Kansas are held in _____.
April and November (p. 91)
- In general which groups are more likely to be registered as Democrats?
 - urban dwellers
 - Caucasians
 - affluent people
 - African Americans

The most correct answer is:

- 1 and 4 (pp. 75, 80)**
- 2 and 3
- 1 and 2
- 3 and 4

5. If a state legislator leaves office before his/her term is completed, the successor generally is selected by _____.
 - a. the voters in a special election
 - b. precinct committee members in the legislator's district (p. 83)**
 - c. the party chairman of the legislator's county
 - d. No one takes office until the next regularly scheduled election.
- Invite a local reporter to class and ask questions about how the media covers election issues and campaigns.
 - If your school has a newspaper, assign students to cover a campaign and submit articles to the paper for publication.

Additional Resources

County clerk or election commissioner

County political party chairs

Current or former elected officials, both state and local

Secretary of State: Elections and legislative matters
Memorial Hall, 10th and Jackson, Topeka, Kansas
66612
785-296-4561

Library and Archives Division, Kansas History
Center
6425 SW 6th Avenue, Topeka, Kansas 66615-1099
785-296-8681, ext. 270

League of Women Voters or other grass-roots political activist groups

Suggested Class Activities

- Organize one or more political parties. Begin at the grass-roots level. What issues will bring individuals together to form the party? Run campaigns for precinct persons and candidates for other offices. What type of budget is necessary? Who contributes money to the campaign?
- Require students to become involved in a political campaign, either partisan or nonpartisan. Require written reports about how they contributed to the campaign, what lessons they learned about seeking office, and how they were or were not able to convince the candidate to assign them meaningful responsibilities.

Chapter 6

The Governor: The Person and the Job

Appendix: Kansas Constitution, Article 1

The text summarizes the history of gubernatorial terms, appointment-making, the roles of key staff members, and the governor's oversight and direction of Cabinet-level departments and state agencies.

Early each summer, the governor asks state agencies to submit three prospective budgets—one static, one with a projected percentage of increase, and one with a projected percentage of decrease. Within those percentages, agencies must prioritize their program needs. Agencies are also invited to suggest new programs for submission to the Legislature for approval and funding.

Coordinating with the Budget Office staff, the governor establishes budgeting priorities that mirror the governor's policy priorities. The Budget Office staff conveys approval or disapproval of the submitted budgets and program requests. The governor then serves as a board of appeals and makes final decisions regarding agency budget proposals. Then a completed budget is compiled and printed for transmission to the Legislature.

A Finance Council, chaired by the governor, includes legislative leaders in its membership. When the Legislature is not in session, a meeting of the council may be called to change funding allocations from the previously approved budget for unanticipated contingencies.

The governor sets the tone for each Legislative session in the State-of-the-State address. In that speech, the governor focuses attention on specific policy and funding needs to which the Legislature must respond (even if by ignoring those needs). The speech is widely covered by the media and is an effort to galvanize public support for the governor's priorities.

The governor of Kansas has a power that every U.S. president has envied: the power to veto specific appropriation items instead of being required to veto the entire bill. This is known as the line-item veto. It can be politically difficult to veto an entire appropriations bill, but glaring “pork barrel” items or funding programs in opposition to the governor's policy priorities are more easily explained and sustained.

One of the more effective negotiating tools available is the governor's budget amendment. Legislators often are reluctant to wildly exceed the governor's proposed total budget, lest they appear to be spendthrifts. The governor can recommend a budget amendment to cover one or more expenditures authorized by the Legislature but not originally suggested by the governor, thereby keeping the legislative budget within the parameters of the governor's budget.

The governor is universally perceived as the most important political figure in the state, but that prestige does not always include effectively dealing with the Legislature. The governor has the power to veto bills and appropriations, but the governor cannot order the Legislature to do anything. The governor can request, barter, negotiate, and otherwise entreat legislators to “vote appropriately,” but not compel them to do so.

Often, however, the two greatest tools in the governor's arsenal are the ability to sway public opinion and the trappings of the office. Most citizens and legislators like to receive a telephone call from the governor, have a one-on-one conversation, or otherwise be recognized by the titular head of state government.

The governor may also call the Legislature back to Topeka for a special session. While this is rare, it provides an opportunity for the governor to focus the public's and legislators' attention on a single issue. There are significant risks associated with such a tactic. If the Legislature addresses the issue in a manner acceptable to the governor, the governor benefits. But if the Legislature takes no action or adopts positions not supported by the governor, the governor's public image and influence will be harmed.

A governor may or may not have a good working relationship with the House and Senate leaders. Political party memberships are not to be ignored, but other significant factors exist. The relationships are determined by political perspectives, personality traits and perceptions, and whether sufficient state revenues exist to meet the policy and spending expectations of all involved.

Study Questions

1. Follow the governor's activities (appointments, speeches, travels, etc.) for a week. Try to identify which of the eight roles (text p. 100) the governor was performing in each of the activities.
2. While the governor and staff may attempt to define themselves and their administration, the media ultimately determine what information and images the public will receive. Should the media be required to release weekly reports from the governor, in their entirety, without editorial comment, so citizens may form their own conclusions? Should the media report everything they know about the governor's activities, family, and friends?
3. The lieutenant governor must seek office with the governor, but the position is considered ceremonial and part time. Former Governor Bill Graves appointed his lieutenant governor, Gary Sherrer, as secretary of Commerce and Housing. Should the lieutenant governor be given specific responsibilities by the Legislature or the Constitution in preparation for assuming the office of governor if the governor becomes incapacitated? Why or why not? If yes, what responsibilities should be assigned? If no, should the position be abolished and another state officer be designated as the primary person to ascend if the governor becomes incapacitated?
4. The governor, as chief executive, appoints the National Guard's adjutant general, the fire marshal, and the head of the Highway Patrol, but does not appoint the head of the Kansas Bureau of Investigation (KBI), who reports to the attorney general. Should the KBI head be accountable to the governor? Why or why not? What policy and political issues did you consider in answering that question?
5. Great Britain has a clear delineation between the head of state and the head of government that is absent in Kansas and the United States. The queen or king and family perform the ceremonial duties of head of state, while the prime minister is full-time head of government. Should Kansas have such a delineation so that one person could travel the state visiting citizens and someone else could oversee the daily operations of government? If yes, who should have each role? If no, how do you justify one person filling both rigorous jobs?
6. Seeking the office of governor involves large amounts of time, energy, and money. Review the newspaper archives (many are available over the Internet) for reports on how many functions and events the most recent gubernatorial candidates attended and how many towns they visited. How much money did they raise? How did they spend the money?
7. Review the occasions in which governors have called special legislative sessions. What were the issues? Was the governor satisfied with the results? Was the governor's influence enhanced, relative to the Legislature and public opinion?
8. If state revenues are not adequate to fund the existing budget, is it better to reduce expenditures by an equal percentage across all state agencies (for instance, a two percent reduction) or to make significantly higher reductions in targeted programs? Why? How do across-the-board cuts affect small agencies that allocate most of their budgets to personnel? How do such cuts affect local units of government that may receive smaller-than-anticipated transfers from the state?

Test Questions

1. Kansans have elected how many women governors?
 - a. none
 - b. 1
 - c. 2 (updated from the text)**
 - d. 3
2. The governor is the _____.
 - a. president of the Senate
 - b. chief executive officer (p. 97)**
 - c. chief judicial officer
 - d. chief legislative officer
3. Very few governors have been elected without local, state, or national experience in executive or legislative roles.

True (pp. 99, 103)

False

4. When the governor receives a bill passed by both the House and Senate, the governor has _____ to make a decision.
 - a. five working days
 - b. a calendar week
 - c. 10 calendar days (p. 108)**
 - d. 10 working days
5. A person charged with a felony crime who flees to another state to avoid arrest and prosecution may be _____ at the request of the governor.
 - a. extradited (pp. 105–106)**
 - b. sued by the attorney general
 - c. arrested by Kansas law enforcement officers
 - d. arrested by U.S. marshals
6. Which of the following is *not* a responsibility of the governor?
 - a. Deliver the State-of-the-State address.
 - b. Propose a balanced state budget.
 - c. Appoint the head of the National Guard.
 - d. Deliver the closing address as the Legislature adjourns (pp. 105–107)**

Additional Resources

Governor and staff: State-of-the-State address, proposed budget, schedule
State Capitol, Topeka, Kansas 66612
785-296-3232

Governmental Ethics Commission: Candidate expenditures and contributions reports
109 SW 9th Street, Topeka, Kansas 66612-1287
785-296-4219

Publications available through the University of Kansas Public Management Center
715 W. 10th Street, Topeka, Kansas 66612-1617
785-296-2353

The Governor of Kansas, by Marvin Harder

Suggested Class Activities

- Visit the governor at the state Capitol in Topeka. If that is not possible, try to have a conference telephone call with the governor (785-296-3232).
- Ask a reporter who is assigned full-time to the Capitol for his/her perceptions of the role of the governor in state policy-making and politics.

Associated Press, 785-233-8202

Wichita Eagle, 785-296-3006

Hawver's Capitol Report, 785-233-9888

Kansas City Star, 785-354-1388

Topeka Capital-Journal, 785-233-7470

Chapter 7

Structuring the Executive Branch

The text describes how quasi-independent boards and commissions historically have been created to interface with constituent groups. Generally, these boards and commissions have little direct oversight from the governor and the Legislature, so long as no crisis prompts a public outcry for change.

Most boards and commissions collect user fees (the Board of Cosmetology receives fees for licenses, for example). Although the Legislature must authorize the expenditure of these fees, the boards and commissions are not competing for scarce state general fund resources (money from sales, income, and other major taxes) and hence are not competing with education, health care, and corrections. This financial independence effectively means policy independence.

Through the Kansas Administrative Procedures Act, state agency hearings and procedures are made uniform and equitable. The act establishes the means by which persons feeling aggrieved by an agency's decision may appeal, and formalizes the process by which applications for services are approved or denied. It is the "due process" authorization for state agencies.

The chapter on legislative process explained how the Legislature reviews rules and regulations proposed by state agencies. You will recall that the Legislature may only *advise* agencies to revise their proposed rules and regulations. If the agency does not accept such advice, the legislators may pass a statute, which the governor must sign, to change the rule or regulation.

The Legislature is ill-equipped to develop and pass all laws regarding appropriate administration of a state agency. Let's use the Department of Health and

Environment as an example. It would be impossible to pass enough laws to regulate health and operations standards in restaurant kitchens, much less to regulate wastewater treatment, nursing home operations, and all the other department oversight and administrative responsibilities. Hence, the Legislature passes legislation providing broad authority for the agency to adopt rules and regulations, subject to review.

The chapter includes brief synopses of the responsibilities of elected officials. Note that the attorney general and secretary of state both deal directly with local and state governments. The lieutenant governor formerly presided over the Kansas Senate, but that responsibility was changed constitutionally in 1972. Currently, although the lieutenant governor is next in line to succeed the governor if a vacancy or incapacitation occurs, no formal duties or responsibilities exist statutorily or constitutionally to prepare that person. Many lieutenant governors have been seen at their inaugurations and virtually disappeared; a few have become important players in the administration.

Under the current state constitution, the Senate president and House speaker rank third and fourth, respectively, in the line of succession behind the governor.

Study Questions

- Table 13, text page 120, provides a synopsis of efforts to reform government organization through executive reorganization orders. Many more orders were rejected by the Legislature than were accepted. Review the history of one or more of the failed attempts. What was the governor's rationale for recommending the change? What third parties were involved in the legislative debate? What arguments led the Legislature to reject the governor's recommendations? Are these rejections examples of political reality? Explain your answer.
- Figure 19, text pages 122–123, outlines many of the state's departments, boards, and commissions. How are they funded? How much oversight do they receive from the governor and the Legislature? How are their chief administrative officers selected? Are independent governing boards above the chief executive officer? How much decision-making latitude do the boards have? How many of their decisions are appealed (successfully and unsuccessfully) to the courts? How many of them are known to the public? Explain.
- Many boards and commissions include legislators. Does the inclusion of legislators on executive boards and commissions violate the separation of powers portion of the U.S. and Kansas constitutions? Why or why not? Is the inclusion of legislators good or bad public policy?
- Has the privatization of some government services resulted in "better," "worse," or "about the same" levels of service to the constituencies being served? Explain.

Test Questions

- If the governor and lieutenant governor become incapacitated and unable to serve, the next person to become head of state is the _____.
 - attorney general
 - secretary of state
 - speaker of the House
 - president of the Senate (p. 128)**

- Which of the following is not a Cabinet-level agency?
 - Department of the Treasury (pp. 121, 123)**
 - Department on Aging
 - Department of Administration
 - Department of Human Resources
- An executive reorganization order is implemented unless it is rejected by either chamber of the Legislature.

True (p. 113)

False

- Due process within agency proceedings is addressed in the _____.
 - Kansas Administrative Procedures Act (p. 121)**
 - Citizens' Right-to-Know Act
 - Government Ethics and Responsibility Act
 - Kansas Public Law 480

Additional Resources

Newspaper files (many are online)

County clerk and treasurer

Kansas State Library
State Capitol, Topeka, Kansas 66612-1593
785-296-3296

Current and former legislators

State agency heads

Contact the governor's appointment secretary for a list of agencies, boards, and commissions to which the governor makes appointments.
State Capitol, Topeka, Kansas 66612-1590
785-296-4052

Publications available through the University of Kansas Public Management Center
715 W. 10th Street, Topeka, Kansas 66612-1617
785-296-2353

The Care and Nurturing of a Bureaucracy: An Executive's Perspective, by Robert Harder
Regulation in Transition: Evolution of the State Corporation Commission, by Brian Moline
Occupational Licensing Boards in Kansas, by Laura Epler

Suggested Class Activities

- Review all boards and commissions and suggest how their number may be reduced through creation of “super” boards and commissions, Cabinet-level departments, or simple elimination.
- Interview a member of a board or commission about that person’s roles and responsibilities. Then interview a staff member, a representative of an interest group with business before the board or commission, and a citizen affected or regulated by the board or commission about their perceptions of the agency and its role.
The governor’s appointment secretary can provide a list of boards and commissions. Call 785-296-4052.
- Visit a regulatory agency during its administrative hearings.
- Visit local business owners and ask which state agencies regulate or inspect their activities. What reports must the owner file? How does the public benefit from such regulation?

Chapter 8

Taxing and Spending

Appendix: Kansas Constitution, Article 11

The Legislature determines what will be taxed by the state and by local governments and at what rates. Because constructing a taxation system that all persons and groups will consider fair is next to impossible, a revenue mix has evolved.

Within that context are several informal rules: The tax burden should not be onerous or disproportionate to government benefits received by the taxpayer. The tax system should be understandable by the taxpayer. And the collection of taxes should be relatively painless.

The state general fund receives about half of all revenues generated by the state. The rest of the state's revenues come from federal aid programs and contributions to special funds (often called user fees) whose revenues are dedicated to specific functions or projects.

The state general fund finances general state government activities, including the state's contribution to education at all levels, prison operations, state employee salaries, and the state's share of funding social welfare and programs for the aged. User fees pay for the operation of most agencies. For instance, the Kansas Corporation Commission assesses fees on all public utilities to pay for their oversight, and the Department of Transportation assesses motor fuel taxes.

For fiscal year 2002 (July 1, 2001–June 30, 2002), of every \$10 of state revenues, \$5 came from state taxes, \$2 from federal grants, \$1 from agency earnings and sales, and \$2 from the lottery, interest earnings, and other sources.

Direct your students to pay particular attention to the state's major tax revenue sources. Note particularly the items on which sales taxes are, and are

not, collected. Also note that the state permits local governments to levy property and sales taxes but not income taxes, excise taxes, motor fuel taxes, or taxes and fees on many other revenue sources.

Taxing policies affect the person who pays. For example, do persons renting apartments pay property taxes? Should Girl Scout cookies be exempt from sales taxes? (They were removed from taxable items in 1998.) What about agricultural machinery?

Policy discussions generally focus on:

- How much money must be raised for specific functions and programs.
- What mix of taxes and rates will generate the necessary funds.
- What political deals must be made to secure the necessary votes.
- What constitutes responsible, politically viable, and fair tax policy? Remind your students that although good reasons may exist to remove an item from the tax roles, programs must continue to be funded and the tax burden would be shifted to a smaller number, or a different group, of taxpayers.

The property tax is the least popular tax for several reasons. Historically ownership of property was viewed as the true indicator of wealth. But today, with investments in the stock market and other venues, tangible property may no longer be as strong an indicator. For retired persons living on relatively fixed incomes, a home may be their most valuable asset, but one they are loath to sell just to pay the property tax. Furthermore, the value of property can increase even if the owner makes no improvements or

investments in it. Valuation is determined by fair market value—what a willing buyer and seller would agree upon. And unfortunately, property taxes are due in December, just before the holiday season, and in June, just before the vacation season. Most other taxes are paid frequently, in small amounts. For example, income taxes are withheld from each paycheck and sales taxes are collected on each purchase. But property taxes are large bills due once or twice per year.

The description of the treasurer’s responsibilities is particularly important because it includes a partial list of revenue-sharing programs between state and local governments. The Department of Revenue is the collector of taxes, while the treasurer is the custodian of all state revenues. The office of treasurer is an elected position. Unless changed by law, the Legislature must construct budgets with ending balances of at least 7.5 percent so the treasurer can avoid unnecessary borrowing to cover the discrepancies between when revenues are collected and expenditures are made.

Have students review the material in Chapter 6 of this Teacher Guide as it relates to the Consensus Estimating Group, and the relationship between agency budget requests and the governor’s overall budget that is presented to the Legislature. A frequent complaint against the Legislature is that it waits until the last moment to pass the major appropriations bills. That complaint is usually followed by a call for the Legislature to fund education, state employee benefits, and other major programs earlier in the legislative session. But the Legislature is severely limited by a lack of information and the need to build political consensus before making those votes.

It takes a long time for legislators and their staffs to review the governor’s recommendations and assess them in terms of agency and constituency priorities. Remember that the Consensus Estimating Group meets in early April to make the last estimate of the next fiscal year’s revenues. Those numbers are used to complete the budget. With education receiving almost two-thirds of general funds, legislators are naturally reluctant to make decisions with incomplete information.

Remember the Rule of 63-21-1 mentioned in Chapter 5. A majority of House and Senate members must agree on how the final budget will be divided among the many competing demands from constituent groups for dollars and services. Achieving this agreement takes time.

Please note Article 11 of the Kansas Constitution regarding the state’s ability to finance its operations. The article specifically includes the taxation rates for types of properties. Note that residential property is taxed at 11.5 percent of its valuation, while utilities

are taxed at 33 percent. This makes utilities a hidden tax collector for state and local governments. Utilities have the same hidden tax-collector role with franchise taxes. Increases in property valuation or franchise fees are automatically passed on to the customer, thus causing the taxpayer’s anger to be directed toward the utility and not the government.

Note also that agricultural lands are appraised on a “use value” (productivity) basis rather than on “highest and best use,” as with other properties. This means that agricultural land next to an industrial or residential development will not be valued as a potential development site, but on the basis of its agricultural production. For practical reasons, agricultural land is valued on type of soil and productive use (pasture, crop land, etc.). This constitutional provision means that farmers have a better chance of being able to afford the taxes on their land.

Study Questions

1. Referring to the budget calendar (text p. 146), how long is the budget prepared before it is actually implemented? What problems does this pose?
2. Note that when the Legislature begins a session, it can rescind or add budget items for the current fiscal year. Does this help the Legislature control spending?
3. What are the homestead tax exemption and sales tax rebate programs? Who are they designed to assist?
4. Examine the list of sales tax exemptions. How would the sales tax rate be affected if these items were taxable? With what exemptions do you agree and disagree? Why?
5. Unlike many other states, Kansas imposes a tax on the sale of food. Should Kansas repeal the food tax? How much money is collected annually from that tax? If it were removed, how would the state fund the programs that those revenues support?
6. The state collects excise taxes on cigarettes and alcohol and rebates a significant portion of those taxes to the counties in which they were collected. What are the other forms of revenue sharing between the state and local governments? How much of your county’s budget revenues come from revenue-sharing programs?

7. Should the Legislature authorize local units of government to impose an income tax? Why or why not? If yes, should the tax be imposed on persons living in the appropriate district or only on those who earn income in that district? Why? If no, should greater efforts be made to reduce property taxes for the poor or elderly? Why? How do you define “poor” and “elderly”? How would you make up the lost revenues?
 8. Public perceptions are greatly affected by the ways in which proposed tax increases are portrayed. If county commissioners propose a \$1 million increase in expenditures, this is perceived negatively by many citizens. However, if the expenditures require only a one mill tax (\$1 per \$1,000 of taxable property valuations), that would translate into an increase of only \$50 to \$100 per year on the typical Kansas home. How do the media in your community cover proposed increases in state and local spending and tax rates? How does the public respond?
 9. Why did the Legislature protect residential homeowners and farmers when Article 11 of the Kansas Constitution was proposed? Why was the issue even brought before the Legislature? (Hint: A court case is involved.)
 10. For properties that do not sell (thereby establishing their true value), tax valuation is established by comparing them to similar properties that have sold. Identify the value of your home, the location and values of comparable properties, and the tax bills for each. Do you agree with the county appraiser on what constitute comparable properties? Why?
2. Sales tax rates are not uniform across the state because _____.
 - a. not every county collects the state sales tax
 - b. cities and counties have the power to exempt themselves from the sales tax
 - c. **cities and counties have different tax rates added to the uniform state sales tax (p. 134)**
 - d. the Legislature has no clue as to what cities and counties are doing
 3. The compensating use tax is _____.
 1. equal to the state sales tax rate
 2. owed by Kansans who purchase goods from out-of-state vendors (catalog and Internet sales)
 3. paid by businesses who are granted property tax breaks by local governments
 4. paid by Kansans who do not earn enough money to pay income taxes

The most correct answer is:

 - a. **1 and 2 (p. 134)**
 - b. 3
 - c. 4
 - d. all of the above
 4. Which of the following taxes may *not* be used by local governments?
 1. sales
 2. property
 3. motor fuel
 4. income
 5. excise

The most correct answer is:

 - a. 1 and 2
 - b. 2 and 4
 - c. 3 and 5
 - d. **3, 4, and 5 (pp. 134, 135, 138, 140, 154)**

Test Questions

1. The Kansas state sales tax is _____.
 - a. **4.9 percent (p. 134) (increased to 5.3 percent in 2002)**
 - b. 3.5 percent
 - c. 6.1 percent
 - d. 4.3 percent

5. The state general fund accounts for _____ percent of the state's total expenditures?
- 25.3
 - 48.8 (p. 132)**
 - 78.6
 - 10.4
6. A "demand transfer" is _____.
- a demand by a state employee to change jobs
 - a statutory term for collecting income taxes
 - authorization by the governor to transfer funds from the treasury to state agencies
 - statutory language automatically transferring funds from the state general fund to a dedicated fund (p. 153)**
7. When the governor submits a balanced budget to the Legislature, it may *not* be "balanced" with a request for a tax increase.
- True (p. 149)**
False
8. Education receives approximately _____ percent of the state general fund budget each year.
- 33
 - 50
 - 65 (p. 147)**
 - 75
9. According to the Kansas Constitution, residential property is taxed based on _____ percent of its appraised value.
- 7.5
 - 11.5 (p. 456)**
 - 15
 - 22.5

Additional Resources

Governor's Office, Division of the Budget: Proposed state budget
State Capitol, Topeka, Kansas 66612
785-296-2436

Legislative Research: Budget as passed by the Legislature and *Kansas Fiscal Facts*
785-296-3181
State Capitol, Topeka, Kansas 66612-1504

Kansas Department of Revenue, Policy and Research
Docking State Office Building, 915 Harrison Street,
Topeka, Kansas 66612-1588
785-296-3081

Your county tax rolls

Suggested Class Activities

- Invite your county appraiser to address the class about how valuations are established and what the appeals process entails. If feasible, go with the appraiser as a property is inspected and the valuation determined.
- Attend a property tax valuation appeal. What information did the property owner present? Was it persuasive? What would you suggest the property owner do next time?
- Invite your city's mayor or manager and county commissioners or administrator to class. Ask what revenues are received from the state. What percentage of the total city or county budget comes from the state? How are those funds spent?
- Invite a current or previous state legislator to class. Ask about the legislator's philosophy regarding the appropriate mix of tax revenues for the state; spending priorities; and, if additional funds are necessary, where they should come from.
- Invite a tax attorney or other tax preparer to address the class. Ask how many tax code changes occur annually. Have the guest prepare a tax return for an individual, a married couple, and a small business while you observe. Note the necessary information and the assumptions made by the writers of the tax codes.

Chapter 9

Managing the Operations of Kansas State Government

The operation of a large (40,000 employees), diversified organization like the state is similar to that of a large corporation like General Motors. Each product line (for General Motors) and each program (for Kansas) has been allocated financial and personnel resources. Tracking the performance of the employees and programs is the responsibility of the agency heads, governor, and Legislature. Tracking the money allocated and expended is the responsibility of the Department of Administration's Division of Accounts and Reports. Each account (a line item in the approved budget) is tracked to ensure that only allocated funds are expended and proper documentation of the public's money is made.

Similarly, the divisions of Purchasing and of Information Systems and Communications (DISC) reflect the corporate belief that centralizing major purchases is cost-effective and standardizing computer hardware and software increases institutional efficiency.

The state printing function seems to lend itself to privatization. While some aspects of printing have been contracted, the volume and multiple iterations of bill drafts during the legislative session require speedy printing and delivery. Computers have made it easier to meet overnight deadlines, justifying a state printing plant and operation.

The Department of Administration makes recommendations to the governor and hence to the Legislature regarding employee pay and benefit packages and negotiates building leases and contracts, including personnel, on behalf of the state. In many ways, the secretary of Administration is the chief operating officer of the state, the governor serving as chief executive officer and board chair.

The department receives part of its funding by charging administrative overhead costs to each agency for which it oversees activities and budgets. It also charges fees to nonstate government agencies for collecting and reviewing documents, such as public water system financial reports.

The department also operates the Surplus Property program through which equipment (such as old filing cabinets) that is no longer needed by the state, but that still has value, is catalogued and offered for sale to other government agencies. The Surplus Property staff also help local governments acquire federal surplus property. For instance, volunteer fire departments purchase retired U.S. Forest Service fire trucks.

Study Questions

1. Should the state printing plant be sold to the private sector so the owner will pay state and local taxes on the plant and its operations? Should printing of legislative bills go to the lowest responsible bidder to increase state tax revenues?
2. The state could risk being "held hostage" by a single vendor that provides all of the state's computers, telephones, and other technology tools. Or the state could risk agencies being unable to communicate effectively through the use of multiple suppliers. Which risk seems more serious? Explain your answer.

3. How can the state do a better job of conveying to the public the benefits of paying taxes? A state law requires the Department of Administration to give each state employee an annual report of the value of the employee's salary and all fringe benefits. Should a similar report be developed to help each taxpayer understand how the tax dollars are spent? Explain your answer.

Test Questions

1. Most major purchases by state agencies are bid and awarded by the centralized Division of Purchases.

True

False (p. 159)

2. DISC is an abbreviation for the _____.
 - a. Division of Information, Science, and Communication
 - b. Department of Information Services and Computers
 - c. **Division of Information Systems and Communications (p. 160)**
 - d. Department of Intelligence, Science, and Computers

3. The job of state printer formerly was an elected position.

True (p. 161)

False

Additional Resources

Publications available through the University of Kansas Public Management Center
715 W. 10th Street, Topeka, Kansas 66612-1617
785-296-2353

The Process of Public Purchasing in Kansas, by
Hilton Kennedy

Secretary of Administration
1000 SW Jackson Street, Topeka, Kansas 66612
785-296-3011

Any business in your community that supplies products or services to a state agency

Any local government agency that has purchased equipment from the Surplus Property operation.

Suggested Class Activities

- Invite to class a business person who sells products to the state. Discuss the sales procedures, and ask whether it is more or less difficult than selling to a private business. Most counties have Department of Transportation and Social and Rehabilitation Services offices, and many communities have state hospitals or prisons. You can find them in your local telephone directory. Ask the state agencies what they purchase locally and from whom.
- Invite a local state agency official to class. Discuss what products and services can be purchased locally without going through the centralized purchasing requirements.

Chapter 10

Personnel Services

State government is the largest employer in Kansas. The Division of Personnel Services (part of the Department of Administration) oversees 40,000 state employees.

Most of these are classified employees who receive Civil Service protections. Most unclassified state employees are faculty members at the state universities and political appointees in policy-making positions in the executive branch.

Although most large state agencies have their own personnel specialists who work with the Division of Personnel Services, small agencies need assistance from the division.

The Kansas Quality Management (KQM) program mirrors programs in the private sector that empower employees. Instead of expecting employees to do only as they are told (like assembly line workers), the state now expects employees to think, respond to individual situations, and be flexible, customer oriented, and innovative. In addition to causing a culture crisis, the implementation of KQM required a massive retraining of employees and their managers. Employee evaluations were changed and management styles became important.

Attracting and retaining people-oriented, problem-solving employees and managers is difficult even when the Kansas and U.S. economies are robust. The state's pay matrix frequently lags behind the private sector's compensation packages. Occasionally, the Legislature and governor approve deviations from a relatively rigid pay matrix to enhance recruitment and retention. For example, Highway Patrol officers received a significant pay increase during the 2001 legislative session in an effort to stem the departure of

veteran officers and encourage younger officers to apply for positions.

Changes in technology and workforce management theories have led the Division of Personnel Services to focus increasingly on strategic workforce planning, instead of micro-managing each agency's employees. An example of a change in philosophy occurred in 2001, when the governor, at the suggestion of Personnel Services, issued an executive order eliminating the lowest three ranges in the state's pay matrix. The result was immediately felt by agencies that had been unable to hire or retain employees in the low-skill positions, such as custodial and food service workers. The ability to offer higher starting pay quickly translated into more and better-qualified applicants—and existing employees at the lower pay grades stayed on the job because they received an immediate pay increase.

The text provides an excellent analysis of the bureaucratic nature of job classification and reclassification. Many agency heads believe that a major difficulty in retaining superior employees is the inability to adjust duties and pay in a timely way. Kansas has more than 750 job classifications. A few legislators and Division of Personnel Services staff members have attempted to replace the rigid classification and pay grid matrix with a more flexible description of job responsibilities within a range of compensations.

This effort has not been successful, but is a likely direction for future changes in the state's compensation package as the state becomes more like the private sector to compete for employees.

Agencies with similar responsibilities often pay their employees at different rates. This poses a po-

tential problem for the state, with decentralization of the job classification process and upgrading of descriptions and compensation creating competition between agencies. In Larned, Kansas, for instance, the Department of Corrections constructed a facility for mentally ill inmates. The Department of Social and Rehabilitation Services (SRS) already had a mental health facility on the same grounds. Corrections officers providing the same services to mentally ill prison inmates were paid more than SRS staff members. As one might expect, many SRS workers applied for Corrections positions, thereby creating a staffing problem for SRS.

Employees achieving at least a “satisfactory” employee performance rating receive a step increase that equates to a 2.5 percent raise per year. Some years the Legislature also funds a cost-of-living increase. But if state revenues are not sufficient or other programs have higher policy priorities, cost-of-living increases are not granted. In some years, a step increase does not balance the effects of inflation on purchasing power, essentially decreasing employee pay. On the other hand, when the inflation rate is low, a 2.5 percent pay raise really increases purchasing power.

Employee and manager training programs are essential components of a productive workforce. The KU Public Management Center has assumed a lead position in developing, offering, and evaluating training programs for the state. Emphasis is placed on problem solving, customer service, employee satisfaction, and innovation (process improvement). Numerous studies have demonstrated that employees who are satisfied in their jobs, who believe they are making a difference, and who are adequately compensated will remain productive workers within the organization. The training programs are a major component of ensuring employee satisfaction and high retention.

Because public employees are prohibited by law from striking or other forms of work stoppage, a process has been established to address employer-employee terms and conditions of work. Pay and other compensation terms are established by legislative appropriation. The Legislature cannot be bound by a memorandum of understanding between the secretary of Administration and any work group or its representatives. Thus, negotiations generally are limited to noncompensation items.

Disagreements also arise over whether employees should “meet and confer” with the agency for which they work or with the Department of Administration. Because some work groups recognized by

the Public Employee Relations Board (PERB) cross agency boundaries, the department generally has primary responsibilities. Other questions arise when faculty or graduate students attempt to organize at a Regents institution. Who meets and confers—the affected university, the Board of Regents, or the Department of Administration?

The Kansas Public Employee Retirement System (KPERS) includes almost all classified state employees, public school teachers, and many local government employees. A separately managed fund for police and fire personnel is included under KPERS direction. The separate fund recognizes that such public safety officers, because of the stress and physical requirements of their jobs, are encouraged to retire earlier than other public service employees.

KPERS is a “defined benefit” plan, rather than a “defined contribution” plan. This means that employers and employees contribute fixed amounts and employees are guaranteed a four percent return on the combined investment. Social Security is a defined benefit plan; most 401k retirement plans within the private sector are defined contribution plans.

Retirees annually seek a cost-of-living increase in their KPERS benefits. While a defined benefit plan technically does not allow for cost-of-living or any other increases because they raise the unfunded liability, increases are granted if the Legislature believes that political necessity or the fund’s earnings warrant.

Some efforts have been made to convert the defined benefit plan to a defined contribution system. Historically, defined contribution plan recipients receive more money over their retirement life span. Furthermore, because employees share the rewards and risks in a defined contribution plan, no unfunded liability can exist. This would remove a significant political battle each legislative session, though a clear majority of legislators have opposed any significant form of defined contribution retirement plan.

When the investment market enjoys substantial growth, as it did during the 1990s, employees with defined contribution plans are much better off financially than are those in defined benefit programs. The opposite is true when the market suffers significant losses, as it did in 2001 and 2002.

The plan best for state employees depends on their long-term needs, risk preferences, and other available retirement assets. State and local governments will increasingly develop attractive benefit packages, including retirement plans, that will attract and retain well-qualified employees to compete with private-sector employers.

Study Questions

1. What circumstances make it difficult for the Division of Personnel Services to be renamed to follow the more common "Division of Human Resource Management"?
2. How are position, job class, and the state pay matrix related (text p. 172)? Explain.
3. State law requires classified employees to resign from their employment before they can be sworn into a political office won in a partisan election. Unclassified employees and teachers do not have the same requirement. If the intention is to prevent employees from voting on issues related to their employment and compensation, should all employees be treated the same, or are classified employees different? Explain.
4. Kansas has an aging population and the state employee workforce also is aging. How can the state continue to provide services to an increasingly senior population if state employees retire at a rapid rate and the birth rate 20 years ago did not produce enough replacement workers?
5. Many employers, including the state, are creating smoke-free work environments. If smoking tobacco is legal, how can the state prohibit smoking within buildings? If an employee can be dismissed for using illegal drugs, should an employee be dismissed for placing the health of coworkers at risk through secondhand smoke? How much risk is acceptable to protect individual rights?
6. Should it be legal for state employees to engage in work stoppages to force the Legislature to raise their pay? Why or why not? Examine the roles of the executive agency employing the workers and the legislative branch appropriating the funds.
7. Would a defined contribution retirement plan make it easier or more difficult for persons to enter, leave, and re-enter state employment? Explain. Would you rather work in an organization that has a defined benefit or a defined contribution retirement plan? Why? What would your parents prefer? Why?
8. Examine whether a merit employee evaluation system would be better for state employees and residents than a civil service system. While job protections are available in both systems, which better rewards employees, provides services to constituents, and benefits taxpayers? Define your definition of "better."

Test Questions

1. KPERS refers to _____.
 - a. Kansas Personnel Employment Reference System
 - b. **Kansas Public Employee Retirement System (p. 179)**
 - c. Kansas Policy Evaluation and Research System
 - d. Kansas Policy, Experience, and Recruitment System
2. The Division of Personnel Services is _____.
 - a. part of the governor's office
 - b. an independent state agency
 - c. a former state agency that has been privatized
 - d. **part of the Department of Administration (p. 179)**
3. State law requires the state to _____ with employees who have organized in some form of collective unit.
 - a. **meet and confer (p. 177)**
 - b. negotiate
 - c. bargain
 - d. deal
4. PERB is _____.
 - a. **the state's Public Employee Labor Relations Board (p. 177)**
 - b. a job-training program
 - c. a division of the Department of Administration
 - d. the Public Employee Retirement Board
5. Which of the following classes of employees must resign from their job before serving in the Legislature?
 - a. **classified state employees (p. 177)**
 - b. unclassified state employees
 - c. school teachers
 - d. school administrators

6. State employee pay grades are reviewed and approved by the _____.
1. Division of Personnel Services
 2. secretary of Administration
 3. governor
 4. Kansas Legislature

The most correct answer is:

- a. 1 and 2
 - b. 2 and 3
 - c. 4
 - d. all of the above (p. 173)**
7. Kansas law prohibits most state employees from accepting meals, gifts, and entertainment.
- True (p. 177)**
False
8. State employees who receive at least a satisfactory evaluation receive a “step” increase until they reach the top of the pay matrix. This step generally equals _____.
- a. a 1 percent increase
 - b. a 2.5 percent increase (p. 173)**
 - c. a 3.5 percent increase
 - d. no automatic increase

Additional Resources

Department of Administration, Division of Personnel Services: State job classifications, pay matrices, and benefits
Landon State Office Building
900 SW Jackson Street, Topeka, Kansas 66612-1251
785-296-2541

Kansas Public Employee Retirement System: Retirement information
611 S. Kansas Avenue, Topeka, Kansas 66603-3803
785-296-6666

KU Public Management Center: The Kansas Quality Management (KQM) system and Comprehensive Management Education and Training Strategy (CMETS)
715 SW 10th Street, Topeka, Kansas 66612
785-296-2353

Suggested Class Activities

- Conduct a poll of citizens in your community to determine their attitudes toward pay and benefit issues for state employees and teachers. Ask specific questions about whether Highway Patrol troopers should be paid the current rate of pay or a more competitive rate compared with cities like Olathe. Select several job titles, classifications, and pay rates. You may also conduct a survey of private-sector employers to determine how their compensation packages for custodians compare to the state’s system.
- Compare job training and employee empowerment programs of private-sector employers in your area and the state. Are the private or state programs better? Define “better.” Does the answer depend on the size of the organization or the type of work performed?
- Invite a human resources director from a nearby state agency and a private employer to talk about personnel issues, including compensation, recruitment, retention, and health.
- Invite a retired state employee or school teacher to speak about KPERs benefits. Does your guest believe an entitlement exists to cost-of-living increases? How should those increases be funded: higher contributions by employees or higher contributions by employers (taxpayers)?
- Invite a current state employee or school teacher to class and ask whether the visitor would prefer a defined benefit or defined contribution retirement plan. Ask why.
- Invite an active or retired law enforcement professional or firefighter to class and ask about that person’s retirement system. Compare the answers to the other KPERs members’ responses to similar questions.

Chapter 11

The Role of the Courts and the Criminal Justice System

Appendix: Kansas Constitution, Article 3

Historically and philosophically, courts are created to address issues of right and wrong, guilt and innocence. Almost from the beginning, however, courts have also been called upon to maintain the checks and balances of the American and Kansas political systems.

The first case to appear before the Kansas Supreme Court was to resolve a conflict between the territorial governor and the Legislature over the validity of the Shawnee Mission legislative session. The fact that the justices did not agree is not surprising; it reflects the split that frequently confronts the court in cases of major political importance.

For example, the U.S. Supreme Court was closely divided over the political implications of the Florida election recount case resolving whether George W. Bush or Al Gore had won that state's election and hence was the new president of the United States. Political questions for courts are generally more difficult and more divisive than are criminal cases.

It is important to note how justices are nominated and selected to sit on the Kansas Supreme Court and on district courts. Candidates are reviewed by panels dominated by attorneys who belong to the Kansas Bar Association. The names and credentials of three finalists are then forwarded to the governor, who selects the judge. The Kansas Bar Association, not the Kansas Trial Lawyers Association, controls the initial selection process. In giving that role to the KBA, the state chose between two competing professional associations, deeming that the broader scope of KBA membership was more appropriate for involvement in the selection process.

The manner in which district and Supreme Court justices are "re-elected" is noteworthy. Justices are

listed on the ballot with the words, "Shall Justice X be retained?" Voters do not get to choose among candidates, and judges do not have to campaign on their records. The state tries to keep the judiciary above the political fray and yet hold it accountable to the voters in some way.

The court of appeals and the Supreme Court differ in their ability to manage their workloads. While three Supreme Court justices can be appointed to determine whether cases should be accepted on appeal from lower courts, three court of appeals judges can hear and decide cases. Both courts usually do not accept originating cases, but hear appeals from lower courts.

Since 1974, voters in each judicial district have had the option of electing or appointing district court judges. About half of the judicial districts elect and half appoint. You may want to discuss how candidates for judicial positions can raise funds and campaign for office without falling under the influence of special interests. This may also be an opportunity to discuss again what constitutes a special interest and whether special interests are inherently bad. District judges appointed to their positions are selected in a manner similar to Kansas Supreme Court justices.

The funding of district court operations is shared between the state and counties. This sometimes creates hard feelings, as counties are asked for money to pay for court operations but have little say about the number of judges or caseload management.

The small-claims court is an intriguing approach to keeping justice affordable and accessible to all parties. No attorneys are permitted to represent either party; litigants represent themselves. No juries are involved. The presiding judge hears the case and ren-

ders a verdict. Small-claims courts traditionally are used in landlord-tenant cases and small property disputes between neighbors, because the dollar cap on eligible cases is only \$300.

Municipal courts hear the majority of traffic violation cases and may have attorneys or nonattorneys as the presiding judge. Municipal court judges may be elected or appointed, depending on the size of the city.

Prosecutors in Kansas fall in two categories. In counties in which the judicial district is made up of only one county, the local prosecutor is called the district attorney. In smaller counties, the local prosecutor is called the county attorney. Although some counties employ a private attorney to give legal advice, in smaller counties the elected county attorney fills this role, as well.

In combination with the topics covered in Chapter 15, you'll have interesting opportunities to discuss the sentencing options available when a defendant pleads guilty or is found guilty. The state has a sentencing guideline (text p. 277) that was developed in response to prison overcrowding. The goal was to reduce the prison population through sentencing options rather than construction of additional facilities. Judges are divided over whether they like the guidelines. Some prefer having guidelines, because they avert sentencing variations due to a defendant's race, geography, or differences between judges. Other judges believe that the guidelines limit judicial discretion and the application of justice. A judge may issue a sentence outside the guidelines, but must provide a written explanation.

Study Questions

- Should the governor review the judicial budget and the Legislature debate and vote on it, or would that violate the separation of powers? Why? If the Legislature reduces or changes recommended allocations in the judicial budget, is the Legislature influencing judicial policy making and the provision of justice? (For example, what if a chief justice requests funding for a new district judge and the request is denied, with the result that speedy trials are not held?)
- Should Supreme Court and appellate court judges be required to campaign on their records to be returned to the bench, or should we keep the present system of simply asking whether they should be retained? Why? The current system expects citizens to determine what judicial

standards and conduct each judge has demonstrated and to make an intelligent decision on whether to support or reject retention. Is this too onerous a burden? How many judges have not been retained?

- Voters in each judicial district have the option of requiring partisan or nonpartisan selection of judges. Which method of selection and re-election/retention provides the best form of government and justice? Why? How are judges selected in your judicial district? Political contributor lists are part of the public record. Review the contributions to a judge who was elected. Can you determine the occupation or interests of the contributors?
- Review how the Judicial Council makes suggestions regarding reform of the judicial process. How has the Legislature responded to suggestions from the council? Examine the relationship between the Judicial Council and the House and Senate Judiciary committees.
- Court case loads have significantly expanded in recent years. What options do judges have to address what they consider "frivolous" cases? How do they decide whether a case is frivolous? How else can judges manage their caseloads?

Test Questions

- Neither the Kansas Constitution nor Kansas statutes provide guidelines for the disqualification of judges.

True (p. 187)

False

- District court judges in Kansas are _____.
 - always elected
 - always appointed
 - either elected or appointed, depending on local choice (p. 193)**
 - always appointed but subject to confirmation by the voters

3. The Kansas Court of Appeals was created by the Legislature to reduce the Supreme Court's caseload by _____.
 - a. **hearing most appeals from the district courts (p. 191)**
 - b. hearing most cases involving the state of Kansas
 - c. hearing appeals from municipal courts
 - d. all of the above

4. How many members of the court of appeals are sufficient to hear a case?
 - a. 1
 - b. **3 (p. 191)**
 - c. 7
 - d. 10

5. It is *not* a requirement that municipal court judges be attorneys.
True (p. 196)
False

Additional Resources

Publications available through the University of Kansas Public Management Center
715 W. 10th Street, Topeka, Kansas 66612-1617
785-296-2353

The Role of Discretion in the Kansas Court System,
by C.K. Rowland

Kansas Supreme Court Chief Justice
Kansas Judicial Center, 10th Street, Topeka, Kansas
66612-1507
785-296-5322

Court of Appeals
Kansas Judicial Center, 10th Street, Topeka, Kansas
66612-1507
785-296-5407

District Court
Check the telephone directory in your county seat.

Judicial Council
Kansas Judicial Center, 10th Street, Topeka, Kansas
66612-1507
785-296-1035

Suggested Class Activities

- Invite a district court judge to discuss his or her responsibilities, beliefs about selection vs. election of judges, caseload management, and any problems the judge experiences when both the state and county fund the court.

- Invite the county administrator or county commissioners to discuss joint state and county funding of district courts.

- Visit a district, appeals, or Supreme Court proceeding. Talk about the process with the attorneys and judges involved.

- Invite attorneys to discuss court caseloads and how they affect the constitutional requirement for speedy justice. In conjunction with the topics included in Chapter 15, invite law enforcement officers to discuss attorney tactics to expedite or delay court proceedings.

Chapter 12

Kansas and Other Governmental Units

The text contains a map of congressional districts, drawn in 1992. After the 2000 U.S. Census, the Kansas Legislature reapportioned congressional districts (redrew their boundaries) to reflect the U.S. Supreme Court requirement that all districts be comparable in population. You may wish to obtain a map reflecting the new district boundaries.

Federal grants provide more than 25 percent of the state's revenues. With those dollars come requirements and restrictions detailing how the money may be spent. Responsibility for ensuring water quality, for example, lies with the federal Environmental Protection Agency (U.S. EPA), but most direct management, oversight, and subsequent responsibility is delegated to the Kansas Department of Health and Environment.

In the education realm, with federal dollars come many requirements on school districts, particularly regarding special education. Similarly, the Federal Highway Administration mandates construction standards for interstate highways and other special projects. Note that federal "strings" on money provided to states are not always obvious. States were required to enact seat-belt laws to retain highway funds. Kansas has a secondary seat-belt law: a person driving may not be stopped for a traffic violation simply for not wearing a seat belt, but if stopped for another reason (such as a broken taillight), the driver may be cited and fined for not wearing the seat belt.

Kansas filed lawsuits against Colorado and Nebraska over differences of opinion regarding the terms of interstate compacts. One disagreement concerned the amount of water flowing from Colorado to Kansas through the Arkansas River. Kansas

claimed that Colorado was not allowing sufficient water to reach the state line. The other dispute concerned water-flow levels between Nebraska and Kansas.

The U.S. Supreme Court automatically hears lawsuits between states. Because of the complexity of water issues, the Supreme Court appoints "special masters" (generally highly respected retired judges who have substantive expertise and are recognized as legal scholars) to hear and decide the cases. The full Supreme Court then reviews the decisions of the special masters. Kansas won the nearly 10-year-long lawsuit against Colorado, and now the special master is determining settlement damages to be awarded Kansas.

States traditionally recognize the laws and contracts of each of the other 49 states, including business contracts, articles of incorporation, marriages, arrest warrants, and extradition requests. Occasionally, an issue is too controversial for one state to recognize the actions of another. Kansas enacted a statute that prohibits the recognition of same-sex marriages performed and recognized as legal in another state. This law was passed when it appeared that a federal court in Hawaii would require that state to recognize same-sex unions. Vermont passed a statute that created a form of same-sex marriage. A majority of Kansas legislators believed that it was not in the best interest of the state to recognize such relationships. On the other hand, Kansas does not permit first cousins to legally marry, but will recognize such marriages performed in Arkansas.

Relations have at times been complex and contentious between Kansas and the independent tribal

nations within the state's borders. Much attention has been devoted to the gaming issue, but significant differences of opinion and policy also have arisen over the sale of motor fuel and cigarettes on tribal land. Kansas taxes are not collected on these products.

The parties agree that sales of such products on tribal lands to tribal members are nontaxable. The conflict arises over the sale of those products to nontribal members who visit the reservations and casinos. Political and legal differences have also arisen over the tribes' issuance of motor vehicle license plates. While the issues often are cloaked in terms of political independence, economics is also a major factor for both parties. Significant revenues are gained by the tribes and lost by the state in such transactions.

Significant legal wrangling also has occurred about the storage of low-level radioactive waste. At the urging of the federal government, states have joined interstate compacts to store such waste regionally. The waste includes hospital and laboratory items such as gloves and X-rays. Such waste does not include spent nuclear fuel rods from power plants. The compact that Kansas joined, after much research and debate, selected a site in Nebraska to house the region's waste. Nebraska initially proceeded with the site selection, but in the face of opposition from area residents and changes in administration, blocked the project's completion. Nebraska is now attempting to leave the compact; the other states, including Kansas, are litigating to force compliance or the payment of high penalties.

It is important to begin considering whether Kansas can continue to afford 105 counties, 304 school districts, and a myriad of other local governments. The federal government's demands on local units, such as requirements under the Clean Drinking Water Act, increase the cost of providing essential services in smaller population communities and counties. Increasing numbers of these government units will be unable to provide the necessary money, personnel, and expertise.

Consolidation of governments generally is dismissed by the public because consolidation reminds residents that they no longer live in thriving communities and that their identity is at risk of being lost. However, federal actions—such as the EPA reducing the amount of arsenic acceptable in drinking water from 50 parts per billion to 10 parts per billion—can create real problems for small Kansas towns. Communities of 200 persons will need to spend tens of millions of dollars to find new water supplies or build new treatment plants. Because communities of that size cannot afford to make such investments, the state's role at the local level will have to increase or

communities will be forced to combine government functions.

The text discusses relationships between local school boards and the state Legislature regarding education funding. Similarly, communities and state agencies are addressing functional consolidation. The Kansas Water Office and Kansas Department of Health and Environment both have programs to improve water quality in cooperation with local governments. Some of those programs strongly encourage communities to consolidate water treatment and delivery systems.

Remember that local governments (counties, cities, school districts, and others) rely on the property tax for most of their revenues. In low-density communities and counties, increasing the sales tax authority or permitting an income tax will not solve the problem of few people trying to pay high costs for federally mandated programs. In summary, local and state government agencies struggle to meet conditions and mandates, which they cannot control, emanating from Washington, D.C.

Study Questions

1. Counties usually prefer to be kept intact within a congressional district. This can be difficult or impossible as district lines are drawn to contain equivalent populations. How do the 1992 and 2002 congressional redistricting efforts compare in this respect? What are the consequences of dividing counties between districts? Did the Kansas Legislature have alternatives to dividing counties?
2. Identify five areas in which federal aid to Kansas includes restrictions or requirements on how those dollars may be spent. Should federal money be contingent on the state's actions, or should the federal government pay the costs of whatever policy action is sought? Why?
3. Examine relations between the state and Kansas-based tribes regarding gambling and taxes. Is the state's position or the tribes' more credible to you? Why? How has the federal government intervened? What should constitute tribal lands? Particularly examine how the Oklahoma-based tribes with Kansas roots seek to reclaim tribal lands on which to establish casinos or to purchase lands and declare them tribal.

4. Examine the issues involved in Kansas' lawsuits against Colorado and Nebraska. Are the issues similar? What arguments were presented by Colorado and Nebraska to rebut Kansas' claims? What data collections were necessary by Kansas to prove the case against Colorado?
 5. Examine the Low-Level Waste Compact and the actions of Kansas and Nebraska to protect their rights, citizens, and legal positions. Should Nebraska be permitted to withdraw from the compact? Should Kansas develop a site at the Wolf Creek Nuclear Generating Station? Explain your answer.
 6. What Kansas communities are having the most difficulty meeting the clean drinking water standards? Why? What government and nongovernment agencies provide the most meaningful assistance? What is the realistic future for these communities? Why?
4. Which of the following is *not* a source of direct revenue for *local* governments?
 - a. the federal government
 - b. property taxes
 - c. **individual income taxes (p. 221)**
 - d. utility revenues
 5. Which of the following is *not* a source of revenue for *state* government?
 - a. the federal government
 - b. property taxes
 - c. sales taxes
 - d. **utility franchise fees (p. 221)**

Test Questions

1. The Kansas congressional delegation includes _____ senators and _____ representatives.
 - a. **2 and 4 (p. 208)**
 - b. 4 and 5
 - c. 2 and 5
 - d. 4 and 6
2. Federal grants to Kansas constitute approximately 25 percent of the state's total budget.

True (p. 211)
False
3. An interstate compact is _____.
 - a. a small car on the interstate highway system
 - b. the same law passed in several states
 - c. an agreement between a state and the federal government
 - d. **an agreement between two or more states (p. 212)**

Additional Resources

Attorney General: Water cases and low-level waste issues
 Memorial Hall, 10th and Jackson Streets, Topeka, Kansas 66612
 785-296-2215

Division of Water Resources, Department of Agriculture: Water cases
 109 SW 9th Street, Topeka, Kansas 66612-1283
 785-296-3717

Kansas Water Office
 901 S. Kansas Avenue, Topeka, Kansas 66612-1249
 785-296-3185

Bureau of Water, Kansas Department of Health and Environment
 1000 SW Jackson Street, Topeka, Kansas 66612
 785-296-5500

Kansas Rural Water Association
 P.O. Box 226, Seneca, Kansas 66538
 785-336-3760

League of Kansas Municipalities
 300 SW 8th Street, Topeka, Kansas 66603
 785-354-9565

Environmental Protection Agency, Region 7
 901 N. 5th Street, Kansas City, Kansas 66101
 913-551-7003

Prairie Band of Potawatomi Indians
 785-966-2946
 15434 K Road, Mayetta, Kansas 66509

Suggested Class Activities

- Invite current or former state legislators to discuss federal government requirements tied to dollar allocations to states.
- Invite Department of Transportation officials, school officials, and other persons who must comply with federal requirements or lose funding. Ask whether the cost of the federal money is too high. Are there alternative ways to accomplish the federal objectives but retain local policy control?
- Invite a member of Congress to discuss federal/state relations, federal mandates, and grant-in-aid programs.
- Invite an Indian tribal council member to discuss tribal/state/federal relations.
- Attend a school board budget hearing when the board is discussing local revenues and anticipated state aid.
- Invite a local hospital official to discuss low-level radioactive waste generation and disposal.

Chapter 13

Counties, Townships, and Special Districts

Appendix: Kansas Constitution, Articles 9 and 11

Kansas has counties with large and small populations, and counties that are rich and poor. But they all must provide some common services, including law enforcement, roads, and serving other local governments. They also must provide some discretionary services that residents of the less-populated and less-affluent counties may not receive or receive in minuscule amounts. These include special-benefit districts for sewer services, public parks, and public lighting.

The United States and Kansas were founded on the premise that all people are created equal and should have equal opportunities. Ensuring equal opportunities for all citizens is a challenge that state government confronts as it interacts with communities of different sizes and different resource bases. It is a problem that smaller counties and communities face as their children leave for educational and employment opportunities, seldom to return. It is a demographic fact (see Chapter 1) that Kansas has an aging population with many counties experiencing net population decreases.

County commissioners are the primary decision makers at the county level. They have both legislative and executive functions, such as developing county resolutions (“laws”) and ensuring that roads are maintained. Although counties may have as many as seven commissioners, most elect only three.

Consolidation of city and county services is becoming more common. Douglas County and the city of Lawrence consolidated their emergency medical services and placed the new agency within the Lawrence fire department. Although most fire and emergency medical personnel were cross-trained, only the medical services vehicles and crews routinely provide services outside the Lawrence city limits. Many

communities have consolidated the 911 emergency telephone answering service in the county or the largest city. A few counties still do not have 911 service, and several counties have more than one telephone center to serve their citizens.

Riley County consolidated the county sheriff’s office and the city police chief’s office. For more than 20 years, the urban and rural areas have been patrolled in this manner. Reno County approached the Legislature in 1994, seeking permission to hold a public vote on whether to combine the Hutchinson Police Department and the Reno County Sheriff’s Office. The House of Representatives rejected that request on the basis that an elective office (that of sheriff) would likely be eliminated.

The following year, the Legislature gave overwhelming approval to Wyandotte County’s request to hold a public vote on whether the Kansas City, Kansas, and Wyandotte County governments should be consolidated. In this instance, the Sheriff’s Office was likely to be eliminated, as were many other municipal and county positions. The public vote in support of consolidation passed handily.

The election of the new consolidated government’s first executive was a race between a candidate who had strongly supported the new form of county government and one who had opposed it. Twice as many voters of Kansas City, Kansas, and Wyandotte County supported government consolidation as opposed it. Several small towns within Wyandotte County are not included in the consolidated government, called the Unified Government of Wyandotte County and Kansas City, Kansas.

“Home rule” (p. 231) is an important concept for both counties and municipalities. The list of items that counties may *not* address (consolidation, election

laws, bonded indebtedness) without specific legislative authorization is noteworthy. Remember that counties have only the authority that the Legislature permits. This explains why Finney County went to the Legislature for authority to increase its sales tax to repair the state's largest swimming pool.

A 1974 state law authorizes two or more government units to consolidate or perform joint administrative functions—but few consolidations have occurred, and most consolidations must be approved by the Legislature before a public vote within that county may occur.

One of the primary functions of county government is to oversee the appraisal of all real property within the county. The county appraiser and the appraiser's staff perform the function, assuring uniformity of the valuation process across all towns, cities, school districts, and rural areas. While county commissioners establish ad valorem property tax rates (mill levy: 1 mill = \$1 of taxes per \$1,000 of assessed valuation) to fund county government functions, those same property values are used by cities and school districts to determine their own tax rates.

In most counties, county commissioners serve as the appeals board for citizens objecting to the valuation assigned to their property. Many of the more populous counties use the services of persons trained by the Property Valuation Division (PVD) of the state Department of Revenue.

The PVD attempts to ensure that county appraisers use uniform assessment practices and achieve uniform results. However, the PVD appraises all utility properties (natural gas, electric, telephone, and railroad) because the facilities transcend county lines and uniformity of assessment is more important than local control of the process.

County appraisers do assess other types of businesses, such as McDonald's restaurants and Sears stores, which have multicounty locations. The difference is that utilities are regulated by the state (through the Kansas Corporation Commission) or by federal agencies. Taxes are incorporated into the rates approved by the regulatory agencies that customers ultimately must pay, thus making uniform and reasonable assessments across county lines crucial.

Note that county appraisers, with training and materials provided by the PVD, are responsible for determining the value of land and buildings in their counties and providing the information to the county treasurer. However, the PVD and the Motor Vehicles Division provide the value of motor vehicles to the county treasurer. The county appraiser must visually inspect each property at least once every four years and determine its value. During the other years, it may estimate changes in value based on sales records

of comparable properties. Counties that require building permits or have other forms of regulation do so partially as a means of alerting the county appraisers to value changes for properties that might otherwise not be scheduled for a visual inspection that year.

Assessments must be kept current, or similar properties will have wildly divergent values. For example, two identical homes built five years apart will have different construction costs (values) because of inflation, product shortages (2 x 4 studs, for instance), labor costs, and other factors. Unless the appreciation of the original home (the replacement cost factor) is taken into account, the value difference for tax purposes will widen each year. Sales and construction data are used to determine rate of growth of value, and that growth factor is applied to the value of other properties in the county.

Many urban counties, such as Douglas and Johnson, have property values that increase significantly each year as more people move to the counties and bid up the value of homes. For many rural counties, such as Wallace and Rush, there is less competition for existing housing and less construction of new homes. This can depress the value of property or result in much slower growth of assessed valuation.

Counties with rapidly increasing values have increased revenues each year (increased property values multiplied by the ad valorem property tax rate). Many older citizens complain that their taxes increase even though they made no improvements to their homes. In counties with slow growth of assessed valuation, local government revenues are static unless the mill levy (tax rate) is increased.

Review Article 11 of the Kansas Constitution (text p. 455). Note the manner in which various classes of property are divided for assessment and taxation purposes and the rates applied to each. Clearly, the Legislature attempted to protect residential homeowners and farmers from excessive taxation, while shifting taxes to commercial, industrial, and utility properties.

The reason for such legislative action, aside from political considerations, was that commercial, industrial, and utility companies generally have the ability to pass the increased cost of taxes on to their customers. Ultimately, property, sales, income, and other taxes are all paid by the same persons: Kansas residents. However, while the commercial, industrial, and utility companies act as hidden tax collectors for governments, there is the hope and expectation that some tax liability will be paid by out-of-county or out-of-state customers who purchase products and services from the hometown business. This shifts the tax burden, in a small way, from those who live and

vote in the county, thereby infinitesimally shifting the cost of services received to those who do not use them.

You may wish to examine the voting demographics for your county. Generally, more persons vote in the presidential and gubernatorial races than vote in county commissioner and township races. Comment on the fact that Kansans seem to like having many local governments but do not necessarily become informed about the issues or candidates seeking those positions. This lack of interest translates into lack of participation during the electoral process. Still, a few citizens are passionately concerned about their township or drainage districts governments. Generally these are the persons most affected by the issues those entities address.

The discussion of townships notes that Kansas is the most southern and western state that still includes the township entity. In Kansas, all property is either in a township or in a first-class or second-class city. Road maintenance is the primary function for most townships, though other responsibilities exist.

Page 240 contains a list of special districts that have been formed in some Kansas counties. Note their diversity, and how few of some types of district have been created. As the term "special district" connotes, a drainage district, township zoning board, or transit authority is created to meet the special needs of citizens of that area.

Rural water districts are not included in this chapter. While authorized by county commissions, rural water districts are quasigovernmental and not considered part of the official list of local governments. The main reason is that rural water districts do not have the authority to levy property taxes or receive state or county funds. Such districts rely on the sale of benefit units (the right to acquire a water meter and water service) and the subsequent sale of water to pay their operating expenses and debts incurred to construct the system.

Study Questions

1. Why would a county's electorate prefer to have more than three county commissioners? What are the advantages and disadvantages of having three or more? Which do you prefer, and why?
2. Should more counties with a large city and an increasingly suburbanized rural area (such as Topeka/Shawnee County and Wichita/Sedgwick County) seriously examine consolidation of governments? Why or why not?

3. Should counties and townships think about consolidating functions in an effort to become more efficient regarding road maintenance, fire protection, etc.? Why or why not?
4. Do your county commissioners serve as department heads (for instance, one commissioner is the head of the highway department), or do professional staff members fill those positions? Does your county have a full-time county assessor or does it share an assessor with other counties? Why would counties not have full-time staff to fill those administrative roles?
5. Review the voting history of your county. During the past two general elections, what percentage of those who voted for president or governor also voted in the state legislative, county commissioner, and township races? What trend do you observe? What does that tell you about public interest and campaign strategies?
6. Has any member of your family or a family friend sought elective office at the local level? If so, ask what motivated that person to become involved and how that person campaigned for the office. Has a relative or friend ever *considered* seeking office? What factors convinced that person not to run?
7. Determine the ratio of the assessed valuation of property in your county to sale prices. Is the ratio high or low? Does the ratio remain fairly constant over five years? What factors make the assessment process for your county accurate or inaccurate?
8. At what rate has the assessed valuation of property in your county been increasing or decreasing during the past five years? Has the ad valorem property tax rate (the mill levy) changed in the same direction, the opposite direction, or remained unchanged? What has been the effect on county and other local government revenues? What has been the reaction of your county's residents?

Test Questions

1. Most Kansas counties have _____ county commissioners.
 - a. **3 (p. 227)**
 - b. 4
 - c. 5
 - d. 7

2. The election official in most counties is the _____.
 - a. chair of the county commission
 - b. county attorney
 - c. **county clerk (p. 227)**
 - d. county treasurer

3. What county has a consolidated city and county government?
 - a. Shawnee
 - b. Riley
 - c. Douglas
 - d. **Wyandotte (p. 230)**

4. The county appraiser is appointed by the _____.
 - a. Department of Revenue's Property Valuation Division
 - b. county treasurer
 - c. **county commissioners (p. 232)**
 - d. district court judge

5. County appraisers must visually inspect and re-assess (determine the value) of property every _____ year(s).
 - a. one
 - b. two
 - c. three
 - d. **four (p. 233)**

6. A 1985 amendment to the constitution established _____ classifications for property tax evaluation.
 - a. 1
 - b. 2
 - c. 3
 - d. **4 (p. 234)**

7. Since 1930, the number of townships in Kansas has _____.
 - a. **decreased (p. 238)**
 - b. increased
 - c. remained about the same
 - d. fluctuated

8. The mill levy (tax rate) for a county is determined by dividing the total value of all properties, as determined by the county appraiser, by the total amount of tax money needed to meet the budget, as established by the county commissioners.

True (p. 235)
False

9. A county with a mill levy of 16.237 means that a person will pay _____ per \$1,000 of assessed valuation.
 - a. 16.237 cents
 - b. \$1.6237
 - c. **\$16.237 (p. 235)**
 - d. \$162.37

Additional Resources

Unified Government of Wyandotte County and Kansas City, Kansas
 701 N 7th Street, Kansas City, Kansas 66101
 913-573-5040

Kansas Association of Counties
 6206 SW 9th Terrace, Topeka, Kansas 66615
 785-272-2585

League of Kansas Municipalities
 300 SW 8th Street, Topeka, Kansas 66603
 785-354-9565

Department of Revenue
 Docking State Office Building, 915 Harrison Street,
 Topeka, Kansas 66612-1588
 Property Valuation Division: 785-296-2365
 Vehicles: 785-296-3601

Suggested Class Activities

- Obtain a copy of the latest assessment ratio study of the Kansas Department of Revenue. Compare the “coefficient of dispersion” in your county with other counties in the state. How accurate is this as a measure of the quality of appraisal?
- Invite your county appraiser to discuss how properties are compared and valued. Ask about how other units of government use the information generated by the appraiser’s staff.
- Invite county and city commissioners or staff to discuss possible consolidation of services between counties, townships, and cities.
- Visit a county commission meeting, township board meeting, drainage district, or cemetery district meeting. Note how many persons attend. How often does the entity meet? Do professional staff members carry out policies made by the boards and commissions or do the elected officials perform the work?
- Invite a residential homeowner, farmer, business owner, or representative from a utility company. Ask about assessment rates. Does the guest believe that this is an equitable way of taxing types of property?

Chapter 14

City Governments

Appendix: Kansas Constitution, Article 12

Kansas cities and towns are divided into three classes. First-class cities generally have populations greater than 15,000. Second-class cities have populations between 2,000 and 15,000. And cities of the third class have populations of less than 2,000. Kansas has 33 cities with more than 10,000 residents—Wichita being the largest, with 12 percent of the state's total population.

Kansas has given the power of “home rule” to cities and counties. Kansas cities have home rule through the Constitution and Kansas counties have home rule through legislation. Home rule provides self-control in local matters without lessening the power of the state to establish uniform statewide policies.

While this sounds simple, the courts often must decide whether an issue is statewide or local. Some or all municipal governments frequently object that proposed legislative actions will remove home rule powers in specific situations. For example, several communities have more restrictive laws regarding firearms than does the state. When the Legislature has debated bills to make uniform policy, cities with more restrictive city ordinances have objected to the potential loss of their right to set policy.

Cities may opt out of nonuniform laws by passing a charter ordinance. For example, the Legislature passed a law that exempted all third-class cities from the requirement to publish certain public notices and budgets in the newspaper having greatest circulation. Because the law did not apply to all cities (first- and second-class cities were excluded), any third-class city that wished to continue publishing such information could pass a charter ordinance and home-rule itself *out* of the state law.

Cities have two primary methods of controlling businesses: licensing and zoning. Licenses may be required of businesses and professions wishing to operate within city limits. This is a revenue source for the city and a means of establishing what types of businesses are desired and which are not. So-called “adult” businesses may have a higher business license fee than plumbers do.

Zoning is a means by which the city regulates the location of certain types of businesses, residential areas, and other land uses. The concept is that industrial facilities should not be located in residential blocks, mobile homes should not be on Main Street, and other reasonable restrictions on the development and use of land are in the best interest of the community.

All cities have authority to appoint planning commissions. Commissioners are appointed by the city council or city commission, and all requests for changes of use must be considered by the planning commission. (For example, let's say a property owner on the fringe of a residential neighborhood wanted to tear down a house and replace it with a convenience store.) The city council or commission must review and either approve or reverse all decisions by the planning commission. The planning commission holds public hearings and tries to work out compromises between what the property owner wishes to do and what the neighbors will accept.

Cities with planning commissions have a tremendous reach beyond formal city limits. Property owners seeking to plat (subdivide property for development of infrastructure and homes or businesses) within three miles of the city limits must submit their plans to the planning commission for approval. If the

planning commission does not approve the proposal, the plan may be modified and resubmitted. The city views this as appropriate because, if the city grows in that direction, annexing the platted property, the city must then upgrade streets and other infrastructures to the appropriate standards.

Most county residents view the three-mile reach of the city, and the requirement that a city planning commission review and approve prospective development plans, as unwarranted intrusions and unnecessary expenses. A few counties, including Douglas, have joint city/county planning commissions to ensure that all development within the county is appropriately constructed and planned—not only for the original developer, but for prospective owners, tenants, and neighbors.

Cities are authorized to own utilities, and many do. Most cities maintain the public drinking water supply plant and delivery system. If they do not, the city purchases treated water and owns the distribution lines to each residence and business.

Electric and natural gas utilities are handled in one of three ways:

- The city grants a franchise (a permit to operate within city limits) to an electric company or natural gas distribution company.
- The city purchases electricity or natural gas from the utility serving the nearby territory as authorized by the Kansas Corporation Commission, and distributes the product through city-owned lines.
- The city owns its own electric generating plant or natural gas wells and distributes the energy to city residents.

Most cities grant a franchise to the electric, natural gas, telephone, and cable television companies in the area. The franchisee pays the city up to five percent of revenues from city customers for the right to serve those customers, to use city-owned rights-of-way, and for wear and tear on city properties. The utility thus acts as a hidden tax collector for the city.

Other cities purchase electricity or natural gas and distribute the energy over publicly owned lines. There is no franchise agreement involved in this type of transaction, because the electric and natural gas companies do not operate within the city limits.

The third group of cities have their own utility companies to control their own destinies. These cities tend to generate all or most of their own electric needs and may sell “peaking power” (electric power sold to supplement the regional electric company’s needs during the hottest part of the day) as a means of earning additional revenues.

For the second and third groups of cities, utility sales are designed to provide sufficient revenues to reduce property taxes, pay for street and park lighting, and provide a monthly cash flow to facilitate management of the city’s finances. This monthly cash flow resembles the state’s ending balance requirement (7.5 percent of the final state general fund budget) to reduce the need to borrow money due to the varying schedules under which taxes are paid and bills are due. Whether cities use franchise agreements or sell energy directly to residents, utility services are important to each city’s tax and revenue structure.

Note the text’s discussion of revenue streams available to cities, particularly those that flow from the state. Cities have several types of bonding capabilities. General obligation bonds are sold, with repayment to be made from general tax revenues. Street improvement projects and park projects are examples of programs that would be funded from general tax revenues. Revenue bonds are sold to finance projects that will generate their own cash flow to repay the bonds.

Water treatment plant improvements and parking garages are examples of projects that will charge for services delivered. Those fees will be sufficient to repay the debt obligation and operate the facility. Bonds can also be sold to be repaid from special assessment revenues, such as charges against property owners for installing a sidewalk.

Selling bonds is simply a way by which cities and businesses borrow money. They sell a piece of paper, which says that by a certain date the city will repurchase the bond at an agreed-upon higher price (repayment plus interest). Most municipal bonds sold have a tax exemption advantage over commercial bonds because interest earned on municipal bonds is nontaxable.

There are two categories of city government: those with a professional manager and supporting staff who provide day-to-day operational oversight, with elected officials providing policy direction, and those in which the elected officials assume direct oversight of the staff within assigned departments. The text also includes discussion of the strong and weak mayor systems, the commission-manager system, and other variations.

Study Questions

1. Develop a list of cities of the first, second, and third class. Where does your city belong? Is there a pattern between the 1980, 1990, and 2000 U.S. census numbers as to which cities are gaining population and which are losing?
2. Has your city used a charter ordinance to exempt itself from a state law? What was it, and why did the city council or commission take such an action? If not, what cities have done so and what issues were involved?
3. Does your city have a planning commission? Does it have zoning regulations? Using a city map, broadly outline the zoned uses on a block-by-block basis. Now identify the nonconforming businesses.
4. Does your city address the supply of electricity and natural gas to its residents through a franchised agreement, purchase and distribution, or generation and distribution? How much of the city's budget is derived from the sale of utility products and services? What is the franchise fee rate? How do utility prices to city residents compare with those paid by neighboring community residents using a different system? Which system do you believe is in the best public interest? Why?
5. Cities generally have a large number of volunteer boards. How many does your community (or a nearby city) have? What are their functions? How are members selected? Do members have conflicts of interest? How are potential conflicts of interest addressed?
6. What form of city government exists in your community? Are elected officials also the heads of departments, or has a professionally trained manager been hired to oversee the delivery of government services? Do many candidates seek city elected positions?

Test Questions

1. Kansas has 33 cities with more than 10,000 residents. These cities constitute _____ percent of the entire state's population.
 - a. 35
 - b. 45
 - c. 55
 - d. 60 (p. 243)**
2. Home rule is an important power for cities. It means that _____.
 - a. cities may largely control their own destinies in relations with the U.S. government
 - b. cities may control their own affairs as long as the Legislature does not pass a uniform statewide law that overrules the city ordinance (pp. 245–246)**
 - c. cities may organize their own school districts
 - d. cities may overrule laws passed by the Legislature
3. "Nonconforming" use refers to _____.
 - a. a business in an area for which it is not zoned but for which it was "grandfathered" (p. 249)**
 - b. city officials using public money or property illegally
 - c. city officials having permission to conduct city business from their own homes or businesses
 - d. a formal complaint by the police against persons charged with criminal activity
4. A state university in Kansas maintains a firefighter training center and program. That school is _____.
 - a. Emporia State University
 - b. the University of Kansas (p. 250)**
 - c. Kansas State University
 - d. Wichita State University

5. Cities with planning commissions may require that ground proposed for platting outside the city be submitted for review and approval by the planning commission. How far outside the city does the planning commission have oversight?
 - a. 1/2 mile
 - b. 1 mile
 - c. **3 miles (p. 250)**
 - d. 5 miles
 6. Most cities in Kansas have a _____ form of government.
 - a. **mayor-council (p. 255)**
 - b. commission-manager
 - c. mayor-council-manager
 - d. commission
- If you live in the city and want to remodel your home or develop a vacant lot, what procedures must you follow? How much will the necessary permits cost? How long will the permitting process take? If you live in the county, answer the same questions from the county perspective.
 - Invite a public utility company representative and city official to class and ask about utility franchise issues. What problems arise in franchising? How much revenue is involved? How did the city decide whether to grant a franchise or provide the services itself?

Additional Resources

League of Kansas Municipalities
300 SW 8th Street, Topeka, Kansas 66603
785-354-9565

Kansas Municipal Utilities
421 North Main Street, McPherson, Kansas 67460
620-241-1423

Unified Government of Wyandotte County and Kansas City, Kansas
701 North 7th Street, Kansas City, Kansas 66101
913-573-5040

Local telephone, cable, electric, and natural gas utility company representatives

Suggested Activities

- Visit a planning commission meeting and observe what issues are brought before the members, who testifies in favor and opposition to the proposal, and what types of questions are raised by the commission members. What are the backgrounds of the planning commission members?
- Visit a city council or city commission meeting. What issues were brought before the members? What form of city government does your city have? What was the role of the city staff? If any recommendations from the planning commission were on the agenda, did the council or commission agree or disagree with those recommendations?

Chapter 15

Enforcing the Law

Appendix: Kansas Constitution, Article 8

This is an excellent chapter in which to discuss two concepts of law enforcement. The first is the traditional version, in which authorized police officers catch criminals and preserve the peace. The second concept involves the regulatory function increasingly assumed by governments at all levels.

The primary philosophical justification for government intervention in individuals' lives is to provide services not available or affordable for citizens acting on their own. That's why armies, militias, and police forces are formed.

The regulatory role is an extension of government's traditional protection of individual citizens. Instead of protecting citizens against car thieves, government protects them from food prepared in unsanitary conditions, products that are poorly designed, and contamination of water supplies.

The text focuses primarily on the police powers of the state and other local governments. Review the list of agencies provided under the Additional Resources section of this chapter. Those agencies indicate the diversity of existing regulatory functions and protections. For example, the Department of Agriculture verifies that grocery store scales and gasoline pumps operate accurately. The Emergency Medical Services Board certifies that the emergency medical personnel in your community are properly trained and equipped. The Department of Wildlife and Parks enforces hunting regulations.

The chart on text page 265 describes the relationships among traditional law enforcement agencies and between the agencies and elected officials. For example, the fire marshal investigates possible arson scenes with help from the Kansas Bureau of Investigation laboratory. Whether state law enforcement agencies should be consolidated into a department

of public safety is a question that arises periodically in the Legislature. As you might expect, existing agencies prefer their autonomy, although many legislators and administrators would like a more formal relationship.

Although the Kansas Constitution makes the governor responsible for enforcing all laws, the governor has very little actual responsibility for overseeing such operations. Many governors and legislators campaign as being tough on crime—but other than passing laws to define new crimes, changing penalties, and funding law enforcement agencies, neither group is particularly involved in law enforcement.

The attorney general pursues legal matters on behalf of the state. This guide previously discussed lawsuits against Colorado and Nebraska for alleged violations of interstate compacts detailing water flow through the Arkansas and Republican rivers. You may wish to review those comments.

Another highly publicized action regarded the state's laws against sexual predators. The attorney general's goal was to identify certain people as being likely to commit additional sex crimes. After they had completed their prison sentence for the crime, those people could be committed indefinitely to a state mental facility for treatment and rehabilitation. The attorney general won that case before the U.S. Supreme Court. She subsequently argued a second appeal before the Supreme Court and won.

The attorney general also intervened in high-profile national lawsuits against major tobacco companies. The many states that also intervened were all trying to recover the state health care costs associated with primary and secondary smoke inhalation. Settlement of those lawsuits resulted in millions of dollars being allocated for payment to Kansas over

many years. The irony is that Kansas will receive more money to treat health conditions if more people smoke; at the same time, part of the settlement money is intended to prevent children from smoking.

Attorneys general have occasionally attracted undesirable attention to Kansas. One attorney general attempted to prevent airlines from serving alcohol while they flew over Kansas because the state did not permit the sale of liquor by the drink. A similar effort was aimed at Amtrak.

The Kansas Bureau of Investigation's primary responsibility is to aid local law enforcement departments. To that end, the KBI has sought funding from the Legislature to develop sophisticated laboratories for identifying illegal drugs, differentiating DNA "fingerprints," and connecting to national databases. This is an excellent example of how law enforcement has become a sophisticated, high-tech business. No longer does a Marshal Matt Dillon follow horse tracks to capture a suspected bank robber. Today, the use of laboratory tests and computer analysis is at least as important as understanding the criminal mind.

Many high-technology tests are very time consuming, causing a significant backlog. Without lab results, cases cannot go to trial. The Legislature has attempted to provide additional funds for new laboratories and personnel, but testing remains a bottleneck within the law enforcement and judicial processes.

Students might be particularly interested in the alcohol and tobacco enforcement activities of the Department of Revenue. Alcohol Beverage Control (ABC) conducts undercover surveillance of bars and liquor stores suspected of making sales to minors. In conjunction with local law enforcement officers, ABC officers will raid establishments and ticket all persons involved.

Registration of beer kegs has been a political issue for the beer industry, ABC, local communities, and the Legislature. Emporia first passed ordinances making it easier to identify who is purchasing beer for minors. After several years of debate, the Legislature made keg registration a statewide requirement. Students might wish to know that if they are caught with alcoholic beverages, they are issued a citation—and the alcohol is confiscated and poured down a drain.

All local and state law enforcement officers must complete 400 hours of basic training at the Kansas Law Enforcement Training Center near Hutchinson. The program provides technical and professional training necessary for law enforcement personnel to protect themselves and the citizenry. KLETC is a unit of University of Kansas Continuing Education.

Issues related to the criminal justice system are complex and myriad. They include having enough law

enforcement officers who are adequately trained and compensated; a judicial system that is efficient and expeditious; and a correctional system that can rehabilitate criminals, humanely provide for those who are aged or mentally ill, and prevent others from causing more injuries to citizens within and outside the prison walls.

The Department of Corrections has facilities and programs to which felony criminals are assigned. The choice of facility or program is based on the nature of the crime and length of sentence, a battery of physical and mental tests, and available space. The department does not control the number of persons admitted to prison, the number released, or the schedules by which persons enter or leave. Those factors are controlled by the courts. Nevertheless, Department of Corrections staff must manage bed space, food, medical budgets, rehabilitation programs, plant maintenance, and all other functions associated with housing and providing work for about 6,000 persons.

Money is the hidden key to debates based on philosophy and politics. The best means of ensuring that a convicted person will not injure the life or property of another is to place the convicted felon in prison for extended periods. That requires money for additional prisons, staff, and facilities operations.

The most cost-effective means of disposing of cases is to assign convicted persons to supervised probation, through which they live in their own homes or apartments, work, pay restitution, and report to probation officers. But this requires hiring of additional probation officers, regular drug testing, and increased counseling. Prisons can also be "emptied" if additional inmates are released on parole and supervised on the same basis as those on probation.

Most citizens want the criminal who victimized them to be sent to prison—somewhere else. But most citizens don't want to pay the approximately \$20,000 annual cost of housing and rehabilitation. Hence the dilemma for legislators and governors.

Some also argue that if additional resources were spent on early childhood intervention and education for at-risk children, fewer persons would turn to crime. Again, money is the issue.

If preventive education advocates are correct, significant efforts are necessary to reduce *future* prison populations. But significant increases in funding for prison operations, parole and probation, law enforcement, and courts are necessary *now* to increase real and perceived public safety.

Alternative forms of incarceration such as honor camps; work-release centers; boot camps; and minimum, medium, and maximum security facilities illustrate the effort to house inmates inexpensively while protecting the public, department personnel, and other inmates. Rehabilitation programs (drug coun-

seling, reading skills, and employment skills such as carpentry) are matched to the inmate's needs as determined by the courts, the department, the inmate's mental and physical capabilities, and program availability.

Recreational drugs are another controversial issue. Should those drugs be legalized, decriminalized, or handled within the community corrections system? The Legislature has not been willing to permit the legal growing of the agricultural crop hemp, much less to seriously examine legalizing the use of non-prescription mind-altering drugs.

When convicted felons are released on parole, but violate their terms of parole, there is public and legislative outcry. Parole violations often relate to use of illegal drugs or alcohol. Some argue that drug and alcohol use will lead to new crimes because of the parolee's need for money or inability to hold steady employment. These people believe that the parolees should be returned to prison for additional punishment, rehabilitation, and treatment/education. Others argue that community-based drug counseling and rehab programs should be more available.

When prison conditions violate the U.S. Constitution's guarantee against cruel and unusual punishment, the courts intervene, often requiring construction of additional facilities. Overcrowding, inadequate health and safety, and insufficient rehabilitation and education are the usual grounds for judicial intervention. Judges seldom order a specific corrective ruling, leaving it to the elected officials to determine whether to build new facilities, improve programs, develop alternatives to incarceration, or release inmates. Because the outcomes include large expenditures and the potential of putting convicted criminals on the streets, the public becomes involved in the debate.

Juveniles in the corrections system pose other hard policy choices. Court decisions mandate that juveniles be separated from adult offenders in county jails and prisons. However, the Legislature permits youths as young as 14 to be tried as adults if the situation warrants. This raises questions such as, when is a youth capable of knowing right from wrong and making intelligent decisions that can have consequences for the next 40 years?

You may wish to investigate the issues surrounding capital punishment, "hard-40" prison terms, the influences of life prisoners on other inmates and staff, juvenile crime patterns, and recidivism. You also may wish to address individual education programs (IEPs) for students expelled from school or sent to group homes and juvenile corrections facilities.

Study Questions

1. Review the list of state agencies that provide traditional and regulatory law enforcement services to Kansans. How many agencies directly and indirectly affect your life at least monthly? How about your parents' lives?
2. Contact your city and county officials and develop a list of local agencies that regulate your life regularly or periodically, either alone or in partnership with one or more state agencies.
3. Review the issues involved in taking Kansas' sexual predator laws to the U.S. Supreme Court. What arguments did each side employ? What did the justices decide? Do you agree or disagree with the state's case? Why? Did anyone intervene in the case at the state level? What did they argue?
4. How accurate are identification tests such as DNA fingerprints and drug and alcohol tests? Do you think they are accurate enough to prevent an innocent person from being convicted of a crime? Why or why not?
5. Should marijuana and other recreational drugs be legalized and sold at state-licensed stores on the same basis as alcohol? Why or why not? What factors most influence your decision? (Factors could include medical research on the short- or long-term implications of use; concern that substance abuse will increase, with attendant social and personal costs; or product quality control for public protection.)
6. Examine the sentencing guidelines on text pages 277–278 and 282. What are class A, B, C, D, and E felonies? Why are D and E felons routinely assigned to community corrections programs instead of prison? What is the recidivism rate for various crimes? What is the educational level of persons convicted of various crimes? Do you believe there is a relationship? If yes, what should be done?
7. Who prosecutes persons accused of various crimes? Who defends them? What review process exists? What alternatives to capital punishment are authorized? Who decides what crime to charge and what punishment is appropriate?
8. What are appropriate crimes and conditions for a person under the age of 18 to be charged as an adult? How should youths be treated within the justice and corrections systems? Substantiate your answers.

Test Questions

1. The elected official who oversees the Kansas Bureau of Investigation is _____.
 - a. the governor
 - b. the attorney general (p. 265)**
 - c. the adjutant general
 - d. no one

2. Kansas filed lawsuits against what two states for alleged violations of interstate compacts related to water flow?

1. Colorado
2. Oklahoma
3. Nebraska
4. Missouri
5. South Dakota

The most correct answer is:

- a. 1 and 2
- b. 1 and 3 (p. 266)**
- c. 2 and 4
- d. 1 and 5

3. What agency or official is responsible for protecting the governor, including piloting the state's airplane?

- a. Kansas Bureau of Investigation
- b. attorney general
- c. adjutant general
- d. State Highway Patrol (p. 268)**

4. Every county must have a community corrections program, either by itself or in partnership with other counties.

True (p. 279)

False

5. Under the state's sentencing guidelines, class D and E felons generally are assigned to prison instead of community corrections programs.

True

False (p. 280)

6. A person under the age of 16 may be charged as an adult if the crime warrants.

True (p. 281)

False

Additional Resources

Department of Agriculture programs
 109 SW 9th Street, Topeka, Kansas 66612-1311
 Dairy inspection, 785-296-7020
 Meat and poultry inspection, 785-296-3511
 Water resources, 785-296-3717
 Pesticides and fertilizer, 785-296-3786
 Plant protection and weed control, 785-862-2180
 Weights and measures, 785-862-2415

Animal Health Department
 708 SW Jackson, Topeka, Kansas 66603-3714
 785-296-2326

Office of the Attorney General, Consumer Protection
 Division
 10th and Jackson Streets, Topeka, Kansas 66612-1597
 785-296-3751

Kansas Corporation Commission
 1500 Arrowhead Drive, Topeka, Kansas 66604-4027
 785-271-3100

Department of Corrections
 Landon State Office Building, 900 SW Jackson Street,
 Topeka, Kansas 66612
 785-296-3317

Emergency Medical Services Board
 109 SW 6th Street, Topeka, Kansas 66603-3826
 785-296-7296

State Fire Marshal
 700 SW Jackson, Suite 600, Topeka, Kansas
 66603-3714
 785-296-3401

Department of Health and Environment, Division of
 Environment
 1000 Jackson Street, Topeka, Kansas 66612
 785-296-1535

Division of Health, 785-296-1343
 Bureau of Air and Radiation, 785-296-1593
 Bureau of Environmental Remediation, 785-296-
 1660

Bureau of Waste Management, 785-296-1600

Bureau of Water, 785-296-5500

Bureau of Consumer Health, 785-296-0189

Bureau of Epidemiology and Disease Prevention,
 785-296-2951

Highway Patrol
 122 SW 7th Street, Topeka, Kansas 66603-3847
 785-296-6800

Department of Human Resources
401 Topeka Boulevard, Topeka, Kansas 66603-3182
785-296-5000
Migrant and seasonal farm workers, 785-296-5014
Rapid response to layoffs and disasters, 785-296-7290
Public Employee Relations Board, 785-368-6224
Insurance Department, 785-296-3071
Consumer Assistance Division, 785-296-7829

Kansas Bureau of Investigation
1620 SW Tyler Street, Topeka, Kansas 66612-1837
785-296-8200

Juvenile Justice Authority
714 SW Jackson Street, Suite 300, Topeka, Kansas
66603-3757
785-296-4213

Parole Board
Landon State Office Building, 900 SW Jackson Street,
Topeka, Kansas 66612-1220
785-296-3469

Department of Revenue
Docking State Office Building, 915 Harrison Street,
Topeka, Kansas 66612-1588
785-296-3671
Driver control and license suspensions, 785-296-3671
Drug tax enforcement, 785-296-7015
Liquor law enforcement, 785-296-7015
Tax fraud enforcement, 785-296-7015
Underage tobacco enforcement, 785-296-7015

Social and Rehabilitation Services
Docking State Office Building, 915 Harrison Street,
Topeka, Kansas 66612-1570
785-296-3271
Child/adult abuse hotline, 800-922-5330
Child Protective Services, 785-368-8190

Department of Wildlife and Parks
512 SE 25th Avenue, Pratt, Kansas 67124-8174
Law Enforcement Division, 620-672-0705
Hunter education, 620-672-0768
License and revenue, 620-672-0735

American Civil Liberties Union
1334 SW Mulvane Street, Topeka, Kansas 66604
785-232-0016

Local sheriff, police chief, or Highway Patrol trooper

Suggested Class Activities

- Visit a court session, county jail, court services probation office, parole office, juvenile detention center, or adult prison.
- Invite a representative from a group home (court-placed children in a group setting) to address the class.
- Invite the county attorney or district attorney and a defense counsel to discuss sentencing issues, rehabilitation prospects, and other issues. (In a previous chapter, it was suggested that a judge be invited to discuss sentencing guidelines.)
- Invite a social worker to discuss juvenile and adult crimes as they relate to causes and rehabilitation.
- Invite school personnel who work locally with the Department of Social and Rehabilitation Services, courts, and law enforcement to intervene with at-risk children. Learn about their collaboration and program offerings.
- Observe a restaurant inspection or testing of a gas station's pumps for accuracy.

Chapter 16

Educating Future Kansans

Appendix: Kansas Constitution, Article 6

The ideal of neighborhood schools is ingrained in the culture of most parents and educators. The vision of young students walking to school safely, parents quickly responding if a child becomes ill, and parents and teachers working jointly on behalf of all children is steeped in tradition and mystique.

That idyllic picture might have been practical when fathers were the wage earners and most mothers stayed home, society was relatively immobile (grandparents were only a few blocks away or were across the farmstead), and teachers taught the “three R’s.” But schools today provide academic and vocational opportunities, serve meals to more than one-fourth of the student body, and offer foreign language classes and biochemistry laboratories. Teachers are more specialized and employment opportunities for women transcend the traditional teacher, nurse, or librarian of earlier days.

Kansas is divided into 304 school districts, all directed by locally elected school boards. School board members establish the budgets and priorities for their districts and establish the mill levy necessary to supplement state assistance. Counties appraise all properties on behalf of the school districts, cities, townships, special districts, and county government operations. Wide differences exist among school districts.

The text describes the state’s school finance formula, which is so complicated that few legislators fully understand it and most school officials complain about it. There are two key factors.

First, the state ensures that each school district has a minimum number of dollars to spend per pupil. For the 2001–02 school year, that was \$3,870.

Second, additional state money is provided to pay some costs associated with teaching special education pupils, transportation, opening new schools, and other needs. In addition, the state attempts to recognize that very small and very large school districts require additional resources to achieve the same educational opportunities provided by “optimally” sized districts.

The Legislature authorized local school boards, with the support of their voters, to create a local option budget, which recognizes that some school districts want to provide enhanced educational opportunities, higher teacher salaries, or better facilities. Not all school districts have implemented local option budgets—either because the school board has not proposed it or the district’s voters have rejected an increase in their ad valorem property tax rate.

Many education proponents are concerned that the state Legislature does not adequately fund K–12 education. Many taxpayers complain that too much money is spent on administrative costs and that districts are not held sufficiently accountable.

A few legislators worry that the nonconformity of local option budgets may lead to another constitutional challenge, on the grounds that all students do not have equal educational opportunities. They fear that pupils in large, urban schools have greater opportunities than students in small, rural districts because of vast disparities in total assessed property valuations. The small district cannot raise taxes high enough to provide what “rich” districts can offer at a much lower tax rate.

This is the context in which the voucher debate rages. Proponents of vouchers believe that per-pupil

state aid should follow the student to the school of choice, be it public, private, or home. Opponents believe the state is responsible to provide a *public* education opportunity for all children and that the financial obligation is to the public school system, not to alternative providers. Questions regarding separation of church and state, ability of private schools to exclude pupils with special needs (and higher costs), and the varied curriculum among home-schooled children also are factors.

As in other policy areas, the real issues revolve around money—how much is appropriated, who receives it, and who pays. Kansas, based on the results of national standardized tests, has a fundamentally sound K–12 educational system, but it can always be improved.

A few legislators recognize that unequal education opportunities exist across school districts. For instance, a district with 200 pupils has a more difficult time recruiting a calculus teacher than does a district with 2,000 students. These legislators joined visionary education leaders and secured passage in 2001 of the KAN-ED initiative. KAN-ED is the commitment to connect each school district, public library, and Regents institution to the world via broadband Internet. This high-speed access to information, real-time interactive video, and other opportunities places school districts on a more equal basis. Currently, this capability exists for some districts. A Latin course is offered simultaneously to Dodge City, Garden City, and DeSoto students. The goal is to provide a mechanism by which *every* teacher and student has access to all educational resources.

For funding purposes, legislators periodically attempt to define the components of a quality education that should be funded entirely by the state. Districts would then have the authority to expend additional money on extra educational opportunities without risking constitutional challenges based on arguments about equal education. These legislative efforts have been unsuccessful because education professionals, school districts, and parents don't agree about what should constitute a state-funded quality education. The closest approximation is the Board of Regents' requirement that high school graduates wishing to attend a state university must have taken specific courses in English, science, mathematics, languages, and social studies.

Special education attracts the attention of legislators and educators every year. Broadly speaking, the federal government mandates that each child have an educational opportunity in the least restrictive setting possible. This places tremendous responsibilities on teachers, administrators, parents, and legislators to design, fund, and operate the best system for each child. Traditionally, the state pays between 80 and

90 percent of the “excess costs” associated with educating children with learning disabilities (costs in excess of the base state aid per pupil). Controversy always erupts over how such excess costs should be calculated, why there are broad differences between school districts, and what can be done within the federal directives.

About 12 percent of the state's school-age children have learning disabilities, but this percentage varies greatly among districts, as do the types of disabilities. For example, the Lawrence school district has a much higher percentage of children with autism than would be expected. Because the University of Kansas has a nationally recognized program to help autistic children achieve their developmental potential, parents move to Lawrence from states all across the nation. These children are placed in the Lawrence school district, with the attendant requirement that educational services be provided. These are very “high-cost” students, and Lawrence teachers and administrators never believe the state is reimbursing them adequately for a situation over which they have no control.

Schools also are expected to provide additional services and classes that previously were not part of the education model. Most districts provide breakfast and lunch programs, sexuality education, computer literacy, school nurses and counselors, and other services outside the traditional definition of education. Although teachers have significant amounts of vacation time, they also suffer from burnout dealing with parents, students, family responsibilities, and what is frequently perceived as low pay.

The State Board of Education's Quality Performance Accreditation Plan has attracted proponents and opponents within the education community. You may wish to discuss the value of the program's objectives and the accompanying documentation required of faculty.

Note the text's discussion regarding reorganization of higher education (the state's four-year schools, community colleges, vocational schools, and technical colleges). The text summarizes a decades-long debate among educators and legislators. The Legislature studied this issue for more than 30 years before deciding on a more appropriate means of coordinating post-secondary education centers and opportunities.

While the Board of Regents may issue directives to the university administrators, the Regents may only encourage and coordinate the other schools' actions. One reason legislators sought increased closeness between the types of post-secondary schools was to make it easier to transfer credits between colleges, present a united voice before the Legislature, and modernize curriculums quickly.

Because Washburn University is the last remaining municipal university in Kansas (Wichita State also began in that manner), it receives special attention and funding from the Legislature. This recognizes the fact that Washburn has a law school and nursing program that serve the entire state and that Shawnee County and Topeka taxpayers cannot bear the financial load alone. The text does not mention that the state also provides modest assistance to the private colleges in Kansas, even those affiliated with religious denominations.

The State Historical Society's status as both a non-profit membership organization and a state agency supported by legislative appropriations received great scrutiny from the 2000 Legislature. Because of the difficulty of auditing nongovernment agencies, it was impossible to account fully for public funds. While no suspicion of malfeasance or illegal activity was suggested, greater efforts have been made to separate the state and private functions, and a reconstituted executive board with legislative members was developed.

Study Questions

- Compare the total assessed valuations, mill levies, and budgets of your school district and three others from other parts of the state. What conclusions can you draw? What policy recommendations can you make?
- Conduct a public opinion poll of persons in your school district. Develop questions to determine how much money should be spent per pupil. Ask what state or local taxes they would be willing to see increased to provide funding. Include any other questions you deem appropriate. Ask a group of school teachers and administrators the same questions. Are there differences in their responses? What policy recommendations can you make?
- Kansas supports 19 community colleges (several within 50 miles of each other and two within the same county), 11 area vocational-technical schools, and five technical colleges. Are there too many? Should they be combined or required by the Legislature or Board of Regents to specialize in specific programs to avoid duplication? Explain your answer.
- The six state universities plus Washburn have two law schools, two schools of library science, three schools of engineering, several schools of teacher education, and other duplicate programs. Would the state's taxpayers and students be better served if the duplication was eliminated? Why or why not?
- It has been suggested that 304 public school districts are too many. Would forced consolidation of small-population districts be a good or a bad idea? Should the largest districts be broken into smaller pieces? Why or why not? Should Shawnee and Russell counties be permitted to have multiple school districts or should they consolidate? Why?
- What core curriculum should the Legislature fund? How did you determine your answer? On a statewide basis, how much money would it cost? Is there a place for national education goals?

Test Questions

- The Legislature authorized local school boards, with the support of their voters, to enact a local option budget. The maximum amount of such a budget is _____.
 - \$2,500 per pupil
 - 25 percent of the base aid per pupil provided by the state (p. 299)**
 - \$250 per pupil
 - determined by the voters and school board
- School board members are elected for _____-year terms.
 - two
 - three
 - four (p. 293)**
 - six
- Community colleges have which of the following characteristics?
 - They receive state aid.
 - They have local boards of trustees.
 - County taxpayers pay ad valorem property taxes to support them.
 - They charge tuition.

The most correct answer is:

- 1 and 4
- 2 and 3
- 1 and 3
- all of the above (pp. 305–306)**

Additional Resources

Department of Education
120 SE 10th Avenue, Topeka, Kansas 66612-1182
785-296-3201

Kansas Board of Regents
1000 SW Jackson Street, Topeka, Kansas 66612
785-296-3421

Kansas Association of Community College Trustees
700 SW Jackson Street, Suite 401, Topeka, Kansas
66603
785-357-5156

State Historical Society
6425 SW 6th Avenue, Topeka, Kansas 66615-1099
Education Outreach Division, 785-272-8681, ext. 428
Historic Sites Division, 785-272-8681, ext. 210
Kansas Museum of History, 785-272-8681, ext. 418
Library and Archives Division, 785-272-8681,
ext. 270

Kansas Humanities Council
112 SW 6th Avenue, Topeka, Kansas 66603
785-357-0359

State Library
State Capitol, 300 SW 10th Street, Topeka, Kansas
66612-1593
785-296-3296

Southeast Kansas Education Service Center
947 West Highway 57, PO Box 189, Girard, Kansas
66743
620-724-6281

Kansas Association of School Boards
1420 Arrowhead Drive, Topeka, Kansas 66604
785-273-3600

Kansas National Education Association
715 West 10th Street, Topeka, Kansas 66612
785-232-8271

United School Administrators of Kansas
820 Quincy Street, Suite 200, Topeka, Kansas 66612
785-232-6566

Suggested Class Activities

- Invite your superintendent and one or more school board members to class to discuss state aid, federal mandates, balancing priorities and budgets, teacher recruitment and retention, special education and transportation funding, and other issues that interest you.
- Contact the State Historical Society for a list of historical sites. Visit the site nearest your school.
- Contact the Board of Regents for a list of post-secondary schools. Visit the one closest to you and ask about funding, coordination of educational opportunities, employee recruitment and retention, and other issues of interest.
- Invite your school district's technology specialist, a representative of Greenbush or any other high-tech education provider, and a representative from the local telephone or cable company. Discuss how technology is changing education opportunities and what the industry representatives believe will soon be available. Ask your teachers how they will use the new resources.
- Talk with your parents and grandparents (or visit a senior center or adult care facility) and ask how schools and education have changed since they attended. Have all the changes been for the better? Ask about the burden that school taxes place on senior citizens with fixed assets whose primary economic asset is their home.
- Ask your teachers what they most enjoy and dislike about their profession. Invite a Regents university college of education representative to discuss how teacher education is evolving.
- Invite current or former legislators to discuss school finance. Include advocates and opponents of a voucher system. Invite representatives of private and home schools to discuss why they prefer their education alternative to the public school system.
- Invite the State Board of Education member that represents your part of the state. Ask about relations between the board, the Legislature, and local school districts.
- Contact the Kansas Humanities Council and schedule a historic reenactment at your school during a general assembly.

Chapter 17

Caring for Public Health and the Environment

Caring for public health and the environment has assumed greater importance in today's world of bioterrorism, movement of flora and fauna across national boundaries, and increasing resistance of bacteria to existing pharmaceuticals.

Over the years, public decision makers have developed structural and program innovations at the state and local levels. While changes will be forthcoming as a result of global political instability and the potential for ecological disasters, available financial resources and public demand will determine the speed of the evolution.

State agencies have primacy over some health and environmental programs, delegate others to local departments of health, and rely on federal agencies for overall financial and policy directives. This is not the most effective way to provide service to Kansans.

"Public health" generally has meant prevention or treatment of communicable diseases, broad health education initiatives, elimination of pests (such as draining mosquito-infested swamps), and minimum health care services such as immunizations and prenatal care for those most in need and least able to afford private care.

"Private" health care involves Kansans selecting a primary health care provider and having referrals to specialists. In urban areas, "free clinics" (that actually have a sliding payment scale based on a family's ability to contribute) have been created by health care providers to reach persons who otherwise would be unable to procure health care services. Free clinics are supported by local providers, individuals, contributions from pharmaceutical companies, and state grants.

Increasing health care costs and pharmaceutical costs concern many citizens and most legislators. Unfortunately, many health care issues are national in scope and defy the ability of any state, particularly one with a small population, to solve them. The high cost of providing specialized care to a population that is living much longer (including the costs and ethics of providing organ transplants to senior citizens) and the extremely high cost of developing new pharmaceutical products to treat complex diseases that affect a relatively small number of citizens are beyond the ability of Kansans to control.

Insurance companies complain about mandated coverage to benefit a few at the expense of the many and the prices charged by health-care providers. Citizens complain about increasing co-payment requirements, managed care through HMOs, and high insurance costs. Health-care providers decry regulatory restrictions on their ability to practice and the number of clients unable to pay.

Cost containment and accessibility of care concern every Kansan, particularly those unable to afford or access health care for themselves or family members. This problem will be increasingly serious as the demographics of the state continue to change. The aging population, decreasing rural population density, and aging state and health care delivery workforces are particularly relevant as the state contemplates delivering highly specific health care to individuals across the state. The Kansas Department of Health and Environment (KDHE) and local health departments operate within this cauldron of emotions, facts, fears, and expectations.

It is interesting to note that the state first addressed health-related issues in the mid- to late-1800s and environmental issues (water quality) in the early 1900s. Thus, Kansas' state government has been working on environmental issues for more than a century, well before many of the current environmental advocacy groups were organized.

KDHE engages in a wide variety of partnerships to accomplish its public health education goal. Health advocacy groups and organizations with statewide constituencies, such as the American Lung Association of Kansas, provide educational programs to school and adult audiences on such topics as asthma, indoor and outdoor air quality, and the health risks of tobacco use. The federal government provides grants to KDHE and to Kansas State University's Extension Service for similar programs, such as one on radon that provides mini-grants for schools and counties to purchase and distribute radon test kits.

Although not part of KDHE programming, the University of Kansas Medical Center has pioneered a telemedicine program between selected hospitals and the Medical Center. KU physicians fly to regional hospitals such as those in Hays and Pittsburg to consult and provide educational programs, and the facilities are linked electronically so Medical Center staff can consult with attending physicians from a distance.

The legislators who supported the KAN-ED initiative discussed in the previous chapter also agreed to link all state hospitals with the KU Medical Center. They believed that if the Medical Center were linked to all hospitals, the greatest number of personnel and the most material resources would be available to all medical personnel in Kansas.

Several legislators are also working with the KU Medical Center telemedicine staff to develop a pilot program that brings real-time full video medical consultation capability to the state's adult care facilities, private patients at home, and local attending physicians' offices. This ability for physicians and nurses to make "house calls" will improve medical care, ease the burden on patients who have difficulty visiting medical offices, and be cost-effective.

KDHE provides significant direct and indirect support on behalf of rural health providers. Because many counties have difficulty attracting young physicians, dentists, optometrists, and other health-care providers, department support for community efforts and county health departments is vital.

A major KDHE responsibility is to inspect all food establishments, adult and child care centers, and pharmaceutical dispensers to ensure that operations and conditions are safe, food and drugs are not adulterated, and public confidence is warranted.

The department monitors the operation of solid-waste landfills, of which there are several classifications. Most counties have construction and debris landfills. However, many counties have closed their local landfills because of threats to ground-water supplies and pressure from state and federal agencies. A few Title D landfills operate regionally. These landfills have plastic liners to prevent liquids from seeping into the groundwater or are constructed over impervious materials such as nonporous rock. The landfills have monitoring wells to ensure that liquids do not percolate through the ground to contaminate drinking-water supplies.

Some communities have closed their local landfills and built transfer stations. Residents bring their landfill-bound wastes to the station, where it is compacted, placed in trucks, and transported to a regional landfill.

Landfill and transfer station locations are highly politicized decisions because of pervasive NIMBY (not in my back yard) attitudes, which are both logical and difficult to address. Wichita has been embroiled in deciding where a transfer station will be located, as the city's landfill was closed because it leaked contaminants into groundwater and wells.

Many landfills prohibit accepting certain types of waste and restrict other forms such as tires, which must be recycled. Large counties also have hazardous waste collection programs. Products such as paint, herbicides, and kitchen chemicals usually are collected and transported to an approved hazardous waste disposal incinerator. Several of the state's cement manufacturers are licensed to burn tires and hazardous materials.

Federal and state "community right-to-know" laws require businesses that use hazardous materials to notify local community safety officials and KDHE. The Wolf Creek Nuclear Generation Station staff also keeps KDHE and the adjutant general apprised of operations, refueling schedules, and any violations of operating procedures reported to the Nuclear Regulatory Commission.

It's likely that more Kansans are affected by KDHE's water quality efforts than by any other environmental function. In addition to licensing water and wastewater treatment plants and most discharges into the state's lakes and streams, and contracting for technical assistance with qualified organizations like the Kansas Rural Water Association, the department monitors large-scale farming operations in cooperation with the Department of Agriculture. KDHE is responsible for protecting surface and groundwater supplies and has authority to deny or revoke permits to operations and businesses that do not comply with state or federal laws.

The development of large-scale hog and dairy operations in several western Kansas counties has resulted in public-policy battles that have torn families and communities apart. The degree of risk to water supplies that individuals are willing to assume is one part of the political debate, and it is the one over which KDHE has regulatory authority and can rely on scientific evidence. Kansas State University's Department of Agriculture has conducted several exemplary studies to help KDHE and the Legislature make correct decisions. Issues regarding odors also fall under KDHE's authority, but this is a more difficult issue to address scientifically.

Because of jurisdictional divisions, state agencies, the public, and the Legislature often are unaware of potential problems until an accident occurs. All regulatory agencies and legislators believe that appropriate public safeguards are in place and operating correctly. When a unique or new problem or crisis arises, it generally is one that was not anticipated, rather than one that results from the failure of an existing regulatory function or program.

The KDHE laboratory tests water samples from most public drinking-water supply systems. A privately operated laboratory that provided similar services for many communities on a contract basis was found in 2001 to have falsified testing results. That placed a greater burden on KDHE's laboratory staff.

The U.S. Environmental Protection Agency, in cooperation with public health groups, promulgated a rule late in President Bill Clinton's administration to reduce the allowable arsenic level in drinking water from 50 parts per billion to 10 parts per billion. President George W. Bush's administration has permitted the new standard to be implemented.

Whether 50 or 10 parts per billion is the appropriate standard to guarantee public health (it partly is a reflection of technological advances in measurement), the effect of that decision on federal, state, and local policy makers will be tremendous. KDHE is the lead state agency in encouraging and helping local communities improve their drinking water treatment plants. The issue for many of Kansas' 364 cities with populations under 500 will be how to afford the necessary system improvements or where to locate alternative water sources.

It is beyond the economic scope of a community of 200 to upgrade a water treatment plant. Whether property taxes, sales taxes, or water rates are increased, 200 people incurring a debt of \$5 million cannot reasonably pay \$25,000 each, plus interest, to retire the debt. Remember, a town of 200 includes children and senior citizens on limited budgets.

KDHE officials, legislators, and the governor must decide how to help small Kansas towns meet the new safe drinking water standards. This is an issue of money and available water supplies. It also is part of

the battle to ensure public health and the survival of small-town Kansas.

KDHE's environmental staff works closely with the Kansas Water Office, State Conservation Commission, and Department of Agriculture's Division of Water Resources. Water policy is administered, and sometimes established, by these agencies working in concert.

Study Questions

1. Does your county have an approved landfill? What materials can be placed in it? Does your county have a transfer station? If so, to what city or county is the material hauled? Why did your county decide on the landfill/transfer station option? How many types of approved landfills are permitted by KDHE? Does your county have a hazardous waste disposal program or a waste tire collection and disposal program?
2. Should counties be permitted to transport their waste via the state's highways to large regional landfills, or should they be required to deal with the waste locally? Why? Should the state offer incentives to increase recycling? Should the state offer an incentive for communities or utility companies to build power plants that safely burn waste to generate electricity? Why or why not? Should other options be considered?
3. Referring to the health concerns in "Better Health for Kansas" on page 319, are these concerns primarily for private health care providers or for public health officials? Have you had an opportunity to observe any of these health concerns?
4. Are adequate safeguards in place to protect groundwater and surface water supplies from animal wastes resulting from large farms? Should large farms be prohibited (how large)? If yes, how should the economic loss to the county in terms of jobs and taxes be recovered? If no, are the farms paying an appropriate share of administrative and other costs associated with protecting public interests?
5. Should large farms be permitted to provide the tax base to support basic government services? What will provide jobs to keep children from leaving the state? Do environmental activists or neighbors have a right to object to odors if their objections imperil an economic opportunity for the county? If you were a county commissioner, how would you decide between the competing sides?

6. What percentage of your county's health department budget is funded by the county, the state, and other sources? What are the department's primary responsibilities? Would these be your priorities? Why or why not?

Test Questions

1. The Department of Health and Environment is responsible for inspecting approximately 20,000 food, pharmaceutical, and adult and child care centers.

True (p. 318)

False

2. The Department of Health and Environment operates "free clinics" to provide health care to indigent persons.

True

False (p. 312)

3. Which of the following does the Department of Health and Environment monitor or regulate?

1. air quality
2. water quality
3. landfills
4. restaurants
5. child care centers

6. all of the above (pp. 316–320)

The most correct answer is:

- a. 1, 2, and 3
- b. 3, 4, and 5
- c. 2, 3, and 5

d. all of the above (pp. 316–320)

4. _____ is/are *not* part of the Department of Health and Environment.

- a. Bureau of Waste Management
- b. Health departments (p. 317)**
- c. Bureau of Water
- d. Bureau of Consumer Health

Additional Resources

Department of Health and Environment
 1000 SW Jackson Street, Topeka, Kansas 66612
 Health and Environment Laboratory, 785-296-1620
 Bureau of Health Facilities, 785-296-1240
 Bureau of Health Promotion, 785-296-8126
 Bureau of Consumer Health, 785-296-0189
 Office of Local and Rural Health, 785-296-1200
 Bureau of Water, 785-296-5500
 Bureau of Waste Management, 785-296-1600
 Bureau of Air and Radiation, 785-296-1593

Kansas Association for the Medically Underserved
 112 SW 6th Avenue, Topeka, Kansas 66603
 785-233-8483

Kansas Association of Local Health Departments
 6206 SW 9th Terrace, Topeka, Kansas 66615
 785-271-8391

Kansas Public Health Association
 215 SE 8th Avenue, Topeka, Kansas 66603
 785-233-3103

Kansas Smokeless Kids Initiative
 4300 Drury Lane, Topeka, Kansas 66604
 785-272-8396

American Cancer Society
 1315 Arrowhead Drive, Topeka, Kansas 66604
 785-273-4422

American Diabetes Association
 3625 SW 29th Street, Topeka, Kansas 66614
 785-271-6010

American Lung Association
 5375 SW 7th Avenue, Topeka, Kansas 66606
 785-272-7056

American Heart Association
 4300 Drury Lane, Topeka, Kansas 66604
 785-272-9290

Kansas State University
 Manhattan, Kansas 66506
 Research and Extension, Community Health,
 785-532-7750
 Office of Local Government, 785-532-2643

Animal Waste Management and Utilization: Final report by K-State Research and Extension

Suggested Class Activities

- Contact the Department of Health and Environment and request an opportunity to observe a health and safety inspection in a restaurant, child care center, or adult care center.
- If your community has a farmers' market at which participants prepare and sell food on site, ask whether the market has been inspected for health and safety practices. If homemade foods are sold, does the market require a license or a kitchen inspection?
- Visit your county public health department. Ask about immunization clinics, well-baby clinics, and others.
- Visit a landfill or transfer station.
- Invite business owners who are regulated by the Kansas Department of Health and Environment to talk about the regulatory process.
- In partnership with a chemistry teacher or class, visit a stream or lake in your county, take water samples, and analyze them.
- Ask the cafeteria manager at your school to talk about food inspections (particularly of raw fruits and vegetables) as they relate to public health.

Chapter 18

Assisting the Less Fortunate

Appendix: Kansas Constitution, Article 7

As far as the author of the text is able to discern, every organized religion has a credo that religious persons should help their neighbor in need. Governments throughout history and around the world have also adopted policies to support citizens experiencing difficulties. Kansas is no different, as evidenced by Article 7 of the state's Constitution. The departments of Social and Rehabilitation Services and Aging have primary responsibility for identifying persons in need, establishing their eligibility, and providing services.

The role of state agencies is difficult. Few persons want charity, but most will accept a helping hand in a time of need. Some taxpayers believe it is appropriate for governments to help those truly in need, but also believe that many persons receiving public assistance do not deserve it. Legislators receive little credit for helping those in need, but get much advice about the need to eliminate "welfare cheats" from the rolls and to reduce the size of state budgets. The federal government sends mandates and grants that have state matching fund requirements. Often it is impossible to resist the "free" federal money, even if it means spending some state funds.

Helping those who cannot help themselves (the very young, the very old, persons with physical and mental disabilities) is a core reason for the existence of government. But it taxes the spirit of agency staff members to be required to "play God" by determining who will receive benefits, for how long, and who will be denied. Lawmakers, trying to balance the budget and human need, are stressed by having to draw a fiscal line and report that no more state resources will be available.

Kansas established its first state mental institution in 1866, only seven years after the Wyandotte Constitution was adopted. The state has opened and closed hospitals and community-based programs to provide the best care based on available knowledge and theories during the intervening 150 years.

The devastating effects of the Great Depression led the Legislature and the people of Kansas to involve the state in providing for the needy by taxing employers and employees to create an unemployment compensation program. Federal funds followed, but this represented a shift from relying on local resources to help financially stressed citizens to a more active state government role and responsibility.

As public sensibilities have expanded, so have government programs, in scope and number. For example, the Aid to Dependent Children program became Aid to Families with Dependent Children, medical assistance was added to most programs, and administrative size grew with increased responsibilities.

It is impossible to fully fund all persons in need because the caseload continually grows. New disabling diseases or conditions are discovered that warrant benefits. New populations such as migrant workers are qualified for benefits by the courts. And the cost of programs escalates as new treatments, such as job training, mental health counseling, and substance abuse counseling, are deemed necessary and added.

For some people, benefits may come to be viewed as an entitlement. (A person may feel entitled to benefits because his condition means that he cannot work or because she is a single parent with limited education and employment prospects.)

Academic and research centers have developed new theories about appropriate or best care and the best ways to help people get back on their feet. Schools of social work and the Menninger Institute have been leaders in helping the public and elected officials find new ways to help those in need.

Note the discussion in the text about the 1996 federal Welfare Reform Act, the limitation of benefits to 60 months in a lifetime, and the education and work requirements. Significant reductions in welfare rolls were accomplished.

It is important to correlate reductions in welfare and unemployment rates with the national and state economic growth of the late 1990s. The economy was expanding, jobs were being created, and opportunities were available for almost everyone who wanted to work. With the economic downturn of the early 2000s, the commitment to deny welfare benefits as people reach their 60-month maximum is being tested.

The “Cold-Weather Rule” of the Kansas Corporation Commission is an example of a policy of compassion. The rule prohibits a utility from disconnecting a customer’s service for nonpayment of bills whenever the weather is forecast to be below freezing. Customers already disconnected must be reconnected, even if they have made no payments on their delinquent bill. During warm weather, customers may be disconnected and placed on payment plans. However, when the heating season begins, those customers must again be connected. The state also provides federal and state dollars to help residents pay their utility bills.

These well-intentioned programs have two results. First, the financial assistance is intended to pay the delinquent utility bill, not to improve the energy efficiency of the customer’s home. Some policy makers believe that investments in energy efficiency would provide greater benefits in the long term.

Second, some customers interpret the cold-weather rule to mean that they do not have to pay utility bills, particularly for natural gas. This cost the state’s utilities more than \$100 million in lost revenues in 2000–01. That places a financial strain on the utilities, because they purchased the natural gas or generated the electricity, paid their employees, and paid their other operating expenses, but did not receive the anticipated income. This ultimately raises the price of natural gas and electricity to those who do pay. An analogy that your students may understand is that shoplifting raises prices for all customers, because the business owner must recover the cost of the stolen merchandise.

These comments should not be construed to mean that assistance programs should be discontinued or that most recipients are dishonest. Rather, it

should stimulate discussion about what types of social programs are effective (and how we define and measure “effective”), what responsibilities people have to help themselves, what responsibilities lie with government, and what standard of living is targeted for recipients. These are not easy questions, but they are the questions that policy makers must address.

It became clear to social workers that requiring a person receiving assistance to secure a job also required that the person have transportation, access to child care, skills to warrant jobs that paid more than welfare benefits, and affordable health insurance (if the state and federal programs were terminated with acquisition of the job). Again, the complexity of the social assistance commitment increased as agencies and policy makers became concerned with mass transportation options and whether minimum-wage jobs provided sufficient income for the average welfare family to leave the system.

To address the number of males who father children, leave the home, and do not pay child support, the state requires employers to provide names, social security numbers, and other relevant information so “deadbeat dads” can be located and prosecuted. Individual rights and the right to privacy are pitted against the state’s right to enforce child support laws so that children and their single-parent mothers can have better lives.

Note the discussion in the text about the Temporary Assistance for Families program, particularly the range of support services available to recipients. You may also wish to discuss such general assistance programs as the Low Income Energy Assistance, food stamps, and funeral assistance.

The SRS Division of Health Care Policy is the third-largest purchaser of health care and support services for Kansans, ranking behind Medicare and Blue Cross/Blue Shield. Approximately 200,000 Kansans (eight percent of the state’s population) receive health care coverage through the program. These residents tend to be less insurable, less affluent, less educated, and less likely to receive preventive care, and are more likely to be single-parent families with children. The Division of Health Care Policy relies on managed care providers instead of fee-for-service providers.

Medicaid is a federal/state matching-funds program providing preventive, primary, and acute health services for low-income persons. Many senior citizens rely on Medicaid as their sole means of affording health care. Because Medicaid involves a test of income eligibility, many children also receive coverage.

Health Wave is another insurance program that serves children whose family income exceeds the Medicaid upper threshold but who cannot afford traditional insurance coverage. Because so many chil-

dren require government-supported health insurance, a question arises: Why are the families not covered by employer-provided policies? The answer is that many employers do not provide a health care benefits, particularly in minimum-wage jobs. In addition, some employers subsidize health insurance coverage for the employee, but family coverage is prohibitively expensive. The state of Kansas, for example, provides "free" or minimal cost health insurance coverage to the employee, but many state employees have difficulty paying for family coverage.

The state's 1996 privatization of foster care and adoption services remains controversial. Claims and counter-claims about the effectiveness of the effort, the competence of the providers, and fiscal benefits continue to plague SRS and the governor. Legislators and the media have attempted to ascertain the "truth," with little avail. Whether the state's experiment is a success or a failure depends on the critic's perspective, preferences, and data. It is difficult to evaluate social programs because of disagreement on what is measured, how it is measured, what time frame is accepted, and how "success" is defined.

The state contracts for services with many social agencies. Privatization of foster care is little different than contracting with independent agencies to serve the mentally and physically disabled, alcohol abuse counselors, and social workers.

The state's vocational rehabilitation programs benefit persons with disabilities who have opportunities to enter the workforce. For example, a female quadriplegic received a mechanical wheel chair, personal computer, and work station so she could provide secretarial services for a small business. Although the woman has limited potential to earn large amounts of money, she is productive and self-supporting, and has higher self-esteem because of the state's assistance.

The provision of mental health services is an excellent example of how state policies have evolved. Initially, persons with severe mental and developmental disabilities were placed in institutions. Minimal efforts were made to help patients develop life skills and the disabled people were "warehoused." Despite developments in intervention therapy and efforts to treat patients while they were hospitalized, the expectation remained that most of those admitted to a mental hospital would never leave.

Today, greater efforts are made to include persons with mental and developmental disabilities in normal life settings. Children are placed in the least-

restrictive programs in community schools. State mental hospitals have been closed and patients transferred to community mental health programs, often including group housing and sheltered workshops, as close to their families as possible. Mental health researchers have determined that community support, employment opportunities, and family involvement will yield the most self-reliance and development. Funding for community-based programs involves a mix of state grants, local ad valorem tax revenues, United Way contributions, sliding-scale family/client payments, and other sources.

Finding a location for a group home (whether for children removed from their parents by the courts or for persons with developmental disabilities) can be difficult. Residents near a proposed site often align against it. However, many employers have found group home clients to be excellent workers. In one business, a forklift operator inadvertently knocked over dozens of racks containing nuts, bolts, screws, and washers of all types and sizes. The company's employees complained about sorting the materials, but persons hired from the community's sheltered workshop were uncomplaining, efficient, and delighted to have jobs.

The text has limited coverage of the Department on Aging. As Kansas' population ages, program services assume a larger and more prominent place on the political agenda. Older Kansans vote. Older Kansans have time to contact their elected officials and voice opinions. Older Kansans have "paid their dues" and deserve to have the health care, transportation, meal services, and other programs provided by the state. However, the issue of entitlements is important. How many programs, how large a fiscal cost, and how expensive per client served are questions that will increasingly be asked.

Remember that social services for the aging population compete for scarce state dollars against programs for the mentally ill, job training programs, child care assistance, and other social needs. These programs also compete with K-12 and higher education for scarce dollars. And all programs compete with corrections and public safety programs for budget dollars.

Each state program has a loyal constituency. Each program makes a difference in lives. Needs continue to grow. The state's ability to help is limited by the political will of the taxpayers and their elected representatives.

Study Questions

1. Were poor elderly persons better off in the county “poor farm” (a communal setting with a large garden) than they are today receiving allotment checks from the government, often living a relatively isolated life? Explain your answer.
2. Can government solve the social welfare pattern of increasing expectations for assistance, increasing forms of assistance, and increasing fiscal demands on taxpayers? Why or why not? What changes in taxing, income redistribution, expectations, and social/political policies do you believe would improve the system? Define how you would measure improvements.
3. Health care costs are a large part of many senior citizens’ budgets. Should the health care system be “socialized” so the government pays all expenses and doctors are paid a salary? To slow the growth in pharmaceutical costs, should the government assume all responsibilities and costs associated with developing new medications? Why or why not?
4. Identify jobs held in your community by persons with mental or physical disabilities. Do the workers seem accepted by their co-workers and customers? Do they appear to be doing their jobs well? Do they appear to enjoy their jobs? What policy observations or recommendations can you make?
5. How many SRS and Department on Aging programs are available in your community? Which are the most popular? How are they funded?

Test Questions

1. Under Kansas’ implementation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the “Welfare Reform Act”), which of the following statements is true:
 1. No federal funds may be used for assistance grants to parents in families that have received assistance for a lifetime limit of 60 months.
 2. States must deny benefits to teenagers not living in a home or in an approved adult-supervised setting.
 3. Teenage parents of a minor child who is at least 12 weeks of age must participate in education activities.

4. States must reduce or deny benefits to parents who fail to cooperate in establishing paternity or enforcing support orders.

The most correct answer is:

- a. 1 and 2
- b. 3 and 4
- c. 1 and 3
- d. all of the above (p. 333)**

2. Successfully moving single parents from welfare to workfare requires _____.

1. availability of jobs
2. transportation options
3. training in job skills and work attitudes
4. available child care
5. increased efforts to collect child support money from absent parents

The most correct answer is:

- a. 1 and 4
- b. 3 and 5
- c. 1, 3, and 4
- d. all of the above (p. 334)**

3. Which of the following is *not* a Department of Social and Rehabilitation Services program or division?

- a. nursing home inspection (pp. 334–344)**
- b. alcohol and drug abuse treatment
- c. vocational rehabilitation training
- d. income maintenance and employment preparation services

4. Controversy surrounds the state of Kansas’ privatization of _____.

- a. grief counseling
- b. substance abuse and alcohol counseling
- c. foster care (p. 337)**
- d. Health Wave services

5. The Department on Aging works with _____ to deliver services.

- a. AARP
- b. area agencies on aging (p. 345)**
- c. the Older Americans Fellowship
- d. community colleges

Additional Resources

Department on Aging
503 S. Kansas Avenue, Topeka, Kansas 66603-3404
Outreach and Resource Development, 785-296-6446
Community Based Services, 785-296-3356
Nursing Facilities and CARE, 785-296-0700

Department of Social and Rehabilitation Services
Docking State Office Building, 915 Harrison Street,
Topeka, Kansas 66612
Economic and Employment Support, 785-296-3349
Health care policy, 785-296-3773
Kansas Council on Developmental Disabilities, 785-
296-2608
State hospitals and facilities, 785-296-4685 (sec-
retary of SRS)
Child support enforcement, 785-296-3237
Liaison to area directors, 785-296-6753
Rehabilitation services, 785-296-5301

Children's Service League
3616 SW Topeka Boulevard, Topeka, Kansas 66611
785-274-3100

Kansas Coalition on Sexual and Domestic Violence
220 SW 33rd Street, Topeka, Kansas 66611
785-232-9784

Kansas Commission for the Deaf and Hard of Hear-
ing
3640 SW Topeka Boulevard, Topeka, Kansas 66611
785-267-6100

Interhab (Community Mental Health Association)
700 SW Jackson Street, Suite 803, Topeka, Kansas
66603
785-235-5103

Suggested Class Activities

- School officials, court officers, and SRS staff increasingly intervene early in the lives of troubled or at-risk children. Invite these people to class and ask how state agencies are attempting to provide better support for families.
- Invite a social worker to talk about his or her profession. What policy changes would she or he like to see? What would such changes cost the state in terms of money, intrusion of government into individuals' lives, and societal attitudes? Do you agree or disagree with the guest's recommendations? Why?
- Visit a meal center; deliver meals-on-wheels; or visit an adult care facility and sing songs, play games, and listen to stories about the "old days." Your presence will enliven the day for the elder persons.
- Invite local law enforcement officers and ask how many of the problems they encounter are due to alcohol or substance abuse.
- Rent a wheel chair and take turns being "disabled." How do people react to you? What obstacles do you confront as you try to maneuver around your school, community, or home?
- If there is a Big Brother/Big Sister program in your community, mentor a younger child.

Chapter 19

The Farmers' Part of State Government

The state Department of Agriculture's responsibilities have shifted over the years from farmer-oriented to consumer-oriented programs. The primary purpose of the department's weights and measures program, for instance, is to certify the accuracy of grocery store scales and gasoline station pumps. And, while attention is focused on agricultural chemical use, most chemical abuse is from homeowners using chemicals on their lawns. This creates a new area of responsibility for the department.

Education of both farmers and urban residents is the department's primary responsibility. Another major responsibility is regulation—to assure public confidence (meat and dairy inspections) and to prevent illegal activities (deliberate "shorting" of consumers through manipulation of product weights).

The Division of Water Resources has assumed an increasingly important role in water policy development and water management. The division's staff has been invaluable in the lawsuit against Colorado about diversion of water to which Kansas is entitled under an interstate compact. The division provided witnesses about hydrology and water law, compiled data about water use and flow, and testified on methodology and substantive issues—all essential components of the state's successful lawsuit.

The division continues to have a major role in the compensation part of the judicial process and had an equally vital role in the state's lawsuit against Nebraska about diversion of water from the Republican River basin as the river enters Kansas. The state's long-term supply of river water depends on the division's efforts to document Kansas' legal right to waters over-pumped or diverted by Colorado and Nebraska residents.

The division reviews all applications for water rights and oversees proving of the right through production tests that establish the sustainable production rate. The goal is to ensure that sufficient water is always available for agricultural, industrial, and domestic use.

In cooperation with groundwater districts, the division is also assuming a larger role in reducing water consumption in western Kansas. This is especially important because some areas of the state have been over-allocated. This means that if all permitted water users produced the amount authorized, more water could legally be pumped from subsurface strata than exists. To ensure the long-term economic viability of the arid parts of the state, the division is working with residents and other water agencies to encourage voluntary curtailment of water use. At least one groundwater district is attempting to regulate water quality and water consumption—a potential source of conflict, because this is an extension of a district's normal authority and has attracted legislative attention.

The division is also responsible for ordering the cessation of water use from rivers if stream flow rates fall below thresholds specific to each stream or river. The division begins by limiting or halting "junior" rights (those more recently issued), but can terminate "senior" rights if necessary. While this action is not taken lightly or often, the division has taken such steps during periods of prolonged drought.

Note that the extension services discussed in the text are provided and directed by Kansas State University Research and Extension, part of the College of Agriculture, not the Kansas Department of Agriculture.

Also note that the Division of Water Resources works closely with the Kansas Water Office, Kansas Biological Survey, and Kansas Department of Health and Environment's Bureau of Water. The Kansas Water Office administers the state water plan, a grass-roots proposal for improving the state's ability to manage its water resources wisely.

Study Questions

1. How will settlement of the lawsuit against Colorado affect residential, agricultural, and industrial water users along the Arkansas River?
2. Examine the relationship between groundwater districts and the Division of Water Resources. How do they complement each other's water conservation efforts? How do their objectives and authorities differ?
3. Acquire data on rates of chemical application by farmers and urban dwellers. Examine problems that municipal wastewater systems may have with herbicides dumped into city stormwater drains. Do any problems require action? If yes, what do you recommend and why?

Test Questions

1. Which of the following functions is *not* a Department of Agriculture responsibility?
 - a. Regulate the sale of commercial fertilizers.
 - b. Appropriate water rights.
 - c. Verify scales and scanning devices.
 - d. Market agricultural products (p. 357)**
2. What government entity may declare a weed "noxious" and require property owners to eradicate it?
 - a. Legislature (p. 356)**
 - b. Department of Agriculture
 - c. Animal and Plant Inspection Service
 - d. U.S. Environmental Protection Agency
3. What state agency or official promotes and develops agricultural product markets in the United States and abroad?
 - a. Department of Agriculture
 - b. State Fair Board
 - c. Department of Commerce and Housing (p. 357)**
 - d. Governor

Additional Resources

Department of Agriculture
109 SW 9th Street, Topeka, Kansas 66612-1311
Meat and Poultry Inspection Program, 785-296-3511
Division of Water Resources, 785-296-3717
Pesticides and Fertilizer Program, 785-296-3786
Plant Protection and Weed Control, 785-862-2180

Animal Health Department
700 SW Jackson Street, Topeka, Kansas 66603
785-296-2326

Kansas State University
Manhattan, Kansas 66506
Research and Extension, 785-532-6147
College of Agriculture, 785-532-6147

Kansas State Fair
2000 N. Poplar Street, Hutchinson, Kansas 67502-5598
620-669-3600

Kansas Livestock Association
6031 SW 37th Street, Topeka, Kansas 66614
785-273-5115

Kansas Farm Bureau
2627 KFB Plaza, PO Box 3500, Manhattan, Kansas 66505
785-587-6000

Kansas Water Office
901 S. Kansas Avenue, Topeka, Kansas 66612-1249
785-296-3185

Department of Health and Environment
1000 SW Jackson Street, Topeka, Kansas 66612
Division of Water, 785-296-5500

Kansas Biological Survey
104 Foley Hall, University of Kansas, Lawrence, Kansas 66045
786-864-7725

Suggested Class Activities

- Contact Kansas State University and visit the research station or other experimental program nearest your school.
- Contact the Department of Agriculture and accompany an inspector on a visit to determine accuracy of weights and measures or to check on pesticides or herbicides.
- Develop a map of Kansas that shows average annual precipitation rates, average groundwater depletion rates, and projected population growth rates. What conclusions can you draw?
- Review agricultural production statistics and farmers' groundwater consumption patterns. How long can present consumption patterns be maintained before dry-land farming becomes more prevalent again?
- Invite your county extension agent to discuss her staff's role in public education. Ask how responsibilities differ between urban and rural counties.

Chapter 20

Conservation of Natural Resources

The text provides an excellent overview of the 2001 legislative battle between those who want to declare as a “stream” any course through which water flows at least occasionally each year and those who do not want intermittent streams to be included in any waterway calculations. This has significant effects on ranchers whose cattle graze across dry stream beds and contribute wastes that may be carried to bodies of water with the next rainy season.

Environmentalists raise their concerns about what enters streams, lakes, and rivers. They desire to protect water quality, reduce health risks to persons recreating in the waters, and reduce drinking water treatment costs. Farmers and ranchers argue that intermittent streams do not carry significant health risks because most are not accessible to the public. The cost of fencing off such waterways is high and the risk to public health is heavily debated.

The text’s descriptions of watersheds, conservation districts, irrigation districts, and other local/state partnerships are concise and accurate. They demonstrate the overlapping nature of conservation agencies and programs, as well as the myriad approaches citizens and the Legislature have adopted to preserve resources and grass-roots participation and control.

Public wholesale water supply districts sometimes must deal with the fact that federally mandated improvements to water treatment systems cost more than some local governments can afford. These districts permit collaboration between member cities and rural water districts for joint construction, operation, and payment for drinking water treatment and delivery.

In its water marketing program, the state takes advantage of the U.S. Army Corps of Engineers’ willingness to sell water storage capacity. The state’s

lakes were built by the corps to control flooding. Additional water storage capacity is used to regulate downstream water flows (for instance, regulation of flow in the Kansas River to ensure that adequate water is available at city intake pipes). The corps keeps the Missouri River navigable by releasing water when low levels threaten to halt barge traffic. Drinking water systems may purchase stored water from the state to ensure that adequate supplies are available during droughts.

The water in streams, rivers, and lakes belongs to the state, not to the persons whose property borders the body of water. People who wish to use the water for recreation generally may do so, but if they climb above the high-water mark, they are trespassing on private property. Access to rivers and lakes is provided by the state or by property owners who wish to capitalize on a business opportunity.

This state ownership extends to subsurface waters. It explains why the Division of Water Resources is authorized to determine whether a proposed water use is a “beneficial” use. Furthermore, the division is empowered to control assignment of water rights, limit or halt water pumping, and generally control the use of water by individuals, cities, and businesses.

State ownership of water also helps explain passage of the Water Transfer Act. When Wichita was considering acquiring water from Milford Reservoir near Junction City and transporting it through a large pipe, many eastern Kansans were concerned that “their” resource might be “taken.” The Legislature agreed that the state should determine whether the movement of large amounts of water is in the best interest of the state and its people.

Wichita ultimately located subsurface water closer to city limits, and the Water Transfer Act was not used or challenged in court. However, Hays has purchased water rights beneath a ranch about 70 miles south of the city. Russell has also acquired ownership of water rights, and it seems only a matter of time until the Water Transfer Act is tested.

The Department of Wildlife and Parks has struggled to fund the state's park system. Under federal law, it is illegal for a state to spend money derived from hunting and fishing licenses on park maintenance. The state was guilty of doing so during the 1990s and a series of park fee increases were passed by the Legislature. Park fees are not popular among many older Kansans who drive their motor homes to park campsites.

The department also was heavily criticized because the number of accidents involving motor vehicles and deer significantly increased. The department argued that it had tried to increase the number of deer legally shot during hunting season, but that suburban and rural residents who create deer havens defeat the department's effort to thin the herds. The department also argued that fewer hunters are killing deer for food, preferring to hunt "trophy bucks." Thinning the numbers of females does more to reduce the total population than does thinning the numbers of males. Nonetheless, the department and Legislature developed programs to increase the number of deer harvested during hunting season.

The Kansas Corporation Commission's Conservation Division regulates the production of oil and gas for efficient production and protection of the environment. Because the Hugoton gas field's productive life is nearing an end, the Conservation Division has been addressing ways to extend production by tapping as much of the reserves as possible. The latest approved techniques involve increasing the number of wells within a section and using vacuum pumps. When a gas well is originally drilled, the natural pressure of gas underground moves it up the well. As the field matures and the pressure drops, placing a vacuum pump on a well pulls some of the remaining gas up through the pipe to the surface. These techniques extend the productive life of the field.

The Hugoton field also is being used to store natural gas from excess summer production. The gas is then removed during the high-demand winter months. Pipelines are proposed to connect new Wyoming gas fields to the Hugoton area to link with the existing interstate pipeline system that ultimately delivers gas to eastern and northern cities.

The Kansas Corporation Commission has also contracted with the Kansas Biological Survey on oil field remediation, using bio-organisms and plants.

Study Questions

1. Why do no-hunting areas on private property hinder efforts to reduce deer populations? How should the Department of Wildlife and Parks address the no-hunting issue?
2. With the declining production of natural gas in southwest Kansas, what policies or programs should the state implement to maintain a strong local economy?
3. Several efforts have been made to restructure the state's water-related agencies and their functions. If you believe they should be consolidated, explain why and develop a chart of organizations and functions. If you do not believe they should be consolidated, explain why the current system is better.
4. Should intermittent streams be regulated by the state, or are they equivalent to roadside ditches and should not be regulated? Explain your answer.

Test Questions

1. The state's conservation districts exist in every county to _____.
 1. administer the water resources cost-share land treatment program
 2. implement nonpoint source pollution project work plans
 3. develop riparian and wetland protection programs
 4. prevent a repeat of the "dust bowl" conditions of the 1930s

The most correct answer is:

- a. 1, 2, and 3
 - b. 4
 - c. 1 and 4
 - d. all of the above (p. 364)**
2. The Natural Resource Conservation Service is part of the U.S. Department of Agriculture and administers cost-sharing conservation programs for approved farmer-initiated projects.

True (p. 365)

False

3. Water management is a major state issue. Which of the following is *false*?
- The state owns all subsurface waters and authorizes withdrawals of specified amounts.
 - The Ogallala Aquifer's recharge rate in many places is less than the rate of withdrawal.
 - Conflicts exist over whether seasonal "streams" should be regulated.
 - Kansas has sued Colorado, Nebraska, Missouri, and Oklahoma over stream-flow levels. (pp. 367–368)**
4. Which of the following water management organizations has *not* been created by the Kansas Legislature?
- drainage and irrigation districts
 - watershed and groundwater management districts
 - public wholesale water supply districts and water assurance districts
 - municipal conservation and management districts (pp. 369–372)**
5. The Department of Wildlife and Parks is responsible for _____.
- operating fish hatcheries
 - trading Kansas wildlife for that of other states
 - registering boats
 - operating fishing lakes in many counties

The most correct answer is:

- 1 and 2
- 1, 2, and 3
- 3 and 4
- all of the above (pp. 374–376)**

Additional Resources

Kansas Water Office
901 S. Kansas Avenue, Topeka, Kansas 66612-1249
785-296-3185

Conservation Commission
109 SW 9th Street, Topeka, Kansas 66612-1215
785-296-3600

Department of Agriculture
109 SW 9th Street, Topeka, Kansas 66612-1283
Division of Water Resources, 785-296-3717

Department of Health and Environment
1000 SW Jackson Street, Topeka, Kansas 66612
Bureau of Water, 785-296-5500

Kansas Biological Survey
104 Foley Hall, University of Kansas, Lawrence,
Kansas 66045
785-864-7725

Kansas Rural Water Association
PO Box 226, Seneca, Kansas 66538
785-336-3760

Department of Wildlife and Parks
900 SW Jackson, Suite 502, Topeka, Kansas
66612-1220
785-296-2281

Kansas Corporation Commission
130 S. Market Street, Wichita, Kansas 67202-3810
Oil and Gas Conservation Division, 316-337-6200

Kansas Livestock Association
6031 SW 37th Street, Topeka, Kansas 66614
785-273-5115

Suggested Class Activities

- Visit a state park or wildlife area. Invite a game warden or park manager to class and discuss deer populations, camper expectations, habitat improvement, and other programs.
- Visit an operating oil or gas well. Invite a well operator, drilling rig operator, and landowner to class to discuss the exploration, production, and environmental protection aspects of the business.
- Visit a drinking water treatment plant, groundwater management district, or watershed district. Ask about water quality issues.
- Invite a farmer, rancher, irrigator, or other agricultural producer to class and discuss water quantity and quality. Invite a representative of an environmental group and ask the same questions.
- Invite a representative of a business that uses large quantities of water (a power plant or meat-packing plant) and ask his or her opinion of the state's water policies. Ask whether the business recycles the water used, how clean it must be for use, and how clean it is at the point of discharge.

Chapter 21

Transporting People and Products

Kansas, while ranking 13th in size among the 50 states, maintains the fourth-largest public road system. Table 33 on page 383 lists the types of roads in Kansas and the estimated daily vehicle miles traveled over each type. The highest mileage is in the county/township category, but the greatest number of vehicle miles per day occurs on the state highway system, followed closely by municipal streets.

The counties and townships, generally rural and having smaller populations than urban counties and cities, have the largest financial burden in sustaining their road infrastructure.

The state highway system contains some roads with very high traffic densities and some with extremely low densities. Secretaries of Transportation have unsuccessfully attempted to return low-volume roads to the responsibility of the counties. The counties opposed this effort.

City connecting links (city streets that carry traffic from a state highway at one side of town to a state highway on the other side) receive state financial maintenance assistance. While the state frequently attempts to construct bypasses around cities to minimize stop-and-go traffic, municipal governments oppose such efforts because persons driving through town are more likely to stop and contribute to the local economy.

Motor fuel taxes are the largest funding source for road construction and maintenance. The complicated distribution formula, succinctly described on page 388, can help students understand that local governments receive a significant portion of the state-collected motor fuel taxes. This is an excellent example of “demand transfer revenue sharing.” (Money is automatically transferred by the state according to a formula and does not require annual legislative action.)

How the motor vehicle registration and license fees are collected is important. Receipts from these taxes also are shared with local governments. The payment of motor vehicle sales taxes raises a political issue. Should the county in which a motor vehicle dealer sells a car, truck, or recreational vehicle collect the appropriate tax? Or should the county in which the buyer lives and will register the vehicle collect the tax? Currently, the county in which the vehicle is registered collects the tax.

The importance of this issue is that counties have different sales tax rates. Rural counties generally have fewer dealers and vehicles from which to choose than do urban counties. Legislators have opted to help maintain tax collections in rural counties.

While the text focuses on the highway component of the Comprehensive Transportation Program approved by the Legislature in 1999, significant dollars also are allocated to rail, bus, and air transportation. Short-line railroads are eligible for assistance to maintain freight service to many small Kansas communities, airport improvements are funded, and increased dollars are available for mass transit programs.

Completion of all projects envisioned in the Comprehensive Transportation Program is contingent upon funding. With the state’s economy slowing in the early 21st century, increased pressure is being placed on legislators to recapture the sales tax dollars transferred to the Department of Transportation. If recaptured, these funds could be used to enhance education and to aid welfare and other programs that also have high public support.

Simplistically, this can be perceived as a conflict: long-term goals of the transportation community and short-term benefit of job creation for construction and maintenance versus the state’s commitment to ensur-

ing equal educational opportunities, meeting its federally mandated requirement to help the needy, and protecting public safety and the environment. There are no easy answers. Policy priorities are being reassessed and affected constituencies are becoming involved on both sides of the debate.

Study Questions

1. From the Department of Transportation, procure a highway map that contains vehicle travel density figures. After examining the map for your area of the state, decide whether some state roads should be returned to county control. Should some roads be upgraded to handle increasing traffic volumes? Explain your answers.
2. Does your community have city link highway miles? Does it have a bypass? What economic effects for local businesses and city revenues do local officials see in the city link or bypass?
3. How much money does your county receive annually from the state as its share of the state highway fund? How is the money spent by each local government?
4. Has the Kansas turnpike been a success? Should additional roads be built or converted to turnpike status? Explain your answer.
5. The Comprehensive Transportation Program envisions at least \$3 million being spent in each county. What projects are proposed for your county? Do they consist of maintenance, major modifications, priority bridges, or system enhancements? Did your community receive all of the project approvals it sought?

Test Questions

1. The Department of Transportation maintains all of the following *except* _____.
 - a. the interstate system
 - b. the Kansas Turnpike (p. 383)**
 - c. numbered state roads
 - d. bridges on state roads
2. Kansas ranks _____ in miles of public roads among all states.
 - a. second
 - b. third
 - c. fourth**
 - d. sixth

3. The county-unit system means that _____.
 - a. the county has responsibility for all roads outside city limits (p. 387)**
 - b. counties maintain city streets
 - c. townships maintain most rural roads on behalf of the county
 - d. townships, cities, and the county equally share financial responsibility for maintaining all roads and streets
4. The Comprehensive Transportation Program contains several highway components. These are _____.
 1. substantial maintenance
 2. major modifications
 3. priority bridges
 4. system enhancement

The most correct answer is:

- a. 1 and 2
- b. 1, 3, and 4
- c. 2 and 4
- d. all of the above (p. 392)**

Additional Resources

Department of Transportation
 Docking State Office Building, 915 SW Harrison Street, Topeka, Kansas 66612-1568
 Division of Aviation, 785-296-2553
 Division of Operations, 785-296-2235
 Division of Construction and Maintenance, 785-296-3576
 Bureau of Local Projects, 785-296-3861
 Secretary, 785-296-3461

Local city, county, and township public works departments

Local county treasurer

Local business owner selling motor fuels (to discuss tax collection and remittance)

Local business owner providing road construction services

Suggested Class Activities

- Arrange to visit a highway construction or maintenance project.
- Invite local officials to class and discuss state aid allocations to local governments.
- Develop a road-use density map for your county or city.
- Determine whether your county sends more money to the state for highway projects than the county receives in return.

Chapter 22

Protecting Kansas Workers

Appendix: Kansas Constitution, Article 15

The Workmen's Compensation Law ensures that workers injured on a job receive adequate medical and rehabilitation care so they can rejoin the workforce. Employers pay into the Workers Compensation Fund based on their number of employees and injury/claim experience in previous years.

For all of its benefits, the program has controversies. Injured workers must go to the physician selected by the employer. Some employees believe that, because the physician is somewhat linked with the employer financially, the physician is motivated to decide that an employee has not been injured or to rush an employee back to work before an injury has completely healed. Employers believe that some workers become injured at home over the weekend but wait to see a physician after they arrive at work on Monday morning, claiming a work-related injury.

Disputes between employer and employee are handled by administrative law judges appointed by the Department of Human Resources. The losing party may believe that justice was not accomplished, so appeals are possible. Table 35 on page 398 summarizes the benefits authorized by statute to injured workers.

The Unemployment Compensation Fund provides benefits to workers who are laid off. Employers contribute to this state-administered program based on the company's annual payroll and its layoff experience. The federal fund is 0.8 percent of the first \$7,000 paid to each employee. The contribution rate to the Kansas fund ranges from .01 to more than 7.0 percent.

The Kansas Department of Human Resources provides job services, including vocational training and job referrals. The state's job referral program complements private-sector efforts to locate qualified potential employees.

The right of workers to organize and negotiate with employers has long been recognized in Kansas. Public employees "meet and confer" and generally are prohibited from engaging in work stoppages. Private-sector employees may strike as part of the bargaining process. Kansas is a "right-to-work" state, meaning that employees may not be compelled to join a labor union and pay dues, even if the union represents every other employee at the company. This provision is included in the Kansas Constitution. Labor representatives frequently ask the Legislature to address that issue, arguing that workers who enjoy the benefits of union-negotiated contracts should contribute to the expenses incurred. To date, the Legislature has not presented a repeal of the right-to-work law to the voters.

Many special legislative committees are charged with ensuring that various constituencies are protected. This reflects changing political awareness in Kansas and the nation. The Americans with Disabilities Act has changed the manner in which government agencies and private-sector employees operate. The most visible changes are curb cuts and access ramps. However, lower counters, special restroom accommodations, and greater sensitivity are other responses.

Study Questions

1. Are the benefit limits contained in Table 35, page 398, appropriate? Why or why not? How should the state balance the desire of workers to be adequately compensated and rehabilitated with the desire of employers to minimize fraud?
2. Should public employees be permitted to engage in work stoppages (strikes)? Why or why not?
3. Several Regents institutions have employees represented by organized labor unions. What labor organizations represent classified employees? Unclassified employees? What is the procedure through which such a group becomes officially recognized?
4. How much are unemployment benefits? Is this an appropriate amount in all parts of Kansas, or should a sliding scale be implemented to reflect the actual cost of living? Explain your answers.
5. Should public employees be permitted to negotiate or bargain with employers, rather than the current meet-and-confer practice permitted by law? What would be the consequences of such a change? Explain your answers.
6. What accommodations has your community made for persons with disabilities? Where have the accommodations been made? How many curb cuts and ramps to permit wheelchair access do you see around town? Do they exist because someone requested it or because someone may one day want such access?

Test Questions

1. What agency must approve any attempt by public employees to organize for the purpose of meeting and conferring with their employing agency?
 - a. Public Workers Administration
 - b. Public Interest Section of Department of Human Resources
 - c. **Public Employee Relations Board (p. 402)**
 - d. Public Servants Review Board
2. Unemployment tax rates on employers depend on which of the following factors?
 1. total assessed property value
 2. annual payroll
 3. number of employees
 4. amount of unemployment benefits paid to previous employees

The most correct answer is:

 - a. 1 and 3
 - b. 3 and 4
 - c. 2 and 3
 - d. **2 and 4 (p. 400)**
3. Kansas is a “right-to-work” state. This means that _____ .
 - a. all Kansans, regardless of race, religion, or disability, have the right to a job
 - b. Kansas governments must find jobs for all people who are willing to work but have not found an appropriate position on their own
 - c. All Kansans may join organized labor unions
 - d. **Kansans are not required to belong to a union, even if a union represents all other employees in their company (p. 402)**

Additional Resources

Department of Human Resources
 401 S. Topeka Boulevard, Topeka, Kansas 66603-3182
 Division of Employment and Training, 785-296-7874
 Division of Employment Security, 785-296-5075
 Unemployment Benefits Section, 785-296-5074
 Appeals and Alternative Dispute Resolution Unit,
 785-368-6226
 Assessments and Collections, 785-296-5025
 Workers Compensation Division, 785-296-4000
 Kansas Office of Native American Affairs, 785-368-7318
 Kansas African-American Affairs Commission, 785-296-4874
 Kansas Commission on Disability Concerns, 785-296-1722
 Kansas Advisory Committee on Hispanic Affairs,
 785-296-3465
 Secretary of Human Resources, 785-296-7474

Human Rights Commission
 Landon State Office Building, Suite 851 S, Topeka,
 Kansas 66612-1258
 785-296-3206

Kansas AFL-CIO
2131 SW 36th Street, Topeka, Kansas 66611
785-267-0100

Kansas Association of Public Employees
1300 SW Topeka Boulevard, Topeka, Kansas 66612
785-235-0262

Suggested Class Activities

- Invite an employer and a labor union representative to class and discuss worker compensation and unemployment tax issues.
- Invite local government officials and business owners to class for a discussion on making their facilities accessible to persons with disabilities.
- Rent a wheelchair and crutches. Take turns using them, trying to maneuver through doors, etc. How easy is it to conduct your normal activities while using a wheelchair or crutches?

Chapter 23

Regulating Business and the Professions

Appendix: Kansas Constitution, Articles 12, 13, and 15

The regulation of businesses and professions is a means of securing additional government revenues. It also is a recognition that some businesses and professions are monopolies, upon which marketplace forces are ineffective.

Public utilities are regulated by the Kansas Corporation Commission, but rural electric cooperatives and municipal utilities generally are not. Banks and credit unions are overseen by either the state or federal government, depending on whether the financial institution is chartered by the state or by the federal government.

The text provides detail about the operation of several state regulatory agencies. Note that these agencies exist largely to protect the consumer on issues of safety and financial risk and to protect honest businesses from unscrupulous competitors. Regulatory agencies must balance the desire of businesses to remain solvent with reasonable consumer protections.

The role of state agencies to protect the public is questioned occasionally. The Citizens Utility Ratepayers Board (CURB) represents residential and small-business owners before the Kansas Corporation Commission (KCC) during rate cases. While the KCC must consider all classes of customers, large industrial customers generally are able to hire their own attorneys and other professionals to intervene before the KCC. CURB has a small budget with which to pay permanent staff and contract for expert witnesses on behalf of small utility customers.

The role of the insurance commissioner was examined in a previous chapter. The commissioner is the only elected regulatory agency head; others are appointed by the governor and confirmed by the Senate.

Many professions have self-regulating components, but the state retains an oversight role through licensing. The state administers or recognizes nationally accepted professional accreditation tests and certifies or licenses those who pass the tests. Attorneys, for instance, must pass the state's bar exam. Table 37 on page 416 lists licensing boards. Note the diversity of professions that are regulated.

A frequent complaint is made that professional licensing agencies are dominated by persons in those professions. Regulatory boards do include lay persons and professional staff members in addition to practitioners.

Regulatory agencies have authority to establish fees to cover their expenses, subject to approval of the Legislature through the appropriations process. Fees are charged for license renewals, document filing, and other functions performed by the regulatory body. Frequently the regulatory agencies are better funded than are state departments that depend totally on tax dollars instead of user fees.

Local governments regulate businesses through franchise fees and licensing requirements. A city may require that all work be performed by a licensed plumber, for instance. City inspectors may refuse to certify that a home may be occupied if a licensed electrician has not performed all of the appropriate work. While designed to protect the public from unqualified persons, the licensing process is also a means of raising revenues.

Cities and counties may adopt building code standards and enforce them through the building permit and inspection process. Farmers are exempt from many of the codes, and cities frequently have different codes than counties do for nonurban residents.

Study Questions

1. Some businesses, such as payday loan shops, largely escape government regulation. How are bail bond and pawnshops regulated? How about home improvement contractors and roofers?
2. While many occupations and professions are regulated by the state, some, such as home inspectors, are not. What other services are not certified by a state agency? Should they be? Why or why not?
3. Should a majority of members on a regulatory board be people who are subject to regulation by that same board? Why or why not? Should there be limits on the right of a state employee to move between a state regulatory agency, such as the Kansas Corporation Commission, and a regulated business, such as Sprint? Explain.
4. Does your city or county have an enforced building code and licensing system? If yes, how does the system function? If not, should a system exist?

Test Questions

1. The governor appoints all of the following regulators, subject to Senate confirmation, *except* the _____.
 - a. insurance commissioner (p. 410)
 - b. Kansas Corporation Commission members
 - c. bank commissioner
 - d. security commissioner
2. The bank commissioner oversees both state-chartered banks and credit unions.

 True
 False (p. 414)
3. Which of the following are regulated by the state?
 1. engineers
 2. landscape architects
 3. physical therapists
 4. adult-care home administrators
 5. real estate appraisers
 6. chiropractors

The most correct answer is:

- a. 1, 4, and 6
 - b. 1, 3, and 5
 - c. 4, 5, and 6
 - d. all of the above (p. 416)
4. The Kansas Corporation Commission and the insurance commissioner both _____.
 - a. regulate rates (pp. 407, 411)
 - b. inspect facilities
 - c. assign customers to specific companies and providers
 - d. are funded from the state general fund

Additional Resources

Kansas Corporation Commission, Utilities Division
 1500 Arrowhead Drive, Topeka, Kansas 66604-4027
 785-271-3165

Insurance Department, Agents and Brokers Division
 420 SW 9th Street, Topeka, Kansas 66612-1678
 785-296-3071

State Board of Healing Arts
 235 S. Topeka Boulevard, Topeka, Kansas 66603-3068
 785-296-7413

State Board of Technical Professions
 900 SW Jackson Street, Suite 507, Topeka, Kansas
 66612-1257
 785-296-3053

Bank Commissioner
 700 SW Jackson, Suite 300, Topeka, Kansas 66603-3714
 785-296-2266

Behavioral Sciences Regulatory Board
 712 S. Kansas Avenue, Topeka, Kansas 66603-3742
 785-296-3240

Kansas Board of Barbering
 700 SW Jackson, Suite 1002, Topeka, Kansas 66603-3742
 785-296-2211

Board of Cosmetology
714 SW Jackson Street, Suite 100, Topeka, Kansas
66603-3714
785-296-3155

Citizens Utility Ratepayers Board
785-271-3000
1500 Arrowhead Drive, Topeka, Kansas 66604-4027

Suggested Class Activities

- Invite several professionals who are regulated by state agencies. Ask them to explain the regulatory process, what benefits they and you derive, and what policy or procedure changes they would like to see.
- Invite a representative from your local utility and an insurance agent. Ask about regulatory and rate-making procedures at the Kansas Corporation Commission and the Department of Insurance.
- Invite representatives of banks, securities dealers, credit unions, and other financial institutions to discuss how their agency's actions protect consumers from predatory or unfair practices.
- Ask your parents how secure they feel when visiting a barber, cosmetologist, physician, veterinarian, or other professional, knowing the service provider is state-licensed. What other public services would your parents like to be regulated more closely by the state?

Chapter 24

Stimulating Economic Development

Appendix: Kansas Constitution, Articles 11 and 15

Most of the state's share of lottery revenues is administered by the Department of Commerce and Housing to stimulate economic development. Many legislators have tried to earmark lottery funds for education, instead—without success. The majority of legislators argue that long-term creation of jobs is more vital to the state's future than is an infusion of money into the school finance formula.

The state's research universities have been encouraged to develop new products (pharmaceuticals or varieties of wheat) or new processes and establish for-profit businesses ("centers of excellence") to market them. The expectation is that centers of excellence and their spin-off businesses will create jobs and wealth for the state.

The state provides grants, technical advice, marketing assistance, and other services to start-up businesses. In some cases, the state assumes an ownership share as a result of its investment. The state also works with private venture capitalists (investors) to develop products for market.

Because much of the economic development program is long-term in scope, legislators and the public frequently become disenchanted with the investment process. Investments that will not provide a return or significant job creation for several years, or that are financially risky, are seldom popular. Most legislators have been willing to allow such investment to continue, but periodic reports are necessary to assure the public and legislators that these investments in technology and people will provide tangible benefits.

Many local communities have economic development committees, frequently associated with their chamber of commerce. Some large communities com-

pete nationally and internationally, in cooperation with the Department of Commerce and Housing, to attract businesses. The department also seeks to attract tourists and film crews to Kansas through state promotional efforts and in support of local community plans. The department also administers the community development block grant program, which enables selected communities to improve their infrastructure services.

Most communities offer tax reductions and other incentives to attract new business investments and jobs. Some citizens object to such incentives, arguing that the business does not contribute as much property tax income as it otherwise would. Incentives for existing businesses to remain or expand often are not comparable to the incentives offered to new businesses. Because existing businesses are supporting local schools, charitable organizations, police and fire departments, and all the other responsibilities that come with living in a community, they naturally resent what they view as an uncompetitive situation.

Few economic development groups keep statistics on the net gain or loss their community experiences when businesses relocate to town or close their doors. In the view of most residents, net job creation is more important than total new jobs created. As the state's economy slows, it may be more important to retain existing businesses, jobs, and tax bases than to attract new businesses. "Zero-sum" economic development, in which one town loses a business to another because of a more attractive incentive package, does not benefit Kansas as a state. It also should plant a seed of doubt within the "winning" community about how loyal the new business partner will be when the incentive package expires.

Study Questions

1. What incentives does your community offer to attract new businesses? What incentives are offered to existing businesses that want to expand? Are these incentives adequate and appropriate? Explain your answer.
2. Has your community received economic development assistance from the state? If yes, in what manner? If not, why not?
3. Has your community seen lottery money invested locally? If yes, in what manner? If not, why not?
4. Does your community have an active economic development group? What are its most effective tools, and why?
5. Does your community have an active group that opposes tax incentives and other incentives to attract business development? If yes, what are the group's objections? Are they reasonable? Why or why not?
6. Does your community benefit from tourism or movie making? If yes, in what manner? If no, what attractions does your community have that could be successfully marketed? How could that be accomplished?
7. Is your community officially designated a "Pride Community"? What does that designation mean? If yes, what is the value of the designation? If no, should the community have that designation?

Test Questions

1. The mission of Kansas, Inc., is to conduct strategic planning for the Kansas economy and formulate economic development policy.

True (p. 423)

False

2. The mission of the Kansas Technology Enterprise Corporation (K-TEC) is to create new Kansas businesses and help existing businesses grow through technological innovation.

True (p. 424)

False

3. Which of the following is *not* a function of the Department of Commerce and Housing?

- a. Promote sales of agricultural products.
- b. Help businesses expand.
- c. Promote tourism.

d. Construct buildings for new businesses. (p. 425)

4. The Pride Program is administered by the Department of Commerce and Housing's _____.

- a. Business Development Division
- b. Community Development Division (p. 427)**
- c. Travel, Tourism, and Film Services Division
- d. Agricultural Products Development Division

Additional Resources

Department of Commerce and Housing
700 SW Harrison Street, Topeka, Kansas 66603-3712
Business Development Division, 785-296-5298
Travel, Tourism, and Film Services, 785-296-2009

Kansas Chamber of Commerce and Industry
835 SW Topeka Boulevard, Topeka, Kansas 66612
785-357-6321

Local chamber of commerce or economic development groups

County, city, and school district officials regarding tax revenue implications

Board of Regents, Institutional Research
1000 SW Jackson Street, Topeka, Kansas 66612
785-296-0567

Suggested Class Activities

- Invite local economic development leaders to discuss how they compete with other communities, within and outside Kansas, for businesses.
- Invite business owners to discuss what incentives are available to them for expansion or retention.
- If your community has a business park, visit the businesses. Are they part of national or international corporations or locally owned? If part of a national or international company, how do they compete within their own corporations for resources and business retention and growth?
- Walk down your main street. How many vacant stores do you count? What percentage of potential business sites along your walk are vacant? Has the number been relatively static, increased, or decreased over the past three years? What does this trend indicate to you?
- Invite your local legislators to discuss how the state should support community development in towns and counties like yours.
- Develop a public opinion poll and solicit community members' opinions regarding how economic development dollars and efforts should be expended in your community.

Chapter 25

Reflections on Kansas State Government

This chapter reports on the efforts of the executive, legislative, and judicial branches to adapt to evolving conditions. The key to the chapter is the first sentence on page 431:

“All governments must adapt and readjust to changes that occur in the political, economic, and social milieu in which they operate.”

The second key concept is that public involvement is the major cause of change, at both the local and state levels.

This is an appropriate time to encourage your students to become more actively involved in their communities. Whether they volunteer at an adult care facility, attend local government meetings to become better informed, start an Internet business, or engage in some other activity is immaterial. The key is to challenge them to identify a community need that matches an interest or talent of their own—and to act.

It also is an appropriate time to consider what environments affect the governments they have studied. How often does one government force change in another? How often does change come from citizen requests or from officials holding elected or appointed positions? How much do scientific and technological changes influence the manner in which governments act?

Suggested Class Activities

- Invite senior citizens to class and ask what changes they have witnessed during their lifetimes. Discuss what changes you and your students are likely to experience during your lifetimes.
- Invite local officials and discuss why so few persons participate in the election process. What can be done to increase voter education and voting?
- Poll the students of your class and school. How many plan to live in your community as adults? How many want to live elsewhere? Why?

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