

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Held in Room 531-N, at the Statehouse at 11:30 a. m./~~xxx~~,
on January 12, 19 83.

All members were present except:

Senator Hein
Senator Gaines

The next meeting of the Committee will be held at 1:30 ~~xxx~~ p. m.,
on January 19, 19 83.

These minutes of the meeting held on January 12, 19 83 were
considered, corrected and approved.

STAFF:

Norm Furse, Revisor's Office
Julian Efird, Legislative
Research


Chairman

The conferees appearing before the Committee were:

Senator Vidricksen called the meeting to order and welcomed the
three new members to the Committee.

The Research Department gave a brief overview of the seven boards
up for sunset and distributed a memorandum to that effect. (See
Exhibit A)

Copies of the proposed bills on the sunset legislation were distri-
buted by the Revisor's Office and an explanation was made as to the
change of dates when these Boards would be abolished. (Exhibit B)

The Chairman informed the Committee that the Senate President had
referred three bills to the committee for legislative follow-up.
(Journal of the Senate - January 11, 1983)

A motion was made by Senator Roitz to introduce the seven bills
to continue the Agencies in existence. This was seconded by
Senator Meyers. Motion carried.

The meeting was adjourned at 11:55 a.m.

MEMORANDUM

EXHIBIT A

December 17, 1982

TO: Senate Committee on Governmental Organization

FROM: Kansas Legislative Research Department

RE: Review of Kansas Sunset Law and Agencies Subject to Abolition
Prior to July 1, 1984

The Kansas Sunset Law provides for abolition of the following agencies and boards on the dates noted, but also allows one year thereafter for the entities to conclude their affairs. Currently, the Kansas Energy Office and Energy Advisory Council are in the one-year phase-out period and will cease to exist on July 1, 1983, unless action to continue them is taken by the 1983 Legislature. Agencies subject to review by the 1983 Legislature include: Kansas Energy Office and Office of the Director, July 1, 1982; Energy Advisory Council, July 1, 1982; Board of Healing Arts, July 1, 1983; Board of Nursing, July 1, 1983; Department and Office of Secretary of Revenue, July 1, 1983; Department and Office of Secretary of Transportation, July 1, 1983; and State Corporation Commission, July 1, 1983.

The Kansas Sunset Law provides that any state agency or office subject to abolition may be continued in existence or re-established by act of the Legislature for a period not to exceed eight years. Performance audits of agencies scheduled for abolition are not required, but the Legislative Post Audit Committee may direct the Post Auditor to review any of the programs, duties or functions of any agency or office. After such audits are completed and subsequent to their approval by the Legislative Post Audit Committee, copies are made available to other legislators. The Legislative Post Audit Committee may introduce bills relative to the post audit recommendations and the President of the Senate and Speaker of the House may refer the performance audits to specific committees for further study.

During the Session, a committee of reference in each house (historically, the Committee on Governmental Organization) must hold a public hearing on the proposed abolition, continuation or re-establishment of agencies and offices scheduled for sunset. The committees of reference hear testimony from the public, the state agency or officers involved, and other appropriate state officers. Such committees of reference may consider performance audits if available.

The state agency and officers involved are charged with the burden of demonstrating a public need for continued existence and for identifying any needed changes in the agency or office or the applicable enabling statutes which would increase the efficiency and effectiveness of program administration or operation. Other factors to be considered by the committees of reference include whether the absence of an agency or program would significantly harm or endanger the public; whether the exercise of police powers and protection of the public is reasonable; whether less restrictive regulation could adequately protect the public; whether the regulation or operation of an agency or program increases the cost of goods and services; whether the increased cost is more harmful to the public than harm which would result from no regulation; whether the regulatory or administrative process solely protects the public interests; and whether the purposes of the agency or program can be accomplished more efficiently, effectively and economically.

Ex. A

Agencies Scheduled for Abolition

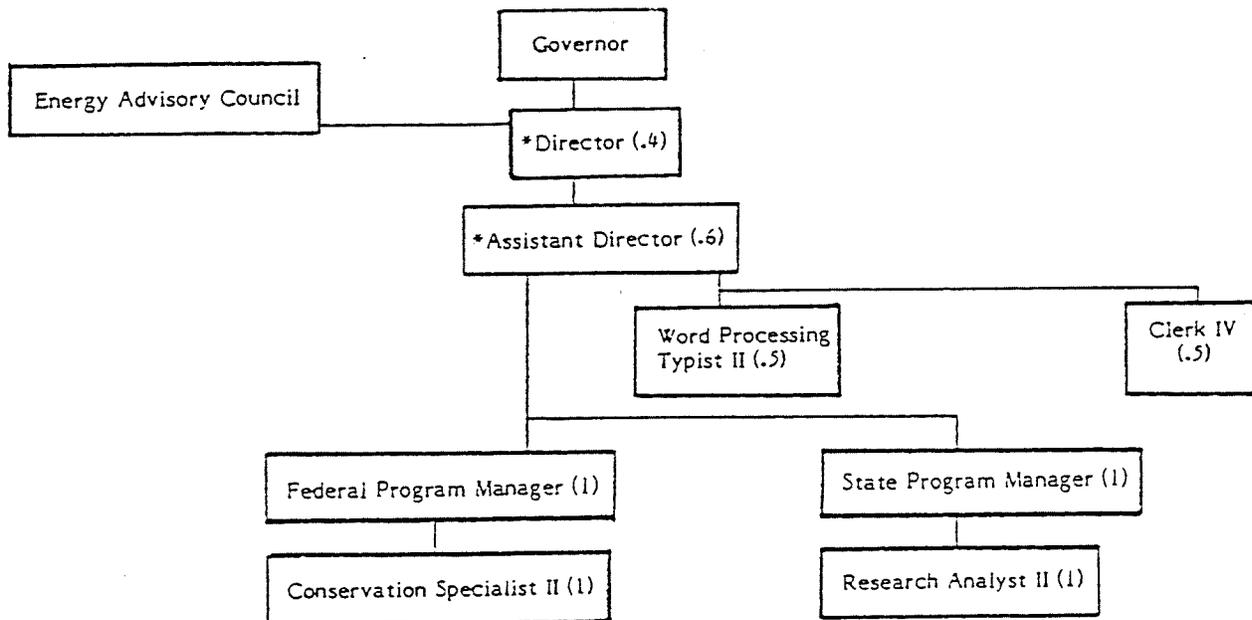
Two agencies are currently in their phase-out year: the Kansas Energy Office and Director and the Energy Advisory Council. During the 1982 Session, the Governor's Executive Reorganization Order No. 19 to transfer the Energy Office to the Department of Administration as a new division was rejected by the Senate. The House Committee on Governmental Organization held hearings on the agency's re-establishment and reviewed a performance audit on its operations. The House Committee recommended reduced staffing and funding to the Ways and Means Committee, but introduced no legislation to continue or re-establish the agency.

As noted earlier in this memorandum, five entities are scheduled for abolition on July 1, 1983, unless continued or re-established by the Legislature. One agency, the State Corporation Commission, was reviewed last Session and was continued for a one-year period in order to afford the Post Auditor time to complete a performance audit report on the Utilities Division. That report has been approved by the Legislative Post Audit Committee and will be available during the 1983 Session for review.

Kansas Energy Office (KEO) and Office of Director
Energy Advisory Council

KEO programs are divided into federal and state categories. The federal programs are intended to promote energy conservation and alternative energy utilization, while the state programs are oriented toward assessing the uses of energy within the state and planning future programs that best assure adequate supplies of energy during normal and emergency situations.

Current Organizational Program Structure Kansas Energy Office



KEO currently is authorized a staff of 6.0 F.T.E. positions and is requesting a revised operating budget of \$1,438,201 in FY 1983, with \$87,034 financed by the State General Fund and the remainder by federal funds. The Director is a 0.4 F.T.E. appointment, with the other 0.6 F.T.E. appointment as the director of the Kansas Energy Extension Service at Kansas State University. The Energy Advisory Council consists of ten members, four of whom are appointed by the Governor as representatives of energy consumers (1), public utilities (1), energy producers (1), and environmentalists (1); four are legislators, two of whom are appointed by the Speaker and two by the President (each appoints one person from each political party); one member is the chairperson of the State Corporation Commission; and one is the State Geologist or designee. The Council is advisory to the Director.

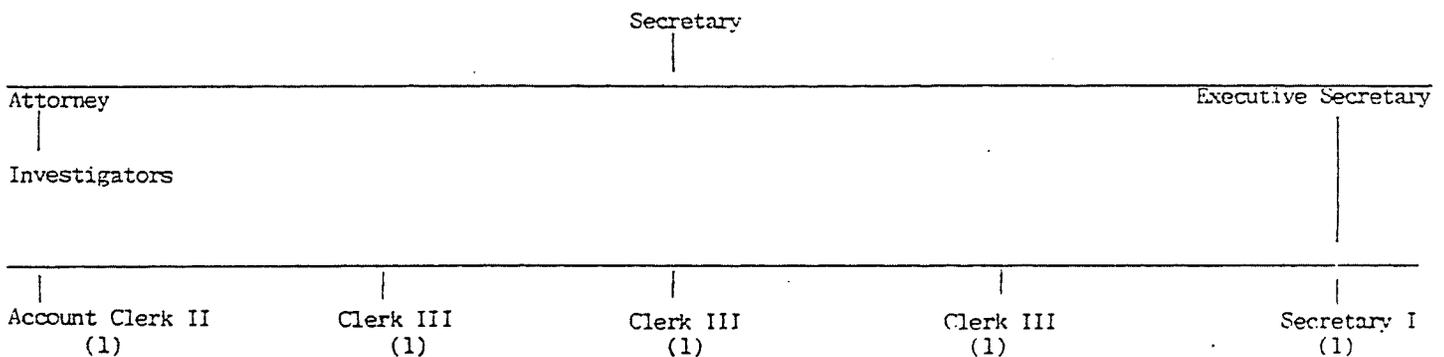
Board of Healing Arts

The Board licenses and regulates medical, osteopathic, and chiropractic doctors and registers physician's assistants under the Healing Practices Act. The Board also administers the Kansas Physical Therapy Act and the Podiatry Act, licensing and regulating physical therapists and podiatrists.

Board of Healing Arts

ORGANIZATION CHART

BOARD MEMBERS (13 Including the Secretary)



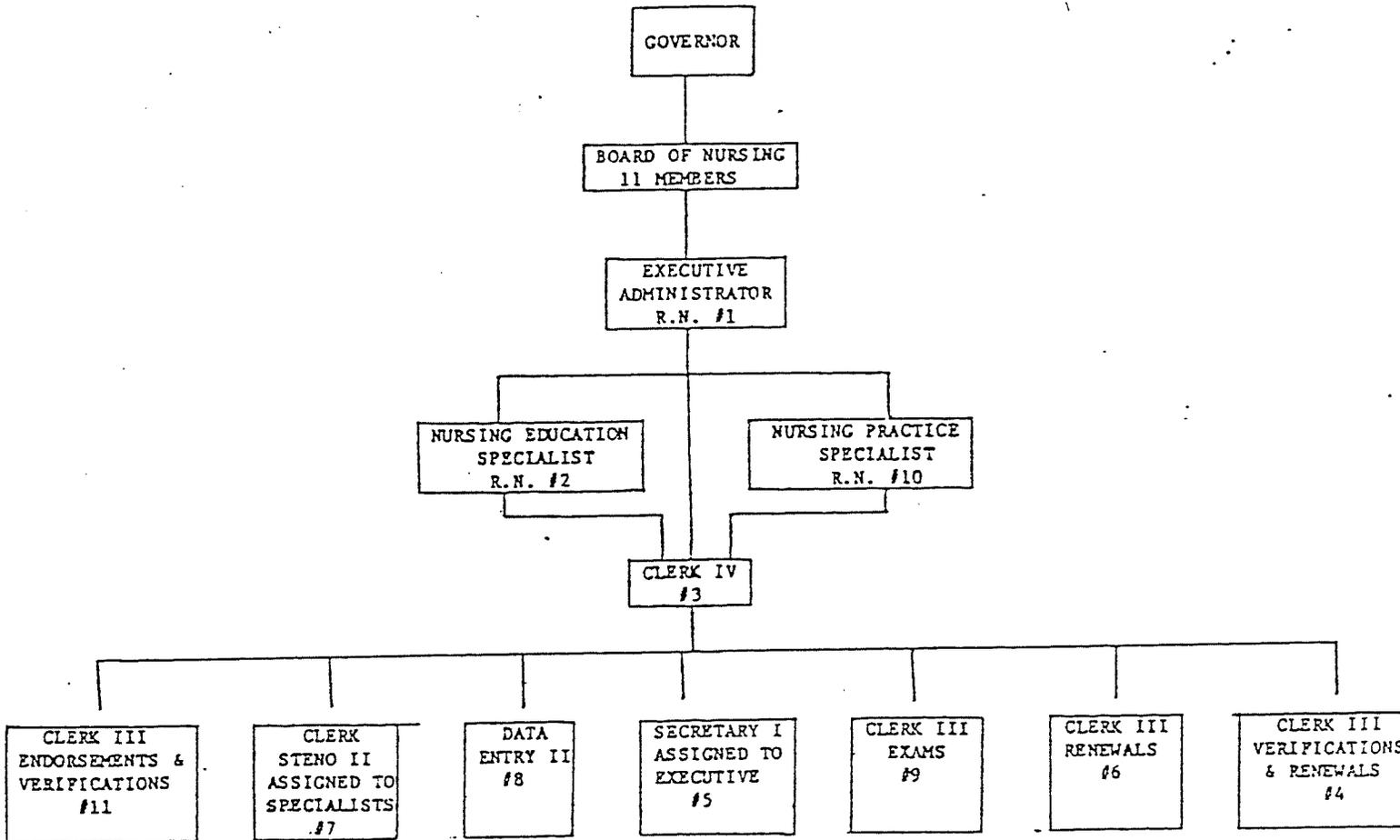
The Board consists of 13 members appointed by the Governor. The Board elects one of its members to be Secretary, who in turn runs the office. The Board has a staff of 6.0 F.T.E. positions and is requesting a revised operating budget of \$273,747 in FY 1983 to be financed by its fee fund. Five members of the Board are required to be doctors of medicine; three must be doctors of osteopathic medicine; and three must be doctors of chiropractic medicine; one must be a registered podiatrist; and one must be a representative of the general public. Two committees operate under the authority of the Board: the Physical Therapy Examining Committee and the Podiatry Advisory Committee. Both committees are established by statute. The former consists of five members: three physical therapists, one licensed physician and the Secretary of the Board. The latter committee consists of three members appointed by the Governor, with three podiatrists currently serving.

Board of Nursing

The Board is charged with licensing and regulating the practice of nursing and mental health technology. In addition, it reviews and approves nursing and mental health education programs in the state, and accredits all continuing education programs for licensure renewal.

KANSAS STATE BOARD OF NURSING

ORGANIZATIONAL CHART



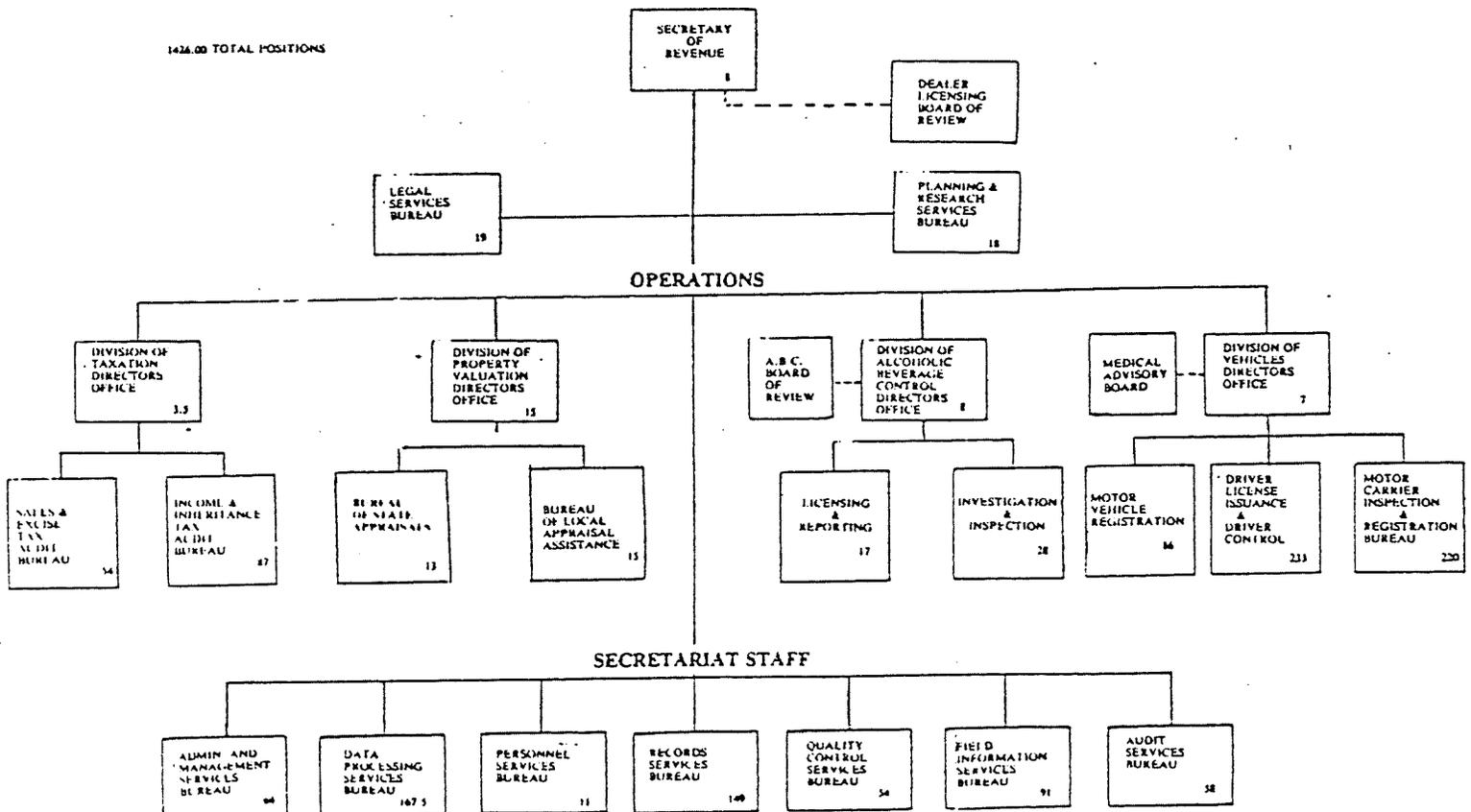
The Board consists of 11 members appointed by the Governor: five registered nurses, two licensed practical nurses, two licensed mental health technicians, and two representatives of the general public. The Board employs an Executive Administrator and additional staff of 10.0 F.T.E. positions. Its revised FY 1983 budget request for operating expenditures is \$409,650 to be financed by its fee fund.

Department of Revenue (DOR)

The Department is directed by the Secretary of Revenue who is appointed by the Governor. DOR is charged with administration and enforcement of the major state tax laws, appraising certain types of property and assisting local appraisers, titling and registering motor vehicles, licensing drivers, regulating the sale and distribution of alcoholic beverages, and administration of the school district income tax aid, homestead property tax refund and several other assistance programs. Three statutory boards operate within DOR: the Alcoholic Beverage Control Board of Review which regulates the liquor industry and consists of three members appointed by the Governor; the Medical Advisory Board which consists of five members appointed by the Secretary to give opinions about the condition of persons with suspended or revoked licenses; and the Dealer Review Board which consists of eight members appointed by the Governor to consider violations of the Vehicle Dealers and Salesmen Licensing Act.

The Alcoholic Beverage Control Board of Review members must be selected from members of the two political parties which cast the highest and second highest number of votes in the 1948 general election for Secretary of State. In addition, each member must be from a different congressional district and not more than two of the members may be from one political party. The Medical Advisory Board membership must include at least one licensed practitioner from each of the following medical specialties: ophthalmology, optometry, psychiatry and internal medicine. The Dealer Review Board members must include two new vehicle dealers, two used vehicle dealers, one salvage vehicle dealer, one representative of a first or second stage manufacturer, and two representatives of the general public.

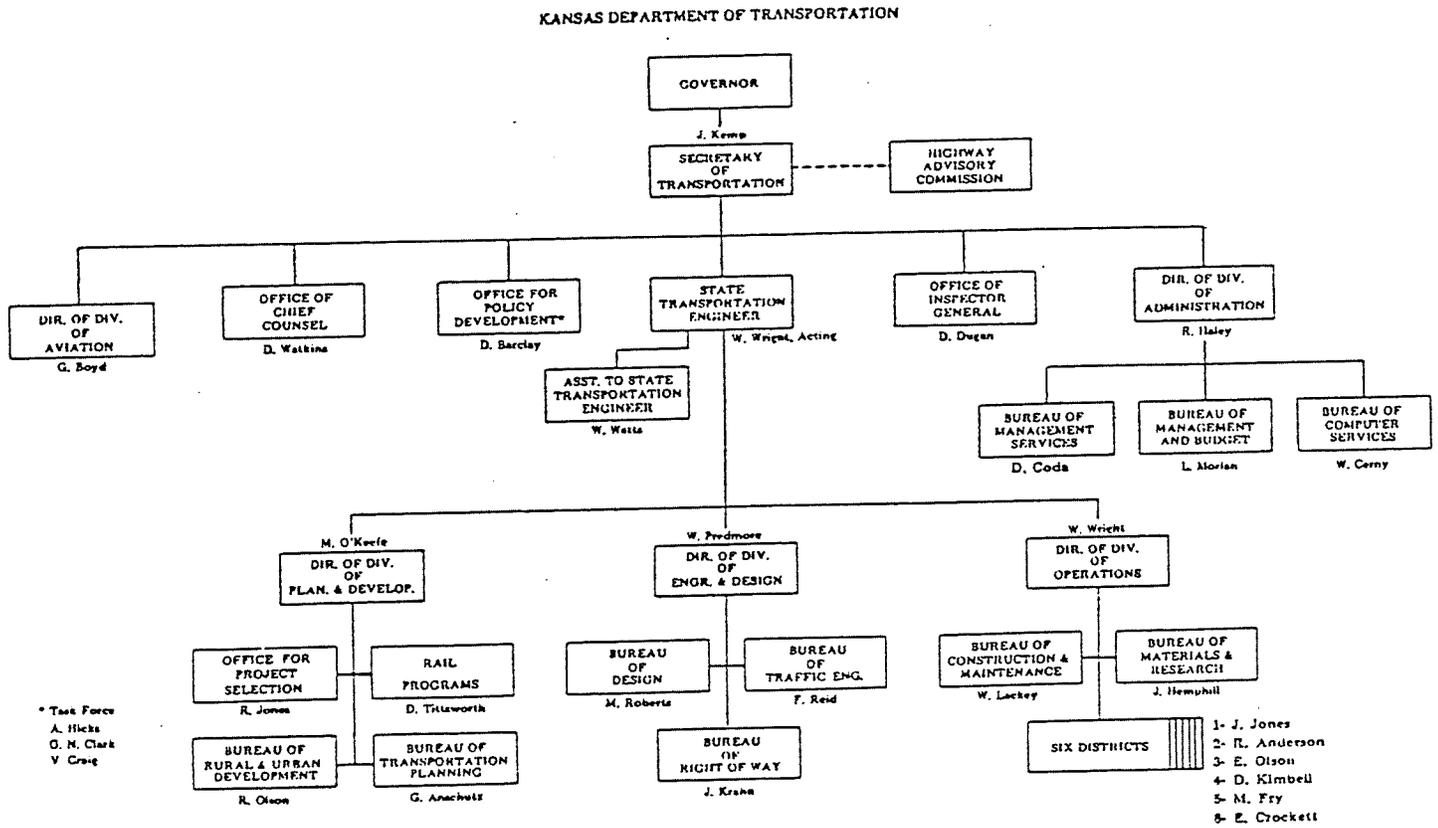
ORGANIZATION CHART
KANSAS DEPARTMENT OF REVENUE
 Fiscal Year 1983 Authorized



DOR is requesting 1,426.0 F.T.E. positions and \$37,706,551 for operating expenditures in its revised FY 1983 budget, with most financing from the State General Fund (\$22,452,149) and the Division of Vehicles Operating Fund (\$14,650,420). The latter fund receives its financing by a transfer from the State Highway Fund. Of the total operating expenditures requested, \$15,153,902 is for motor vehicle and driver license regulation, \$12,827,528 is for administrative and support services, \$4,909,000 is for the taxation program, \$1,346,034 is for the property valuation program, \$1,309,678 is for alcohol beverage control, and \$2,160,409 is for aid and assistance programs. The Homestead Property Tax Refund and School District Income Tax Aid programs are considered as separate budgets and in FY 1983 the requests are \$8,900,000 for the former and \$83,241,000 for the latter.

Department of Transportation (KDOT)

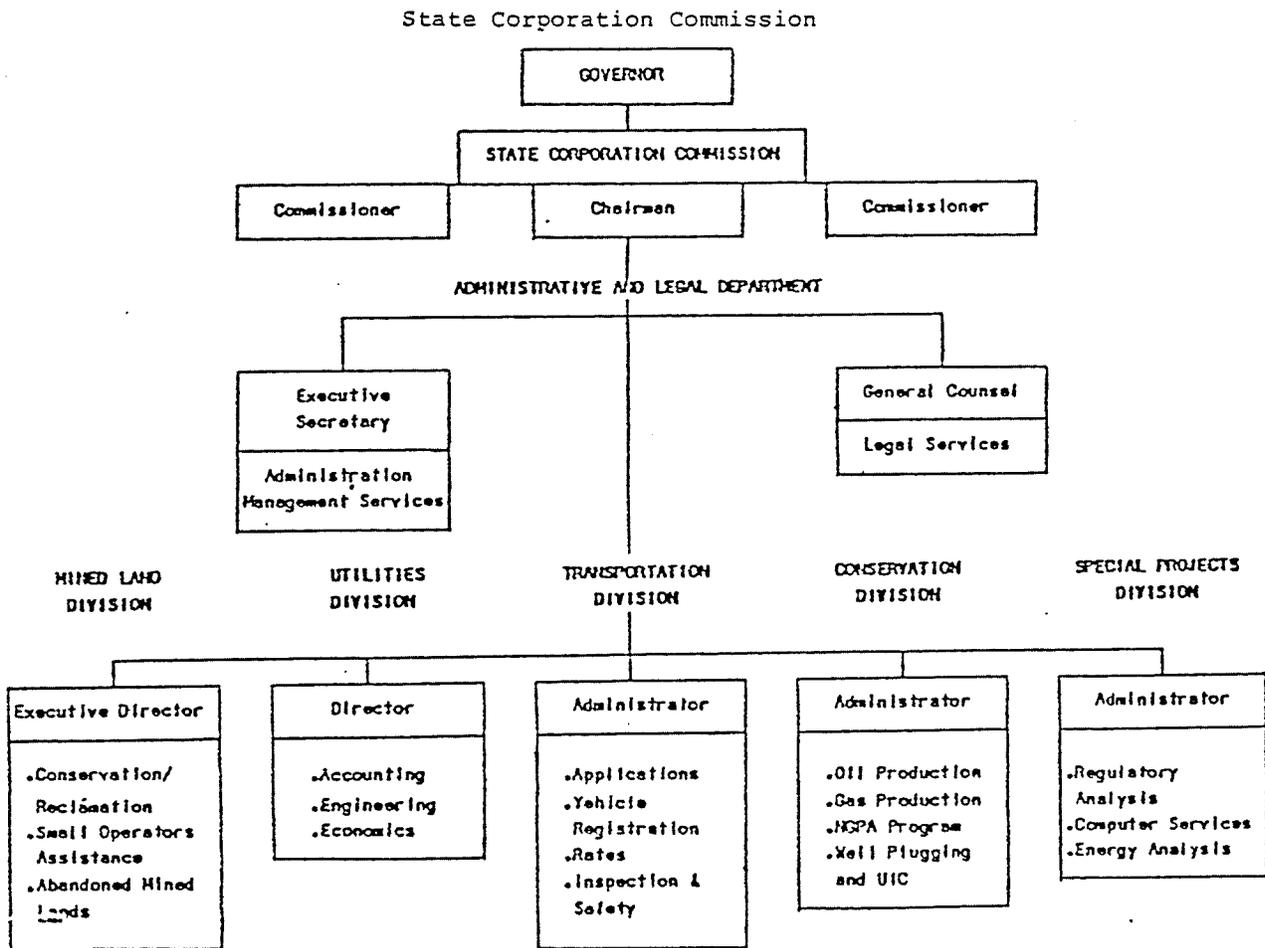
The Department is directed by the Secretary of Transportation who is appointed by the Governor. KDOT is charged with highway planning, design, maintenance, construction and reconstruction. It also has planning and administrative authority related to railroads, aviation, waterways and utility systems. In addition, KDOT administers federal aid funds for local streets and roads. A 12-member Highway Advisory Commission, with two members appointed by the Governor from each of six highway districts, advises the Secretary.



KDOT is requesting 3,283.0 F.T.E. positions and \$322,997,428 for operating expenditures in its revised FY 1983 budget. Of the total expenditures requested, \$114,601,881 would be used for state operations, \$49,243,450 for aid to local units of government, \$158,975,097 for capital improvements, and \$102,000 for nonexpense items. Most of the financing comes from federal sources.

State Corporation Commission

The Commission consists of three members appointed by the Governor, with no more than two members of the same political party. The Commission's activities include the regulation of public utilities, railroads, express companies and motor carriers of passengers and property; the conservation and regulation of oil and natural gas production; and the regulation of surface and subsurface mining and reclamation of mined lands. The Mined Land Conservation and Reclamation Board includes the Chairperson of the Commission and 13 other members appointed by the Governor and is charged with enforcing the Mined Land Conservation and Reclamation Act as well as regulatory programs authorized by the National Surface Mining Control and Reclamation Act (federal). The Office of the Securities Commissioner was established as an independent agency during last Session and is no longer under the jurisdiction of the Commission.



In FY 1983 the Commission requests 222.5 F.T.E. positions and \$7,118,595 in operating expenses to be financed from its fee funds and federal funds. Of the total requested, \$2,086,104 is for conservation programs, \$1,658,015 is for utilities programs, \$956,090 is for transportation programs, \$227,387 is for mined land programs, and \$2,190,999 is for administrative, legal and special projects programs.

82-422/JE

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the board of nursing in existence; amending K.S.A. 1982 Supp. 74-7256 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7256 is hereby amended to read as follows: 74-7256. Except as provided in K.S.A. ~~74-7237~~ 1982 Supp. ~~74-7246~~, the board of nursing appointed pursuant to K.S.A. 74-1106 and amendments thereto, shall be and is hereby abolished on July 1, ~~1983~~ 1991.

Sec. 2. K.S.A. 1982 Supp. 74-7256 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Ex. B'

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the state board of healing arts in existence; amending K.S.A. 1982 Supp. 74-7255 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7255 is hereby amended to read as follows: 74-7255. Except as provided in K.S.A. ~~74-7237~~ 1982 Supp. 74-7246, the state board of healing arts appointed pursuant to K.S.A. 65-2812 and amendments thereto, shall be and is hereby abolished on July 1, ~~1983~~ 1991.

Sec. 2. K.S.A. 1982 Supp. 74-7255 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the department of transportation and the office of secretary of transportation in existence; amending K.S.A. 1982 Supp. 74-7257 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7257 is hereby amended to read as follows: 74-7257. Except as provided in K.S.A. 1982 Supp. 74-7246, the office of secretary of transportation and the department of transportation, established by K.S.A. 75-5001, and amendments thereto, shall be and are hereby abolished on July 1, ~~1983~~ 1991.

Sec. 2. K.S.A. 1982 Supp. 74-7257 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the department of revenue and the office of secretary of revenue in existence; amending K.S.A. 1982 Supp. 74-7258 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7258 is hereby amended to read as follows: 74-7258. Except as provided in K.S.A. 1982 Supp. 74-7246, the office of secretary of revenue and the department of revenue, created by K.S.A. 75-1501, and amendments thereto, shall be and are hereby abolished on July 1, ~~1993~~ 1991.

Sec. 2. K.S.A. 1982 Supp. 74-7258 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Ex. B 4

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the state corporation commission in existence; amending K.S.A. 1982 Supp. 74-7251 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7251 is hereby amended to read as follows: 74-7251. Except as provided in K.S.A. 1982 Supp. 74-7246, the state corporation commission created by K.S.A. 74-601 and amendments thereto, shall be and is hereby abolished on July 1, ~~1983~~ 1991.

Sec. 2. K.S.A. 1982 Supp. 74-7251 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Ex. B5

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the office of director of the Kansas energy office and the Kansas energy office in existence; amending K.S.A. 1982 Supp. 74-7253 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7253 is hereby amended to read as follows: 74-7253. Except as provided in K.S.A. 1982 Supp. 74-7246, the office of director of the Kansas energy office and the Kansas energy office, created by K.S.A. 74-6802, and amendments thereto, shall be and are hereby abolished on July 1, ~~1982~~ 1990.

Sec. 2. K.S.A. 1982 Supp. 74-7253 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Ex. B6

SENATE BILL NO. _____

AN ACT concerning the Kansas sunset law; continuing the energy advisory council in existence; amending K.S.A. 1982 Supp. 74-7254 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 74-7254 is hereby amended to read as follows: 74-7254. Except as provided in K.S.A. 1982 Supp. 74-7246, the energy advisory council, established by K.S.A. 74-6803, and amendments thereto, shall be and is hereby abolished on July 1, ~~1982~~ 1990.

Sec. 2. K.S.A. 1982 Supp. 74-7254 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Ex. B?

time of payment of the taxes; amending K.S.A. 1982 Supp. 79-3607 and 79-3706 and repealing the existing sections.

REFERENCE ON BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were referred to committees as indicated:

- Agriculture and Small Business: SB 1, 2, 3, 4, 5, 6.
- Assessment and Taxation: SB 15, 16.
- Elections: SB 29, 30.
- Energy and Natural Resources: SB 20, 21, 23; SCR 1601.
- Governmental Organization: SCR 1602.
- Judiciary: SB 7, 14, 25, 28.
- Labor, Industry and Tourism: SB 8.
- Local Government: SB 9.
- Public Health and Welfare: SB 10, 11, 13, 26.
- Ways and Means: SB 12, 17, 18, 19, 22.
- Committee of the Whole: SR 1803.

REFERENCE OF POST AUDIT RECOMMENDATIONS

In compliance with Rule 11 of the Legislative Post Audit Committee, the President referred the Post Audit recommendations for legislative followup to the committees as indicated:

Recommendation: To help ensure that incorrect or duplicate payments of per diem, travel, and subsistence are not received by legislators, the Legislature should consider granting statutory or regulatory authority to the Division of Legislative Administrative Services for reviewing all vouchers for such payments prior to final processing by the Department of Administration.—**GOVERNMENTAL ORGANIZATION**

Recommendation: The Legislature should consider amending State law to give the Board of Accountancy statutory authority to assess fees for duplicate certificates, or it should direct the Board to stop collecting fees for duplicate certificates.—**GOVERNMENTAL ORGANIZATION**

Recommendations:

1. The Legislature should amend K.S.A. 1981 Supp. 2-3008 to allow less frequent remittances when tax collections are small.
2. The Legislature should amend K.S.A. 1981 Supp. 2-3010 to authorize direct assessment of penalties and interest on late payments, thus eliminating the present requirement that agencies bring lawsuits against delinquent firms to obtain fines and/or prison sentences.—**AGRICULTURE AND SMALL BUSINESS**

Recommendation: The Legislature should consider directing the Highway Patrol and the Department of Transportation to execute an inter-agency agreement to allow troopers stationed at Department facilities with unleaded gasoline storage to purchase unleaded gasoline at cost.—**WAYS AND MEANS**

Recommendation: To improve the transfer process, the Legislature should consider directing the Department of Education to make the transfer and articulation agreement mandatory for all colleges and universities.

If the Legislature intends that State aid go only for community college courses that are at the level of freshman and sophomore courses offered at the universities, it should discontinue funding high school level or remedial courses that do not transfer. The Legislature should also consider directing the Department of Education to have these courses identified in the college catalogs as not eligible for transfer, and to quit applying such courses toward graduation requirements at a community college.

The Legislature should consider directing the Department of Education to have all academic courses that are vocational in nature listed in the college catalogs as vocational-type courses that may not transfer.—**EDUCATION**

Recommendation: To ensure that out-of-State applicants for licensure are required to meet only requirements that are comparable to those for Kansas applicants, the Legislature should consider directing the Board of Embalming to amend its rules and regulations to coincide with current State statutes governing reciprocity.—**GOVERNMENTAL ORGANIZATION**

MESSAGES FROM THE GOVERNOR

January 10, 1983.

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as Governor pursuant to law since the 1982 Session of the Legislature.

JOHN CARLIN
Governor

Adult Authority, Kansas: K.S.A. 22-3707

- Alfredo R. Calvillo, term expires June 30, 1986
- Keith R. Henley, term expires March 31, 1985

Alcoholic Beverage Control Board of Review: K.S.A. 41-203

- Richard D. Martens, term expires March 1, 1986

Banking Board, State: K.S.A. 74-3004

- William Byrnes, term expires April 30, 1984
- Edward J. Costello, term expires April 30, 1985
- Steven R. Davis, term expires April 30, 1985

Bank Commissioner, State: K.S.A. 75-1304

- John A. O'Leary, Jr., term expires June 30, 1983

Civil Rights, Commission on: K.S.A. 44-1003

- Susan Marshall, term expires July 9, 1986
- Lou Ann Clintsman Smith, term expires July 1, 1986

Civil Service Board, State: K.S.A. 75-2929a

- Leo Carvalho, term expires January 31, 1986
- Billy S. Sparks, term expires January 31, 1986

Consumer Credit Commissioner: K.S.A. 16-403

- Donald O. Phelps, term expires January 20, 1986

Credit Union Council: K.S.A. 17-2231

- Robert A. Arnold, term expires June 11, 1985
- Ronald D. Stevenson, term expires June 11, 1985

Crime Victims Reparations Board: K.S.A. 74-7303

- Alma Sanford Carter, term expires June 30, 1986

Energy Office, Director of Kansas: K.S.A. 74-6801

- Richard B. Hayter, to serve at the Pleasure of the Governor

Employment Security Board of Review: K.S.A. 44-709

- George J. Trombold, term expires May 14, 1986