

Approved March 21, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Winter - ViceChairperson at
Chairperson

1:45 ~~xxx~~/p.m. on March 15, 1988 in room 531-N of the Capitol.

All members were present except:
Senator Vidricksen
Senator Bogina

Committee staff present:
Julian Efird - Research
Jill Wolters - Revisor

Conferees appearing before the committee:

Representative Nancy Brown
Bill Fansler - Vice President of Kansas Association for the Deaf
Dick Vallandingham - Chairman of Kansas Commission for the Deaf and
Hearing Impaired.
David Rosenthal - Kansas Commission for the Deaf and Hearing Impaired

Senator Winter called the meeting to order and introduced Representative Brown who briefed the committee on HB 2903 concerning the Kansas Commission for the Deaf and Hearing Impaired.

Representative Brown explained that this bill would increase the number of deaf or hearing impaired persons on the Commission from two to three and would eliminate the requirement that there be a member who is licensed to fit hearing aids in Kansas.

Mr. Fansler spoke in support of the bill stating that the Kansas Association of the Deaf would like to have more deaf and hearing impaired people represented on the board as they felt that two were not enough to make any impact on the board. They want to be more involved in running their affairs.
(Exhibit A)

Mr. Vallandingham also spoke on behalf of HB 2903 saying that it was important for the Commission to have adequate representation of the hearing impaired community, as well as professionals serving the hearing impaired, parents of hearing impaired children, and representatives of appropriate state agencies. This bill, if passed, would increase the representation of hearing impaired Kansans. (Exhibit B) David Rosenthal addressed the committee briefly also expressing support for this bill.

Attention was then turned to HB 2990 relating to certain powers and duties of the State Board of Agriculture. Mr. Kenneth Wilke spoke in support of this bill stating that it would repeal two statutes which are out-moded. It would restrict the use of the pesticide Endrin for use on control of army cutworms on wheat only. The second piece of legislation concerned the artificial dairy products labeling act. The Court had ruled that this act was preempted by labeling provisions of the Federal Food Drug and Cosmetic Act. He stated that both of these concerns were contrary to existing federal law. (Exhibit C)

A motion to approve the minutes of the March 14th meeting was made by Senator Hoferer and seconded by Senator Frey. Motion carried.

There being no further business the meeting was adjourned by the Vice-Chairperson with no action taken.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: March 15, 1988

NAME	ADDRESS	COMPANY/ORGANIZATION
BILL FANSLER	1940 BOWMAN CT - Topeka	KANS. ASSN of Deaf
DAVID ROSENTHAL	TOPEKA	KCDHI
DICK UALLANDINZHAM, PHD	1111 W. 59 th Terrace Shawnee KS	KCDHI

House Bill 2903

Regarding the structure of Kansas Commission for the Deaf and Hearing Impaired board.

I am Bill Fansler of Topeka, 2nd vice president of Kansas Association of the Deaf and I am representing KAD.

I am here to testify on House Bill 2903 regarding the structure of the Kansas Commission for the Deaf and Hearing Impaired board.

The Kansas Association of the Deaf had its biennial convention last summer in Wichita. The members passed a proposal to make KCDHI have more deaf deaf and hearing impaired people represented in the board.

The reason was that the members felt that there are only two deaf and hearing impaired in the board appointed by the governor are not enough to make any impact in the board. There are 16 members overall. The deaf wanted to see more deaf people in the board.

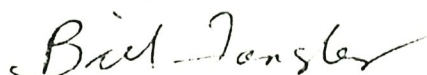
The commission is actually for the deaf and hearing impaired. They feel that more qualified deaf and hearing impaired be chosen from a list provided by Kansas Association of the Deaf which can furnish a list of qualified deaf and hearing impaired people to the governor for his consideration.

The deaf and hearing impaired want to shed "paternalistic" image, that is letting hearing people run their affairs. They want to be more involved in running their affairs.

We believe that the bill is reasonable to everybody concerned.

In conclusion, the members of the Kansas Association of the Deaf wish to see qualified deaf and hearing impaired be given more opportunity to become board members of the Kansas Commission for the Deaf and Hearing Impaired.

Thank you for giving me the opportunity to express the view on behalf of the Kansas Association of the Deaf.



Bill Fansler, 2nd vice-president
Kansas Association of the Deaf
1940 Bowman Court
Topeka, Kansas 66604



STATE OF KANSAS
MIKE HAYDEN, GOVERNOR
STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

KANSAS COMMISSION FOR THE DEAF
AND HEARING IMPAIRED

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March 15, 1988

Testimony in Support of House Bill 2903

The Kansas Commission for the Deaf and Hearing Impaired was set up to represent the needs and concerns of the deaf and hearing impaired citizens of Kansas. To accomplish this task, it is important for the Commission to have adequate representation of the hearing impaired community, as well as professionals serving the hearing impaired, parents of hearing impaired children, and representatives of appropriate state agencies.

The present make-up of the Commission allows only two positions for hearing impaired individuals on the 16-member Commission. The proposed changes of HB 2903 would increase the number of seats assigned to hearing impaired individuals to a minimum of four and would allow the opportunity for qualified hearing impaired individuals to fill other seats on the Commission.

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The Kansas Commission for the Deaf and Hearing Impaired therefore supports passage of HB 2903 as a means of increasing the representation of hearing impaired Kansans.

Dick Vallandingham, Ph.D.

Chairman

Kansas Commission for the Deaf
and Hearing Impaired

(816) 254-7871

PROPOSED TESTIMONY

FOR

SENATE 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. No appeal was taken.

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.