

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Bunten at  
Chairperson

1:30 ~~XX~~/p.m. on Monday, February 11, 1985 in room 514-S of the Capitol.

All members were present except: Representatives Hamm, Teagarden & Wisdom (all excused)

Committee staff present: Gloria Timmer - Legislative Research  
Laura Howard - Legislative Research  
Jim Wilson - Office of the Revisor  
Sharon Schwartz - Administrative Assistant  
Nadine Young, Committee Secretary

## Conferees appearing before the committee:

Art Griggs, Department of Administration  
Representative Aylward  
Howard Hill, KANU - University of Kansas  
Dale Anderson, KTWU  
Major General Ralph Tice, Adjutant General  
Major Steve Thomas, Kansas National Guard  
Sgt 1st C. Edith Houser, Kansas National Guard  
Others present (Attachment I)

Chairman Bunten called the meeting to order at 1:30 p.m.

HB 2125 -- an act concerning the Kansas Civil Service act; personnel policies and procedures; powers, duties and function of director of personnel services and secretary of administration; amending K.S.A. 75-2929d, 75-2929g, 75-2940, 75-2942, 75-2945, 75-2949, 75-2949f, 75-2961, 75-3746 and 75-3747 and repealing the existing sections; also repealing K.S.A. 75-2951.

Art Griggs explained the bill and provided a handout (Attachment II). The bill contains changes due to passage of Whistleblowers Act, Open Records act, and document fees. It changes the eligibility list from one year to date of new exam test information.

Representative Chronister moved that the bill be amended by re-inserting the language "by the director" on line 161, which was stricken accidentally. Representative Rolfs seconded. The motion carried.

Representative Chronister moved that HB 2125, as amended, be recommended favorably for passage. Seconded by Representative Heinemann. Motion carried.

HB 2131 -- an act authorizing the secretary of administration to enter into certificate of participation financing arrangements. This bill would allow Department of Administration to finance or refinance personal property and fixtures to issue certificates of participation in order to reduce interest payments for lease/purchase. A proposed amendment (Attachment III) was submitted which would require notice to the Finance Council before a certificate is issued. Representative Rolfs moved that the amendment be adopted. Seconded by Representative Miller. Representative Heinemann made a substitute motion that would require 20 days prior notice in writing of the proposed financing to be given to legislative members of the Finance Council. Seconded by Representative Turnquist. Motion carried.

Representative Heinemann moved that HB 2131, as amended, be recommended favorably for passage. Representative Turnquist seconded. Vote was 9 to 9. Chairman broke the tie. The motion carried.

HB 2007 -- an act relating to public television and radio broadcasting; establishing a public broadcasting commission and prescribing the powers, duties and responsibilities thereof; concerning state financial assistance for public broadcast services; amending K.S.A. 75-4905, 75-4906, 75-4907, 75-4909 and 75-4910 and repealing the existing sections and also repealing K.S.A. 75-4908.



CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,  
 room 514-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, February 11, 19 85

Representative Aylward explained the bill which would establish a public broadcasting commission to include public radio stations as well as television stations. The commission would be increased from three members to seven members. Fiscal note would be approximately \$4500.

Howard Hill, Director of Radio Station KANU of Lawrence appeared before the committee in support of the bill.

Dale Anderson also testified, and suggested an amendment from two to six members to be selected from each district of the state, he said this would provide fair representation from all over the state. This amendment was requested from CCT, however, he said they did not adopt it.

HB 2062 -- an act concerning the Kansas army and air national guard; providing tuition grants for members thereof enrolled in institutions of postsecondary education in Kansas; providing for administration thereof.

Major General Ralph Tice explained the provisions of the bill in the absence of Representative Wisdom. The bill would provide a tuition grant program for qualified members of the Guard. (Attachment IV). Tice said there are now 1,000 vacancies in the Guard and that number will grow considerably in the next five years. This bill takes care of Guard members who are not eligible for assistance under the GI bill. He said the bill would provide an incentive for members to continue in the National Guard.

Major Steve Thomas also testified in support of the bill (Attachment V).

Sgt. 1st C. Edith M. Houser briefly stated her support of the bill (Attachment VI). She emphasized that the bill would be a good retention tool.

Chairman turned to HB 2087 -- Emergency Supplemental Bill for FY 85. Representative Chronister spoke to the Wichita State University section. She said the building committee is recommending that the Ablah project be included in this bill in order to capture the 1.7 million dollars less in 1986.

In regard to Sec 5, Kansas State Penitentiary, they have not made recommendations in that area yet, however she suggested that if we include KSP in the area of the inside service buildings, that the amount be with the approval of the 1985 building committee. Their deliberations are not yet complete, but they believe the amount of \$500,000 would be adequate.

It was moved by Representative Chronister that the \$900,000 for Ablah be stricken in Sec 3b; and change the FY 88 appropriation to \$2,500,000 and the balance of that original \$900,000 be transferred to FY 89. Seconded by Representative Heinemann. Motion carried.

With regard to Sec 5, KSP, Representative Chronister reported that in talking to the building committee, they are not ready to make a recommendation; but it appears that 1.2 million dollars would not be the amount they would approve. Therefore, they would suggest that there be a proviso, that instead of the one we have here now, that it be with the approval of the joint building committee for the 1985 session.

Representative Miller moved that this section be removed from the bill - the motion being to take out 1.2 million dollars for June 30, 1985 (Lines 105 - 127). Seconded by Representative Louis. Jim Wilson explained that the effect of the motion would be to strike from HB 2087 the entire FY 85 appropriation for accounts entitled "capital improvements" on line 103. Motion carried.

It was decided that when the building committee makes a decision in this area, this portion of HB 2087 will be put back in by way of a floor amendment.

CONTINUATION SHEET

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room 514-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, February 11, 1985

Representative Rolfs spoke to the purchase of a telephone system for Beloit (Line 297) of HB 2087. CCT has reviewed and are recommending this portion be left in the bill.

Chairman Bunten reported on Sec 4, Adjutant General emergency funding. Chairman moved that this section be changed to read "there is appropriated from the state emergency fund" rather than "state general fund". Representative Mainey seconded. The motion carried.

Representative Miller reported on Sec 8, Larned State Hospital. This portion has been taken out and has passed the House.

Representative Chronister moved that HB 2087, as amended, be recommended favorably for passage. Representative Heinemann seconded. Motion carried.

Representative Dyck reported on his subcommittee, KAPE. He said they have proposed another change to the pay plan and Jim Wilson has been asked to draft a new bill in line with their request.

Chairman asked for approval of the minutes for February 4, 5 and 6. Representative Chronister moved they be approved, as written. Representative Mainey seconded. Motion carried.

Meeting adjourned at 3:15 p.m.



Date 2-11-84

Name	Address	Representing
Re Hobbs	Topeka	K. S. BA
B. J. PIERCE	TOPEKA	HUMAN RESOURCES
Ann E. Walsh	Topeka	Revenue
Sally O'Grady	Topeka	Personnel Services
WALT DARLING	TOPEKA	DIV. OF BUDGET
<del>John N. Anderson</del>	<del>Topeka</del>	<del>KTWU/11</del>
<del>Arnold + Thomas</del>	<del>TOPEKA</del>	<del>KANSAS NATL GUARD</del>
W. WARREN GRANT	TOPEKA	KANS AIRMAIL GUARD
Merle Thomas	TOPEKA	NATIONAL GUARD ASSOCIATION OF KAN
Ralph J. Ford	Topeka	TAG
Jay D. Cole	Topeka	The Adjutant Gen Dept
Edith M. House	Topeka	The Adjutant Gen Dept
R. J. C. Stever	Topeka	Ks. St. Hist. Soc.
Lee Mansfield	Topeka	DVA - Personnel Serv.
Floyd W. Woodburn	"	" "
Robert Epps	"	KDHE
W. S. Shumard	✓	DVA 601 SOR
Robin Bradley	"	KCC
Susan Schwenk	"	Budget Section
Nancy Echols	"	Dir. Pers. Service
Sherry Brown	"	Dept. of Admin
Bill Curtis	"	KASB
WARREN CORMAN	"	BD. OF REGENTS
Merle Hill	"	Ks Assn Com. Col. 1305
Dennis Williams	"	Dir. of Budget

2/11/85 ↘

STATE OF KANSAS



DEPARTMENT OF ADMINISTRATION  
Division of Personnel Services

JOHN CARLIN,  
Governor  
NORMAN HANSON,  
Director of Personnel Services

State Office Building  
Topeka, Kansas 66612-1595

M E M O R A N D U M

DATE: February 6, 1985  
TO: House Ways and Means Committee  
FROM: Norman Hanson, Director, Division of Personnel Services  
RE: Explanation of H.B. 2125

Following is a summary of the changes that H.B. 2125 would make in the Kansas Civil Service Act.

Section 1(a) lists the sections of the State Civil Service Act under which employees may appeal to the Civil Service Board. The language beginning with line 0030 adds the section concerning "whistleblowing" that was enacted by the 1984 Legislature.

Section 1(b). The change in line 0038 is a clarification.

Section 1(c). The change beginning with line 0045 provides that the parties to a hearing before the State Civil Service Board, and not just the Board, may take depositions of witnesses. The change in line 0050 gives the Board some discretion in issuing subpoenas that have been requested by parties to a hearing. The change beginning with line 0052 authorizes an agency or a person who is required to produce books or papers in advance of a Civil Service Board hearing to recover costs from the person or agency for whom the material is produced.

(Continued)

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The remaining changes in subsection (c) give a hearing examiner designated by the Board the authority to administer oaths and to examine public records.

Section 1(e). Sometimes witnesses who are subpoenaed for a Civil Service Board hearing appear, but are not put on the witness stand. The change permits the Board to determine whether to pay the witness fee and mileage if the person is otherwise entitled to receive them.

Section 2. The change makes it discretionary, rather than mandatory, for rules and regulations to be adopted concerning handling of appeals to the Board.

Section 3. The changes are all grammatical; except for the change beginning in line 0128, which is necessitated by repeal of the section referred to.

Section 4. The changes in subsection (b), starting with line 0148, remove the requirement that eligible lists, promotion lists, and reinstatement lists must remain in effect for one year and may be extended for a maximum of three years. The director of personnel services would be given the authority to determine the period of eligibility, and the period of any extensions.

Section 5. The change beginning in line 0222 would permit a person on a temporary appointment to work up to 1,000 hours within a 12-month period. Under existing law, a temporary appointment is terminated at the end of 25 weeks, even though the temporary employee has worked fewer than 1,000 hours.

Section 6(b). The change in line 0258 requires an agency proposing dismissal, demotion, or suspension of a permanent employee to notify the employee in writing not only of the reasons for the action but also the factual basis therefor.

The change in line 0264 provides that the effective date of the proposed dismissal, demotion, or suspension of a permanent employee may be as long as 14 calendar days from the date the action is proposed. Present law allows no more than ten calendar days. The change gives the agency and the employee more time before final decision is made.

The change beginning in line 0283 gives the employee the right to be represented if the employee exercises his or her option to appear before the appointing authority on the issue of a proposed dismissal, demotion, or suspension.

Section 6(c). Present law permits an agency, with the approval of the Director of Personnel Services, to extend the date by which a permanent employee who is proposed for dismissal, demotion, or suspension, may respond to the agency on the proposal. The changes beginning with lines 0287 and 0290 remove the requirement that the Director of Personnel Services approve the extension of time, but require the agency to notify the employee and the Director of the extension. The change beginning in line 0293 removes meaningless language.

Section 6(d). The change beginning with line 0300 is clarification. The change beginning in line 0304 requires the agency to notify the Director of Personnel Services of the agency's final action on a proposal to dismiss, demote, or suspend a permanent employee.

Section 6(e). Present law permits an agency to withdraw or modify a proposal to dismiss, demote, or suspend a permanent employee. The changes beginning with line 0316 remove the requirement that the Director of Personnel Services approve the withdrawal or modification, but require the agency to notify the employee and the Director of the withdrawal or modification.

Section 6(f). The change makes it clear that a request for a hearing before the State Civil Service Board shall be submitted to the Director of Personnel Services.

Section 7. This section of existing law lists a number of "personal conduct" reasons for which a permanent employee may be dismissed, demoted, or suspended. The change in line 0363 is a clarification. The change in line 0383 makes neglecting a patient or other person in an employee's care grounds for disciplining the employee. The changes in lines 0398 and 0399 add gross carelessness or gross negligence, and grossly improper use of state property as "personal conduct" grounds for disciplining an employee. The change beginning in line 0400 adds sexual harrasment arising out of or in connection with employment as a "personal conduct" ground for discipline.

Section 8 is clean-up language.

Section 9 is grammatical changes and clean-up language except: Line 0440 permits the Director of Personnel Services to designate a representative to attend meetings of the Civil Service Board; and line 0462 removes the requirement of existing law that the Director of Personnel Services prepare regulations on employee health.



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February 6, 1985  
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Section 10. The change beginning in line 0498 makes it discretionary, rather than mandatory, for the Adjutant General and the Secretary of Administration to enter into agreements for the Division of Personnel Services and the Civil Service Board to provide services for county, city, and interjurisdictional disaster agencies.

The change in line 0504 deletes the reference to the State Finance Council and substitutes the Secretary of Administration. Case law by the Kansas Supreme Court precludes the Finance Council from acting in this capacity.

The other changes in Section 10 are clean-up.

HOUSE BILL No. 2131

By Committee on Ways and Means

1-31

0017 AN ACT authorizing the secretary of administration to enter into  
0018 certificate of participation financing arrangements.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. (a) The secretary of administration is authorized  
0021 to enter into certificate of participation financing arrangements  
0022 to provide financing or refinancing for personal property and  
0023 fixtures ~~to be~~ acquired ~~by~~ one or more state agencies.

0024 (b) As used in this section, certificate of participation financ-  
0025 ing means an installment purchase or lease purchase agreement  
0026 that is subject to appropriations and which is structured to allow  
0027 investors to receive a portion of the principal and interest pay-  
0028 ments made by state agencies as required by the agreement.

0029 Sec. 2. This act shall take effect and be in force from and  
0030 after its publication in the Kansas register.

[for

At least 20 days prior to entering into any certificate of participation financing arrangements under this section, the secretary of administration shall give written notice of the proposed arrangements, including a description of the property and fixtures involved, to each of the legislative members of the state finance council.

2/11/85

III

STATE OF KANSAS  
THE ADJUTANT GENERAL

TOPEKA, KANSAS 66601-0300

February 11, 1985

STATEMENT BY MAJOR GENERAL RALPH T. TICE, THE ADJUTANT GENERAL

House Bill 2062

Mr. Chairman, Members of the Committee on Ways and Means:

I wish to thank all of you for your outstanding support of the Kansas National Guard.

I support House Bill 2062.

The Guard is a significant factor in the economic condition of our State. The 1,755 full-time federal employees produces a significant income. But more important, the National Guard Bureau has given the State the organization that requires a large full-time force because of the quality of Kansas Guardsmen.

This bill will assist us in enhancing a continuing education program for our Guardsmen, which ensures their capability of maintaining those skill levels necessary for the high technology equipment that is coming into the Guard.

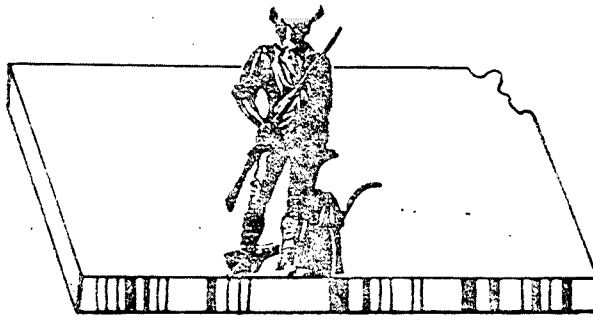


Ralph T. Tice  
Major General, Kansas Army  
National Guard  
The Adjutant General

2/11/85







## NATIONAL GUARD ASSOCIATION OF KANSAS

P.O. BOX C-300, TOPEKA, KANSAS 66604

Telephone Area Code 913, 232-1566

11 February 1985

SUBJECT: House Bill 2062 (Kansas Army and Air National Guard Educational Encouragement Act)

Mr. Chairman; Members of the House Ways and Means Committee

I am Major Steve Thomas, Chairman of the Legislative Committee of the National Guard Association of Kansas. Our Association is 900 members strong. We promote and support a sound State and national security. In that light, we totally support House Bill 2062 for it provides tuition assistance to our fellow Kansans who are members of the Kansas National Guard both Army and Air.

As you may know, Senate Bill 72 which contained the same language as the Bill before you today, died on General Orders in the House during the 1984 session, but only after it had passed the Senate in 1983 and the Ways and Means Committee of the House last year. Last year we heard from distinguished leaders of the Kansas National Guard voicing support of a tuition assistance bill. The Legislature heard Major General Ralph T. Tice, The Adjutant General of the State of Kansas; Brigadier General Gene Budig, Chancellor of the University of Kansas; Colonel (Retired) Mike Serras of the National Guard Association; and Chief Master Sergeant Melvin Simpson, of the Enlisted Association. These responsible leaders have studied the impact of this legislation and understand the importance it will play in the future of the Kansas National Guard. House Bill 2062 has the support in our communities with over 9,000 Guardsmen across the State.

This Bill will help your National Guard attract and retain the highly motivated young men and women required to meet the ever increasing recruiting standards. The Kansas National Guard is currently manned at 87 percent of assigned strength and scheduled to grow by 1000 positions over the next three years. Due to the low birth rates in the 1970s, eligible recruits will be at a premium the rest of this decade through 1995. Migration patterns indicate a loss of midwestern populus to other areas of the country. Active duty forces and private industry across the country will be competing for the same outstanding young people that we need in the Kansas National Guard. This educational enticement will help meet our strength goals with quality people.

This bill is a five year phase-in program. Based on todays dollars, if 10% of our Guard members participate in the program at the 50% tuition assistance level, it would cost the State \$250,000. During the first year of its enactment, with only 10% tuition assistance it will cost \$50,000.

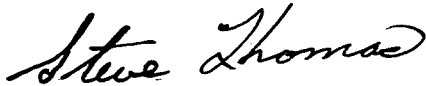
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Our weapon systems become more complex every year. We must meet this challenge or "state of the art technology" will run away from our capabilities to maintain our equipment and manage its application during conflict. We not only need the technician on the job, but also the supervisor and the leader who provides the guidance and motivation. This bill will stimulate educational growth in vocational fields as well as college curriculums. It will benefit both our enlisted and officer force. Its impact will be felt across the state at 64 Kansas Guard installations, many campuses and other communities.

The strength of a nation is only as great as the will of its people. This bill is a signal of our grass roots resolve to sustain a modern highly skilled, fully manned National Guard that will meet the needs of today and the future. It promotes education and thus responsible citizenry. We believe it will help keep Kansans in Kansas.

I thank you for your time, and hope you will give this bill favorable consideration.

A handwritten signature in cursive script that reads "Steve Thomas".

STEVE THOMAS  
Chairman, Legislative Committee

I am Sergeant First Class Edith M. Houser. I am a member of the Kansas Army National Guard. I belong to the Enlisted Association National Guard of Kansas and the Enlisted Association National Guard of the United States.

I support House Bill Number 2062.

2/11/85 VI



REPORTS OF STANDING COMMITTEES

Your committee on           Ways and Means

Recommends that           HB 2125

"AN ACT concerning the Kansas civil service act; personnel policies and procedures; powers, duties and functions of director personnel services and secretary of administration; amending K.S.A. 75-2929d, 75-2929g, 75-2940, 75-2942, 75-2945, 75-2949, 75-2949f, 75-2961, 75-3746 and 75-3747 and repealing the existing sections; also repealing K.S.A. 75-2951

be passed.

      A. J. Senter       Chairman.