

Approved

Date

Stephen R. Cloud

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Rep. Stephen R. Cloud a
Chairperson

9:09 a.m./p.m. on January 31, 1984 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Department
Julian Efird - Legislative Research Department
Russ Mills - Legislative Research Department
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

Jon Josserand - Assistant Secretary of State
Rep. Joe Hoagland - Bill Co-sponsor
Bud Grant - Kansas Association of Commerce and Industry
Jim Kaup - Staff Attorney, League of Municipalities
Jamie Swartz - Secretary, Kansas Department of Economic Development
Rep. Ramirez - Co-sponsor of HCR 5060
Dr. Carlos Cooper - Wyandotte County Commission
Jack C. Reardon - Mayor, Kansas City, Kansas
Rep. Vic Miller - Sponsor, HB 2672
O. W. "Marc" Lahr - Land Use Planner, Topeka-Shawnee Co. Metropolitan Planning Comm.
Lowell Miller - Chairman, Capitol Area Plaza Authority
Rep. Smith - Opponent HB 2672
Majorie Van Buren - Judicial Administrator's Office

The meeting of the House Governmental Organization Committee was called to order at 9:02 a.m. by Rep. Stephen R. Cloud, Chairman. The minutes of the January 26 meeting were approved.

HB 2654 - State agencies to file forms for license, regulation and taxation of businesses with secretary of state.

John Josserand, Assistant Secretary of State appeared before the Committee in support of HB 2654, stating that the most critical need to administer this bill would be the need for more space, and this is being requested. An additional number of files and forms will be needed. (See Attachment I)

Rep. Hoagland said that the bill was drafted after a North Carolina bill. The language will have to be changed for a more common-sense interpretation to cut through all the forms. Trying to make a 'laundry list' of forms will be a definite problem. A depository of materials needed to set up a business is the goal of this bill.

Bud Grant, Kansas Association of Commerce and Industry, stated that his organization has no policy toward this bill per se, but is supportive of anything to help small business.

Jim Kaup, staff attorney, League of Municipalities, clarified his handout (Attachment II). He read the minor amendment the League asks the Committee to consider.

Jamie Swartz, Secretary, Kansas Department of Economic Development, spoke in support of HB 2654, saying that the concept has merit in that it would be one place to go, thereby ending a confusion of places to go and forms to pick up. A sort of "one stop shopping" concept.

Mr. Josserand added that the bill could be written so as to make it the Secretary of State's discretion what forms would be used in this bill.

As there were no more conferees on HB 2654, the Chairman stated that this constituted the hearing on this bill and the Committee turned its attention to HCR 5060.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,

room 522-S, Statehouse, at 9:02 a.m./p.m. on January 31, 1984

HCR 5060 - Approving creation of Kansas City-Wyandotte County, Kansas,
Joint Port Authority

Rep. Ramirez began the presentation by saying that this is needed to promote and stimulate the economic growth of the area.

Dr. Carlos Cooper, Wyandotte County Commission, said that the additional members have already been added (from 7 to 13), but legislative authority is still required.

Mayor Jack Reardon described the Port Authority and its functions. He described it as a quasi-governmental body that deals with land and development on both sides of the city line. He stressed the fact that the Committee should not get 'hung up' on city lines. Th Authority is working for the promotion of business and industry.

Testimony from D. Weston Stucky was distributed. (Attachment III)
This constituted the hearing on HCR 5060.

HB 2672 - Capitol area plaza authority abolished; powers and duties transferred to Secretary of Administration.

Rep. Vic Miller, bill sponsor, stated that the former secretary of administration and the present chairman can see no reason for the Capitol Area Plaza Authority being continued, since its actions are rare. Meetings have been conducted via phone during the last two years. The functions and duties would simply be transferred to the secretary of administration. The makeup of the eleven-member board includes: one member of the House of Representatives, appointed by the Speaker; one member from the Senate, appointed by the President of the Senate; the director of architectural services; one person representing city government, appointed by the Mayor; one member a land use planner, appointed by the Governor; one member a judicial administrator, appointed by the courts, and the remaining members appointed by the Governor.

Mr. Lahr, land use planner, said that present members are not knowledgeable of plans for the development of the state capitol area. They must rely on people with expertise such as the state architect. In his opinion, the secretary of administration is better qualified to perform this task.

Mr. Lowell Miller spoke in support of HB 2672, and agreed with Mr. Lahr in stating that the secretary of administration could best perform the task the Authority now has.

Rep. Smith stated that the testimony had been quite a learning experience for him. If the Authority lacks effectiveness or validity, then this should be looked into and something done to add depth to the Authority.

Majorie Van Buren, Judicial Administrator's office, would like to see the Authority maintained as it is now or in some modified form. She mentioned the printing plant on the southwest corner of tenth and Jackson Streets, and how the judicial branch would like to be a part of the decision making of that building and that corner location.

The Chairman thanked all who had appeared in behalf of the bills. He announced that the subcommittees would meet Wednesday, with the full Committee meeting on Thursday. The meeting was adjourned at 10:30 a.m.

STATE OF KANSAS

JACK H. BRIER
SECRETARY OF STATE



OFFICE OF SECRETARY OF STATE

CAPITOL 2ND FLOOR
PHONE (913) 296-2236
TOPEKA, KANSAS 66612

January 31, 1984

Mr. Lynn Muchmore
Director of the Budget
1st Floor, State Capitol
Topeka, Kansas 66612

Dear Mr. Muchmore:

You have requested the assistance of this office in the preparation of a fiscal note for 1984 HB 2654.

HB 2654 would require the office of Secretary of State to collect and distribute common forms necessary to undertake business in the State of Kansas.

This function is similar to one currently performed by the agency. This office receives numerous phone calls wanting to know where to obtain tax forms, where to obtain sales tax number, where to obtain workman's compensation registration materials, etc.

Currently this office transfers the telephone calls to the proper agency. If the request is in writing we forward the request to the appropriate agency.

Under HB 2654, this agency would maintain inventories of forms used by the various agencies.

The most critical need to administer the act would be for space. Because of the necessity of maintaining the forms for "walk in" requestors, it is important that the forms be available in our capitol offices.

An additional space demand has been placed upon us as a result of 1983 SB 7 which significantly affects our U.C.C. department. As was detailed last year, an additional eight positions are being added this fiscal year with as many as an additional seven positions next fiscal year.

This office is undertaking a major microfilming effort and physical reorganization to accommodate this change but the space demands will continue to be significant.

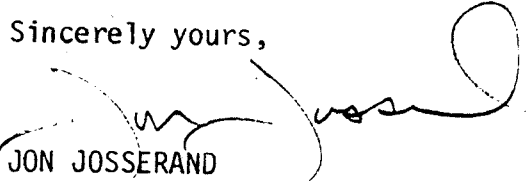
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Mr. Lynn Muchmore
January 31, 1984

HB 2654 will require that a number of files be procured and arranged to store these forms. Because of HB 2654 and to some degree the passage of 1983 SB 7 this agency is requesting an additional 550 square feet of office space be assigned to the agency.

Room 254E is currently used by this agency during the 9 months of the non-legislative session. Its size is approximately that which is requested. Its location is in close proximity and would seem to be a room logical for consideration.

I would welcome the opportunity to respond to any amendments to this bill.

Sincerely yours,



JON JOSSELAND
Assistant Secretary of State

JJ:JG



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

TO: Members of the House Governmental Organization Committee
FROM: Jim Kaup, Staff Attorney
DATE: January 31, 1984
RE: House Bill 2654

The League of Kansas Municipalities asks this Committee to consider a minor amendment to HB 2654, as set out below. The League is concerned that the present language of line 22 "Every agency of the state of Kansas . . ." may give rise to an interpretation that the scope of the bill encompasses political subdivisions. The League has discussed its concern with one of the bill's co-sponsors--Representative Chronister--and has been assured that it was never intended that the bill affect political subdivisions. Our amendment would provide stronger evidence that it is not the legislature's intent to include local units of government among the political entities subject to this requirement to file documents with the secretary of state.

HOUSE BILL No. 2654

By Representatives Hayden, Hoagland, Foster and Chronister

1-9

0016 AN ACT requiring state agencies to file, in the office of the
0017 secretary of state, copies of forms and documents required for
0018 establishing or operating business, commercial and industrial
0019 enterprises; and providing for the filing and disposition of
0020 such forms and documents.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. Every ~~agency of the state of Kansas~~ ^{[state} which is
0023 authorized by law to license, regulate or tax any business, com-
0024 mercial or industrial enterprise or which is authorized to require
0025 the filing of any application, form or other document as a condi-
0026 tion precedent to engaging in any business, commercial or in-
0027 dustrial enterprise within the state shall file in the office of the
0028 secretary of state, copies of all forms or other documents required
0029 by the agency to be filed by any person, firm or corporation
0030 establishing and operating any business, commercial or indus-
0031 trial enterprise in this state.

0032 Sec. 2. The secretary of state shall maintain a file of all forms
0033 and documents filed by state agencies pursuant to section 1 of
0034 this act and shall provide copies of the same to persons upon
0035 request without charge. Whenever the number of copies of any
0036 form or document is sufficiently low that the secretary of state
0037 determines that the supply may be exhausted the secretary of
0038 state shall inform the agency filing such form or document and
0039 the agency shall file the number of additional copies requested
0040 by the secretary of state.

0041 Sec. ~~3~~ 4. This act shall take effect and be in force from and
0042 after its publication in the statute book.

Sec. 3. As used in this act: "state agency" means any officer, department, bureau, division, board, authority, agency, commission or institution of this state, except political subdivisions.

Atch. II

Cutting through the forms

Book eases paperwork of starting business

By MARK DAVIS
Tribune Business Writer

Eight years ago, a new client walked into Lawless Barrientos' accounting office in Tallahassee, Fla. The idea that client left behind could make it easier for Oklahomans who want to start businesses.

The client, starting an engineering firm, was having trouble finding and completing all the required government registration and taxation forms. He suggested Barrientos write a book explaining which forms to file with the federal and state governments and how to fill them out.

BARRIENTOS HAS since visited the 50 state capitals and the District of Columbia and is writing a similar book for each state.

"Oklahoma Business Kit for Starting and Existing Businesses," as this state's version is called, became available May 31 from publisher Simon & Schuster in New York.

For \$14.95, a prospective entrepreneur can be certain he has filed all the necessary federal and state government registration and tax forms to start his business. The actual forms and instructions make up nearly all of the book. However, even completing the forms

in the book won't meet all reporting requirements. Oklahoma, like most states, licenses many businesses. Too many to include in the book.

"If you get into that area, you would end up with a book 400 pages thick," Barrientos claims.

Besides, once a new entrepreneur files the forms in the "Business Kit," the appropriate licensing agencies will contact him for their fees and registration, Barrientos adds.

MOST OKLAHOMA businesses must file eight state forms and seven federal forms before doing business. But businesses in other states may have to file 20 or more forms.

By using "average common sense," Barrientos ranked each state and the District of Columbia according to how simple, consolidated and necessary its forms were.

Some states' forms ask for the same information repeatedly. Others needlessly complicate themselves or duplicate identical federal filings.

Of the 50 states and District of Columbia, Oklahoma ranks 23 in ease in completing forms, Barrientos says. That compares favorably to some neighboring states: Kansas ranked 50, Arkansas 40 and Missouri 48.

However, the filings required by

Oklahoma are more involved than those required by Texas, which ranked 14. But that's due mainly to one item.

"If you took away the personal income tax, Oklahoma would be every bit as simple as Texas," Barrientos says.

Barrientos ranked the states by scoring points for simplicity of form design, number of forms and whether the forms were duplicative, dated or unnecessary.

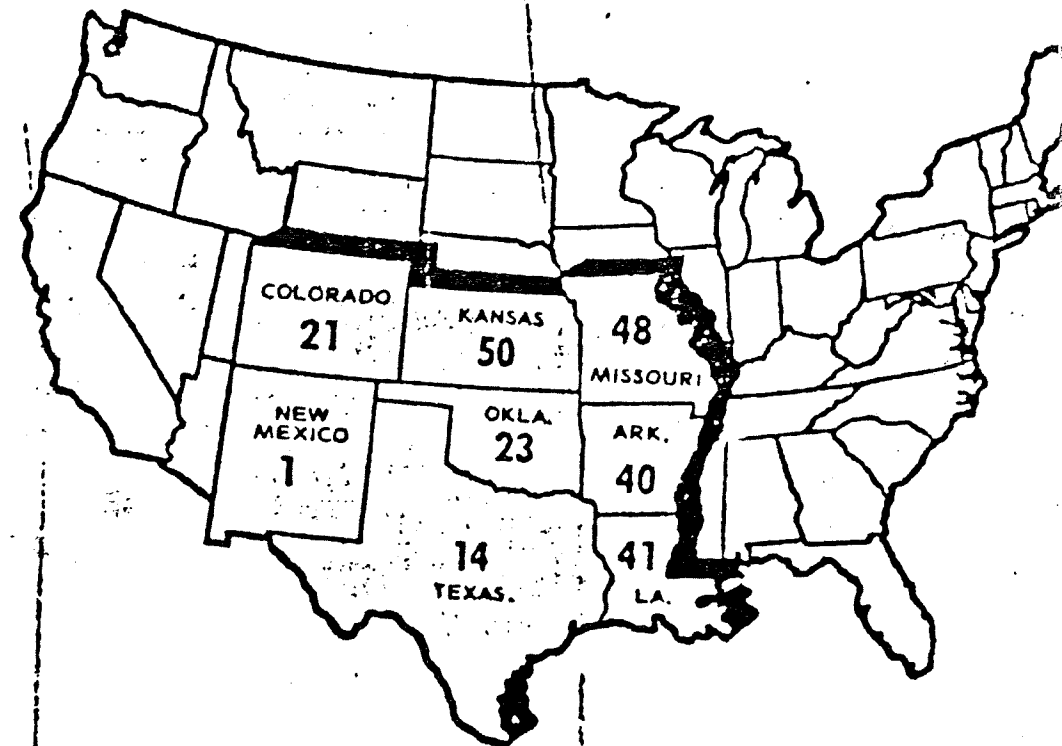
FOR EXAMPLE, if a state preprints the year on a form that doesn't change from year to year, it scored less favorably.

"Every year they have to trash can these forms and print new ones," he explains.

Barrientos points out that the state governments can cut printing and postage costs by consolidating registration forms as much as possible. Ohio, the worst ranked state, could save \$2 million, Barrientos claims.

The books also have made money for Barrientos. He originally published the books himself, but Simon & Schuster offered him "a six-figure advance royalty" fee, Barrientos says. He has since sold his accounting practice and works only on completing and updating the books.

TULSA TRIBUNE JULY 17,



So you want to be your own boss?

How easy is it to register a new business? A Florida accountant ranked each state and the District of Columbia. Oklahoma fell close to the middle. It's easiest to fill out the state registration and tax forms required in New Mexico (ranked 1st), harder in Missouri (48th) and Kansas (50th).

TESTIMONY BEFORE THE HOUSE
GOVERNMENTAL ORGANIZATION COMMITTEE

Tuesday, January 31, 1984

Presented by D. Weston Stucky
Kansas City Kansas Area Chamber of Commerce

Thank you Mr. Chairman, for this opportunity to share with you some comments and the support of the Kansas City Kansas Area Chamber of Commerce for HCR 5060.

Foremost is our concern that the city of Kansas City coordinate its economic development efforts together with Wyandotte County. A joint city/county Port Authority is a step in that direction. Some of the best developed land for industrial and office uses straddles the boundary of Kansas City, Kansas. The Port Authority is an excellent tool to develop that land and, if land to be developed lies outside the city limits but within the boundaries of Wyandotte County, it is appropriate that the county be afforded representation on the Port Authority.

Although the Resolution calls for the "creation of the Kansas City-Wyandotte County, Kansas joint Port Authority," it could be more correctly termed "an expansion of the Kansas City Port Authority to allow county participation."

The sole purpose of the resolution is to allow better representation and coordination. The business community supports the cooperative efforts of the city and county and urges your support of HCR 5060.

Atch. III

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
GOVERNMENTAL ORGANIZATION; REP. STEVE CLOUD, CHAIRMAN
TUESDAY, JANUARY 31, 1984 ROOM 522-S

TESTIMONY BY: O.W. "MARC" LAHR
3621 S.W. STRATFORD ROAD
TOPEKA, KANSAS 66604
(913) 234-2103

RE: IN SUPPORT OF H.B. 2672 RELATING TO THE ABOLISHMENT OF THE CAPITOL AREA PLAZA
AUTHORITY.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM MARC LAHR, A PROFESSIONAL LAND USE
PLANNER ON STAFF WITH THE TOPEKA-SHAWNEE COUNTY METROPOLITAN PLANNING COMMISSION,
WHO WAS APPOINTED BY GOVERNOR CARLIN TO THE CAPITOL AREA PLAZA AUTHORITY IN OCTOB-
ER OF 1979. IN ACCEPTING THE APPOINTMENT, IT WAS MY DESIRE TO RENDER PUBLIC SER-
VICE TO MY STATE BY PROVIDING RECOMMENDATIONS IN REGARD TO THE PLANNING AND DEVEL-
OPMENT OF THE STATE CAPITOL AREA AND SURROUNDING BLOCKS.

AMONG THE MOST IMPORTANT DUTIES OF THE AUTHORITY, AS PROVIDED BY THE KANSAS STAT-
UTES, IS THE CHARGE FOR PREPARATION OF A LONG RANGE PLAN OF DEVELOPMENT FOR THE
STATE CAPITOL AREA. THE PLAN IS TO INCLUDE THE DETERMINATION OF THE BUILDINGS,
LAND AND PARKING NEEDS OF STATE AGENCIES, AS WELL AS RECOMMENDATIONS RELATING TO
PROPER LAND USE, TRAFFIC MANAGEMENT, LANDSCAPING AND BEAUTIFICATION IN CAPITOL
AREA AND THE IMPLEMENTATION THEREOF. FURTHERMORE, THE AUTHORITY IS TO CONSIDER
ALL ZONING CHANGES, VARIANCES AND EXCEPTIONS AS APPROVED BY THE CITY OF TOPEKA
WITHIN THE STATE ZONING AREA.

NOW AT THE COMPLETION OF A TERM OF APPOINTMENT AND UPON EVALUATION OF THE ROLE OF
THE AUTHORITY IN REGARD TO THE ABOVE MENTIONED DUTIES, IT IS MY FIRM CONVICTION
THAT AN EVEN GREATER SERVICE WHICH I MIGHT PROVIDE IN BEHALF OF THE PEOPLE OF OUR
STATE, IS TO SUPPORT THE ABOLISHMENT OF THE AUTHORITY AS IT IS NOW FUNCTIONING.
UPON REVIEW OF THE BASIC DUTIES OF THE AUTHORITY AS PROVIDED BY K.S.A. 75-2240A

Atch. IV

AND 75-3620, I WOULD LIKE TO SHARE WITH THE COMMITTEE THE FOLLOWING OBSERVATIONS:

- 1.) IT WOULD BE MY OPINION THAT FOR THE MOST PART, CURRENT MEMBERS ARE NEITHER KNOWLEDGEABLE FOR COGNIZANT OF PROPOSED OR ADOPTED LONG RANGE PLANS OF DEVELOPMENT FOR THE STATE CAPITOL AREA. PREVIOUS STUDIES PERTAINING TO THE DEVELOPMENT AND IMPLEMENTATION OF PLANS FOR BUILDINGS, LAND USE, PARKING NEEDS, LANDSCAPING, AND TRAFFIC MOVEMENT HAVE NOT BEEN REVIEWED OR DISCUSSED OVER THE PAST FOUR (4) YEARS. FOR THE MOST PART, I SERIOUSLY DOUBT IF AUTHORITY MEMBERS ARE AWARE OF THE STATUS OF PAST STUDIES; THEIR STATUS IN RELATION TO PLAN ADOPTION; OR WHETHER RECENT STATE OF KANSAS DECISIONS IN RESPECT TO THE SANTA FE BUILDING, THE HISTORICAL MUSEUM, PRINTING PLANT, AND LABOR SERVICES BUILDING HAS ANY CORRELATION TO SAID PLANS OR STUDIES. FURTHERMORE, IT IS DIFFICULT FOR THE AUTHORITY TO MAKE REASONABLE ZONING/VARIANCE DECISIONS IN THE BEST INTEREST OF THE STATE WITHOUT RELIANCE UPON A CURRENT AND ADOPTED STATE PLAN.
- 2.) THE ELEVEN (11) MEMBERS BOARD IS COMPRISED OF REPRESENTATIVES FROM TOPEKA AS WELL AS FROM ACROSS THE STATE. I AM SURE THAT IT IS OFTEN A QUESTIONABLE IMPOSITION TO CONVENE AUTHORITY MEMBERS IN ORDER TO GENERALLY CONSIDER ONLY A SINGLE ITEM OF BUSINESS, SUCH AS A ZONING PETITION OF VARIANCE REQUEST. THE CONVENING IS ALSO AT PUBLIC EXPENSE IN REGARD TO COMPENSATION, MILEAGE, AND SUBSISTENCE ALLOWANCES.
- 3.) SINCE MY APPOINTMENT, I CAN RECALL THE "IN ATTENDANCE" CONVENING OF MEMBERS ON PERHAPS ONLY 3 OR 4 OCCASIONS, THE LAST OF WHICH SURELY OCCURRED MORE THAN TWO (2) YEARS AGO. ALL OTHER AUTHORITY BUSINESS SESSIONS HAVE BEEN TRANSACTED BY CONFERENCE TELEPHONE CALLS.
- 4.) ALL OF THE BUSINESS IN WHICH THE AUTHORITY HAS CONSIDERED OVER THE PAST FOUR (4) YEARS HAS PERTAINED TO ZONING OR VARIANCE PETITIONS, I.E. REQUESTS FOR A ZONING DISTRICT CHANGE GENERALLY FROM ONE CLASSIFICATION TO A MORE INTENSIVE DISTRICT, OR SUCH VARIANCES HAVING TO DO WITH SETBACKS, PARKING OR BUILDING HEIGHT REQUIREMENTS. AS AUTHORITY MEMBERS SO RARELY CONVENE, MOST DECISIONS

ARE BASED ON RECOMMENDATIONS OF THE SECRETARY OF ADMINISTRATION DUE TO THE MEMBERS LACK OF SITE AND LOCATION FAMILIARITY.

I AM SURE THAT THERE IS AMPLE FAULT FOR THE INEFFECTIVENESS OF THE AUTHORITY TO BE SHARED BY ALL CONCERNED AND I THEREFORE HAVE NO DESIRE TO ATTRIBUTE SPECIFIC BLAME FOR THE AFOREMENTIONED. IN CONCLUSION, I AM CONFIDENT THAT THE DUTIES OF THE AUTHORITY PERTAINING TO ZONING AND VARIANCES COULD BE REASONABLY ADDRESSED BY THE SECRETARY OF ADMINISTRATION. I AM FURTHER OF THE OPINION THAT THE SECRETARY WOULD BE ABLE TO RESPOND IN A MORE TIMELY AND EFFICIENT MANNER AND CERTAINLY AT LESS PUBLIC EXPENSE. IT SHOULD BE UNDERSTOOD, HOWEVER, THAT THE ABOLISHMENT OF THE AUTHORITY WILL ALSO DELETE A PRIMARY PURPOSE OF THE LAW, THAT BEING REPRESENTATIVE CITIZEN INPUT INTO THE FORMULATION OF A STATE FACILITIES PLAN. UNTIL THERE IS A DEMAND FOR A COMPREHENSIVE APPROACH TO PLANNING THE STATE'S NEEDS, FACILITIES AND DEVELOPMENT, THERE IS NO NEED FOR AUTHORITY INPUT IN IT'S PRESENT CAPACITY.

I THANK THE COMMITTEE FOR THE OPPORTUNITY TO PRESENT TESTIMONY AND WOULD BE HAPPY TO RESPOND TO ANY QUESTIONS OF THE CHAIRMAN OR OF COMMITTEE MEMBERS.