

STATE AFFAIRS COMMITTEE

February 13, 1967

The meeting was called to order and the Chairman asked Mr. Doyen to discuss HB 1180. Mr. Doyen stated that this was one of the bills that had been discussed in committee and permission secured to introduce it as a Committee bill and then have it re-freed back. Mr. Turner expressed concern that if the assignment of office space was in the hands of one person, he might not be aware of the needs of a certain department and might assign a first floor department space on the fifth floor. Mr. Rogers inquired who was on the Executive Council, and it was determined that the Treasurer, Attorney General, Governor, Supt. of Public Instruction, Auditor and one other for a total of six members.

Mr. Perry appeared in opposition to the proposal, stating that there had been preference shown toward the Dept. of Administration in the assignment of space that had opened up in the last year; that his department is overcrowded and that he had asked for space across the hall, but notwithstanding, the Dept. of Administration had moved in. He states that this is in direct violation of the statute governing this. Mr. Fribley inquired when his request had been made and Mr. Perry explained that it was in October he thought, and that there was a meeting on December 14th where he protested not getting the space and that the Governor suggested they negotiate and work it out among themselves; that there was another meeting on January 4th but nothing was done; that he had talked to Mr. Shapiro and was advised by him to talk to the Governor which he had done, but no action had been taken. Mr. Perry expressed the opinion that the operation of the building shouldn't have been taken out of the hands of the Executive Council.

The Chairman inquired if Mr. Perry didn't suppose the authority had been taken away from the Council because it didn't do anything, and Mr. Perry raised the matter of the repair of the steps. Mr. Doyen pointed out that money had been appropriated several times for this purpose and the Executive Council had failed to act and so their authority was taken away and now the repairs are completed.

The Chairman announced that on the 14th, the Committee would consider HB 1129; 1176; 1188; 1113 and 1114.

Mr. Fribley discussed HB 1118, stating that it concerned water districts and asked the Chairman to submit it to the sub-committee which was already studying a similar bill, and consider the legal aspects. This was done, and Mr. Unruh, Woodworth and Buchele were advised to also consider this proposal.

Mr. Doyen then discussed HB 1181, and explained that this proposes to take away still more authority from the Executive Council; that they just don't take care of their responsibilities; that it takes them out of the zoning planning and puts it in the hands of the Planning Commission.

The Chairman urged members to study 1180 and 1181 and some action could be taken on the 14th.

Representative Bell appeared to discuss HB 1106. He stated that it deals with credit bureaus; that sometimes in case of identical names or other mix-ups, a poor credit rating will be given an individual and he doesn't get the credit he is asking for and his credit rating is ruined; that the bill proposes to give to the individual, a copy of the credit bureau report upon request. Mr. Ford stated that he had considerable correspondence in opposition; that they are afraid they will have to open their records to any and everybody who has been turned down for credit. Mr. Bell explained that it would require the credit bureaus to furnish only the same report they had furnished to the firm requesting the check. Mr. Unruh pointed out that it could be very time consuming and wondered if they shouldn't be required to pay for it. Mr. Rogers expressed concern about intangible factors, like possibly a drinking problem, etc.

* Numerous people appeared (see attached) representing credit bureaus. They expressed concern that this would open another avenue for litigation. Also, they claim that many of their reporting members would withdraw from making reports if they were to be made public. Some felt that their information was privileged and should not be available to the individual. Mr. Kline, general counsel for the bureaus stated that most of them now worked very hard to rectify any errors, and that they were glad to do this; that the incidence is very low and they are always anxious to rectify mistakes.

Mr. Rogers inquired what was in a credit report and Mr. Dick Allton of Lyons stated that he did checks for VA and FHA loans and it asked questions like, address, marital status, place and length of employment, wife's employment, check of courthouse records for garnishments, judgments, etc.; if he is living within his income, amount of rent paid, etc.

Consideration was given to HB 1179. Motion was made, seconded and carried unanimously that it be recommended favorably.

Mr. Foster was introduced to discuss HB 1052, who explained that this bill would allow the investment of certain inactive funds into savings and loan associations. He stated that he believed this would benefit local people. Mr. McBride of the Federal Home Loan Bank of Topeka was present to answer questions. Mr. Rogers inquired if the theory in the past hadn't been the liquidity matter. Mr. McBride discussed the percentage that may be in mortgages and the percentage that may be in Government Bonds; also explaining that this balance sometimes shifts, demanding them to change their balance, and keep the cash and government bond percentage at 7%.

Mr. Foster stated that the intent of the bill was to limit investment to 15,000 dollars. Mr. Woodworth stated that there was nothing in the bill that would require a city to use the legislation; that it was permissive. Mr. Andrews inquired about accounts for the political subdivisions and Mr. Foster advised that each would have a separate account limited to \$15,000.

Mr. Wayne Probasco explained that it would be one account per taxing body.

The Chairman announced that on the 14th, the Committee would consider HB 1129; 1176 and 1188, and possibly the bills under discussion at this time. Also, HB 1113 and 1115. On the 15th, he stated that 1158 would be presented; that he hoped the sub-committee would be prepared on HB 1137 and 1188.

All members were present except Messrs. Boyer, Buchele and Jelinek, who were excused.

Meeting was adjourned.

MARGARET GENTRY, Secretary

*See material in separate folder.

Chairman Taylor and members of the State Affairs Committee

On behalf of the Credit Bureaus of Kansas, I intend to make this initial presentation very brief.

As you have noted, we have several interested people from all over Kansas, who are concerned about this bill #1106.

We have not only Credit Bureau managers present, but credit grantors ~~xxxxxx~~ representing Banks, Department Stores and Small merchants.

Introduce

I think it is important to tell you just a little about Credit Bureaus & our purposes.

Credit Bureaus were organized in the early 1900's in almost every community to provide information for the protection of those granting credit.

Most were organized as an off-shoot of Chambers of Commerce -

Today, most of these bureaus are separate entities of the community, some are privately owned.

However, the four largest bureaus - Kansas City, Mo., Wichita, Topeka and Salina are merchant owned - and are governed by Directors representing the Credit Grantors of the community. These 4 bureaus issue more credit reports than all of the rest of the bureaus put together.

Now, although our primary purposes are still to protect the credit grantor against excessive losses - our goals and purposes have expanded.

Due to ~~the~~ increased useage of credit, we are ~~are~~ involved in credit education - We feel that we have an obligation to the individual in our community.

we talk to school classes service clubs & others

~~Why do we discuss with an individual his records, and ~~we~~ make explanation and correction of his record, in the event that clarification is in order - here we are doing the very thing this bill sets out to do -~~

Another area of credit education is accomplished thru credit counseling - this program is offered free of cost to the individual and we are accomplishing great things for these people - developing proper spending habits, budgeting, enhancing earnings, preventing bankruptcy and affording greater self-respect in the individual.

Now, to further discuss just a couple of points in this proposed legislation. First, we feel this is discriminatory - in that it does not cover other reporting agencies - Dunn & Bradstreet, Retail Credit and Hooper-Holmes.

No other State has law -

Also, this statute would have no effect and have no remedy as is called for, to many of our Kansas Citizens. As an example, all of Wyandotte County is serviced by the Credit Bureau of Kansas City, Mo. There are also other small areas of Kansas which are served by bureaus in our neighboring states.

~~The final point~~ that I would like to make is that many times, credit grantors will not obtain a report thru their local credit bureau - credit is ~~was~~ approved or denied based on information secured from other sources.

The individual denied then sues the bureau by reason ~~for~~ that he feels it supplied the data.

This bill will promote litigation and could possibly break down credit extension

~~And now to discuss further legal aspects of this bill, may I introduce~~ practices

Credit grantors fear reporting information ~~for~~ because of ~~it~~ impending suit. Credit Bureaus do not make decision for credit grantors.

Walter Scott - atty. - Topeka

Harold Eagleton - Larson Lumber Salina

Bill Usher - Natl. Bank of America "

Ralph Harris - C.B. - Washita

Julian Hatfield - Pres SW Fed Sgn + Lon Washita

Paul Cochran - Ex Mgr Dairy Ref. "

Elmer Young - atty. - Legal Council "

Darcy Childs C.B. - Topeka

Don Miller - C.B. "

Jack Caldwell - Merchants Natl - Topeka

Roy Wagner - Ed Marlins "

Jim Hobbs - Pelletone "

Dick Atton - C.B. Lyons.

~~Stan Lind - K&L Fin Co's.~~

Chas. Hagan - Stockton.

Alco. Bangman - "

STATE AFFAIRS COMMITTEE

February 14, 1967

The meeting was called to order by the Chairman, and Rep. Harper of Sedgwick was introduced to discuss HB 1129. He stated that this bill proposed to make all meetings of any governing body open to the public. Mr. Fribley inquired if this included the Executive Body of the State, and Mr. Harper replied that it would. Mr. McGill asked if this would include all minor sub-divisions and Mr. Harper stated that was the intent of the bill. He also explained that a valid explanation could close the door. Mr. Unruh inquired how effective the federal law had been, and Mr. Harper replied that it had become effective only at the first of the year and had not really been tested as yet.

The Chairman asked for discussion on H.B. 1113 and 1114, Mr. Slocombe's two bills. Mr. Jelinek explained that he was in agreement that it would be good to have a 60% majority in elections of this kind rather than a simple majority. Mr. Slocombe had explained that sometimes in an election of simple majority it tears the community apart for a long time and tends to divide the people, but 60% would provide a decisive majority and there should then be no hard feelings. Mr. McGill moved that HB 1113 be recommended favorably. Motion was seconded by Mr. Jelinek and carried by a vote of 8 yes to 2 no. Thereupon, Mr. Woodworth asked to change his vote to a yes, making the majority 9 to 1. Mr. McGill then moved that HB 1114 be recommended favorably. Upon second by Mr. Jelinek the motion carried 8 to 3. Mr. Woodworth then asked to change his vote to a yes, making the majority 9 to 2.

Mr. Doyen moved that HB 1181 be recommended favorably. Motion was seconded by Mr. Ford and carried 12 to 1.

H.B. 1176 came on for discussion, and Rep. VanCleave introduced Mr. Lewis Brotherson, business manager of Sumner School in Kansas City, Kansas, and Mr. Sal Thompson, principal of the school to discuss their feeling about the cosmetology proposal. Mr. Brotherson stated that for 25 years, the school had been offering a course in cosmetology for their senior girls; that it gives them a chance to come out of high school with a livelihood, and also to provide income for those who wish to go on to college and work their way through. He explained that the new requirements passed two years ago requiring a high school education or GED test, precluded the girls who had finished their junior year from enrolling in this course; and the further requirement of increasing the hours to 1500 (and still required to do this within the school year) had made it impossible to continue the course except as an adult education course. They emphasized that they were not opposing the 1500 hour requirement, but would like to be able to continue the course the additional weeks it would require. Then, too, would like to be able to offer the course to senior girls who had completed their junior year.

Mr. Thompson reiterated what Mr. Brotherson had explained and further stated that this has been in the past an opportunity for negro girls that they cannot otherwise get, considering the economic status, and to be able to get this course in public schools is a real factor in providing useful citizens.

Miss Lohma Dennis appeared in opposition to some of the provisions, stating that the State Board of Cosmetology had been very generous in going along with the Sumner program, but pointed out that in 1966 they had 10 students who went through the course and never took the state boards, and that some of them had failed their GED tests as well as some of their high school courses. She stated that they were still willing to go along with the Sumner program nevertheless, but she opposed opening it up to every school in the state, and that if such courses are offered in so many public schools it will be an infringement on private enterprise. She stated that if Sumner can be isolated there will be no protest. She stated that they would also be willing to continue their lenient attitude with regard to GIS at Beloit. Mr. VanCleave stated that they were interested only in Sumner and that this is agreeable with them.

Mr. Griffith appeared to discuss HB 1188. He stated that this is similar to the law enforcement training bill previously introduced but he objects to appropriating a large sum of money for an academy and requiring the officers to go the long distance to KU for their training. He proposed "field training" sessions that might be easier for local officers to attend and still be able to fulfill their duties to their job. He also stated that he believed the cost would be prohibitive for the local communities to send their officers for such a long length of time and such a far distance. Mr. Woodworth stated that he was concerned about the appointment of the Commission, and wasn't at all certain that the members as spelled out by the bill were qualified to serve in such a capacity.

After considerable discussion by members of the Committee, the chairman stated that this would also be referred to the sub-committee that had been assigned to study the other bill (HB 1137), Mr. Woodworth, Mr. McGill and Mr. Andrews.

Mr. Woodworth then moved that HB 1113 and 1114 as recommended for passage earlier, be reconsidered for the purpose of letting the League of Municipalities and some school board people be heard before the Committee. Motion was seconded by Mr. Rogers and carried without dissent.

The meeting was adjourned.

All members were present except for Mr. Andrews who was excused.

MARGARET GENTRY, Secretary

Continental SCHOOL OF HAIR STYLING

622 KANSAS AVENUE * TOPEKA, KANSAS

CE 3-8220

Re: House Bill 1176 Page 3 line 24 & 25

"Or any other tax supported schools" Could this be changed to read
" and Sumner High School:" The way you have it amended, it would also include
Dodge City & Pittsburg College Cosmetology Departments.

The State Cosmetology Board in their legislative recommendations recommended to:

"5: Exempt the cosmetology students at Sumner High School from the requirement
that they be graduates of an accredited high school, or equivalent, at the
time they begin their cosmetology training, and delay this proof until they
have completed their training and apply for examination."

The Board has always been very lenient with Beloit and Sumner; and this often
presents a problem even when they try to help them. Some of the students
in the Cosmetology departments, that received training at the tax-payers expense,
never take the Board's examinations. All this amounts to is, that Violators have
been trained! 10 in 1966 who received their cosmetology training from Sumner never
took the Board examinations and some of them failed their G E D test or their
High School subjects. I am not complaining about this, only pointing out that I
do not think this should be extended to the other State supported schools.

The Dodge City Cosmetology Dept. in their Jr. college is fairly new but to date
they are running 50% failures at the State Board ... and these students all have
High School Diplomas or G E D certificates so under the law as amended you would
be letting down the barriers even more, and training more violators. To date the
tuition at Dodge City Cosmetology school is \$289.80 (\$150.00 is charged to the
county the student is from and \$139.80 is charged the student). In privately-owned
schools, tuition would average \$375.00 which is paid by the student; out of this,
the school pays rent, salaries for instructors, supplies, Federal, state and county
Taxes, and still manage to make a profit.

It doesn't seem fair to me to extend privileges to these 2 State owned colleges,
when they infringe on the Free Enterprise system, anyway, in most cases.

The privately-owned cosmetology schools prefer to have the law the way it is
regarding the High School Diploma or Equivalent, but would have no quarrel if you
would be so kind as to change the line 24 to "Sumner high school" and delete "other
tax supported schools."

It is also interesting to note, that in changing the law so that the length of the
cosmetology course can be extended at the Tax supported schools ... the Board has
always permitted this extension, but it does open up another problem, I would like
to point out; this leaves open the door for mentally incompetent students to remain
in school, who would never become Hairdressers, and be able to make a living at it, or
be able to pass the board .. all at a waste of the tax payers' money

TO: State Affairs Committee

FROM: Representative J. L. Harper

RE: House Bill 1129, concerning open meetings

In Kansas meetings of legislative and administrative bodies have traditionally been open to the public. Yet, in only a few instances, is this fundamental right of the people guaranteed by law.

The characteristic that most distinguishes democracy from totalitarianism is that the means are as important as the end. It is not enough for the people merely to know the end result of governmental action. They need to know the means to that end.

I believe the positive measures set forth in this bill serve to strengthen the right of the people to know, firsthand, about government activity.

Tradition alone is not a sufficient guarantee against the inherent dangers in the possible restriction of what is rightfully public information. The interest of the citizenry is best served when there is a guarantee against cloaking governmental business in secrecy.

The importance of public scrutiny and criticism has grown along with the size and scope of government. Groups receiving or expending public funds necessarily should answer to the public. And that answer cannot be given without an open meeting policy.

It would seem to me that the provisions of this bill are a logical extension of the 'open-door' policy of the present administration.

The 89th Congress enacted a law insuring the right of public access to government information. Kansas has a similar provision covering public records. However, we have no omnibus law concerning public meetings.

I want to emphasize that, at present, we do not have a significant problem with meetings being closed. But the potential for such occurrences does exist. House Bill 1129 is designed to guarantee that meetings are closed by ~~exception~~ exception, and not as a standard procedure.

Many other states have open meeting provisions. I believe we should be ranked among them.

GOVERNMENT INFORMATION—PUBLIC ACCESS

For Legislative History of Act, see p. 1984

PUBLIC LAW 89-487; 80 STAT. 250

[S. 1169]

An Act to amend section 3 of the Administrative Procedure Act, chapter 324, of the Act of June 11, 1946 (60 Stat. 238), to clarify and protect the right of the public to information, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Section 3, chapter 324, of the Act of June 11, 1946 (60 Stat. 238),⁵¹ is amended to read as follows:

“Sec. 3. Every agency shall make available to the public the following information:

“(a) Publication in the Federal Register.—Every agency shall separately state and currently publish in the Federal Register for the guidance of the public (A) descriptions of its central and field organization and the established places at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; (C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations; (D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and (E) every amendment, revision, or repeal of the foregoing. Except to the extent that a person has actual and timely notice of the terms thereof, no person shall in any manner be required to resort to, or be adversely affected by any matter required to be published in the Federal Register and not so published. For purposes of this subsection, matter which is reasonably available to the class of persons affected thereby shall be deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

“(b) Agency Opinions and Orders.—Every agency shall, in accordance with published rules, make available for public inspection and copying (A) all final opinions (including concurring and dissenting opinions) and all orders made in the adjudication of cases, (B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register, and (C) administrative staff manuals and instructions to staff that affect any member of the public, unless such materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes avail-

⁵¹ 5 U.S.C.A. § 1002.

the meetings of governmental bodies. The omission of making a record of the proceedings of a board of township trustees does not, per se, invalidate the action of the township trustees, which is otherwise valid: Thomas v. Board of Trustees, 5 OApp (2d) 265, 34 OO(2d) 432, 215 NE (2d) 434.