

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by Senator Paul Hess at _____
Chairperson

11:00 a.m./~~p.m.~~ on February 14, 1984 in room 123-S of the Capitol.

All members were present except:
Senator Steineger

Committee staff present:
Research Department: Mary Galligan, Lynne Holt
Revisor's Office: Norman Furse
Committee Office: Mark Skinner, Doris Fager

Conferees appearing before the committee:

Senator Gerald Karr
Gary Marsh, Court Services Officer, Lyon County
Marjorie Van Buren, Court Administrator's Office
Joe Snell, Director, Kansas Historical Society

SB 646 - Regarding Lyon County Court Services Officers payback of funds due to state takeover of courts

Senator Karr explained the purpose of SB 646, stating that it is really an equity bill, which relates back to the time of the transfer of Court Services Officers from county to state payroll. He explained that the key is on page 2, lines 47-53.

Senator Karr explained that Lyon County has a pay period slightly different from other counties in the state, and consequently received only a one week overlap instead of the two weeks received by other counties during the transition period.

Mr. Marsh stated that when the state took over the payroll of court services in 1979, the Lyon County pay period was from the twenty-sixth to the twenty-fifth of each month. The original proposal anticipated that counties would have paid all court employees through December 31; and because the state pay period is from the eighteenth to the seventeenth there was a two-week payback provision for termination of employment. When an employee terminates, that two weeks' pay should be withheld from the final pay check. However, Lyon County court employees should have only the amount withheld which was actually doubly paid by the state.

When asked if Lyon County is the only entity in this peculiar position, Mr. Marsh answered that he is not aware of any others. He added that there are now six persons in Lyon County who would be affected by SB 646.

Ms. Van Buren distributed her statement (Attachment A) to committee members, and read from that statement. She indicated the Courts were not aware of the problem until sometime during the past year.

Motion was made by Senator McCray and seconded by Senator Gaines to report SB 646 favorably for passage. The motion carried by roll call vote.

HB2655 - Reporting and Payment of Costs of Frivolous Litigation by state

The Chairman reminded the committee that this bill had been heard at an earlier date. He reviewed the provisions of the bill and asked for comments from committee members. There was some discussion, and it was the concensus that the bill probably would not be used very often; however, some members said there might be instances where there would be reason for such legislation.

Motion was made by Senator Werts and seconded by Senator Gaines to report HB 2655 favorably for passage. The motion carried by roll call vote.

Unless specifically noted, the individual remarks recorded herein have not been submitted verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SB 553 - Historical Society fees and insurance

Senator Hess explained that SB 553 had been held in committee because of needed technical amendments, and also because discussion was needed concerning charging of fees at the new state historical museum.

Mr. Snell explained that, when SB 553 was introduced, it was his understanding that it pertained only to historical properties and not the museum. He noted there is another statute which provides no charge may be made by the historical museum. Senator Hess stated that staff has prepared amendments which correct conflicts of that nature. (See Attachment B). He then commented that he felt it would be appropriate to charge a modest fee at the new museum, with exemptions for educational groups, etc. Mr. Snell answered that he would not initiate a fee, but if the Legislature mandated such fee, he would not resist it. He added that he philosophically opposed charging admission to the museum.

In support of his philosophy, Mr. Snell reminded the committee that the state of Kansas does not have a good reputation throughout the country, and the museum has an opportunity to build a good reputation and to build pride. He suggested that the people who need to be impressed with the progress Kansas has made won't enter the museum if there is a charge. Those who already have pride in Kansas would come and would be willing to pay the fee.

Mr. Snell indicated there were no charges at other state historical museums. In fact, according to Mr. Snell, nobody in the Midwest has a historical museum comparable to ours.

There was further discussion about the pros and cons of charging fees at historical society locations--especially the new museum. When asked how many visitors a year were expected at the new museum, Mr. Snell answered that he hoped to eventually have 250,000 visitors annually.

There was a suggestion that Mr. Snell might use money from fees to advertise the museum. He said that would be an interesting experience; and added that he felt he would need to erect billboards, even though he dislikes them.

Senator Doyen suggested that no fee be charged, at least until the museum is in full operation.

Motion was made by Senator Hein and seconded by Senator Warren to adopt the amendments on Attachment B. The motion carried by voice vote.

Motion was made by Senator Warren and seconded by Senator Hein to report SB 553 as amended favorably for passage. The motion carried by roll call vote.

The meeting was adjourned by the Chairman.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

TESTIMONY OF MARJORIE J. VAN BUREN
ON SENATE BILL 646
BEFORE THE SENATE WAYS & MEANS COMMITTEE

This bill is necessitated by an oversight which occurred in December 1978 and which has only recently been brought to our attention. The Office of Judicial Administration strongly supports S.B. 646 and encourages its passage.

As you may recall, at the time of State assumption of district court employees in order to allow these employees with a smooth transition from the various county pay periods to the State pay period, the Legislature provided that the first State paycheck (February 1) should be for the full pay period December 18-January 17, even though the counties were paying these employees through December 31. This double payment for 10 days was to be recouped at the time the employees left the judicial system, by means of the so-called "10-day payback."

In Lyon County, the county payroll period ended December 25, and the employees were apparently not paid by the county for December 26-30. Thus, under the "10-day payback," these employees would be required to pay back 10 days wages when they were actually only double-paid for 6 days.

So far as I know, Lyon County is the only location where this situation exists, and therefore the only court which will be affected by S.B. 646. In the interest of fairness to the individuals involved, I would urge you to take this corrective action. The attached fiscal note indicates the small amount involved.

MJVB:dm
Attachment

Att A
2-14-84



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

February 9, 1984

To: Lynn Muchmore, Director of the Budget
From: Jerry Sloan, Budget and Fiscal Officer
Re: Senate Bill No. 646

This bill would modify the "10-day payback" required of Judicial Branch employees, who were employed by the district courts on December 31, 1978 in cases where employees did not receive the full, correct compensation from the counties for the period - December 18, 1978 to January 1, 1979. The 10-day payback would be reduced by the amount of compensation they did not receive.

To my knowledge, this bill would only affect those employees who were working for the district court in Lyon County at that time. In Lyon County, court employees were not paid for the final 4 working days of the month of December 1978. There were 13 such employees at that time. Six of those individuals remain Judicial Branch employees and their total liability for the 10-day payback equals \$1,885.07. If this bill were to become law, the amount of judicial payback these employees would be required to pay would be reduced by \$754.03. The remaining 7 employees have already paid \$2,058.26 in judicial payback. If they were to have a claim against the state, the total amount that they might receive would be \$823.30.

The reduced receipts of \$754.03 would only occur at the time the current employees terminated their employment with the Judicial Branch and would most likely be spread over a number of fiscal years.

JS:dh

SENATE BILL No. 553

By Committee on Ways and Means

1-23

0016 AN ACT relating to the state historical society; authorizing the
0017 fixing of certain fees for admittance to state-owned historic
0018 sites and property; authorizing the purchase of insurance
0019 coverage for collections in the care, custody or control of the
0020 society; amending K.S.A. 75-2701, and K.S.A. 1983 Supp. 75-
0021 2728 and repealing the existing sections.

creating the historic properties fee fund and the
insurance collection reimbursement/replacement fund
and 75-2702

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 Section 1. K.S.A. 75-2701 is hereby amended to read as fol-
0024 lows: 75-2701. The state historical society, heretofore organized
0025 under the incorporation laws of the state, shall be the trustee of
0026 the state, and as such shall faithfully expend and apply all money
0027 received from the state to the uses and purposes directed by law,
0028 and shall hold all its present and future collections of property
0029 for the state, and shall not sell, mortgage, transfer or dispose of in
0030 any manner or remove from its building or buildings, except for
0031 temporary purposes, any article thereof, or part of the same,
0032 without authority of law: ~~Provided~~, except that this shall not
0033 prevent the sale or exchange by the society of its publications,
0034 duplicate materials, or materials outside its fields of collection,
0035 that it may have or obtain. There shall continue to be a board of
0036 directors to consist of as many members as the society shall
0037 determine. The society may acquire property, real or personal,
0038 by gift, bequest or otherwise, in any amount, and upon such
0039 conditions as its executive committee may deem best for its
0040 interests. Any such property so acquired and any state-owned
0041 historic site, structure or property which has been placed by law
0042 under the jurisdiction and supervision of the society shall be
0043 administered by the society in the public interest, and the
0044 society is hereby authorized and directed to provide for the
0045 preservation thereof and to adopt such rules and regulations as

(a)

(b)

ATT B
2-14-84

0046 are necessary for the proper use and enjoyment thereof. For this
0047 purpose the society is hereby authorized to fix, charge and
0048 collect fees for admittance to any state-owned historic site,
0049 structure or property which has been placed under its jurisdic-
0050 tion and supervision and is further authorized to provide ex-
0051 emptions from such fees or to fix reduced fees for one or more
0052 categories of persons.

0053 Sec. 2. K.S.A. 1983 Supp. 75-2728 is hereby amended to read
0054 as follows: 75-2728. Within the limits of appropriations therefor
0055 As approved by the committee on surety bonds and insurance,
0056 the state historical society is hereby authorized to purchase
0057 property and casualty insurance on museum artifacts owned by
0058 against loss or damage to collections or other personal property
0059 from any casualty whether owned by or in the care, custody or
0060 control of the state historical society.

0061 Sec. 3. K.S.A. 75-2701 and K.S.A. 1983 Supp. 75-2728 are
0062 hereby repealed. and 75-2702

0063 Sec. 4. This act shall take effect and be in force from and
0064 after its publication in the Kansas register.

(c) The society shall remit all moneys received by the society under the provisions of ~~this~~ subsection (b) to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the historic properties fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state historical society or a person designated by the secretary.

(a)

(b) The society shall remit all moneys received by the society under the provisions of ~~this~~ subsection (b) to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the insurance collection replacement/reimbursement fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state historical society or a person designated by the secretary.

Add amendment to 75-2702 Attached

75-2584 STATE DEPARTMENTS; PUBLIC OFFICERS, EMPLOYEES

for the coordination of networking activities in accordance with the guidelines and procedures established by the board. Expenses incurred in operating this division shall be paid from appropriations for this division.

History: L. 1981, ch. 319, § 9; July 1.

75-2584. Same; staff assistance for board. The state librarian shall provide whatever staff assistance is required by the board.

History: L. 1981, ch. 319, § 10; July 1.

75-2585. Same; contracts for computerized services; state-level cooperative activities. The board may contract under K.S.A. 75-2563 when necessary and may make expenditures for state-level cooperative activities. Such expenditures may include federal funds awarded to the board for programs of interlibrary cooperation and resource sharing.

History: L. 1981, ch. 319, § 11; July 1.

75-2586. Same; budget request by board for network activities. The state librarian shall include in the annual budget request for the state library the amounts requested by the Kansas library network board for network activities.

History: L. 1981, ch. 319, § 12; July 1.

75-2587. Same; participation by unified school districts; costs. The board of education of any unified school district is hereby authorized to participate in the library network created by this act. Any costs involved in such participation shall be chargeable to the general fund of the school district.

History: L. 1981, ch. 319, § 13; July 1.

Article 27.—STATE HISTORICAL SOCIETY

Cross References to Related Sections:

Selection of state capitol statuary, 75-2248.

→ **75-2702. General duties of society; rooms open for reception of citizens without fee; expenditures.** It shall be the duty of the society to collect by gift, exchange or purchase books, maps, newspapers, pamphlets, periodicals, photographs, artifacts, relics, paintings, manuscripts and other papers and material illustrative of the history of Kansas in particular, and the west generally; to catalog the collections of the society for the more convenient reference of all persons

who may have occasion to consult the same; and to keep its collections arranged in suitable and convenient rooms, the rooms of the society to be open at all reasonable hours on business days and on Saturday mornings and during such other hours as may be prescribed by the secretary of administration for the reception of the citizens of this state who may wish to visit the same [without fee] to maintain museums in its buildings and in such other places as may be authorized; to inculcate through publications, museum extension services and other media a wider and fuller knowledge and appreciation of the history of Kansas and its significance, and specifically to publish a historical journal and such other historical materials as may be possible within the limitations of proceeds received therefor from membership income and, because it is in the best interest of the state of Kansas and its historical heritage to loan, in its discretion, for such periods and under such rules and restrictions as it may adopt, to libraries, educational institutions and other organizations such books, pamphlets, museum objects, or other materials that if lost or destroyed could easily and without much expense be replaced; to take an active interest in the preservation and use of noncurrent public records of historical importance of counties, cities, villages, towns, school districts and other local governmental units; to cause to be bound, as necessary for their preservation, the unbound books, pamphlets, clippings and newspaper files in its possession. No expenditure shall be made under this act or expense incurred except in pursuance of specific appropriations therefor, and no officer of the society shall pledge the credit of the state in excess of such appropriation.

History: L. 1879, ch. 167, § 2; R.S. 1923, 75-2702; L. 1957, ch. 444, § 2; L. 1975, ch. 437, § 1; L. 1977, ch. 292, § 1; L. 1983, ch. 283, § 1; July 1.

75-2705. Certified copy of documents as evidence; fees, approval, disposition. (a) A copy of any file, document or record in the custody of said society, duly certified by the secretary of the state historical society or his or her authorized agent, may be received in evidence with the same effect as the original. To partially reimburse the state for the cost of such copies or services the secretary shall prescribe the fees, if any, to be paid for