

Approved Thomas F. Walker 88
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Thomas F. Walker at
Chairperson

9:00 a.m./p.m. on Monday, February 29, 1988 in room 522-S of the Capitol.

All members were present except:

Representative Bowden - Excused
Representative Schauf - Excused
Representative Peterson
Committee staff present:
Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.
Mary Galligan - Legislative Research Dept.
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

Representative Teagarden
Representative Rolfs
Don Jacka, Assistant Secretary, State Board of Agriculture

Chairman Walker called the meeting to order. He stated the minutes of the previous meeting would stand approved at the end of the meeting if there were no corrections/additions.

HB 2841 - Kansas Civil Service Act

Representative Teagarden, bill sponsor, presented copies of his testimony to the committee. (Attachment 1) The bill relates to temporary and seasonal employees. He went through the Sections and subsections of the bill. He would like to see that temporary employees are hired by using objective, merit-based minimum qualifications, not because of favoritism or political considerations. It is not a good message to send to the youth of Kansas if otherwise. There would be no penalty if someone was found out to be doing this, just the embarrassment of the situation. Representative Teagarden had been to Post Audit with a request to study this, but he said they were probably correct in turning this down because it doesn't need study, just action. This is why he had a bill drafted.

Representative Rolfs appeared in support of the bill. He commented that some incorrect hiring practices have taken place in the state since before he was born. It seem to him to be an appropriate measure to have this bill drafted and considered. The state should not be in the business of locking people out of a process that should be using competent temporary and seasonal people. This would be a good public policy statement for the legislature to make.

The Chairman asked for other conferees on HB 2841. Seeing none he closed the hearing.

The next item of business was HB 2990 - Powers & Duties; State Board of Agriculture

Assistant Secretary, Don Jacka, appeared to speak on the bill. He said it repeals two statutes which are out-moded. (Attachment 2) The first statute, K.S.A. 2-2216, authorized the Secretary to promulgate rules and regulations for the restricted use of Endrin in the control and eradication of chinch bugs. To use Endrin otherwise is a violation of federal and state laws.

The second statute, K.S.A. 65-761 through 65-769 inclusive is the artificial dairy products labeling act. This was enacted by the legislature in 1985. This act was declared unconstitutional by Judge Rogers in the United States District Court for the District of Kansas. The Court ruled this Act was preempted by labeling provisions of the Federal Food Drug and Cosmetic Act. This judgment was handed down July 9, 1987. Mr. Jacka said that in each instance, the statutes should be repealed because each act is contrary to existing federal law. HB 2990 would merely remove legislation which is no longer valid from the books.

The Chairman asked if there were any other conferees on HB 2990. As there were none, he closed the hearing on the bill.

Representative Sughrue moved to pass HB 2990 favorably and place it on the Consent Calendar. Representative Sebelius gave a second to the motion. The motion carried.

The committee took up HB 2903 for final action.

Representative Brown moved to amend HB 2903 by striking lines 43 thru 45, enlarge the board to 3 persons and insert Kansas Commission for the Deaf and Hearing Impaired in the appropriate place. Representative Ramirez gave a second to the motion. The motion carried. Representative Brown moved to pass HB 2903 as amended. Representative Ramirez seconded the motion. The motion carried.

The meeting was adjourned.

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

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HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: AGRICULTURE AND SMALL BUSINESS
 APPROPRIATIONS
 ECONOMIC DEVELOPMENT
 POST AUDIT

February 29, 1988

Mr. Chairman, members of the committee, thank you for allowing me to present HB 2841 to you. I am George Teagarden, representing the 12th District in the Kansas House.

House Bill 2841 amends the Kansas Civil Service Act relating to the appointment of temporary and seasonal employees by state agencies.

Section 1, (a), (b), (c) state the limitations whereby positions may be filled in the classified service without utilizing eligible lists.

Section 1, (d), (1) contains the amendment that I am proposing. Basically it states that temporary assignments will be made by using objective, merit-based minimum qualifications. This section also states that temporary employees will be hired without regard to partisanship, personal favoritism or political considerations. Language in this section makes clear that no list will be submitted to agencies that have the effect of interjecting partisan politics into the hiring process or that any agency will accept such a list.

This issue was brought to my attention last summer by an article which appeared in the Hays Daily News. The article indicated that some summer employees of Kansas Department of Transportation were hired because their names were on a list that was developed to reward those who had showed support for the current administration.

I believe that this type of conduct by state government sends the wrong message to the youth of Kansas. Many of the temporary workers are students who are supporting their education by working during the summer. We should not tell these youth that they can have a job if their parents support the right party or candidate. Youth need to know that objective, merit-based qualifications are necessary to get a job, not who you know.

*Attachment 1
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I urge your support of HB 2841. Lets tell our youth that qualifications are rewarded, not patronage.

Thank you. Do you have any questions.

GEORGE TEAGARDEN
State Representative
District #12

PROPOSED TESTIMONY
FOR
GOVERNMENT ORGANIZATION COMMITTEE
ON HOUSE BILL 2990

This bill repeals two statutes which are out-moded. The first of these, K.S.A. 2-2216, authorized the secretary of the State Board of Agriculture to promogate rules and regulations for the restricted use pesticide Endrin to aid in the control and eradication of chinch bugs (*Blissus leucopterus*). At the present time Endrin is not available for this purpose. Furthermore Endrin is not labeled for use on chinch bugs. The only allowable use of Endrin is for control of army cutworms on wheat. To use Endrin on a pest for which Endrin is not labeled is a violation of both federal and state law.

The second piece of legislation, K.S.A. 65-761 through 65-769 inclusive is the artificial dairy products labeling act which was enacted by the legislature in 1985. This act was declared unconstitutional by Judge Rogers in the United States District Court for the District Kansas, case entitled Committee for Accurate Labeling and Marketing v. Sam Brownback, Secretary of the Kansas State Board of Agriculture, et al., Case no. 86-4296-R. The Court ruled that the Kansas Artificial Dairy Products Act was preempted by labeling provisions of the Federal Food Drug and Cosmetic Act and therefore in violation of the Supremacy Clause of the United States Constitution. This judgment was rendered on July 9, 1987.

In each of these instances, the statutes should be repealed because each act is contrary to existing federal law. Therefore this bill merely removes from the statute book legislation which is no longer valid.

This completes my testimony and I will be willing to answer any questions the Committee might have.

*Attachment 2
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