

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by Representative R.H. Miller at
Chairperson1:30 a.m./p.m. on February 9, 1984 in room 526S of the Capitol.All members were present except:
Representative Aylward
Representative MurphyCommittee staff present:
Russ Mills, Research Department
Mary Torrence, Revisor's Office

Conferees appearing before the committee:

Representative Henry Helgerson
Myrna Preisner, Topeka Convention and Visitors Bureau

The meeting was called to order by Chairman Miller.

Representative Peterson made a motion, seconded by Representative Sallee, to approve the minutes of the February 8 meeting. The motion carried.

HB2845 - transient guest tax

Representative Henry Helgerson gave testimony on HB2845 which deals with two issues regarding the transient guest tax. The first is that any entity that receives \$200,000 or 50% of its funding from such tax dollars shall be required to provide quarterly reports and an annual audit to the city or county that imposes the tax; and second, that these entities shall be subject to the open meetings law. See Attachment A. The bill was introduced because of a problem which arose in Wichita.

Representative Helgerson told the committee that Gary Sherrer, who was unable to attend the meeting because of a conflict, was also supportive of this bill.

Myrna Preisner, Executive Director of the Topeka Convention and Visitors Bureau, gave testimony in opposition to the bill.

Hearings were concluded on HB2845.

HB2621 - Whistleblower

The amendments which were made on Wednesday were distributed by the Revisor. Two corrections were made. In Section 1 (b) (1) in the third line delete "any misuse of public resources or"; and in Sec. (d) line 14 add after "violator" the words "be suspended on leave without pay". The committee was in agreement that these were now the amendments voted upon on Wednesday.

There was committee discussion on how far reaching this legislation should be and what recourse employees have when they perceive a problem within their agency.

Representative Ediger made a motion, seconded by Representative Grotewiel, to include in Section (e) after "communication" the words "under this act". The motion carried.

Representative Matlack made a motion, seconded by Representative Ott, to pass HB2621 favorably as a substitute bill and to include the statute provisions.

Representative Vancrum made a substitute motion, seconded by Representative Barr, to change in (c) (1) "requesting" to "requiring" and to report the bill favorably for passage as amended.

CONTINUATION SHEET

Minutes of the F&SA Committee on February 9, 19 84

After discussion this motion was withdrawn.

Representative Eckert made a substitute motion, seconded by Representative Vancrum, to change "request" to "require" and delete after substance of the words "information or" and delete "or legislative staff;" in section (c) (1) and to report the bill favorably as amended with inclusion of the statute provisions. The motion carried.

Representative Fuller asked the committee to introduce a bill at the request of the State Fire Marshall which provides for fire safety standards for cigarettes and little cigars. Attachment B

Representative Peterson made a motion, seconded by Representative Smith, to introduce this bill. The motion carried.

The meeting was adjourned.

STATE OF KANSAS

HENRY HELGERSON
REPRESENTATIVE, EIGHTY-SIXTH DISTRICT
4009 HAMMOND DRIVE
WICHITA, KANSAS 67218



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: WAYS AND MEANS
COMMUNICATION, COMPUTERS AND
TECHNOLOGY
KANSAS STATE ADVISORY
COUNCIL ON AGING

February 9, 1984.

THIS IS A COPY OF MY TESTIMONY ON HB 2845 THAT WILL BE PRESENTED
THIS AFTERNOON TO THE COMMITTEE ON FEDERAL & STATE AFFAIRS.

IF YOU HAVE ANY QUESTIONS, PRIOR TO THE TESTIMONY, FEEL FREE
TO CONTACT ME.

SINCERELY,


HENRY M. HELGERSON, JR
STATE REPRESENTATIVE

Atch. A

February 9, 1984

Mr. Chairman, members of the committee,

HB 2845 deals with two issues regarding the transient guest tax. The first is that any entity that receives \$200,000 or 50% of its funding from such tax dollars shall be required to provide quarterly reports and an annual audit to the city or county that imposes the tax; and second, that these same entities shall be subject to the open meetings law.

The objective of these changes is a simple one: to provide more information and accountability on how tax dollars are spent.

Presently, the city or county may impose these restrictions but they also have the option of not exercising their responsibility and require regular and verifiable reporting. I feel that this should not be an option. That local politics or special interests should not interfere with the citizens right to a full accounting of tax expenditures.

The second provision requires that these entities be subject to the open meeting law. Again, when substantial amounts of tax dollars are provided, it is only fair that the policies and decisions on how it is spent should be decided in full public view.

Again, let me reiterate, that it is our responsibility to require accountability at local levels. That what we are requiring is what our constituents demand of us, an open arena for how tax dollars are allocated and verifiable information on how it is spent.

Members of the committee, I urge you to Support House Bill 2845.

Thank You,

A handwritten signature in black ink, appearing to be "J. G. ...", written in a cursive style.

PROPOSED BILL NO. _____

Section 1. (a) No supervisor or appointing authority of any state agency shall prohibit any employee of the agency who is in the classified service under the Kansas civil service act from discussing the operations of the agency, either specifically or generally, with any member of the legislature.

(b) No supervisor or appointing authority of any state agency shall:

(1) Prohibit any employee of the agency who is in the classified service under the Kansas civil service act from reporting ~~any misuse of public resources or~~ any violation of state or federal law or rules and regulations to any person, agency or organization; or

(2) require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

(c) This section shall not be construed as:

(1) ~~requiring~~ Prohibiting a supervisor or appointing authority from ~~requesting~~ that an employee inform the supervisor or appointing authority as to legislative requests for information or the substance of information or testimony made, or to be made, by the employee to legislators, or legislative staff;

(2) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves;

(3) authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) prohibiting disciplinary action of an employee who discloses information which: (A) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) is exempt from required disclosure under the open records act or (C) is confidential under any other provision of law.

(d) Any employee who is in the classified service and has permanent status under the Kansas civil service act may appeal to the state civil service board whenever the employee alleges that disciplinary action was taken against the employee in violation of this act or in any court of law or administrative hearing. The appeal shall be filed within 30 days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with subsections (f) and (g) of K.S.A. 75-2949 and amendments thereto and K.S.A. 1983 Supp. 75-2929d through 75-2929g and amendments thereto. If the board finds that disciplinary action taken was unreasonable, the board shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this act, it may require as a penalty that the violator ~~forfeit~~ *be suspended on leave without pay* not more than 30 days' ~~pay~~ or, in cases of willful or repeated violations, may require that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the board in such cases may be appealed by any party pursuant to law.

(e) The secretary of administration shall adopt rules and regulations providing for all state agencies and state employees to be informed of their rights of expression and communication. *under this act.* The rules and regulations shall provide for the prominent posting of a statement of employee rights under this section in all offices of all state agencies and shall also provide for the direct distribution of a statement of rights of employees pursuant to this section to each employee of the state of Kansas.

(f) As used in this section "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

AN ACT providing for fire safety standards for cigarettes and little cigars; prohibiting certain acts and providing penalties for violations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

(1) "Cigarette" means any cigarette as defined by K.S.A. 79-3301 and amendments thereto.

(2) "Little cigar" means any roll of tobacco wrapped in a leaf tobacco or in any substance containing tobacco, other than a cigarette, 1,000 units of which weigh no more than three pounds.

(3) "Person" means any person as defined by the Kansas criminal code.

(b) On or before January 1, 1985, the state fire marshall shall adopt rules and regulations establishing fire safety standards for all cigarettes and little cigars sold or offered for sale in this state. The standards shall provide that the cigarettes and little cigars, when ignited:

(1) Will stop burning within a specified period of time if they are not smoked during that period; or

(2) will not ignite upholstered furniture or mattresses.

(c) On and after January 1, 1986, no person shall sell or offer for sale in this state any cigarette or little cigar which does not comply with the standards adopted pursuant to this section.

(d) Violation of this section is a class B misdemeanor. In addition to the criminal penalties for a violation of this section, if a person convicted of a violation of this section holds a license or permit issued pursuant to article 33 of

chapter 79 of the Kansas Statutes Annotated, any such license or permit shall be suspended for not less than six months, and the court shall notify the director of taxation of the order of suspension and the period for which it is to in effect.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.