

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at \_\_\_\_\_  
Chairperson

1:47 ~~am~~ p.m. on January 18, 1984 in room 531N of the Capitol.

All members were present except:

Senator Hein  
Senator Gaines  
Senator Gaar

Committee staff present:

Bruce Kenzie - Revisor  
Julian Efird - Research

Conferees appearing before the committee:

The meeting was called to order by the Chairman.

The Research Department briefed the Committee on the Agencies that are up for Sunset this year. (Exhibit A) and pointed out that Post Audit did not do a full scale audit of them.

Senator Mulich made a motion to introduce legislation reinstating the measures concerning the Department of Human Resources and the Office of Secretary of Human Resources; the Kansas Commission for Hearing Impaired; the State Board of Healing Arts; the Director of the Division of Information Systems and computing the Division of Information Systems, and the office of Secretary of Corrections. This was seconded by Senator Roitz. Motion carried.

The Revisor gave a brief review of the bills that had been assigned to the Committee. (Exhibit B)

The Chairman adjourned the meeting at 2:10 p.m.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: JAN. 18, 1984

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY/ORGANIZATION</u>
Gordon Criswell	2966 N. 58 KC, KS. 66101	GOVERNOR'S OFFICE
Jenny Tavares Bartlow	503 Kansas Ave. Ste 328	Advisory Committee Mex-Amer. Affairs
CAROL KEITH	503 Ks Ave, Rm 539,	OMBUDSMAN FOR CORRECTIONS
ROSETIA FLUECK	701 JACKSON, SUITE 220	KS ASSOC OF PUBLIC EMPL
Jean Finney	700 Harrison	Kansas State Treasurer
J. C. BROWN	ST. OFC. BLDG.	DISC
Sid Snider	401 Topeka Ave.	Dept. of Human Resources
John Kelly	1430 Topeka Ave.	DHR
L. M. Beed	700 Harrison	Office of St. Inas

MEMORANDUM

January 3, 1984

TO: Senate Committee on Governmental Organization  
FROM: Kansas Legislative Research Department  
RE: Review of Kansas Sunset Law and Agencies Subject to Abolition  
on July 1, 1984

The Kansas Sunset Law provides for abolition of the following agencies and boards on July 1, 1984, but also allows one year thereafter for the entities to conclude their affairs:

Department of Corrections and Office of Secretary  
Board of Healing Arts  
Kansas Commission for the Hearing Impaired  
Department of Human Resources and Office of Secretary  
Division of Information Systems and Computing and Office of Director

Kansas Sunset Law

The Kansas Sunset Law provides that any state agency or office subject to abolition may be continued in existence or reestablished by act of the Legislature for a period not to exceed eight years. Performance audits of agencies scheduled for abolition are not required, but the Legislative Post Audit Committee may direct the Post Auditor to review any of the programs, duties or functions of any agency or office. After such audits are completed and subsequent to their approval by the Legislative Post Audit Committee, copies are made available to other legislators. The Legislative Post Audit Committee may introduce bills relative to the post audit recommendations and the President of the Senate and Speaker of the House may refer the performance audits to specific committees for further study.

During the Session, a committee of reference in each house (historically, the Committee on Governmental Organization) must hold a public hearing on the proposed abolition, continuation or reestablishment of agencies and offices scheduled for sunset. The committees of reference hear testimony from the public, the state agency or officers involved, and other appropriate state officers. Such committees of reference may consider performance audits if available. This Session there are no comprehensive agency audits available for the agencies scheduled for abolition, but there are three performance audits which focus on specific areas related to corrections and Veterans' Services.

The state agency and officers involved are charged with the burden of demonstrating a public need for continued existence and for identifying any needed changes in the agency or office or the applicable enabling statutes which would increase the efficiency and effectiveness of program administration or operation. Other factors to be considered by the committees of reference include whether the absence of an agency or program would significantly harm or endanger the public; whether the exercise of police powers and protection of the public is reasonable; whether less restrictive regulation could adequately protect the public; whether the regulation or operation of an agency or program increases the cost of goods and services; whether the

EXHIBIT A

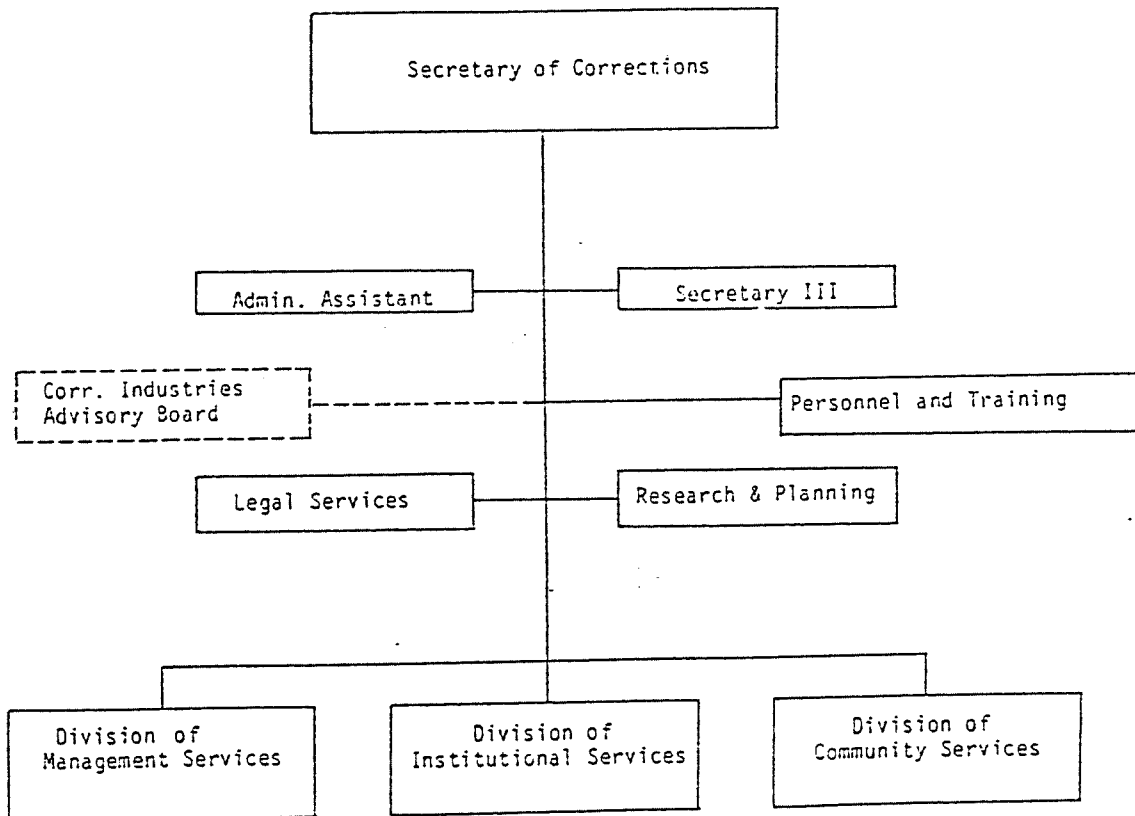
Ex. A

increased cost is more harmful to the public than harm which would result from no regulation; whether the regulatory or administrative process solely protects the public interests; and whether the purposes of the agency or program can be accomplished more efficiently, effectively, and economically.

Department of Corrections

The Department is administered by the Secretary of Corrections through three Deputy Secretaries and an administrative staff. Figure 1 is the current organizational chart. The Secretary is directly assisted by the respective staffs of Personnel and Training, Research and Evaluation, a legal section, and an administrative assistant. Management planning and direction is effected primarily through the three Deputy Secretaries. Each Deputy Secretary is in charge of a division. The Division of Institutional Services encompasses operation of the five adult correctional institutions, including responsibilities for the Correctional Industries Program, the Honor Camp Program, and Health Care Administration. The Division of Community Services encompasses the operation of the two self-contained work release facilities, the jail inspection program, parole, parole/probation-parole compact supervision, and administration of the Community Corrections grants to participating counties. The Division of Management Services encompasses the functions of Fiscal Management, Management Analysis, Data Processing, and Records.

Figure 1



The current system incorporating a centralized management program has developed since the construction of the first correctional facility in approximately 1864. Between the turn of the century and the late 1950s, the correctional institutions operated with little change and, essentially, as autonomous and separate agencies. During that time, supervision of the correctional institutions was provided by various boards and commissions. In 1957, the Office of the Director of Penal Institutions was created to coordinate the activities of the separate correctional institutions. In 1974, the office was restructured and upgraded to a cabinet-level Department. Through the provisions of K.S.A. 75-5202, et seq., the Secretary of Corrections is vested with management responsibilities for the Department of Corrections. The basic functions of the Kansas Department of Corrections, as duties are enumerated in the Kansas Statutes Annotated, are essentially fourfold:

- to provide institutional care for those adult felons committed to the care and custody of the Secretary of Corrections;
- to provide supervision of individuals granted parole by the Kansas Adult Authority and of parolees and probationers received through interstate compact;
- to inspect city and county detention facilities; and
- to administer a community correctional grant program whereby communities are assisted in developing alternative correctional services for juveniles and nonviolent felony offenders.

#### Board of Healing Arts

The Board licenses and regulates medical, osteopathic, and chiropractic doctors under the Healing Arts Act. The Board also registers physician's assistants and administers the Kansas Physical Therapy Act and the Podiatry Act, licensing and regulating physical therapists, physical therapy assistants, and podiatrists.

The Board consists of 13 members appointed by the Governor. The Board elects one of its members to be Secretary. Five members of the Board are required to be doctors of medicine; three must be doctors of osteopathic medicine; and three must be doctors of chiropractic medicine; one must be a registered podiatrist; and one must be a representative of the general public. Two committees operate under the authority of the Board: the Physical Therapy Examining Committee and the Podiatry Advisory Committee. Both committees are established by statute. The former consists of five members: three physical therapists, one licensed physician and the Secretary of the Board. The latter committee consists of three members appointed by the Governor, with three podiatrists currently serving.

#### Kansas Commission for the Hearing Impaired

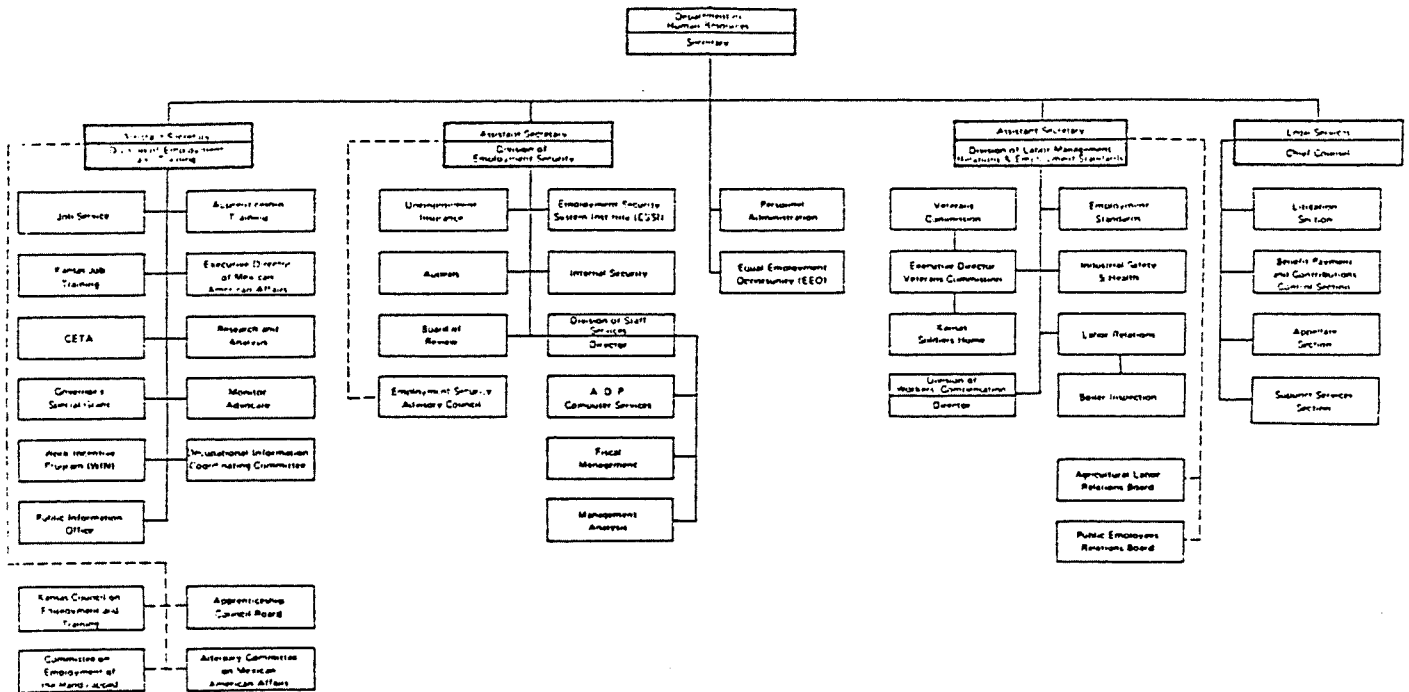
K.S.A. 75-5391 et seq., creates the Kansas Commission for the Hearing Impaired within the Department of Social and Rehabilitation Services (SRS). The Commission's functions include serving as a collector and clearinghouse for information and as an advocate and coordinator of services and programs for the hearing impaired.

The 16-member Commission includes the following seven ex officio members: the administrative heads (or their designees) of the Department of Human Resources; Vocational Rehabilitation Services, SRS; Social Services, SRS; Mental Health and Retardation Services, SRS; the Department of Health and Environment; the State Board of Education; and the State School for the Deaf. The nine members appointed by the Governor must include two persons who are hearing impaired (one of whom is a representative of the Kansas Association of the Deaf); a speech-language pathologist; a person selected from the state registry of interpreters for the deaf; a psychologist, nurse, teacher, rehabilitation counselor, or social worker serving the hearing impaired; a parent of a hearing impaired person; a clinical audiologist; a person who is licensed in Kansas to fit hearing aids; and a licensed otolaryngologist.

### Department of Human Resources

The Department of Human Resources was created in 1976 by Executive Reorganization Order No. 14 and the order creating the Department and Office of the Secretary of Human Resources was incorporated into K.S.A. 75-5701 et seq. By statute, the Department is organized into four divisions — a Division of Employment (K.S.A. 75-5705), a Division of Labor-Management Relations (K.S.A. 75-5710), a Division of Workers' Compensation (K.S.A. 75-5708), and a Division of Employment Standards (K.S.A. 75-5714). Also attached to the Department by statute are the Agricultural Labor Relations Board (K.S.A. 75-5712), Public Employee Relations Board (K.S.A. 75-5713), Kansas Advisory Committee on Mexican American Affairs (K.S.A. 75-5716), the Kansas Veterans Commission (K.S.A. 75-5719), and the Advisory Committee on Employment of the Handicapped (K.S.A. 75-6701). The Secretary is authorized to organize the Department in any manner not in conflict with the statutes (K.S.A. 75-5723). The current organizational structure of the Department is shown in Figure 2.

Figure 2



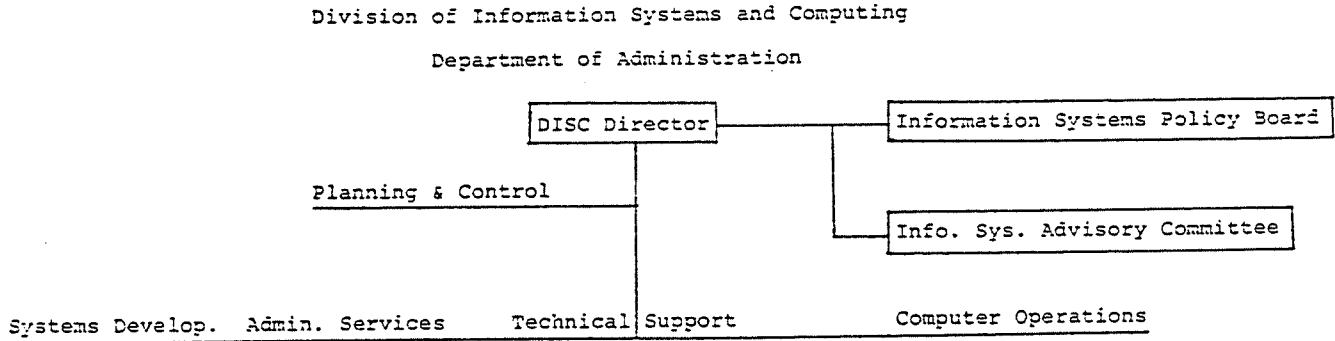
The Department's activities are grouped into broad program areas:

1. Administrative and Staff Services provides support needed to operate the agency.
2. Unemployment Insurance Service administers the state's Unemployment Insurance program and related federal programs.
3. Job Training Partnership manages the state's participation in the federal program.
4. Industrial Safety and Health conducts inspection of public and private facilities and operates the boiler inspection program.
5. Special Services include four activities — the Advisory Committee on Mexican-American Affairs, the Committee on Employment of the Handicapped, the Kansas Occupational Information Coordinating Committee, and the Employment Security Systems Institute.
6. Veterans Services assists veterans, spouses, and dependants in obtaining U. S. Veterans Administration benefits and services and, acting through the Kansas Veterans Commission, exercises control over the Kansas Soldiers' Home.
7. Employment Services operates the local Job Service offices to assist applicants and employers and oversees three Work Incentive Program (WIN) projects.
8. Workers' Compensation Service performs certain administrative duties along with coordinating rehabilitation programs for injured workers, and provides a court for contested workers' compensation cases.
9. Labor Relations and Employment Standards handles wage payment claims and matters relating to minimum wage and maximum hours, child labor laws, private employment agencies licensing, private sector collective bargaining, and public employer-employee relations and professional negotiations for governmental workers and teachers.

#### Division of Information Systems and Computing

The Division of Information Systems and Computing (DISC) is organized into five functional areas. Figure 3 shows the current organizational structure. The Computer Operations section runs three large computers and associated support equipment located on the eleventh floor of the State Office Building. State agencies use these computers through terminals located throughout the State ("on-line" systems) and through magnetic tape, punch cards, and paper output ("batch" systems). The Technical Support section supports the systems software (programs) which controls the computers. It also maintains various software "packages" which make it easier for agencies to develop complex information systems.

Figure 3



The Systems Development section assists agencies in assessing their needs for new automated systems. Feasibility studies, which estimate costs and benefits of potential new systems, provide decision-makers with information upon which to base decisions concerning implementation of new systems. The Systems Development staff designs and develops approved systems for agencies which do not have their own systems development staff.

The Administrative Services section provides support to all DISC functions in the areas of budget, accounting, computer services billing, personnel, clerical, security, and other administrative support areas. The Planning and Control section reviews agency data processing budgets and provides recommendations to the Director on requests for acquisition of information processing equipment, systems, and staff. It also coordinates long-range planning and performs audits of data processing operations and systems.

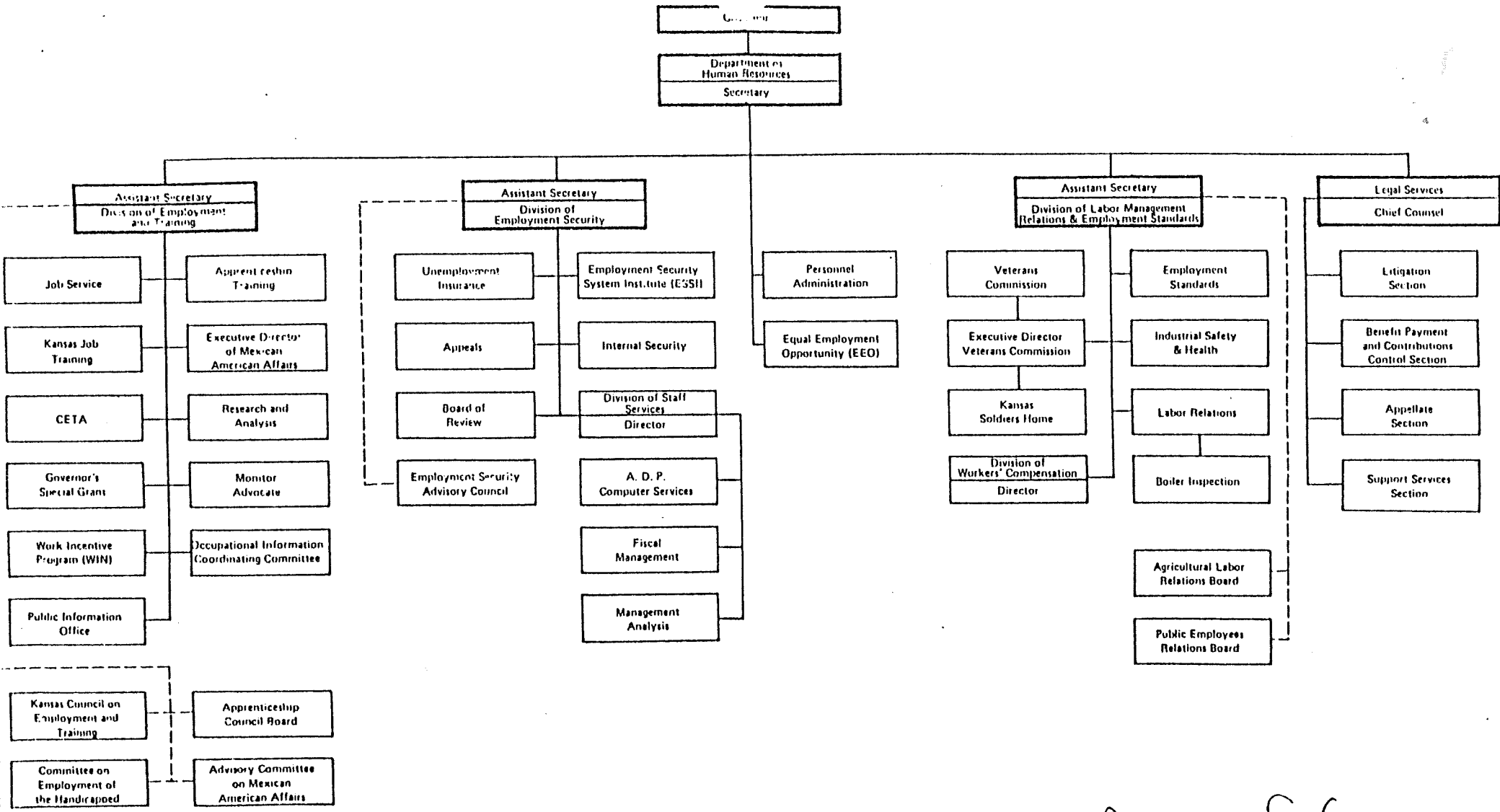
The statutory authority of DISC is contained in K.S.A. 75-4701 *et seq.* The Division was originally established by the 1972 Legislature and given the responsibility to provide centralized processing of data by computer for the state agencies other than Board of Regents' institutions, to approve the acquisition of data processing equipment for all state agencies, and to provide computer program development services for those state agencies which wished to contract for the service. The Division originally operated without directly appropriated funds and depended entirely upon receipts derived from charges assessed for services performed.

In 1976 DISC was given the authority to set priorities for work performed on the central computers, to set standards for data submitted for processing on the central computers, and to refuse to process work due to lack of capacity or nonconformance with standards. A Computer Services Depreciation Reserve Fund was also established to allow the Division to recover depreciation costs as a part of the charges assessed for data processing services performed. The statutes provide some discretion in expenditures from the Fund.

The 1980 Legislature provided statutory authority for functions related to control and management of data processing as opposed to the performance of data processing services.



ORGANIZATIONAL CHART  
Kansas Dept. of Human Resources



JUNE 1983

APPROVED BY: *Jerry R. Schuber*

SENATE BILL NO. \_\_\_\_\_

By Committee on Governmental Organization

AN ACT concerning the Kansas sunset law; continuing the department of human resources and the office of secretary of human resources in existence; amending K.S.A. 1983 Supp. 74-7261 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 74-7261 is hereby amended to read as follows: 74-7261. Except as provided in K.S.A. ~~1982~~ 1983 Supp. 74-7246, and amendments thereto, the office of secretary of human resources and the department of human resources, established by K.S.A. 75-5701, and amendments thereto, shall be and are hereby abolished on July 1, ~~1984~~ 1992.

Sec. 2. K.S.A. 1983 Supp. 74-7261 is hereby repealed.

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

EXHIBIT B

*Ex. B*

SENATE BILL NO. \_\_\_\_\_

By Committee on Governmental Organization

AN ACT concerning the Kansas sunset law; continuing the Kansas commission for hearing impaired in existence; amending K.S.A. 1983 Supp. 74-7274 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 74-7274 is hereby amended to read as follows: 74-7274. Except as provided in K.S.A. ~~1982~~ 1983 Supp. 74-7246, and amendments thereto, the Kansas commission for the hearing impaired established by K.S.A. ~~1982~~ 1983 Supp. 75-5391, and amendments thereto, shall be and is hereby abolished on July 1, ~~1984~~ 1992.

Sec. 2. K.S.A. 1983 Supp. 74-7274 is hereby repealed.

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

SENATE BILL NO. \_\_\_\_\_

By Committee on Governmental Organization

AN ACT concerning the Kansas sunset law; continuing the state board of healing arts in existence; amending K.S.A. 1983 Supp. 74-7255 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 74-7255 is hereby amended to read as follows: 74-7255. Except as provided in K.S.A. ~~1982~~ 1983 Supp. 74-7246, and amendments thereto, the state board of healing arts appointed pursuant to K.S.A. 65-2812, and amendments thereto, shall be and is hereby abolished on July 1, ~~1984~~ 1992.

Sec. 2. K.S.A. 1983 Supp. 74-7255 is hereby repealed.

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

SENATE BILL NO. \_\_\_\_\_

By Committee on Governmental Organization

AN ACT concerning the Kansas sunset law; continuing the office of director of the division of information systems and computing and the division of information systems and computing in existence; amending K.S.A. 1983 Supp. 74-7259 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 74-7259 is hereby amended to read as follows: 74-7259. Except as provided in K.S.A. ~~1982~~ 1983 Supp. 74-7246, and amendments thereto, the office of director of the division of information systems and computing and the division of information systems and computing, established by K.S.A. ~~1982-Supp.~~ 75-4701, and amendments thereto, shall be and are hereby abolished on July 1, ~~1984~~ 1992.

Sec. 2. K.S.A. 1983 Supp. 74-7259 is hereby repealed.

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

B+

SENATE BILL NO. \_\_\_\_\_

By Committee on Governmental Organization

AN ACT concerning the Kansas sunset law; continuing the office of secretary of corrections and the department of corrections in existence; amending K.S.A. 1983 Supp. 74-7260 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 74-7260 is hereby amended to read as follows: 74-7260. Except as provided in K.S.A. ~~1982~~ 1983 Supp. 74-7246, and amendments thereto, the office of secretary of corrections and the department of corrections, established by K.S.A. 75-5203, and amendments thereto, shall be and are hereby abolished on July 1, ~~1984~~ 1992.

Sec. 2. K.S.A. 1983 Supp. 74-7260 is hereby repealed.

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