

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at _____
Chairperson

1:30 a.m./p.m. on January 19, 1984 in room 526S of the Capitol.

All members were present except:

Representative Keith Roe

Committee staff present:

Russ Mills, Research Department
Mary Torrence, Revisor of Statute's office

Conferees appearing before the committee:

Senator Vidrickson
Meredith Williams, Legislative Post Audit
T.C. Anderson, Kansas Society of Public Accountants
Jo Ann Klaseth, Kansas Association of Public Employees
Diane Bottorff, Kansas State Nurses Association
Bill Sparks, Civil Service Commission
Mike Harder, Secretary of Administration
Art Griggs, Department of Administration

The meeting was called to order by Chairman Miller.

HB2621 - Concerning employees of state agencies; relating to information provided or offered to be provided by such employees to a member of the legislature, a legislative committee, and administrative hearing or a court of law

Senator Vidrickson explained this bill and gave testimony in support of it. This bill would provide that no supervisor or appointing authority of any state agency shall prohibit employees, whether classified or unclassified, from discussing the operations of the agency with any member of the legislature. HB2621 is patterned after the Oklahoma bill.

When asked if this bill would prevent disciplinary action for leaking information to the press, Senator Vidrickson said it would not.

When asked if he would have any objection to extending this measure to employees of local governments or agencies, Senator Vidrickson said he did not see why any employee of any municipality or county government would not have the right to talk to commissioners, etc. without being intimidated. The Kansas Association of Public Employees (KAPE) was the only one who appeared before the Interim committee.

Hearings on this bill will continue following hearings on HB2665 and HB2666.

HB2665 - Relating to State occupational regulatory agencies

Meredith Williams, Acting Director of the Legislative Post Audit, gave testimony in support of HB2665 and explained why the bill was introduced. This bill gives an agency the authority to recover costs of audits. If the decision of the board is adverse to the licensee, the costs of any hearing before the board shall be charged to the licensee.

There was discussion on whether this would restrict the number of hearings and if it would save agencies money.

T.C. Anderson, Kansas Society of Public Accountants, gave testimony in opposition to the bill as it relates to Sec. 1 amending 1-313. The key to his opposition was that each board is different and each hearing process is different. He suggested that the plea bargain aspect be written into the bill.

CONTINUATION SHEET

Minutes of the AS&F Committee on January 23, 1984

When asked if he would be more comfortable if the bill was discretionary, Mr. Anderson said he would.

Hearings on HB2665 were concluded.

HB2666 - Concerning legislative post audit , relating to books, records and other materials and documents of persons audited.

Meredith Williams, Acting Director of Legislative Post Audit, gave the committee some background information which led to the introduction of this bill. This bill would give the post auditor, with the Division of Post Audit access to all books, accounts, records, files, etc. to the same extent as permitted under Subsection (g) of KSA 46-1106.

Hearings on HB2666 were concluded.

Returning to HB2621, Jo Ann Klaseth, Kansas Association of Public Employees, gave testimony in support of the bill. Ms. Klaseth told the committee there are some real problems with employees in state agencies being denied the freedom of speech. She gave several examples of problems she has dealt with.

Diane Bottorff, Kansas State Nurses Association, gave testimony in support of HB2621. Passage of this bill is needed to assure that nurses employed in state agencies are not prohibited from exercising their rights to freedom of speech as it relates to involvement in the process of influencing policy makers. See attachment A.

Bill Sparks, Civil Service Commission, gave testimony in opposition to the bill. Mr. Sparks told the committee he was completely in favor of free speech, but that this bill was unnecessary, unworkable, and could be destructive to state government. The Civil Service Board has five members, one from each congressional district. The board has no staff. The board acts as a fact finder and they are paid on a per diem basis (\$35.00 a day). Members of the board are extremely conscious of employees rights and make their decisions on merit facts.

Sec. 1 (c) appears to give an employee the right to divulge confidential information, slander, etc. without any reprimand. *

Mr. Sparks told the committee if there are going to be rules and regulations, he would prefer the Department of Administration draft them. It's a possibility a grievance procedure type of matter should be taken up with the Civil Rights Commission or the Attorney General's Office rather than the Civil Service Commission.

Mike Harder, Secretary of Administration, gave testimony in opposition to the bill. Secretary Harder told the committee he had established a rule with supervisors that when they are going before a committee to talk about a policy matter, he wants to know what they are going to say in advance, so that any misunderstandings can be corrected ahead of time.

Art Griggs, Department of Administration, gave testimony in opposition to the bill. There are remedies available for classified employees in the area of dismissal for talking with legislators. Penalties are too stringent. According to the bill if a manager even admonishes an employee the penalty could be 5 years banishment from state government.

Hearings on B2621 were concluded.

Representative Ediger made a motion, seconded by Representative Aylward, that the minutes of the January 18 meeting be approved. The motion carried.

Attention was called to next weeks agenda by the Chairman. There will be discussion and possible final action on all bills previously heard.

The meeting was adjourned.

Statement of the Kansas State Nurses' Association
by Diane Bottorff, R.N., Acting Assistant Director
Before the House Federal and State Affairs Committee
January 19, 1984

KSNA supports passage of H.B. 2621

Mr. Chairman and members of the committee, my name is Diane Bottorff and I represent the Kansas State Nurses' Association, the professional organization for registered nurses in Kansas. We represent registered nurses in many employment settings, including those employed in state agencies.

We urge passage of this bill for several reasons: 1) To deny state employed nurses the right to provide information is violating the freedom of speech which is guaranteed in the 1st Amendment of the U.S. Constitution. 2) There are many knowledgeable and articulate nurses employed in state agencies. Their expertise would be valuable in helping legislators form opinions and make decisions. 3) Several situations have occurred involving nurses in state agencies in which they are directed, in one case via a written memo, by administrative officers not to contact legislators about nursing issues. They were told that contacting legislators was the responsibility of the person designated to do the lobbying for the agency. The rationale behind this is that legislators would be confused if they were exposed to a variety of opinions rather than allowing them to hear only the official position of the agency.

Summary

Passage of this bill is needed to assure that nurses employed in state agencies are not prohibited from exercising their rights to freedom of speech as it relates to involvement in the process of influencing policy makers. The opportunity should be present without the fears of disciplinary action.

DB/mb