

MINUTES

LEGISLATIVE COORDINATING COUNCIL

June 23, 2004

Members present:

Speaker Doug Mays, Chairperson  
President Dave Kerr, Vice-Chairperson  
Senator Lana Oleen, Majority Leader  
Senator Anthony Hensley, Minority Leader  
Representative Clay Aurand, Majority Leader  
Representative John Ballou, Speaker Pro Tem  
Representative Dennis McKinney, Minority Leader

The meeting was called to order by Speaker Mays at 11:05 a.m. in Room 123-S, State Capitol.

CONSENT AGENDA

President Kerr moved that the minutes of the May 27, 2004, meeting be approved. Representative Ballou seconded the motion and the motion carried.

SUBCOMMITTEE ON ADMINISTRATION

President Kerr presented the report and recommendations of the Subcommittee on Administration. The subcommittee recommended that legislators selected to attend the Bowhay Institute for Legislative Leadership Development in Madison, WI, and legislators selected to attend the Toll Fellows Program in Lexington, KY, be authorized travel expenses; the Uniform Law Commissioners be authorized to attend the annual meeting in Portland, OR, July 30-August 6, 2004, and receive compensation and expenses as authorized by law; as a condition for LCC approval of out-of-state travel, limitations on legislative out-of-state travel reimbursement for FY 2005 be established with the same conditions and limitations as established by the Council for FY 2004 except expenses for out-of-state travel would be limited to \$700 per trip during FY 2005 and no maximum total cap on out-of-state travel paid from legislative appropriations was fixed; the chairperson of the Council be approved to sign the contract for the Legislative Coordinating Council with the Information Network of Kansas and Revisor of Statutes be authorized to sign the contract on behalf of the Revisor's Office with the Information Network of Kansas for a one year extension of each such contracts; a request of the Revisor of Statutes that the Revisor investigate alternatives for publication of the statutes with various legal publishing companies be approved; LCC Policy 55 as revised pursuant to motion of the

Legislative Coordinating Council at its December 16, 2003, meeting be approved to read as follows:

Policy 55. Capitol Restoration Commission. (a) For the purpose of advising the Legislative Coordinating Council concerning matters relating to the Capitol, the Capitol Restoration Commission (CRC) is hereby established. The Capitol Restoration Commission shall be composed of 16 members as follows: Each member of the Legislative Coordinating Council or a designee of such member; the chairperson, vice-chairperson and ranking minority member of the Joint Committee on State Building Construction; the chairperson and ranking minority member of the Committee on Appropriations of the House of Representatives; the chairperson and ranking minority member of the Committee on Ways and Means of the Senate; the state treasurer and the secretary of administration or the designee of the secretary. If any legislator member of the Capitol Restoration Commission, other than a Legislative Coordinating Council member, declines to serve on the Commission, such member shall be replaced as a member of the Commission by appointment by the president of the senate if the member to be replaced is a member of the majority party of the senate, by the speaker of the house of representatives if the member to be replaced is a member of the majority party of the house of representatives, by the minority leader of the senate if the member to be replaced is a member of the minority party of the senate or by the minority leader of the house of representatives if the member to be replaced is a member of the minority party of the house of representatives. The chairperson of the Legislative Coordinating Council shall be chairperson of the CRC, and the vice-chairperson of the Legislative Coordinating Council shall be vice-chairperson of the CRC.

(b) The CRC shall be staffed by the Capitol architect, the director of the division of facilities management, or a designee of the director, the division of legislative administrative services, the legislative research department and such other persons as the Legislative Coordinating Council may specify. The secretary of the state historical society shall act as advisory staff to the CRC upon call of the CRC.

(c) The CRC may meet upon the call of the chairperson or of a majority of the members of the CRC. The CRC shall advise the Legislative Coordinating Council on matters relating to the restoration, renovation, physical organization and use of the Capitol and grounds and such other matters relating to the Capitol as the CRC deems appropriate. (Adopted February 16, 1998; amended December 16, 1998; amended October 14, 1999; amended October 28, 2003; amended December 16, 2003.);

recommended that Mr. Furse and Mr. Russell investigate the possibility of replacing the main copier for the Revisor of Statutes Office and establishing additional back-up copying capacity in Legislative Administrative Services; directed Mrs. Janet Jones and Mrs. Pat Saville to commence planning for new member orientation to be held after the November election.

In addition, the subcommittee recommended the creation of several special interim study committees, assignment of topics to these committees and recommended topics for several of the statutory joint committees and fixed the number of meeting days for the special committees and statutory joint committees, and such matters, as modified by discussion of members of the Council in the full Council meeting, were as follows:

### **I. Special Committees**

**Committee:** Assessment and Taxation

**Membership:** 13 members (8 from the House and 5 from the Senate)

**Chairperson:** House Chair

**Meeting Days:** 5 days

**Topics:**

1. *Delinquent Taxes Precluding Renewal of Licenses Under Liquor Control Act and Club and Drinking Establishment Act (2004 HB 2680 and SB 414)*. Study 2004 HB 2680 and SB 414 which would have required a liquor licensee to be current on all gallonage, withholding, sales, liquor drink, and liquor enforcement taxes in order for a license to be renewed.
2. *Revocation or Nonrenewal of Certain Professional Licenses for Delinquent Taxes and Returns (2004 HB 2776 and SB 468)*. Study 2004 HB 2776 and SB 468 which would have required state licensing agencies to deny license renewal if an applicant owed the state any taxes or had not properly filed returns.
3. *Collection of Delinquent Taxes (2004 HB 2664 and SB 412)*. Study 2004 HB 2664 and SB 412 which would have allowed the Secretary of Revenue to secure a claim against personal property of a taxpayer in bankruptcy to provide for payment of any income and withholding, sales or compensating use taxes without requiring the seizure of the property prior to the debtor's bankruptcy.
4. *Award of Attorneys' Fees in Appeals of Orders of the Board of Tax Appeals (2004 HB 2540)*. Study 2004 HB 2540 which dealt with attorneys' fees for appeals of certain State Board of Tax Appeals rulings or orders.

5. *Confidentiality and Disclosure Requirements of Tax Information (2004 HB 2744 and SB 477)*. Study 2004 HB 2744 and SB 477 which related to the sharing of taxpayer information or related information with certain public officials.
6. *Monitor Streamlined Sales Tax Implementation*. Monitor the transition of Kansas retailers to destination-based sales tax sourcing as the new January 1, 2005 “full-compliance” date approaches. Receive additional reports from the Department of Revenue on Kansas’ participation in the multi-state Streamlined Sales and Use Tax Agreement and on any relevant action in Congress.
7. *Franchise Tax Administration*. Monitor implementation of changes approved by the 2004 Legislature regarding franchise taxes. Receive information from the Department of Revenue and Secretary of State on the new franchise tax administration.
8. *Requirements of Municipalities Related to Imposition and Modification of Development Excise Taxes (2004 HB 2834)*. Study 2004 HB 2834 and the issues related to excise taxes versus impact fees, including: (a) requiring a rational basis for tax beyond additional revenue; (b) the statutory visibility and regulation, plus the appropriate role of the Legislature; (c) accountability through a required annual report or through excise tax receipts; and (d) uniformity with K.S.A. 12-194.

**Committee:** Environment

**Membership:** 11 members (7 from the House and 4 from the Senate)

**Chairperson:** House Chair

**Meeting Days:** 3 days

**Topics:**

1. *Converting Irrigated Land to Non-Irrigated Land Use (2004 HB 2620)*. Study 2004 HB 2620 which would have established an irrigation assistance grant program to assist water right owners in converting from irrigated agriculture to dryland agriculture, pasture, or other non-irrigated land use.
2. *Review the Voting Procedures and Privileges of the Kansas Water Authority*. Review the voting procedures and privileges of the members of the Kansas Water Authority. An internal policy of the Kansas Water Authority permits ex-officio members of the Authority to make and second motions and to cast votes on select committees established by the Authority.
3. *Review the Economic Impact of Not Maintaining the Recreational Water Pool Level at Cedar Bluff Reservoir*. Review the economic impact to the state and local communities around Cedar Bluff Reservoir of not maintaining the water level at the recreational water pool level at Cedar Bluff Reservoir.

**Committee:** Judiciary**Membership:** 13 members (8 from the House and 5 from the Senate)**Chairperson:** House Chair**Meeting Days:** 5 days**Topics:**

1. *Use of Eminent Domain for Purposes of Economic Development.* Review the types of local government entities that may exercise the powers of eminent domain for economic development projects; how this power has been used around the state; and what the courts have determined is a proper public purpose for the exercise of the powers of eminent domain.
2. *Eminent Domain.* Review the need for an appropriate state policy on the use of eminent domain to achieve a proper balance between individual rights of ownership and the potential for economic growth and development which might benefit the entire state.
3. *Death Penalty and the Definition of "Mentally Retarded" (2004 SB 355).* Study the definition of "mentally retarded" in conjunction with death penalty cases as provided for in 2004 SB 355. Study the appropriate state response to a U.S. Supreme Court decision in *Atkins v. Virginia*, which held that execution of a person with mental retardation violates the *Eighth Amendment* prohibition of cruel and unusual punishment.
4. *Adult Care Homes and Prohibiting the Use of State Inspection Reports as Evidence in Civil Litigation (2004 SB 430 and HB 2306).* Study 2004 SB 430 and HB 2306 which related to whether or not state inspection reports of adult care homes may be used in civil litigation.
5. *Use of a Controlled Substance and if the Defendant's Refusal to Take a Drug Test Would be Admissible Evidence at Any Trial on a Charge of Using a Controlled Substance (2004 HB 2649).* Study 2004 HB 2649 which related to the criminal statutes of using a controlled substance, and if the defendant's refusal to take a drug test would be admissible evidence at any trial on a charge of using a controlled substance. Study the impact on the state's prison population if 2004 HB 2649 was enacted into law.
6. *Allowable Time for an Investor to Pursue Civil Litigation Under the Kansas Uniform Securities Act.* Study the allowable time for an investor to pursue civil litigation under the Kansas Uniform Securities Act (2004 HB 2347 - as enacted). In particular, review if the one-year time period for an investor to pursue civil litigation is adequate and appropriate.
7. *Access to Victim Information by Law Enforcement Agencies and the Department of Social and Rehabilitation Services (2004 HB 2636).* Study 2004 HB 2636 which would have authorized SRS and law enforcement agencies access to victim information so that those entities could have provided the required notifications to victims.

**Committee:** Local Government

**Membership:** 11 members (7 from the House and 4 from the Senate)

**Chairperson:** Senate Chair

**Meeting Days:** 6 days

**Topics:**

1. **City Annexation Laws.** Conduct a complete review of the city annexation laws, including: the need for cities to have unilateral annexation powers; the level of participation of residents in an area to be annexed to participate in the unilateral annexation process; the effectiveness of the annexation procedure before the board of county commissioners and its frequency of use; the feasibility of local boundary commissions to decide annexation issues; and a review of city plans for extension of services to newly annexed areas.
2. **Kansas Open Records Act.** Study all current exceptions to disclosure under the Kansas Open Records Act and recommend which exceptions should be continued and if any new exceptions should be added. A 2000 law provided that all exceptions to disclosure in existence on July 1, 2005, and any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment unless the Legislature acts to reenact the exception.

## **II. Statutory Joint Committees:**

**NOTE:** Joint committees generally have their own specific statutory charges or have the flexibility to select their own topics. In addition to their respective statutory charges, the following additional topics for study are referred:

**Committee:** Children's Issues

**Meeting Days:** 4 days

**Topics:**

1. **Child In Need of Care Code.** Study several aspects of the current Child in Need of Care Code for consideration of the following modifications: (1) giving the court discretionary authority to extend an order for continuance and informal supervision beyond the current 12-month statutory limit; (2) adding a new definition to the code that would allow the court to make a finding of "families in need of services" and to issue appropriate orders; (3) allowing the court to authorize placement in a secure facility prior to adjudication in certain circumstances; and (4) allowing the court to order placement in a secure facility if certain legal conditions are met.
2. **Review of Children's Programs.** Review all state programs for children, especially children from birth to age 5. Examine possible efforts to unify programs under the purview of the

Children's Cabinet with the goal of eliminating any duplication and increasing coordination of children's programs.

3. *Expansion (conception to birth) of the State Children's Health Insurance Program (SCHIP).* Study possible expansion in the SCHIP program to cover children from conception to birth. Share recommendations with the Legislative Budget Committee.
4. *Re-Enrollment of Children in the State Children's Health Insurance Program (SCHIP).* Study the current structure of the State Children's Health Insurance Program to determine if the annual re-enrollment requirement for participants in the program is necessary or if some other administrative procedure could be utilized to maximize participation in the program.

**Committee: Joint Committee on Corrections and Juvenile Justice**

**Meeting Days:** 6 days

**Topics:**

1. *Medical Preceptor Programs for Adult and Juvenile Correctional Facilities.* Study if preceptor programs for health care related students (*i.e.*, physicians, nurses, nurse practitioners, dentists and psychologists) could perform clinical rotations within the facilities of the Kansas Department of Corrections and the Juvenile Justice Authority.

**Committee: Joint Committee on Economic Development**

**Meeting Days:** 4 days

**Topics:**

1. *Use of STAR Bonds.* Review the use of sales tax and revenue (STAR) bonds by local units of government to ensure that the original legislative purpose for this economic development tool is being utilized appropriately.
2. *Utilizing the Film Industry as an Economic Development Tool.* Study the impact of utilizing the film industry as an economic development tool in Kansas, especially: a closer examination of the opportunities for development of independent film making; recruitment of film productions to shoot within the state; workforce development for the film industry through education and training at universities and community colleges; and investments to provide equipment and facilities for film production.

**Committee: Legislative Budget****Meeting Days:** 9 days**Topics:**

1. *Long-term Care Funding Issues.* Study long-term care funding issues, such as cost reimbursement and the effectiveness of rebasing nursing facility costs, provider assessments for nursing facilities, including a review of the cost basis in the current rate methodology, projected agency budget growth, and current funding and recommendations for funding changes, including a possible redefinition of nursing facilities.
2. *Use of State Building Funds to Pay Insurance for State Buildings.* Review the issue of using state building funds (Educational Building Fund, State Institutions Building Fund, and Correctional Institutions Fund) to pay insurance for state buildings.
3. *Utilization and Viability of the School for the Blind and the School for the Deaf.* Review the utilization and viability of the School for the Blind and the School for the Deaf. The study would include a review of capacity and utilization of the schools' dormitories, classrooms, and campuses, in addition to the alternative methods of providing services to blind and deaf students.
4. *Coordination and Communication of State Budget Information, Including Timely Reporting of State General Fund Revenues and Compliance with the State General Fund Ending Balance Statute.* Review the coordination and communication of state budget information between the Executive Branch and Legislative Branch to minimize any differences or discrepancies when comparing budgetary information, study the timely reporting of State General Fund revenues to the Legislature, and review compliance with the State General Fund Ending Balance statute.
5. *Regents Southwest Kansas Access Project.* Study the current status of the Regents Southwest Access Project to ensure that the purposes of the program are being fulfilled, that educational opportunities are being provided, and that the program is being funded at the appropriate level.
6. *Billing and Payment Practices of EDS as the Medicaid Fiscal Agent.* Review the performance of EDS as the Medicaid fiscal agent for the Department of Social and Rehabilitation Services. Study the EDS billing process of Medicaid claims and how timely payment is being made for those services by EDS.
7. *Higher Education Block Grant Funding.* Review higher education funding that would include operating block grants, the funding mix between State General Fund support and student tuition revenues.
8. *Monitor the Impact of the Medicare Prescription Drug Improvement and Modernization Act of 2003 on Kansas (especially the prescription drug card component).* Review the impact of the new federal prescription drug program on Kansas, including: the federally required monthly state maintenance of effort payments; any possible additional state administrative costs associated with the new program; potential impact on the Kansas HealthWave Program and the Senior Pharmacy Assistance Program; the ability of Medicare beneficiaries to choose the



most beneficial drug card plan; and the potential impact on the state as a result of further changes to the federal program.

**Committee:** Legislative Educational Planning Committee (LEPC)

**Meeting Days:** 8 days

**Topics:**

1. *Special Education.* Review special education within Kansas, including a review of the current funding mechanism; how other states fund and set criteria for special education services; review how an Individual Education Plan (IEP) is drafted, the components and the need for state standards; special education cooperatives; federal participation; the parent's role in determining the educational setting for their child and if they have input into the decisions that affect their child; and the Florida voucher program.
2. *Accountability for Results in Special Education Funding.* Determine if there is adequate followup to ensure that services and programs identified in each student's Individual Education Plan are in fact being provided and that the goal of the program is to move students into regular classrooms and out of special education programs to the extent possible; if the appropriate student population is being served, with the emphasis being placed on adequate safeguards to ensure that over-identification of special education students is not occurring and that students are being placed in programs that are appropriate for their specific needs; if there is adequate oversight of special education programs to ensure that state and federal requirements are being met and that, in fact, programs are in compliance with all applicable laws and guidelines; and if there are alternative ways of delivering special education services or changes in special education funding that should be considered in order to provide required services as efficiently and economically as possible.
3. *Child Care Programs Operated by School Districts.* Review the regulation of child care programs operated by local school districts.
4. *Study if Local School Districts Have Complied with the Provisions of 2003 SB 74 Dealing with Implementation of a Personal Financial Literacy Program.* Study the effects of 2003 SB 74 which required the State Board of Education to develop a curriculum, materials, and guidelines for local school boards of education to use in implementing a program on personal financial literacy. Also, determine whether if the local school boards have established the appropriate curriculum within their districts and how those courses have impacted the personal financial literacy of Kansas students.

**Committee:** Long-Term Care Services Task Force

**Meeting Days:** 6 days

**Topics:**

1. *Administration of Older Kansans Employment Programs.* Review and recommend which state agency can most effectively administer the Older Kansans Employment Program and the Senior Community Services Employment Program. The programs were transferred to the Department of Commerce by 2004 Executive Reorganization Order 31.

Committee: Joint Committee on State Building Construction

**Meeting Days:** 8 days

**Topics:**

1. *Rehabilitation and Repair of State Developmental Disability Institutions.* Study building rehabilitation and repair issues for state developmental disability institutions.
2. *Future Use of Capitol Complex Buildings.* Review plans for the future use of Capitol Complex buildings, particularly following the Department of Transportation's move out of the Docking State Office Building.

Committee: Kansas Security

**Meeting Days:** 4 days

**Topics:**

1. *Regents Institutions and Bioterrorism Preparedness Training.* Review why Regents institutions are not on the list of federally approved entities that are permitted to provide bioterrorism preparedness training.

### **III. Statutory Joint Committee Meeting Days**

Meeting Days	Statutory Joint Committee
8	Administrative Rules and Regulations
9	Budget, Legislative
4	Children's Issues
6	Claims
6	Corrections and Juvenile Justice Oversight
4	Economic Development
1	Health Care Stabilization

8	Information Technology (JCIT)
4	Kansas Security
8	Legislative Educational Planning Committee (LEPC)
6	Long-Term Care Services
4	Pensions, Investments, and Benefits
12	School Finance
4	State-Tribal Relations
8	State Building Construction

President Kerr moved that the report of the subcommittee, as modified by discussion by the members of the Council, be adopted and that authority be granted to the President of the Senate and the Speaker of the House of Representatives, in consultation with the minority leaders, to appoint members to the interim special committees. Senator Hensley seconded the motion and the motion carried.

Senator Oleen raised an issue with the Council concerning instances where legislators attend meetings of organizations to which the Kansas Legislature belongs at the request of those organizations, have their expenses paid by the organization but do not receive per diem compensation. Senator Oleen suggested that the members should receive per diem compensation for those days actually participating in such a meeting. Speaker Mays indicated that he prefers to handle this matter on a case-by-case manner by Policy 1 authorizations rather than mandate an approach. President Kerr agreed with Speaker Mays.

President Kerr congratulated Mrs. Pat Saville, Secretary of the Senate, on her 30 years of service to the legislature and presented to her a pin recognizing this service. President Kerr was joined by the other members of the Council in congratulating and thanking Mrs. Saville for her years of service to the legislature.

#### REPORT OF SUBCOMMITTEE ON FACILITIES AND PLANNING

Representative Aurand presented the report of the Subcommittee on Facilities and Planning to the Council. The subcommittee received a capitol restoration project update from Mr. Barry Greis, Capitol Architect. Mr. Greis reported on the status of the construction work for the projects and information about the schedule of further work. The subcommittee learned that the schedules for completion of the new parking garage and the east

wing renovation are being reviewed. Further discussions will be taking place regarding the configuration of office space for the Senate and the House of Representatives. Some possible time-line changes for the project may be required. The parking garage is now estimated for substantial completion near the end of August, 2004.

The subcommittee received a report from Mr. Jeff Russell, Director of Legislative Administrative Services, regarding the use of the new parking garage. The following recommendations for general parking guidelines were presented by Mr. Russell. These guidelines were reviewed and discussed by the subcommittee and are recommended for adoption by the Council:

1. From the start of session through Sine Die, all legislators will be assigned reserved, numbered parking stalls. Leadership positions and seniority will determine proximity to the entrance doors.
2. Leadership staff, full-time legislative staff, Governor, Lt. Governor and their staff, State Library staff, Budget staff, CITO, Statehouse Architect and Tour Guide will be assigned year-around reserved stalls.
3. Members of the media that office in the Capitol will be assigned reserved stalls at no charge.
4. State agencies, lobbyists, and members of the general public will be advised that spaces are not available for rent.
5. The visitor parking is expected to be in the range of 130-160 spaces. A time limit will be determined and posted, with security patrolling on a regular basis and issuing tickets for violators. A suggested time limit is two hours, the same as it was when there was visitor parking on the grounds.

Mr. Russell responded to questions on the guidelines, including the provision of parking for persons working within the Capitol and the estimated amount of parking within the parking garage for members of the general public. The members of the Council briefly discussed the subcommittee's recommendation.

Representative Aurand moved that the recommendation of the subcommittee be adopted and that Mr. Russell be directed to work with the Department of Administration on the implementation of the parking guidelines. Representative Ballou seconded the motion and the motion carried.

VIRTUAL COMMITTEE REVIEW

A report was presented to the Council on this topic by Mr. Don Heiman, Legislative Chief Information Technology Officer, and Mr. David Larson, Director of Computer Services, with additional comments by Representative Jim Morrison.

Mr. Heiman presented the following remarks to the Council:

Thank you for the opportunity to present on the paperless committee pilot project. In Fall last year the LCC endorsed a pilot project to determine the feasibility of the paperless committees. The pilot was funded by a \$200,000 grant from Information Network of Kansas. The pilot began with the acquisition of 56 Toshiba PC/tablet computers in October, 2003. The pilot completed at the close of the 2004 session. The total cost of the pilot was approximately \$180,000 with the balance of the INK grant (\$20,000) unspent. The pilot was implemented in the Senate Utilities Committee and the House Health and Human Services Committee. There were 39 legislators and 17 staff involved in the project.

My testimony will cover the goals of the pilot and expected benefits. Dave Larson, Director of Computer Services, will summarize implementation activities and pilot results. At the conclusion of Dave's remarks, I will summarize how we are using what we learned from the pilot in our strategic IT plan. The strategic plan is now being reviewed by the IS Team. Following my comments, Representative Morrison will discuss from a Legislator's perspective the technical and management merits of the pilot.

**Pilot Objectives.** In the original grant request to INK, the pilot project's overarching goal was to determine the feasibility of paperless committees with the following objectives:

1. Streamline the committee process by using electronic document exchange, electronic messaging, and real-time access to bill drafts, testimony, calendars and journals.

2. Provide equal access to information for all committee members.

3. Maximize the limited committee time by providing electronic access to committee testimony ahead of the committee meeting in a secure manner.

4. Provide enhanced, electronic, public access to testimony, committee amendments, and legislative decision-making.

5. Enhance open government by providing real-time viewing of the committee proceedings through a webcast.

6. Develop a replicable model of electronic committee procedures.

**INK Grant Request.** The formal grant request to INK included these objectives, a benefit statement, implementation timeline, and information about how the objectives fit with INK's statutory mission and objectives. The grant was approved in October 2003.

**Pilot setup activities.** After the grant was approved, Dave's staff ordered 56 Toshiba Portege Tablet PC computers. When the tablets arrived, Dave's team loaded software and the scripts to access documents in the document management system (DMS). The staff also provided 4 training days for pilot participants, arranged for wiring room 526S with high speed bandwidth, installed permanent electrical supply for the Tablet PCs at each seat, installed a video projector and video switch, upgraded the audio system and installed new microphones, and installed a webcasting camera and server to broadcast committee hearings over the Internet. Towards the end of the session as the participants and process became a bit smoother, Dave's team installed wireless networking in the committee room and House chamber. Dave's team also provided technical maintenance and staff attended all hearings to quickly resolve technical problems as the problems surfaced. In addition to Dave's staff, personnel from the other divisions spent considerable time preparing, cross referencing, hyper linking, and loading documents into the DMS.

The first paperless committee hearing was held in January 2004. Dave will now discuss the pilot results from the staff perspective.

Mr. Larson presented the following report:

The project started in November with training the House Health and Human Services Committee scheduling a couple of training sessions and the Senate Committee on Utilities scheduling one, four-hour session. Hearing room modification was made with each seat wired for networking, each seat had a permanent electrical charger, a new sound system was installed, a Webcam for webcasting the hearings was installed and eventually a wireless network was installed and tested.

Early on Computer Services of the Division of Legislative Administrative Services devoted four people to support the committees and the Revisor of Statutes Office sent one person to assist. As the committee members gained proficiency, the support was scaled back to two people and eventually one. The project was designed to allow legislators to find their own data, a self service model. The project evolved into a push model which required the support staff to prepare in advance of the meeting hyperlinks to every document in the agenda, this took two hours per meeting. Testimony had to be pushed to the website and hyperlinked by support staff. Amendments had to be linked on the fly, so support staff had to do double duty on this.

Legislators were surveyed at the close of the session with 17 responses out of 30 possible or 57%; 15 or 88% thought the project achieved its goals; and 17 or 100% thought the Tablet PC was a useful tool. Praises (paraphrased): handy to have everything in one place, easy research tool, good communication tool, loved the lack of paper, easy to make and keep notes, helped me be efficient. Criticisms were: Not enough training provided early on (the most mentioned criticism), too slow for handling amendments, not allowed to put campaign material on the computer too.

Feedback from staff is set out as follows. Pros (paraphrased): (1) Having testimony electronically saved a lot of paper; (2) projecting testimony in committee helped the audience; (3) public accessed the web site which reduced the number of copies we made; (4) hyperlinked agenda worked well; (5) members seemed better prepared; (6) the method Bill Wolff developed putting amendments in text boxes ahead of time worked well, however, overall the amendment process needs more work; (7) instant messaging capability was good; and (8) webcasts received a favorable review. Cons (paraphrased): (1) Electronic testimony is hard to work with, flipping screens just didn't work; (2) Bill Wolff's method took an extra one to two hours per day to prepare; (3) the hyperlinked agenda took two hours extra to prepare; (4) not use to working without paper; (5) need more training; (6) conferees didn't stick to testimony (not a technical problem); (7) senate staff thought working bills unworkable; (8) the committee room looked unprofessional & cluttered with the cords running everywhere and screens up; and (9) the electronic committee caused the process to change.

What were the lessons learned? (1) Potential definitely exists; (2) work must be done to make the process simpler, especially amendments; (3) legislators want to be served, self service model didn't work; (4) needs more staff support than expected; and (5) training needs are greater than expected.

Mr. Heiman commented on the lessons learned from the paperless committee project with regard to strategic plan implications as follows:

We learned many important lessons from the pilot and these lessons have helped form our strategic long range plan for IT. We will have the plan completed and ready for your review in August. As I mentioned earlier, the plan is being reviewed now by the IS team. The Review team will begin their review very soon.

The plan divides IT systems into two large families. One family is called the "back office" systems and the other is called "front office." Back office systems are the applications that produce bills, journals, calendars, reports, and meeting minutes, for

example. The front office systems are the ones that are used to access the bills, journals, calendars etc. These front office systems include INK access, WEB services, and file management systems such as the DMS. The paperless committee project is a "front office" project. The plan recommends that the back office as well as the front office systems be integrated in order for the systems to be more accessible, efficient, and less reliant on paper.

The goal for paperless committees and the six pilot objectives help guide our work on the IT strategic plan. The pilot demonstrated that committees are able to operate effectively in a paperless environment. However, we will need to redesign our back office systems to effectively deploy the paperless committee throughout the legislature. The strategic plan contains recommendations for doing this redesign. In addition, the strategic plan discusses the importance for having a single point of presence for accessing documents such as journals, calendars, bill drafts, bill status, and related documents. In addition, the plan recommends "print on demand" to reduce the amount of print. During the 2002 Legislative session the State Printer produced 15.6 million pages of printed bill drafts, journals, calendars, and related documents. Print on demand technology will substantially reduce our reliance on the State Printer. In addition, the pilot showed that public access is greatly enhanced when hearings are webcast. Finally, the pilot provided us with valuable insight on how wireless can be used in the chambers and in hearing rooms.

**Pilot Objective 1: Streamline the committee process by using electronic document exchange, electronic messaging, and real-time access to bill drafts, testimony, calendars and journals.** The pilot clearly demonstrated that this goal is achievable. Our strategic plan will recommend that the pilot be extended once we have solved the technical problems associated with manually preparing, cross referencing, and loading documents into the document management system (DMS). The strategy focuses on integrating base documents that populate the DMS. Also, the strategy discusses the strategic importance of entering information only one time and then automatically populating that information into related documents, and use triggers to automatically load the documents into the DMS. In order to achieve this strategy, it is important to have a single architecture for document preparation and to seamlessly integrate this architecture with journals, bill drafting, bill status, calendaring and other legislative systems.

**Pilot Objective 2: Provide equal access to information for all committee members.** This goal was achieved but it required a heavy commitment of staff time to prepare documents for easy access through the DMS. We learned the importance of standardizing the software on the tablets so that everyone had the same software and were on the right release levels. Committee members would occasionally install



their own software on the tablets and in some cases this software caused conflicts with the standard issued software used to support the pilot. These problems were resolved but the staff spent considerable time reinstalling software and recovering tablets. The pilot also pointed out the need to have an easy to use automated software update service so that all members remained on the same versions of the software.

**Pilot Objective 3: Maximize the limited committee time by providing electronic access to committee testimony ahead of the committee meeting in a secure manner.** The feasibility of this process was demonstrated successfully in the project. Many participants noted this in their post session comments. In addition, the participants commented how the electronic communications helped maximize their committee time. The pilot demonstrated that electronic communications between committee members and among staff is feasible. The tablet PCs allow for quick messaging and e-mailing. The handwriting capabilities of the tablet were also helpful to members who prefer to mark up bills and other documents.

**Pilot Objective 4: Provide enhanced public access to documents and hearing activities.** This goal was achieved in part. Committee materials, including testimony, were published to the committee web site as the conferee was introduced. This process got the material out to the public in a timely fashion but behind the scene process for doing this work was extremely labor intensive. Future work on this process needs to be done to make the information readily available in a cost effective manner. The strategic plan recommends a unified Legislative portal to organize and stage public access.

**Pilot Objective 5: Enhance open government by providing real-time viewing of the committee proceedings through a webcast.** The enhanced audio system coupled with WEB casting technologies worked well and the technologies were inexpensive (under \$500 for the webcast ). We received numerous comments from users of the hearing WEB site that access was easy and convenient. With additional expenditures and staff support this service can be enhanced in order for citizens and users of the site to switch from a camera view of the presenter, to a camera view of the audience, to a view of the presentation materials. The strategic plan will propose that all hearings be webcasted once the back office systems are integrated.

**Pilot Objective 6: Develop a replicable model of electronic hearing procedures.** We have substantial information on best practices. For example, Dave's staff has very good information on training requirements, document access techniques, versioning and control of software, security, and messaging technology. In order to fully achieve this objective, the back office systems that produce documents for the Legislature should be integrated. When

our "back office systems" are integrated considerable time will be saved and hearing procedures will go faster with less reliance on technical personnel.

Representative Jim Morrison who chaired the House Health and Human Services Committee shared observations about the pilot from a technical and committee management perspective.

Representative Morrison stated that this was the second session for this concept, the previous session there were six members of the committee involved and during this 2004 session the total committee and committee staff were involved with the project. Representative Morrison's secretary devoted probably three to four hours a day to the project. Representative Morrison felt that the project proved that paperless was possible and was acceptable both to the committee members, lobbyists and the general public. He stated that security is paramount and the current system of the document management system (DMS) must be upgraded for security purposes. The tablet PCs were needed for legislators to be able to develop the paperless committee possibilities. Mr. Morrison thanked Mr. Bud Champney of the Revisor of Statutes Office and Mr. Dave Larson, Director of Computing, for their hard work and assistance on the pilot project.

Chairperson Kerr thanked Mr. Heiman, Mr. Larson and Representative Morrison for their presentation to the Council.

Speaker Mays announced to the Council that Mr. Dave Larson, Director of Computer Services, had been named a winner of the National Association of Legislative Information Technology (NALIT) Legislative Staff Achievement Award. Mr. Larson was recognized for his excellence in supporting the work of the Kansas Legislature and strengthening the legislative institution, including implementation of network services, standardization of information systems and a cutting edge project to create a paperless, live web broadcast committee. Speaker Mays and the other members of the Council congratulated Mr. Larson on this award.

#### LOTTERY INFORMATION

Mr. Ed VanPetten provided to the members of the Council an explanation of the new lottery game format "e-scratch" which uses the internet to reveal a player's results. Mr. VanPetten explained the way the game works and its legality. Mr. VanPetten explained that currently there are few people who are purchasing the tickets. Senator Oleen inquired about information on the game being provided to the legislature during the 2004 legislative session. Mr. VanPetten explained that the matter was discussed before a legislative committee during the confirmation of a lottery commission member. Senator Oleen expressed concern about children being able to play the game and asked how Kansas was selected to be

a state to offer this game. Mr. VanPetten said it was because he volunteered because he liked the game, felt it was fully compliant with state law and federal law and would attract a different segment of lottery players from those attracted to current lottery games. He indicated there was a limited previous announcement of the game because he wanted to make sure that the game complied with the Americans With Disabilities Act before the game was announced. Senator Oleen expressed appreciation that this item was placed on the Council's agenda and requested that future information be provided to the Council with regard to the progress of the e-scratch game.

#### OTHER MATTERS

Mrs. Janet Jones, Chief Clerk of the House of Representatives, discussed with the Council the possibility of upgrading the Kansas LawMaker CD-ROM. The Council requested that Mrs. Jones investigate the possibility of upgrading the Kansas LawMaker and report back to the Council at a future meeting on this matter.

The topic of increased legislator involvement with the Workers' Compensation Advisory Committee was raised. It was the consensus of the Council that selected persons be authorized to attend the advisory committee meetings subject to approval through a Policy 1 authorization and report.

Prior to the meeting members of the Council received a Policy 1 report from Speaker Mays, a memorandum from Speaker Mays appointing legislative subcommittees of the Legislative Coordinating Council, a memorandum from Janet Jones concerning the Kansas LawMaker CD-ROM, information from the Legislative Research Department concerning committee meeting days and listings of proposed interim study topics from Mr. Conroy.

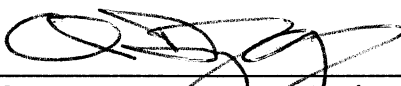
The next meeting of the Council was scheduled for August 24, 2004, at 11:00 a.m.

On motion the meeting was adjourned.

Prepared by

Norman J. Furse,  
Revisor of Statutes,  
as Secretary

Approved by

  
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Speaker Doug Mays, Chairperson