

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on March 18, 1994 in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Julian Efird, Legislative Research Department
Fred Carman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairman Ramirez called the meeting to order. The agenda was action on several bills.

The called on Senator Harris, KPERS Subcommittee Chairman, to explain the proposed legislation on **Senate Substitute for HB 2596**.

Subcommittee Chairman Harris stated there were several policy issues involved in the legislation. With regard to proxies, the consensus was that proxies should not be used. With regard to the Attorney General's concerns that the previous election was invalid, the necessary retrofitting was done to make sure that the two members who were elected could continue to serve. It was the consensus this should be done. With regard to the use of KBI reports it was the consensus of the subcommittee that KBI reports were not appropriate for the elected members of the board and that KBI reports, if requested, should be used only by the appointing authority; it would not be mandatory, but could be requested, but could only be used and not disclosed to anyone by the appointing authority. With regard to whether the election process established in 1992 should be continued, no consensus of opinion was reached. The election is by mail; it is expensive. The subcommittee thought the matter should be taken up by the full committee. The committee reach no consensus with regard to going into executive session.

Senator Harris ended the subcommittee report.

The Chairman entertained a motion to adopt the subcommittee report.

Senator Lee moved adoption of the committee report. Senator Gooch gave a second to the motion. The motion carried.

The KPERS members and their eligibility to serve on the Board was discussed. Those members elected in the future would have to be vested.

It was commented that two of the subcommittee thought the members should be elected and one thought they should not be. Underlined language on page 4 was read to show the eligible members of KPERS.

KPERS staff had supplied information that of those inactive vested the ballots are sent to, about 40% are returned. This 40% of inactive vested is about 2% of total participants.

The committee was reminded that two years ago there was an override of the Governor's veto to retain those elected positions.

One of the members stated that the override of the veto was on a larger bill and the elected position portion was only a small part of that bill.

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It was commented that the expense of an election is unwarranted; qualified people can be appointed.

Another comment was that this group has been give the right to elect and the committee member is not willing to take that right away from that group.

One of the members asked if there was a clear cut way of how the election would proceed in the future. With the problems of the last election, how will a future election be conducted. Comments were made about the problem encountered with placing social securities on the front of envelopes.

Meredith Williams, KPERS, said the time frame was the issue. When the social security issue became a problem, the ballots were already out. The Attorney General said there was a problem. The problem tried to be corrected in midstream. A better job can be done with more time.

After further discussion, Senator Bogina moved to amend **Substitute for HB 2596** by making the two voting members of the retirement system appointed by the Governor. Senator Reynolds seconded the motion. The motion carried.

The concern with the executive session issue was discussed and the possible civil and criminal liabilities legislators could expose themselves if they go into the closed session. It was too hard to get a consensus in the subcommittee. Some members thought it was alright as it now stand, while one or two had reservations.

One of the comittee commented that the oversight committee needs to be phased out. The purpose of that committee was to see that the new Board was in place and everything running smoothly.

Another member disagreed and said it was important to the process.

Senator Gooch moved to phase out the Kansas Public Employoyee Retirement Study Commission. Senator Lee gave a second to the motion. The motion carried.

Senator Feleciano moved to recommend **Substitute for HB 2596** favorable for passage as amended. Senator Papay gave a second to the motion. The motion carried.

The committee turned to **SB 814**--governor's residence; friends of cedar crest

One of the committee related to the rest of the members why the bill had been drafted. Various contributions have been made to Cedar Crest. Some entity needs to keep track of these donations of various articles. People are unwilling to donate articles because they do not know what will happen to them.

Discussion was held with some members stating that a private organization should not have control over these articles. The Department of Administration keeps an inventory of things, but it is not taken often and articles are stored in various places.

The comment was made that there is too much trouble with the bill, itself. It leaves too many questions unanswered.

Senator Reynolds moved to report **SB 814** adversely. Senator Lee gave a second to the motion. The motion carried.

The committee turned to **SB 641**--enacting federal grant review act.

The Chairman related what the bill did and asked for discussion. There were no questions or comments.

Senator Feleciano moved to report **SB 641** adversely. Senator Lee gave a second to the motion. The motion carried.

The committee turned to **SB 778**--rules and regulations; overtime compensation for state employees

There was a question in the procedure of how overtime payment is made. This is the bill recommended by the Secretary of Administration.

Senator Bogina recommended **SB 778** favorable for passage. Senator Lee gave a second to the motion. The motion carried.

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Senator Gooch was recorded as voting no.

The next item on the agenda was **SB 808**--KGOAL; agency audits

Senator Vidricksen moved to table **SB 808**. Senator Lee gave a second to the motion.

Discussion was held on whether to continue as is presently done or to repeal KGOAL. Post Audit's work load of audits was discussed. This bill was drafted to relieve some of the workload.

The motion failed.

Senator Bogina moved to repeal the enabling legislation in **SB 808**. Senator Vidricksen gave a second to the motion. The motion carried.

Senator Lee was recorded as voting no.

The committee turned to **SB 791**--state civil service; vacancies or new positions; certification of lists

The bill would allow the current policy of providing five names to be replaced by providing the people scoring in the top five categories for a potential larger pool of applicants for a position.

Senator Harris moved to report **SB 791** favorable for passage. Senator Lee gave a second to the motion. The motion carried.

The committee moved to **SB 720**--drug and alcohol programs eligible for drink tax revenues

Senator Reynolds recommended **SB 720** favorable for passage. Senator Papay seconded the motion.

Discussion was held. It was a consensus that some definition was needed for the distribution of monies. Licensed and certified means SRS programs only. The DARE program and some other good programs would lose out on funds. There are abuses of funds and money is being wasted. Staff was asked to come up with some definitions that would address the issue. Gene Johnson, Lobbyist, was going to provide information. The bill can be worked at a later time since it is a Ways and Means bill.

Senator Reynolds withdrew her motion with the proviso that action be taken on the bill this session. Senator Papay withdrew her second.

The meeting was adjourned.

The next meeting is scheduled for March 21, 1994.

GUEST LIST

COMMITTEE: Seperate Gov. Organization

DATE: March 18, 1994

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