

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 30, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Bob Alderson, Casey's General Store
Representative Candy Ruff
Ed Klumpp, Kansas Association of Chiefs of Police
Ken Stodgell, Veterans of Foreign Wars
Jane Carter, Kansas Organization of State Employees
Chad Lopez, Kansas Organization of State Employees
Charles Yunker, American Legion
Mark Tomb, League of Kansas Municipalities
Pat Kitchens, City of Leavenworth Police Department
Joan Wagon, Secretary of Revenue
Randall Allen, Kansas Association of Counties
Don Moler, League of Kansas Municipalities

Others attending:

See attached list.

Bob Alderson, Casey's General Store, requested a bill introduction that would redefine cereal malt beverage to include malt beverages which contain not more than 5% alcohol by weight. ([Attachment 1](#))

Senator Vratil moved that this request should be introduced as a committee bill. Senator Lynn seconded the motion. The motion carried.

Sub for H 2562 by Committee on Veterans, Military and Homeland Security--Veterans preference law revision.

Chairman Brungardt opened the hearing on **Sub for HB 2562.**

Staff provided an overview of the bill.

Representative Candy Ruff appeared in favor of the bill. ([Attachment 2](#)) The bill reflects a more realistic understanding of the job market and veterans seeking employment in a competitive environment, and are at least guaranteed an interview and serious consideration of their qualification for the positions they seek. There are technical amendments in the bill page 3 line 12 the word "veteran" should be anyone, also the legislative intent was for city and county hires which would be initial hire and first promotion, state should be initial hire and unlimited promotions.

Ed Klumpp, Kansas Association of Chief's of Police, supports the provisions of the bill. ([Attachment 3](#)) Passage of the bill will put in place a statute that will clearly lead to a better understanding by those charged with applying the preference of how to comply while minimizing the opportunity for misunderstanding leading to lengthy and costly litigation. The key points of the bill are:

- clarifies definition of veteran, and adds Coast Guard
- defines competent and the definition is consistent with court rulings
- adds a mandate that applicants will be notified if not selected and provided appeal process information
- requires all applicable job notices include a statement that the position is subject to veteran preference
- clarifies that promotions are included in the application of veteran preference
- requires the hiring authority to post the job qualifications, performance standard, and selection process

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- prior with the position announcement
- provides any administrative appeal processes need to be used prior to going to court
- establishes certain positions where veteran preference should not apply
- requires a Post Audit review in 2010

The factors make the provisions of the bill beneficial, in the broad scope of veteran preference, to both veterans and non-veterans competing for a position.

Ken Stodgell, Veterans of Foreign Wars, spoke in favor of the bill. ([Attachment 4](#)) The bill provides a definition of a veteran for purposes of preference and includes provisions for widows of those killed in action and spouses of 100% disabled veterans.

Jane Carter, Kansas Organization of State Employees, appeared in favor of the bill. ([Attachment 5](#)) The bill clarifies the veterans preference in government hiring, and gives those who have served in the armed forces for several years some assistance integrating into life outside the military.

Chad Lopez, Kansas Organization of State Employees, spoke in favor of the bill. ([Attachment 6](#)) The Supreme Court ruled a few months ago that promotions and transfers are not covered by current statute in regards to veterans preference; however, the bill would allow for veterans preference for promotions and transfers and truly gives recognition and honor to those who have fought for their country. Mr. Lopez had a conversation with the Governor on this topic and was requested to put it into writing; which he did and was turned into the Department of Administration, who in turn sent out a letter stating that all would be interviewed and the process is still not happening.

Charles Yunker, American Legion, spoke in opposition of the bill. ([Attachment 7](#)) The biggest concern the American Legion has with the bill is deleting the word "appoint" and substituting the word "consider," on page 2, line 33, which removes the heart and soul of veterans preference. Mr. Yunker urged the committee to restore the original intent of KSA 73-201 and to increase the penalties of those in government who deny any veteran their rightful preference in hiring.

Mark Tomb, League of Kansas Municipalities, appeared as an opponent of the bill. ([Attachment 8](#)) The bill would make substantial changes regarding the application of veterans' preference and expand its use to the area of initial promotions. This legislation would complicate the ability of local governments to hire, promote, and retain employees for our workforce.

Pat Kitchens, Interim Chief of Police for the City of Leavenworth, provided informational testimony. ([Attachment 9](#)) The bill would be helpful to manage and practice professionals trying to make a determination about promotions and whom to select. Mr Kitchens does suggest, as it relates to the issue of competence, that the committee include language regarding work performance as a critical measure of competence.

Chairman Brungardt closed the hearing on **Sub for HB 2562**.

SB 457 -Political and taxing subdivisions; budgets; filing electronically

Chairman Brungardt opened the hearing on **SB 457**.

Joan Wagon, Chairperson of Kansas Advisory Council on Intergovernmental Relations (KACIR) and Secretary of Revenue, spoke in favor of the bill. ([Attachment 10](#)) To promote efficient government it is time to modernize the budget filing process for townships and to accomplish this the Department of Revenue is asking townships to be required to electronically submit the budget information that is filed with Accounts and Reports electronically or by the county clerk filing it electronically. KACIR's study revealed that 41% of the state's active townships filed electronically.

The KACIR intends that the electronic filing requirement for budgets only apply to townships, and respectfully request an amendment to the bill to accomplish that request. The balloon was provided with the testimony.

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Randall Allen, Kansas Association of Counties, appeared in favor of the bill. (Attachment 11) The Association of Counties supports electronic filing of budgets by local taxing subdivisions with the county clerks and the State's Director of Accounts and Reports (Department of Administrations); and for electronic filing of various annual budget forms by the county clerks with the Director of Accounts and Reports. This would save money and save time, and allows for important public information to be shared more easily with constituents.

A request for a clarification on the bill as to which budget year would be required if the legislation goes into effect July 1, 2008, for reporting to begin in 2009.

Don Moler, Executive Director, League of Kansas Municipalities, (LKM) appeared as a proponent of the bill. (Attachment 12) LKM has collected and distributed data regarding taxes and budgets, and annually publishes the *Kansas Tax Rate and Fiscal Data Book*, which contains valuable information that is relied upon by local and state officials. Much of the information that is contained in the publication has been obtained by hand, going through the individual mill levy rate sheets for each county, and LKM believes that it is time to modernize this process and require that such information should be filed electronically.

The LKM is concerned about the impact on the smallest cities in Kansas, which do not have access to computers. As a result, would respectfully request an amendment for those cities unable to file electronically, to direct the County Clerk to assist those cities in submitting their budgets.

Jack Rowlett Jr., Member of Kansas Advisory Council on Intergovernmental Relations (KACIR) provided written testimony in support of the bill. (Attachment 13)

Chairman Brungardt closed the hearing on **SB 457**.

SB 460 -Townships; consolidation; transfer of territory; county service taxing districts.

Chairman Brungardt opened the hearing on **Sub for SB 460**.

Joan Wagon, Chairperson of Kansas Advisory Council on Intergovernmental Relations (KACIR) and Secretary of Revenue, spoke in favor of the bill. (Attachment 14) This bill will encourage elimination of unnecessary townships as well as voluntary consolidation of townships; service districts will be created to ensure services for township residents. Changes in the existing statutes will streamline the procedures for voluntarily consolidating and for disorganizing townships. The bill will eliminate repetition and duplication in the existing township statutes and will simplify existing language.

The KACIR Policy Recommendations and comparison charts were provided. (Attachment 15)

Randall Allen, Kansas Association of Counties, appeared in favor of the bill. (Attachment 16) The intent of the bill is to provide for an orderly transfer of service delivery responsibility from a township to a county, whenever a situation dictates that a township is no longer able to function as a viable unit of local government. Also Mr. Allen suggested that the language in Sec. 10 should not be stricken and instead add the words "or in townships having" when the bill is worked.

Jack Rowlett Jr., Member of Kansas Advisory Council on Intergovernmental Relations (KACIR) provided written testimony in support of the bill. (Attachment 17)

Chairman Brungardt closed the hearing on **Sub for HB 460**.

The meeting was adjourned at 11:40 am. The next scheduled February 5,2008.