

**MINUTES**  
**Kansas State University Faculty Senate Meeting**  
**Tuesday, November 8, 2005 3:30 pm**  
**K-State Union, Big 12 Room**

Present: Adams, Arck, Baker, Bergen, Bontrager, Brigham, Brockway, Burns, Cauble, G. Clark, R. Clark, Clegg, Dodd, Fairchild, Foster, Gehrt, Gormely, Grauer, Greene, Guzek, Hamilton, Haub, Hedrick, Herald, Hoag, Hohenbary, Holcombe, Johnston, Kearns, Knapp, Lee, Leitnaker, Lovely, Lynch, Maatta, Maes, Martin, McHaney, Michie, Moore, Nagaraja, Nichols, North, Pacey, Potts, Rahman, Rietcheck, Rintoul, Rolley, Ross, Rys, Sachs, Schultz, Schumm, Shubert, Shultis, Simon, Smith, Spikes, Spooner, Stadtlander, Stewart, Stockham, Thompson, Trussell, Turnley, Turtle, Warner, Willbrant

Absent: Behnke, Bhadriraju, Devore, Dhuyvetter, Eiselein, Fritz, Lehew, Prince, Reek, Roozeboom, Staggenborg, Stokes

Proxies: Alloway, Blythe, Collins, Cox, DeLuccie, Erickson, Higgins, Hosni, Oberst, Ransom, Spears, Yahnke

1. President Tom Herald called the meeting to order at 3:35 p.m.
2. The minutes of the October 11, 2005 meeting were approved with corrections as submitted by Senator Rintoul.
3. Reports from Standing Committees

A. Academic Affairs Committee – Alice Trussell

1. Course and Curriculum Changes

- a. Undergraduate Education - none
- b. Graduate Education – Senator Trussell moved to approve graduate course and curriculum changes approved by the Graduate Council on October 4, 2005:

**CHANGE**

EDCEP 737. Drug Abuse Education  
EDCEP 833. Creativity in Education

Curriculum changes in Ph.D. programs in Mechanical and Nuclear Engineering

**NEW**

FSHS 751. Conflict Resolution: Core Skills and Strategies  
FSHS 752. Culture and Conflict  
FSHS 753. Violence Prevention and Intervention  
FSHS 754. Organizational Conflict  
FSHS 755. Family Mediation

Graduate Certificate Program in Conflict Resolution (School of Family Studies and Human Services)

Motion carried.

- c. General Education -none

2. Senator Trussell moved to approve the August 2005 graduation list and additions to that list:

August 2005

Lance Robert Miller –Technology & Aviation  
David Clanton –Architecture  
Megan Jeanne Meyer –Elementary Education  
Tim Newcomb- Business Administration  
Mary Elizabeth Creamer – Elementary Education

Motion carried.

3. Senator Trussell reported that the Academic Affairs committee has been planning ahead for the implementation of LASER and are seriously considering updating the course and curriculum procedures to work more effectively with this new student system.

B. Faculty Affairs Committee – Frank Spikes

1. Professorial Award Proposal - First reading – **Attachment 1**

Senator Spikes discussed the background of the Professorial Award Proposal. The Compensation Task Force authored the proposal as the third initiative in a series of proposals from this task force. The first two initiatives were the increase in promotion increments passed by Faculty Senate last academic year and the targeted salary enhancement program. Senator Linda Brigham is the chair of this Task Force. He reported that Faculty Affairs has unanimously approved this proposal as well as Provost Nellis. Senator Spikes encouraged each caucus to discuss this proposal and indicated that a Compensation Task Force member would be available to meet with each caucus to answer any questions. Editorial changes or other suggested changes should be directed to Senator Spikes no later than December 5.

Senator Johnston indicated that it is clear the award procedures will be set by each individual department, but he inquired as to if there would be any effort to coordinate and standardize these procedures across departments. Senator Brigham as chair of the Compensation Task Force indicated that was correct in general, however, the policy provides for specific guidelines that must be met by all departments. Senator Shubert indicated a budgetary source for the awards will be identified during the normal budgeting process. Senator Maatta asked about the definition of the “last promotion” and whether or not the designation of Distinguished Professor would constitute a promotion. Senator Spooner indicated that Distinguished Professor is not considered a promotion under current university policy. President Herald encouraged discussions within each caucus regarding this important new policy. Senator Spikes announced that he intends to bring this for a vote at the December meeting. Senator Adams requested clarification that the award will be added to the base salary. Senator Spikes indicated this is one editorial change that has already been identified and will be made. Senator Dodd requested clarification on the last paragraph of the proposal regarding the cost spread over multiple years. Senator Spooner replied this is a way to implement the program at the beginning since many faculty members could potentially apply for the award the first year, with these numbers tapering off in subsequent years.

2. Study Abroad Compensation Proposal – **Attachment 2**

Senator Spikes moved to approve the Study Abroad Compensation Proposal. He indicated that Dr. Ruth Dyer was actively involved in the crafting of this policy and has met with Faculty Affairs to discuss this policy. He thanked Dr. Dyer for her efforts on this proposal. Senator Cauble indicated that this proposal was made at the request of faculty who desire expanded options for teaching study abroad courses.

Motion carried.

C. Faculty Senate Committee on University Planning - Walter Schumm

Senator Walter Schumm distributed information from Oregon State University on their strategic plan and measurements they used for self ranking. He announced that Colorado citizens voted to temporarily suspend the provisions of the TABOR amendment (Taxpayer’s Bill of Rights) and he will be monitoring the impact of this decision for Kansas. Ideas for expenditures of City/University funding should be addressed to committee members. The e-mail automatic change from ksu.edu to k-state.edu will be investigated by his committee.

D. Faculty Senate Committee on Technology – Michael North

Senator North discussed the SSN/ID card issue. The issuance of new ID cards for faculty and staff has been delayed until tentatively December 19, with activation scheduled for January 2. The new number will be issued by the KEAS (K-State Enterprise Authentication System) and will be called the Wildcat ID, abbreviated as WID. The university community has been experiencing corrupted e-mail attachments. Senator Rintoul indicated that Webmail or Pine users should make a folder in their inbox for corrupted e-mail and then notify CNS of the existence of the corrupted e-mail for them to investigate. In order to install a new power back-up system, all university systems located in Hale will be down for a period of time, with the date to yet be announced. He encouraged everyone to read InfoTech Tuesday to keep current on these issues. The electronic newsletter is

available at <http://www.k-state.edu/InfoTech/news/tuesday/>. Senator Fairchild asked about plans for maintaining the reliability of the university's e-mail system, considering the recent downtime. Senator North reported that on the day that K-State exceeded a terabyte of e-mail, a bug was encountered in the e-mail software that has now been patched. This software bug should not be encountered again. Senator North announced there is a new videoconferencing policy designating a single point of contact for videoconferences. As Senator Schumm reported, the manipulation of ksu.edu to automatically change to k-state.edu issue is also being pursued by his committee. He reported that e-mail usage has gone up significantly over last year. People are using e-mail as a more standard method of communication. Senator Moore indicated another reason is that Research and Extension and the department of Computing and Information Sciences have been folded into the central e-mail server. Senator Knapp requested a contact person for e-mail issues. Senator Smith requested more information on the agreement that was made with the administration on the domain name. Senator Rintoul said the administration had planned to change our domain name from ksu.edu to k-state.edu a few years ago. After discussions with faculty, the administration sought and received approval to keep both domain names. Now the university has begun to automatically change e-mail addresses, white pages, etc., to use k-state.edu. The k-state.edu is now not matching business cards that have ksu.edu, problems with posting to listservs, etc.

#### 4. Announcements

A. Faculty Senate Leadership Council - **Attachment 3**  
See Attachment 3.

B. Kansas Board of Regents Meeting - **Attachment 3**  
See Attachment 3.

#### C. Report from Student Senate

Senator Lovely reported that the privilege fee fund will allocate a little less than \$169,000 extra to support staff paid by this fund for the 27<sup>th</sup> pay period for this fiscal year. There is a special committee being formed to study and review a \$1.5 million bond surplus fund. Student Senate is considering adopting a resolution opposing the TABOR amendment. Senator Lovely indicated that a committee is working on textbook issues to particularly address the cost of textbooks. Senator Michie commended the Student Senate for taking a stance on the TABOR amendment. Senator Burns further discussed their efforts to address the cost of textbooks by working with faculty and administration to identify solutions. He indicated that Varney's has received only 35% of the spring semester orders from faculty. If orders are received in a timely manner, then the bookstore can better plan for buyback of particular books. The committee is beginning to work with the College of Arts and Sciences to pilot possible changes in procedures. Senator Rintoul discussed lab manuals and that Varney's charges the same markup on lab manuals as books that could be bought back. Senator Burns encouraged faculty to provide any other similar information regarding textbooks to him or to President Herald. At an inquiry from Senator Clark, Senator Moore indicated that an advisory committee has been set up to look at modifications to the Safe Ride program for next fiscal year.

#### D. Other

1. President Herald announced that there is an appeal in the beginning process under Appendix M of the University Handbook, Procedure for Review of Dismissal of Tenured Faculty.

2. President Herald announced that President-Elect Roger Adams is scheduling a legislative forum.

3. President Herald announced that Faculty Senate may develop a resolution opposing the TABOR amendment in line with the resolution made by the Board of Regents, which can be found at the following website under what's new: <http://kansasregents.org/>. He also mentioned a document outlining President Jon Wefald's thoughts – **Attachment 4**.

#### 5. Old Business

##### A. Ombudsperson selection

President Herald announced that Wayne Goins, Associate Professor in the Department of Music, has been selected as the new ombudsperson.

##### B. Targeted Excellence

President Herald reported that the review of proposals for the Targeted Excellence program is on schedule.

6. New Business

A. Honor System

President Herald announced that the Executive Committee approved the new members for the Honor System.

7. For the Good of the University – None

8. Adjournment—The meeting was adjourned at 4:35 p.m.

## ATTACHMENT 1

### Professorial Performance Award

Faculty salaries at Kansas State continue to fall below NASULGC averages at all ranks. But by far the most significant deficit lies at the rank of full professor. In 2003-04, the salaries of the full professoriate at Kansas State averaged 19.8% behind that of the full professoriate of other NASULGC institutions, compared to an 8.4% deficit for associate professors and 8.6% deficit for assistant professors. At present, bringing full professor salaries up to average would require an infusion of some \$6.5 million, an impossibility under current fiscal conditions. Given both the compelling need to remedy compressed salary at this rank and prevailing financial constraints, the Salaries and Benefits Committee has produced a two-part plan to address full professor salary compression that is fiscally manageable now, encourages and rewards productivity, and will have increasing impact on full professor salaries in the future.

The first part of the plan, an increased promotion-based raise, has already been put into place. On April 12, Faculty Senate passed a proposal to amend the language to the University Handbook to enhance promotion-based salary increases. The new language revises the percentage of the general salary pool constituting these raises from 5% and 7.5% to 8% and 11% for associates and full professors, respectively.

However, while this first step brings more salary to the full professor rank, and may have some effect on inter-rank compression, it will likely produce greater intra-rank compression. New full professor salaries may in some cases be greater than those who have served many years in rank. Therefore, the committee considers it imperative that we follow up the increased promotion raise with a Professorial Performance Award, an opportunity to increase the base salaries of high-performing full professors who have been in rank six years or more. The Performance Award review, it is important to note, is not a form of promotion review. It does not create a "senior" professoriate. In fact, since it rewards continued performance at the level that merited promotion, it may have the effect of consolidating the identity rather than diminishing the significance of the highest faculty rank.

We recommend an award amount of 8% of the average salary of all University faculty, currently around \$5000. However, funding for the award cannot come out of the legislatively approved merit increment; it must be an infusion of additional money from tuition or other sources.

### **Implementation**

The evaluation of candidates for Professorial Performance Awards follows a timeline for activities at the departmental and dean's levels similar to that outlined in the University Handbook for promotion. Also, as is the case for promotion, it is primarily the responsibility of departments to judge whether or not individuals qualify. However, the award review is a performance review, not a promotion review. Therefore it is not necessarily a peer review. Departments would be expected to develop their own mechanisms for review as they have for merit evaluation. As is the case in merit review, it may be that responsibility for the evaluation of materials involves personnel of any rank or several ranks.

Each department will also specify criteria for awarding the incentive according to its own disciplinary standards of excellence. Nonetheless, all such criteria will adhere to the following guidelines: 1. The candidate must have been in rank at least six years since the last promotion or performance review; 2. The candidate must show evidence of sustained productivity in at least the last six years before the performance review; and 3. The candidate's productivity and performance must be of a quality comparable to that which would merit promotion to full professor according to current standards. The department should explicitly address these guidelines in their review, as well as any other criteria the department deems appropriate to specify. The deans would have responsibility for oversight of the process, assuring that departments have consistently followed their own guidelines for awarding the performance.

### **Cost**

The number of full professors at the University who have been in rank for at least six years and who could therefore conceivably qualify for the Professorial Performance Award is higher than what can be allocated to awards in a single year. Therefore, we recommend a phased approach to the early years of the program if necessary. If the cost of the total number of awards exceeds what is possible to budget, each recipient will receive a set percentage of the total award amount, with the balance added to the base in the second, or at most the second and third, year. We anticipate that this will only be a problem in the first few years, and thereafter the number of awards will be both relatively predictable and fiscally manageable, as is the case with rank promotions.

## Proposed Handbook Language for the Professorial Performance Award

C49.1 Significance of the Award. The Professorial Performance Award rewards strong performance at the highest rank with a periodic salary increase in addition to that provided for by the annual evaluation process. The Performance Award review, it is important to note, is not a form of promotion review. It does not create a "senior" professoriate.

C49.2 Development and Revisions of the Professorial Performance Award Process. Departments develop their own mechanisms for review as they have for annual merit evaluation. As is the case in merit review, it may be that responsibility for the evaluation of materials involves personnel of any rank or several ranks. Each department will also specify criteria according to which candidates qualify for the award according to its own disciplinary standards of excellence. Nonetheless, all such criteria for the award will adhere to the following guidelines: 1. The candidate must be a full-time professor and have been in rank at Kansas State at least six years since the last promotion or performance review; 2. The candidate must show evidence of sustained productivity in at least the last six years before the performance review; and 3. The candidate's productivity and performance must be of a quality comparable to that which would merit promotion to full professor according to current approved departmental standards.

C49.3 The Professorial Performance Award document must be approved by a majority vote of the faculty in the department, by the department's administrative head, and by the dean. Provision must be made for a review of the document at least every five years as a part of the review of the procedures for annual merit evaluation or whenever standards for promotion to full professor change.

C49.4 Recommendations for the Professorial Performance Award are considered annually.

C49.5 Responsibilities of Professorial Performance Award Candidates. Eligible candidates for review compile and submit a file that documents her or his professional accomplishments for at least the previous six years in accordance with the criteria, standards, and guidelines established by the department. The department head, in consultation with the personnel committee assembled for the purpose of the Professorial Performance award, when applicable, will prepare a written evaluation of the candidate's materials in terms of the criteria, standards, and guidelines established, along with a recommendation for or against the award.

C49.6 Each candidate for the award will have the opportunity to discuss the written evaluation and recommendation with the department head, and each candidate will sign a statement acknowledging the opportunity to review the evaluation. Within seven working days after the review and discussion, each candidate has the opportunity to submit written statements of unresolved differences regarding their evaluations by the department head and to the next administrative level.

C49.7 The department head must submit the following items to the appropriate dean:

- a. A copy of the evaluation document used to determine qualification for the award,
- b. Documentation establishing that there was an opportunity for the candidate to examine the written evaluation and recommendation,
- c. Any written statements of unresolved differences concerning the evaluation,
- d. The candidate's supporting materials that served as the basis of adjudicating eligibility for the award.

C49.8 Responsibilities of the Deans. The dean will review all evaluation materials and recommendations to ensure that the evaluations are consistent with the criteria and procedures established by the department for the Professorial Performance Award.

C49.9 A dean who does not agree with recommendations for the Professorial Performance Award made by a department head must attempt to reach consensus through consultation. If this fails, the dean's recommendation will be used. If any change has been made to the department head's recommendations, the dean must notify, in writing, candidate of the change and its rationale. Within seven working days after notification, such candidates have the opportunity to submit written statements of unresolved differences regarding their evaluations to the dean and to the provost. All statements of unresolved differences will be included in the documentation to be forwarded to the next administrative level. All recommendations are forwarded to the provost.

C49.10 Responsibilities of the Provost. The provost will review all evaluation materials and recommendations to ensure that

- a. the evaluation process was conducted in a manner consistent with the criteria and procedures approved by the unit,
- b. there are no inequities in the recommendations based upon gender, race, religion, national origin, age or disability.

C49.11 If the provost does not agree with recommendations for salary increases made by subordinate administrators, an attempt must be made to reach consensus through consultation. If this fails, the provost's recommendation will be used. The candidate affected by the disagreement must be notified by the provost, in writing, of the change and its rationale.

C49.12 The dean will consolidate the Performance Award with salary increases resulting from annual evaluation and issue the candidate a contract that includes the candidate's salary for the next fiscal year.

C49.13 Basis and source of the award amount. The Professorial Performance Award will be 8% of the average salary of all-University faculty. However, funding for the award cannot come out of the legislatively-approved merit increment; it must be an infusion of additional money from tuition or other sources.

**ATTACHMENT 2**  
**Compensation Options for Faculty Teaching Study Abroad Courses**

Faculty members who desire to teach study abroad courses will sign a waiver that specifies the compensation arrangement that applies specifically to their study abroad courses. Options that might be implemented include the following:

1. A pro-rated salary (dollar amount/student credit hour) will be used to compute the compensation provided to a faculty member, regardless of rank, up to a maximum compensation that corresponds to one-ninth of a faculty member's nine-month salary for a 3-credit hour course. However, if a faculty member has agreed to a percentage between 70% and 100% of the one-ninth salary, as noted in the University Handbook, then the maximum compensation will reflect that agreed upon percentage. The maximum compensation also will be pro-rated for courses that are offered for less than 3-credit hours.

The Provost, in consultation with the Vice President of Administration and Finance, will establish pro-rated salaries for each fiscal year: one for undergraduate student credit hours (SCHs) and another for graduate SCHs. The SCHs in each category will be used in determining the total salary available for a given course. These two rates will be adjusted each year to reflect any increases in tuition rate.

If the enrollment in a 3-credit hour course is not sufficient to provide 70% of one-ninth of the faculty member's salary, housing and per diem for a maximum of two additional days outside the time frame of the course offering may be negotiated to allow faculty members to conduct research in their discipline. The days may be scheduled before or after the course offering.

Airfare, housing, and local transportation are typically provided to faculty members in addition to salary. These expenses are part of the program cost assessed to the students. Faculty members may choose to waive some or all of these expenses in order to lower the program cost to the students.

2. Same as 1, except that the pro-rated salary would include an adjustment for rank.
3. Faculty members may specify a minimum salary (at or below the maximum compensation allowed) that they will accept or indicate their willingness to negotiate a salary, if the number of student credit hours is not sufficient to generate the specified salary.
4. The faculty member may waive salary and be provided with or reimbursed for travel expenses, housing, and per diem for the time period of the course.
5. The faculty member may receive a Development Reserve Account (DRA) instead of salary, with the amount of the DRA computed using the same rates as those used to determine the pro-rated salary. The maximum compensation would correspond to one-ninth of a faculty member's nine-month salary for a 3-credit hour course. Smaller compensation would be associated with courses that were less than 3 credit hours.

A nine-month faculty member can receive no more than the equivalent of three months of support during the summer session (teaching and research combined), unless approved through the normal overload process. Faculty members with 12-month appointments would not receive compensation unless approved through the normal overload process.

The waiver must be signed prior to the advertisement of the course. If enrollment is not sufficient to meet the faculty member's salary specifications, the faculty member can choose to either cancel the course or negotiate a different compensation arrangement. Negotiations will involve the Associate Provost for International Programs, the department head, and the dean of the faculty member's college.

**ATTACHMENT 3**  
**Faculty Senate Leadership Council (FSLC) & Board of Regents (BOR) Announcements**

**FSLC**

1. Executive Committee has reviewed the Ombudspersons applications and a recommendation will be submitted to the Provost.
2. FSLC is working with student senate to determine ways to reduce textbook cost i.e. buy backs.
3. Student Senate initiated deliberation for a five-year tuition plan.
4. Captain Troy Lane delivered a presentation on campus safety.
5. FSLC received a copy of the Counseling Service 2004-2005 Annual Report from Director Dr. Fred Newton.

**BOR**

1. System Council of Chief Academic Officers (SCOCAO)  
Distance Learning Technologies for the Coordinated and Governed Kansas State Board of Regents Institutions. In SB 345 and 647 the Regent Universities were mandated to put in place a coordinated state plan for distance education. The plan will be incorporated into next year's BOR strategic plan. A draft plan will be discussed at the November meeting.  
  
Core competencies (English and math) were discussed at a September meeting at WSU.
2. Council of Chief Academic Officers (COCAO)  
Kansas and Missouri are working on a reciprocal agreement for Dental and Optometry student spaces in return for Architecture.  
  
Qualified Admissions: Possible using ACT writing scores as a requirement. This may be used in a Campus-by-Campus basis.
3. BOR:  
Capital Improvement Requests/Construction of a Parking Garage was presented by the Fiscal Affairs Committee.  
  
KU and FHSU presented their report on efficiency measures.

## ATTACHMENT 4

### MY THOUGHTS ON HOW THE KANSAS BOARD OF REGENTS AND THE COUNCIL OF PRESIDENTS CAN SPEAK OUT ON THE SO-CALLED TABOR INITIATIVE FOR THE STATE OF KANSAS

BY JON WEFALD  
PRESIDENT, KANSAS STATE UNIVERSITY  
OCTOBER 26, 2005

PREFACE: Like many people, I have read about TABOR and its impact on the State of Colorado for some time now. I also know that the proponents of TABOR have been talking about the need for the State of Kansas and its Legislature to adopt similar legislation to that of Colorado. When I came to the Board of Regents meeting about 1:00 p.m. on Wednesday, October 19, 2005, I started thinking about what exactly my response would be to the TABOR Initiative that they are proposing for Kansas. It was at that point that my thoughts crystalized and I realized that the discussion we will be having in the next four or five months is not at all about Colorado or any other state, but, rather, it is about the State of Kansas and our traditions and values. Let me give you my thoughts and points that I will try and make when people call on me for my opinion.

First, I think I would say there really is no need for a TABOR Initiative in the State of Kansas. You only have to look at the past 10 years or so to remind ourselves that TABOR is totally unnecessary for our state.

Second, I think we need to remind the citizens of Kansas and our present-day Legislators that the State Legislature and the Governor passed four major tax cuts for a total of over \$1 billion in the late 1990's. Our Legislators and the Governor mutually agreed on these four tax cuts. There was no TABOR Law that told them they had to have tax cuts.

Third, I think we need to also relate to the people of Kansas and all of our Legislators that in FY 2002, FY 2003, and FY 2004 that our six state universities suffered huge budget reductions. For example, K-State had budget reductions of about \$23 million and KU had budget reductions of over \$30 million and the other four state universities had very similar reductions. Again, there was no TABOR Law that forced the Legislature and the Governor to impose these reductions.

Fourth, I think we should remind the people of Kansas and all of our Legislators that the Kansas Constitution requires a balanced budget. Think about this. There is no need for a TABOR Law because the Constitution already has mandated for the State and all State Agencies that every year we have a balanced budget. Unlike the Federal Government, the State of Kansas cannot engage in deficit spending and cannot have a State debt.

Fifth, I think we could indicate to the proponents of TABOR that they could do a great job for the whole nation by taking their case to Washington, DC, and getting the President of the United States and the two Houses of Congress to pass a TABOR-like amendment for America that would mandate a balanced budget every year. As we read about in the paper, the Federal debt for America today is over \$8 trillion and deficit for this fiscal year is close to \$600 billion. Thus, TABOR and its leaders should concentrate on the Federal Government and not a conservative state like Kansas where its Constitution absolutely mandates a balanced budget every year.

Sixth, I think we have to remind ourselves and the people of Kansas and our Legislators that we elect our Legislators. They are not appointed. We elect them to represent us everyday in the State Legislature. I think the great majority of Kansans trust their Legislators to do the right thing. When there is too much money in the treasury, they mandate tax cuts. When the State is facing big-time deficits, they mandate reductions. This policy has worked well for Kansas since Kansas came into the Union. They do not need some kind of a reminder or law that they have to cut taxes or reduce budgets. They have been doing that quite prudently and quite well for over 150 years. The truth is our Governors and Legislators over the years have never been wild-eyed spenders. They have always done what needs to be done.

Seventh, I know that this is understood by most people. But it would not hurt to remind everyone that the Republicans control both the Kansas Senate and the Kansas House of Representatives. Indeed, for most of our State's history, the Republican Party has controlled both Houses of the Legislature. In 2005, the Kansas State Senate and the Kansas House of Representatives are both controlled by Republicans. We know these Republicans are not big spenders. We know these Republican Legislators have extraordinary common sense. They want to do the right thing. They want to be fair. They want to reflect the will of the people. And they almost always do. In 2005, the conservative Republicans control the House of Representatives and they are on record stating many times that they are not in favor of tax increases.

Eighth, the above arguments point out that Kansas did not need a TABOR-type law in the 1950's, in the 1980's, or in the first decade of the 21<sup>st</sup> Century. Kansas is not Colorado and vice-versa. Maybe the State of Colorado needed TABOR a decade ago. But Kansas has never needed TABOR and it does not need TABOR now.

Ninth, this is just a footnote on the Colorado situation. I do not pretend to be an authority on the State of Colorado. But I do know that the present Governor, Bill Owens, who was one of the leaders of getting Colorado to adopt a TABOR Law some years ago, is now asking the people of Colorado in a forthcoming referendum to give himself and the Colorado Legislature a five-year respite or exemption from the TABOR Law of Colorado. Keep in mind that Governor Owens, according to various press accounts over the years, identifies himself as a very conservative Republican. Evidently, Governor Owens believes that he and the State of Colorado need a five-year respite/exemption from the constraints of TABOR to rebuild roads, rebuild bridges, provide additional funds for the poor and the homeless, to allocate more funds to public higher education, and a variety of other needs that have not been met over the past four or five years.

Tenth, I think we should always be positive when we talk about TABOR. I think we should concentrate our thoughts on this fact. Kansas is not Colorado and vice-versa. Kansas has a great history and excellent traditions and values. Kansans have always had extraordinary common sense. They know Kansas does not operate like the Federal Government with its deficit spending and mounting Federal debt. Rather, the Kansas Constitution mandates a balanced budget. Our Legislators are very tuned into the will of the people. By definition, they know when it is necessary to cut taxes and to reduce budgets. And we know they always try to be fair.

/dh