

M I N U T E S

SPECIAL COMMITTEE ON GOVERNMENTAL ORGANIZATION

September 23, 1975

Room 519-S - State House

Members Present

Senator Wint Winter, Vice-Chairman  
Senator Neil Arasmith  
Senator Paul Hess  
Representative Geneva Anderson  
Representative Ralph Bussman (Afternoon Only)  
Representative J. Santford Duncan  
Representative Richard Harper  
Representative Joe Hoagland  
Representative Charles Laird

Staff Present

Donald L. Jacka, Jr., Legislative Research Department  
Bob Alderson, Revisor of Statutes Office

Conferees

Sister M. Noel Walter, Kansas Catholic Conference  
Debra Krajnak, Division of State Planning and Research  
Gregory Mills, Division of State Planning and Research  
Marilyn Bradt, League of Women Voters of Kansas  
Harold Shoaf, K.E.C.  
Fred Holloman, House of Representatives Staff  
C. Y. Thomas

Kansas State Historical Society

Larry W. Roberts  
Sondra Van Meter  
Mrs. Franklin Corrick  
Kermitt W. Scott  
David A. Dary  
Edgar Langsdorf  
Whitly Austin  
Nyle H. Miller

Kansas State Historical Society (Cont'd)

Floyd Souders  
Donald R. McCoy  
John Fontron  
Arthur Hodgson  
Phil H. Lewis  
A. Bower Sageser  
John E. Wickman  
Calvin A. Strowig  
Arthur J. Stanley  
F. C. Bannon  
Theo A. Sanborn

Morning Session

The meeting was called to order by Senator Winter, Vice-Chairman. He asked that representatives of the Kansas Historical Society to express their views concerning the placement of the Society within the general reorganization structure of the state government and specifically within the proposed Department of Natural Resources. Judge Arthur Stanley, President of the Society appeared to express their views.

Judge Stanley explained the history of the society, stating that it was formed in 1875 by newspaper people, who had taken an interest in the preservation of history. With the help of people from all segments of Kansas life, the Society has grown into an organization which functions well in its present setting. It is recognized nationally by history scholars, schools, etc., and its resources are used almost constantly. It is a non-profit corporation with approximately 3,000 members. The directors and officers are elected by the membership.

The functions of the society, according to Judge Stanley, are partially requested by the legislature. That body has given the Historical Society supervision over some state historical sites, custody of the state archives, etc. Other than that, the society exercises no governmental function. He noted that local historical societies show great loyalty to the state society, and that individual members show a great interest, partially because they pay dues and feel a definite part of the organization. Judge Stanley concluded that the society hoped that the Committee would leave well enough alone, and not move the Historical Society into the organizational chart of executive reorganization.

Mr. Calvin Strowig was asked by Judge Stanley to continue the discussion. Mr. Strowig stated that he had been an ex-officio member of the Kansas Executive Reorganization Commission and attended most meetings. The Commission held hearings with all the organizations before they started arriving at the guidelines of reorganization. One of the early decisions they made was that every agency or department had to fit somewhere. There was difficulty in finding the proper spot for some of them, i.e.,

the Kansas Historical Society. Finally, a suggestion was made that the Historical Society should be attached to the Secretary of State's office because that office is interested in preserving materials of the State of Kansas.

Mr. Strowig continued by stating that the purpose of reorganization is: (1) to do away with duplication and increase efficiency, economy and effectiveness of a state agency, and (2) to provide the Governor, through a cabinet system, with a voice in what is going on in the administration of the entire executive branch of government. He observed that the Historical Society needs nobody in the executive branch to guide it. It has an independent board to do that. They are preserving today for tomorrow and re-structuring yesterday for today -- that is the purpose of the organization. What they accomplish is dependent upon what the legislature determines in their appropriation. Mr. Strowig noted that, at the time of deliberations of the Reorganization Commission, it was his conviction that the Historical Society should be separate, and since leaving the legislature he has become more convinced of that. He added that he has served as an officer of the Eisenhower Foundation and has seen at first hand how some bureaucratic meddling can upset purposes and goals.

Mr. C. Y. Thomas appeared and reiterated Mr. Strowig's sentiments concerning the society. He added that the State Historical Society is not provided for in the statutes, but was established by interested people who wanted to preserve the history of the state.

Judge Stanley explained that the officers and directors of the Kansas State Historical Society are unpaid, and they do not receive reimbursement for expenses incurred when they attend meetings of the society.

Mr. Nyle Miller, Executive Secretary of the Historical Society, appeared next, and explained to the Committee that historical societies were not creatures of government when they first began -- they were private organizations dedicated to preserving history for the benefit of the people. He noted that at this time the Historical Society could not operate without state appropriations. He said the legislature had picked the historical society to be the state agency for history. He spoke at length about the work of the society, and his perception of its inflexibility in relation to reorganization, and asked that the Committee leave the Kansas State Historical Society as a separate entity.

Mr. Phil Lewis, Chairman of the Executive Committee of the State Historical Society then answered questions concerning membership and selection of board members. He explained that anyone can join the society by paying a membership fee of \$5.00 per year. He then noted that there are three or four thousand members, and all are invited to attend the annual meetings. Approximately 250 to 300 actually attend. It was then explained that those in attendance vote for the Board of Directors. Usually

they elect from those that the nominating committee has selected. The nominating committee is appointed by the president of the society. Mr. Lewis explained that one reason why a nominating system is used is to be reasonably certain that there is a good geographical distribution of the board of directors. A great deal of study is given those that are selected for nomination. These 99 directors in turn vote on an executive committee. The executive committee elects a chairman and vice-chairman.

During questioning by the Committee, Mr. Lewis agreed that approximately 90% of the society's funding comes from state appropriations. He noted, however, that many of the materials in the museum are contributed by individuals -- one estate contributed approximately \$100,000. He observed that there will be a proposal at the annual meeting on October 20 and 21, to increase the dues for membership.

Mr. Lewis said that, in relation to attaching the Historical Society to the Department of Natural Resources, he felt that it would be out of place, because all the other divisions will have regulatory responsibilities which deal with conduct of the citizens of Kansas. Answering a question from the Committee, Mr. Lewis said that the Division of Post Audit examines the expenditures of the Society. There were a number of suggestions for minor changes by the last post audit and the executive committee took steps to see that the suggestions were followed.

It was revealed during further questioning that there are very few young people on the Board of Directors of the society, probably because most people do not become interested in history until they are more mature. It was also revealed that there is legislation regarding defacing of historical sites, and those sites are guarded as well as possible.

At this point, Vice-Chairman Winter asked Mr. Nyle Miller to introduce those members of the Board of Directors present at the meeting. Their names appear on page 1 of these minutes. Senator Winter then noted that there is no suggestion in the Committee's study that the society is not functioning properly. It is true, however, that \$1,229,936 was appropriated to the agency for Fiscal Year 1976 and the question must arise -- is this fund being appropriated to persons who are responsible to the taxpayers of the State of Kansas?

Mr. Donald McCoy, Professor of History at Kansas University, added his comments to those made by members of the Historical Society. He stated that the Historical Society is peculiar in that its purpose is the preservation of history. He admitted that the State of Kansas has been very generous through the years, and there is great value in the collections which the society holds. He stated that there is a priceless volunteer element of society which should be encouraged. Mr. McCoy observed that the professionals of the state need the collections of the Historical Society, because documentation is the life-blood of teaching history. The great fear of any historical organization is

that there might be some intrusion into the records being kept, and he noted that the State of Kansas is a marvelous example of non-interference on a partisan level - not necessarily Democrat or Republican, but by someone who might try to test an idea for some reason.

Mr. McCoy continued by stating that over and over again there is a trend toward bureaucratic and legislative interference in many areas. He noted that he has no doubt that if the legislature decides to place the society within another organization, this probably will work out with minimum interference under present staff and operations, but he is concerned about what will happen ten or twenty years from now. He stressed that whenever he sees a group of people on a voluntary basis take time out of their own business he would hope nothing is done to disturb this kind of contribution in Kansas.

There was a question concerning lack of teaching Kansas history in schools, and Mr. McCoy assured the Committee that many of his students at Kansas University are interested in Kansas history. He said he encourages it at the local level, but is not sure how much it is being taught.

Upon questioning from the Committee, it was concluded by the members of the Historical Society present at the meeting that all of them would prefer to leave the society as a separate entity. Mr. Strowig said he now feels that the decision of the Reorganization Commission to place every agency or department within a cabinet-level structure was the wrong decision.

When asked where the society would prefer to be placed if the legislature decides that "everyone is going some place" Judge Stanley said that his personal opinion would be to place the society in the Secretary of State's jurisdiction. He said he could not speak for the society as a whole, but that he feels the Secretary of State has a number of unrelated functions at the present time, and he feels it would be the best structure under which to place the Historical Society. He added that the Department of Natural Resources would be almost wholly regulatory, and that the society would be a misfit within that structure.

A member of the staff asked for an explanation of the collection of archives by the Historical Society and similar duties of the Secretary of State. Mr. Miller said there is very little overlap -- that the Historical Society collects the records and they are stored in the Historical Society Building. The Records Board decides what records in each state agency should be destroyed. In connection with the Secretary of State's Office, sample ballots may be kept by the Records Board.

This concluded the questioning and presentations of the State Historical Society, and the Chairman thanked them for appearing.

Upon motion by Representative Anderson and second by Representative Harper, the minutes of the meetings on August 19 and 20 were approved.

The staff had prepared a chart -- on file in the Legislative Research Department -- setting out facts concerning the various boards and commissions being affected by the creation of the departments being considered at this time. The staff suggested that the chart was made to show the Committee the inconsistency in length of terms, manner selected, functions, etc., so that decisions could be made more easily by the Committee as to whether or not they would like more consistency in those matters.

The Chairman asked the staff to highlight the chart so that the Committee might ask questions. In connection with the Kansas Wheat Commission, Senator Hess questioned the fact that members had to be 25 years of age. It was pointed out that this probably was added because members also are required to have been occupied with the production of wheat for at least five years and that it would seem unlikely that a 21 year old would have had that experience.

Mr. Alderson noted at this point that the bill drafts he has prepared perpetuate the pre-requisite for memberships. In some cases the powers and duties of the boards and commissions have been changed from policy-making to advisory and meeting requirements have been changed to standardize them. Most boards did not need to meet monthly, so the meeting requirement was changed so that meetings will be held on call of the chairman, secretary of the department, or a majority of the members.

The staff continued through the chart of agencies, with questions being noted by Committee members. It was explained that there had been problems in drafting the bills since the Committee decided to have two independent bills. It was stressed that there is need to draft them so that one can be passed without the other.

The staff noted that districts used for appointing members of various boards differ greatly. Several of them are based on old Congressional districts, but many are not.

Representative Laird questioned the requirements for the Water Resources Board -- U.S. citizen, resident of Kansas for five years, and that one member at large be an attorney. No decision was made.

The staff reminded the Committee that a decision had been made to perpetuate the Joint Council on Recreation and the State Park and Resources Authority as a single advisory body. One additional agency was called to the Committee's attention by Mr. Burris. It was the Advisory Committee on Scientific Areas created by the legislature within the last three or four years. It is in the bill draft as being perpetuated in an advisory capacity.

The Vice-Chairman asked how many of the agencies involve federal mandates. The staff answered that the only conferee who testified in terms of cautioning the Committee in this regard was the Forestry, Fish and Game Commission. Federal funds can't be diverted from their intended usage; and fee funds must be channeled to operate programs of the Commission.

There was a lengthy discussion concerning abolishing the Mined Land Conservation and Reclamation Board and its seven vacancies at the present time. Some Committee members said they had been approached by people who felt that the Board should not be attached to the Department of Health and Environment because of the differences in approach made by the two departments.

The meeting was recessed until after lunch.

#### Afternoon Session

Upon reconvening, the Committee was presented with copies of a memorandum prepared by the Legislative Research Department upon request from Senator Hess. This memorandum concerns the Wheat Marketing Board proposed by Mr. Dale Lyon at a previous Committee meeting. No decisions were made concerning the contents of the memorandum. The staff stated that Avis Badke of the Revisor of Statutes' Office is doing further research on the subject.

A member of the staff was asked to proceed with the bill draft which abolishes the Mined-Land Conservation and Reclamation Board -- a copy of that draft is appended as Attachment No. 2. He explained that, in recent years, this board has been transferred from the Labor Department to the Kansas Corporation Commission where it is now situated. The Chairman of the KCC is the Chairman of the Board. Mr. Alderson proceeded to explain the act, section-by-section.

Senator Arasmith commented that he thinks the Mined-Land Board needs to be either in the Department of Natural Resources or the Department of Agriculture rather than in the Kansas Corporation Commission, but he questioned abolishing the board. There was a discussion concerning the problems of filling vacancies on the board, the lack of interest in its duties, etc. One member said that if the functions of the board can be transferred without having another advisory board, he would be in favor of that. After further discussion, Representative Harper said he felt that the Committee might be premature in abolishing the board, and that some of the members of the board should be heard. A member of the staff indicated that the board members were asked to appear at a previous meeting but did not appear -- Mr. Bredahl appeared for them.

Representative Bussman suggested that one of the reasons the board did not function was that there was no law requiring strip-mining companies to reclaim the land. Now there is a law, and it probably will work, wherever it is located in state government.

Senator Hess offered a motion which was seconded by Representative Duncan to recommend the bill favorably and to introduce it in the House. In discussion before the final vote, the minutes of the July meeting of the Committee were referred to -- particularly those on page 16. The motion carried, with Representative Harper voting "No".

The staff then distributed copies of the bill draft establishing the Department of Agriculture. The staff proceeded to explain it section-by-section. In connection with Section 2(a), it was noted that if the Committee decides to recommend the bill to the 1976 Legislature, he will re-write the bill so that each agency will be abolished in a separate section. He further explained that all of the boards or commissions are replaced in an advisory sense except the State Horticultural Society and the Board of Fair Managers. The Board of Fair Managers is transferred to the Secretary of Agriculture without a corresponding board or commission re-created. At present, the Board of Fair Managers is identical to the Board of Agriculture, except that the Secretary of the Board of Agriculture is also a member of the Board of Fair Managers.

In connection with Section 3, the staff explained that this is different from any other board in that all the other advisory boards are being attached to a particular division of the Department of Agriculture or the Department of Natural Resources. The Agriculture Advisory Board is attached directly to the Secretary (page 7, subsection (e)). He noted that there will be some duplication of advisory boards, but that the Committee had decided at an earlier meeting that as little change as possible would be made in the duties of the boards at the present time. The Committee decided to leave this section as now written.

Again referring to Section 3, the staff called the Committee's attention to the method of selecting members of the present State Board of Agriculture, and the attempt to perpetuate that method.

The motion was offered by Representative Duncan and seconded by Representative Anderson to change the paid-up membership requirement in Section 3, subsections 4, 5 and 6 from 200 to 100. After a short discussion, the motion carried.

Again proceeding to explain the bill draft, the staff noted that provisions for meetings of the various boards and commissions have been standardized, and that the existing members of the boards have been grandfathered into the act until the expiration of present terms of office.



Representative Duncan moved and Senator Hess seconded the motion to standardize terms of office of advisory boards to four years and that there be no age requirements for members of any board. The motion carried, with Representative Hoagland voting "No".

Senator Winter moved to strike "one banker member" and "one member who is a stockholder in a farmers cooperative enterprise" from Section 7 of the bill (page 10 of bill draft). The motion was seconded by Senator Arasmith, and carried, with Representatives Bussman and Harper voting "No".

The staff noted that changes should be made in Section 7(e) from "director" to "secretary".

Representative Duncan moved that the political affiliation requirements of members of the Wheat Advisory Commission be eliminated from new Section 11 on page 14 of the bill draft. Senator Hess seconded the motion and it carried.

Following a lengthy discussion and two motions concerning subsection 11(b), both of which lost, Representative Duncan moved to strike all of subsection (b) beginning with the words "At the discretion of the Governor". Representative Laird seconded the motion, and it was adopted, with Senator Arasmith and Representative Bussman voting "No".

Senator Hess offered and Representative Laird seconded the motion to eliminate from Section 13, page 17, all of subsection (a), numbers (5) and (6). The motion carried. The staff commented that he would re-work this section to reduce the total number of members on the Pesticide Advisory Board.

The staff further explained that no provision had been made for assistant secretaries in the Department of Agriculture, nor did he include a Division of Administration. He explained further that the Secretary of the Department has the authority to create his own staff. Provision has been made to create a legal staff for the Department of Agriculture.

Mr. Alderson of the staff said that this would most likely be his last meeting with the Committee and that Ms. Badke is working on the remaining sections of the bill. He suggested that the Committee may want to give the draft to the various agencies involved and ask if they see any technical problems. It can be made clear to them that a policy has been established. A letter can be enclosed explaining when the Committee will be meeting next.

Senator Hess then offered a motion, seconded by Representative Anderson, that the need for Senate confirmation of the Governor's Advisory Board appointments be eliminated from the bill. The motion carried.

Representative Duncan moved to combine the Scientific Areas Advisory Board, the Joint Council on Recreation and the State Park and Resources Authority. Senator Hess seconded the motion and it carried, with Senator Arasmith voting "No".

Representative Duncan offered a motion that the staff present a draft of the Committee report at the next meeting. The motion was seconded by Senator Hess, and carried. Senator Arasmith voted "No".

The meeting was adjourned, with the decision that the next meeting would be on October 21 and 22.

Prepared by Donald L. Jacka, Jr.

Approved by Committee on:

9/23/75  
(Date)