

Approved April 6, 1988
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Vidricksen at
Chairperson

1:13 ~~xxx~~/p.m. on March 29, 1988 in room 531 N of the Capitol.

All members were present except:

Senator Gaines

Committee staff present:

Jill Wolters - Revisor
Julian Efird - Research

Conferees appearing before the committee:

John Luttjohann - Department of Revenue
Steve Robinson - Ombudsman for Correction
Michael Barbara - Washburn Law School
Joe Ruskowitz - Wyandotte County Community Corrections Program
Stanley C. Grant - Kansas Department of Health and Environment
Mary Ann Gabel - Behavioral Sciences Regulatory Board
Dennis Taylor - Kansas Department of Human Resources
Ed Flentje - Department of Administration
Jim Mankin - Department of Health and Environment
Darrell Montei - Kansas Department of Wildlife and Parks
Paul Fleener - Director of Public Affairs, Kansas Farm Bureau
Rick McKee - Kansas Livestock Association
Charles Lutz - Barber Board

The Chairman called the meeting to order and attention was turned to HB 2993 which would repeal statutory sections relating to taxation and the the State Department of Revenue. He called on John Luttjohann who presented testimony listing statutes which his Department considered to be obsolete. (Exhibit A)

Steve Robinson addressed HB 2994 which would establish a Kansas Criminal Justice Commission. This Commission would provide recommendations to achieve a more comprehensive and cohesive criminal justice system. (Exhibit B) Michael Barbara also spoke in support of this bill from his background as judge and as secretary of corrections. He stressed the need to create a mechanism whereby those persons and agencies who are involved in the criminal justice system can address the problems and help to get them resolved. He stressed the need to address this problem immediately as many of the problems do not have the luxury of time to study and debate and urged something to be done in this session. (Exhibit C) Joe Ruskowitz also spoke in support of this bill but asked that it include representatives in the local government.

Upon conclusion of the discussion of HB 2994 the chairman announced that he wanted to talk with the Governor's office before taking any action on this bill.

HB 3008 which would establish an Advisory Commission on Health and Environment was addressed by Stanley Grant. He explained that the proposed bill would create an Advisory Commission on Health and Environment that would consist of 13 members appointed by the Governor for terms up to 4 years and would they would have at least four quarterly meetings. He explained that this Commission is needed to assess health and environmental issues affecting the citizens of Kansas and would assist the Secretary in identifying program direction and emphasis for the next 5-10 years. (Exhibit D)

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,

room 531 N, Statehouse, at 1:13 ~~xxx~~ p.m. on March 29, 1988

Attention was then turned to HB 3030 which would amend existing laws that concern licensed psychologists, registered masters level psychologists, and social workers. In general, the amendments give the Behavioral Sciences Regulatory Board more discretion in handling disciplinary actions involving persons licensed or registered by the Board. Mary Ann Gable spoke in support of this bill and requested an amendment to it by deleting "(e)" on line 0126 which would restore per diem compensation for the board members. (Exhibit E)

HB 3031 which would regulate professional counselors and establish an Advisory Committee on professional counseling was also addressed by Mary Ann Gable. She explained that this bill went hand in hand with HB 3030. This bill would amend several statutes concerning professional counselors and amend the residency requirements for registration as a professional counselor to include persons who are residents or who provide services in the state. It would also clarify the authority of the Behavioral Science Regulatory Board. She requested an amendment to this bill by deleting "(e)" on line 0159 and restoring the language in lines 0156-0158 which will reinstate per diem compensation for the advisory committee members, two of whom are board members. (Exhibit F)

The committee then looked at HB 3024 which would abolish certain boards, councils, committees and commissions. Dennis Taylor introduced Ed Flentje who explained that this bill was in a sense "spring cleaning" of certain groups that were no longer needed. James Mankin addressed the advisory committees of the Kansas Department of Health and Environment and the Renal Disease Advisory Committee and the Advisory Committee on Food Service and Lodging Standards and stated that he spoke in support of the provisions that would abolish these committees. (Exhibit G) Darrell Montei spoke in support of the the Agricultural Labor Relations Board as did Paul Fleenor. Mr. Fleenor presented testimony and asked the committee to delete any reference to the Agricultural Labor Relations Act or Board from this bill. (Exhibit H) Written testimony was presented from Wilbur Leonard representing the Committee of Kansas Farm Organizations. He stated their opposition to the abolition of the agricultural labor relations board but recommended that the board be activated on an "as needed" basis whenever a crises arose and that the board be returned to a dormant status when such events no longer exist. They also opposed the repeal of the entire agricultural employment law as proposed in this bill. (Exhibit I) Rick McKee spoke on Behalf of the Kansas Livestock Association asking to maintain the Agricultural Labor Relations Board because it is beneficial to both parties. He pointed out that the Board has only met twice in 15 years because they have not had many problems and their people are getting along well. Therefore the administrative expense in minimal. (Exhibit J)

HB 2660 concerning barbers and relating to course instruction and teachers' certificates was brought up for discussion. Charles Lutz addressed the committee on this bill. He explained that this bill would allow barber schools to enroll part-time students and they felt more people would enroll if they could work and go to school at the same time. The bill would also allow barbers to hold instructors licenses without teaching in a school. (Exhibit K)

The committee turned its attention back to HB 3024. Senator Frey made a motion to strike the reference to the Agricultural Labor Relations Board. This was seconded by Senator Francisco and the motion carried.

Senator Hoferer made a motion to strike sub section (h) relating to the governor's residence advisory commission. This was seconded by Senator Frey and the motion carried.

Senator Francisco made a conceptual motion to amend into sections 15, 16, or 17 to give priority to printing of wildlife stamps to Kansas publishers. This was seconded by Senator Strick and the motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,
room 531 N, Statehouse, at 1:13 ~~xxx~~ p.m. on March 29, 19 88.

Senator Frey made a motion to amend HB 2990 into HB 3024 with the exception of the part which pertains to artificial dairy products. This was seconded by Senator Francisco and the motion carried.

The meeting was then adjourned at 2:30 by the Chairman with no further action taken.

GUEST LIST

COMMITTEE: Senate Governmental Organization DATE: March 29, 1988

NAME	ADDRESS	COMPANY/ORGANIZATION
DARRELL MONTEI	TOPEKA	KS. DEPT. WILDF. & PARKS
Paul E. Fleener	Manhattan	Kansas Farm Bureau
Marjorie J. Van Buren	Topeka	Office of Judicial Administration
Mary Ann Gabel	"	BSRB
Len Cahw	"	Ks. Assn of Prof. Psychologists
Wilbur Leonard	"	Comm. Ks Farm Organizations
DOROTHY ILSEN	Topeka	Kansas ARTS COMMISSION
Michael Barbara	"	Washington Van School
Stewart Robinson	"	Ombudsman for Practitioners
John Luttjohann	"	Dept. of Revenue
Charles I Lutz	"	Beber Band
Rosalyn Zellman	"	Beber Board
Jim Markin	"	Dept. of Health & Environment
John T. Peole	"	KDHE
Stanley G. Grant	"	KDHE
Rich McKee	Topeka	Kansas Livestock Assoc
Dennis Taylor	"	Ks. Dept of Human Resources
Evelyn Miller	"	Ks. STATE HISTORICAL SOC
Terry Harmon	"	" " " "
Jacque Dakes	"	Ks. Soc. of Land Surveyors
Helen Stephens	"	"
JOHN D. PINEGAR	Topeka	Kansas Bureau of Investigations
BRAD SMOOT	Lawrence	Dept. of Adm.
W. E. Hunt	Topeka	" " "
JOE RUSKOWITZ	Wyandotte County	Wyandotte County Community Council



KANSAS DEPARTMENT OF REVENUE

Division of Taxation

Robert B. Docking State Office Building

Topeka, Kansas 66625-0001

MEMORANDUM

TO: The Honorable Ben Vidricksen, Chairman
Senate Committee on Governmental Organization

FROM: John R. Luttjohann
Director of Taxation

A handwritten signature in dark ink, appearing to be "J. Luttjohann", is written over the printed name.

DATE: March 29, 1988

RE: House Bill 2993
1988 Legislative Proposals - Obsolete Statutes

Thank you for the opportunity to appear before you today on House Bill 2993.

Listed below are those statutes which our review indicates can be considered obsolete. Portions of statutes that are also obsolete are marked by statute and subsection.

41-401	Deals with bonding required by warehouses engaged in distribution of alcoholic beverages. This provision is duplicative as the topic is also covered in K.S.A. 41-417.
79-3226a	Death while in military service from December 7, 1941 until termination of World War II. Abatement or refund of tax.
79-3226b	Death while in military service in "combat zone" on or after June 25, 1950. Abatement or refund of tax.
79-3241 to 79-3267	Numbers apparently used in prior years. Currently serving no function.
79-3297a	Refers to 79-3296 and allows for the Secretary of Revenue to change percentage to be withheld in order to better reflect Kansas tax liability.
79-32101(a) and (e)	Refers to Declaration of Estimated Tax. The term "declaration" is no longer specifically applicable to state forms or processing procedures.

79-32,117f & 79-32,117g	Numbers apparently used in prior years. Currently serving no function.
79-32,144 to 79-32,152k	Numbers apparently used in prior years. Currently serving no function.
79-32,161 to 79-32,165a	Certified Oil Production Process deduction expired December 31, 1985.
79-32,166 - 79-32,170	Solar energy credit expired December 31, 1985. Last allowable carryover can be claimed in 1987 tax year.
79-32,171 to 79-32,174c	Numbers apparently used in prior years. Currently serving no function.
79-45a01 to 79-45a03	Solar Energy Property Tax Refund. Refund expired on December 31, 1980. Claims can only be filed in four succeeding years. All date limitations for refunds have expired and the statute is no longer applicable.

The Department supports the amendment to remove the reference in the bill to K.S.A. 79-1537d. This inheritance tax statute deals with the QTIP election and was erroneously cited as an obsolete statute.

I would be happy to respond to any questions you may have.

**CORRECTIONS OMBUDSMAN BOARD
OFFICERS**

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Shari Caywood, Vice-Chairperson
Floyd Gaunt, Secretary



**OFFICE OF THE OMBUDSMAN
FOR CORRECTIONS**

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Steven A. Robinson

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Ron R. Ross

TESTIMONY TO SENATE GOVERNMENTAL
ORGANIZATION COMMITTEE RE: HB 2994

March 29, 1988

Since the beginning of Fiscal Year 1981, the inmate population in the State of Kansas has grown by an average of 464 inmates per year and is two and a half times what it was on June 30, 1980. In the same amount of time, we have seen the number of Department of Corrections' institutions double in number and have borne the expense of providing more and more bed space for inmates. For at least the last two years, the number of Kansas prisoners per one hundred-thousand population ranks second in the eleven state midwest region, second only to Michigan. This has all occurred during a time in which our crime rate has actually fallen.

We recently have had the Department of Justice investigating the overcrowding situation at the Penitentiary. Action is now pending in the U.S. District Court to modify and enforce the consent decree KSP has been operating under since May 15, 1980. The problem is obvious; however, the possible solutions are not, and therefore, we need a way in which to examine this many-headed beast we casually call our criminal justice system.

House Bill No. 2994 establishes a commission that can provide us with recommendations to achieve a more comprehensive and cohesive criminal justice system. This bill is similar in nature to Senate Bill No. 401 passed by the legislature in 1986, but subsequently vetoed by the Governor. This was indeed an unfortunate occurrence which has delayed the benefits such a commission can provide. On behalf of the Corrections Ombudsman Board, I strongly support the favorable passage of this bill.

APPENDIX I

Fiscal year	1980	1981	1982	1983	1984	1985	1986	1987	1988 1st Half
Crime Index - incidence per 100,000 population	52.9	54.3	50.4	46.0	43.6	43.7	47.6	44.5	N/A
Number of prisoners in custody of SOC - End of FY	2406	2638	2966	3353	3968	4490	4934	5586	5875
Number of state prisoners per 100,000 population	102	118	129	152	173	193	204	229	N/A
Number of Parole Releases	1234	1168	1344	1399	997	1063	1256	1193	804
Number of Paroles and Conditional Releases Revoked - technical violations	160	215	185	202	242	254	334	393	276
Number of Paroles and Conditional Releases Revoked - new sentence	148	228	218	240	249	158	162	197	92
Total Number of Paroles and Con- ditional Releases Revoked	308	443	403	442	491	412	496	590	368

TESTIMONY BY MICHAEL A. BARBARA BEFORE THE
GOVERNMENTAL ORGANIZATION COMMITTEE
ON HB 2994: MARCH 29, 1988

I support HB 2994 and am in complete agreement with the bill. As district judge and as secretary of corrections, I supported the creation of this kind of committee.

We need to create a mechanism whereby those persons and agencies who are involved in the criminal justice system can, through joint and cooperative effort, address the myriad problems facing each component of the system and through understanding of these problems, help to get them resolved.

The problems affecting prison overcrowding can not be resolved without direct involvement of those persons listed in the bill. The problem was not created in a vacuum and it will not be solved in a vacuum. All of the recommendations listed in the bill will have a direct relation to prison overcrowding. The persons comprising the Kansas prison crisis commission are essential and crucial in the attempt to resolve the problem. We have been aware of this for a long time but up to this point in time there has been no mandate to these agencies to sit down together and discuss the issues and no mandate to come up with specific recommendations.

We know that prison overcrowding can be alleviated by simple arithmetics. If we reduce the number of convicted defendants who would enter the prison system, keep them for less time than presently and release them at a faster pace than presently, we will have solved the problem. But we also know that this is easier stated than accomplished. Only the judges can control the

March 29, 1988

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number of convicted offenders who come into the prison system. Only the parole board can control the numbers and rate of release by parole, except for governor commutations and releases by "flattening" of sentences. And of course, the legislature has a direct control by enactment of statutes which define crimes and set the parameters of impossible sentences. The secretary of corrections is in the midst of all this but has no direct control over who comes in and when the inmate is to be released.

All of the agencies listed in the bill play a most vital role in the system. They have control over the population of the prisons.

It is most appropriate that these people get together in a joint and cooperative environment. I do have a concern I need to express and that is the time table here. As Secretary Endell has found in the short time he has been on duty, there are problems which can not have the luxury of time to study and debate. They must be addressed now. I give this caveat in the event that this bill is passed and the feeling then is to do little pending recommendations which can not be addressed until after January, 1989. Some things need to be done in this session.

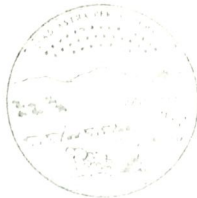
I appreciate the opportunity to speak with this committee.

Sincerely,



Michael A. Barbara
Professor of Law
Washburn Law School

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulett, Ph.D., *Under Secretary*

TESTIMONY PRESENTED TO

SENATE GOVERNMENTAL ORGANIZATION

BY

THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

House Bill No. 3008

Mr. Chairman, members of the Committee, I am appearing today in support of House Bill 3008 which establishes a thirteen member Advisory Commission on Health and Environment to provide overall policy guidance and direction on public health and environment issues for the Secretary. The current structure of two distinct Advisory Commissions, one for the Division of Health and one for the Division of Environment leads to a fragmented approach to assisting the Secretary set policy directions for the Department. Health problems are increasingly linked to environmental anomalies. Advisory Commission members will provide technical expertise from their specialty fields to enhance the knowledge base of the Department.

As proposed in House Bill 3008, the Advisory Commission on Health and Environment will consist of thirteen members appointed by the Governor for terms of up to four years and will participate in at least four quarterly meetings. As far as practical, two members of the Commission will be persons representative of the health field; two members will be persons who practice environmental engineering or geology; three members will be scientists from academia, and/or commercial health or environmental laboratories, or private business; three members will be business leaders utilizing health or environmental services; and three members shall represent the public at large. To the degree possible, the Governor would make his appointments from different parts of the state.

Testimony on House Bill 3008

Page 2

The Advisory Commission is needed to assess health and environmental issues affecting the citizens of Kansas and assist the Secretary in identifying program direction and emphasis for the next five to ten years. Too often program emphasis is established by federal mandates and not based on thorough review of the states health and environmental needs. The Commission can assist the Department in helping to shape state and national policy.

Presented by:
Stanley C. Grant, Ph.D.
Secretary
March 29, 1988

JOHN PREBLE, *Chairperson*
MARY ANN GABEL, *Executive Secretary*

Landon State Office Building
900 S.W. Jackson, Room 855-S
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BEHAVIORAL SCIENCES REGULATORY BOARD

TESTIMONY PRESENTED TO THE SENATE GOVERNMENTAL ORGANIZATION ON

H.B. 3030

March 29, 1988

MR. CHAIRMAN AND COMMITTEE MEMBERS:

I am Mary Ann Gabel, Executive Secretary of the Behavioral Sciences Regulatory Board, appearing before you today on behalf of the board and in support of S.B. 3030.

The board is charged with protection of the public through its licensure and regulation of psychologists and social workers and registration and regulation of master level psychologists.

Regulation of these groups includes investigating complaints filed with the board against licensees and when necessary, taking disciplinary action.

At legal counsel's suggestion, this legislation was introduced at the board's request to address the concerns regarding disciplinary action.

Section 1 (lines 0028-0031), Section 2 (line 0053), and Section 4 (lines 0129-0133) are amended to enable the board to exercise more discretion in taking disciplinary action against its licensees or registrants. The statute now provides for either suspension or revocation of licensure or registration. These amendments enable the board to take action on a license or registration without having to suspend or revoke same.

Other professions have similar language in their statutes concerning the effect of a finding of prohibited conduct:

- pharmacist. K.S.A. 1987 Supp. 65-1627 (revoke, suspend, deny renewal)
- dentist. K.S.A. 1987 Supp. 65-1436 (refuse to issue, revoke or suspend)
- nurse. K.S.A. 65-1120 (deny, revoke, limit, or suspend)
- embalmer. K.S.A. 65-1711a (deny, revoke, suspend, refuse to renew)
- barber. K.S.A. 65-1820 (deny, revoke, suspend, refuse to renew)
- podiatrist. K.S.A. 65-2006 (revoke, suspend, limit)
- healing arts, M.D., chiropractor, osteopath. K.S.A. 1986 65-2836 (revoke, suspend, limit, publicly or privately censure)
- physical therapist. K.S.A. 1987 Supp. 65-2919 (deny, suspend, revoke)
- mental health technician. K.S.A. 65-4209 (withhold, deny, revoke, suspend)
- occupational therapist. K.S.A. 1987 Supp. 65-5410 (deny, refuse to renew, suspend, revoke)
- respiratory therapist. K.S.A. 1986 Supp. 65-5510 (deny, refuse to renew, suspend, revoke)

Section 1 (g) (lines 0042-0048), Section 2(f) (lines 0067-0073), and Section 4(a)(6) (lines 0147-0152) are amended to authorize the board to act on either a license, registration, or application for licensure or registration when another state has taken action. Similar language can be found in the Board of Healing Arts' statutes governing the practice of medicine and podiatry.

Section 3(d) (line 0112), amends the title of the executive secretary to that of executive director. The duties and responsibilities of this position have expanded significantly by the enactment of the professional counselor and the master level psychology registration acts which include the addition of an advisory commission and advisory committee. The board is requesting this amendment to better reflect the scope of responsibility of this position.

Section 5 (lines 0156-0157) repeals K.S.A. 74-5330 as the statute requires the chair to fix the time and place of a hearing to be not less than 30 or more than 45 days after the petition is presented. It is legal counsel's opinion that this statute is unnecessary as the Kansas Administrative Procedures Act (KAPA) establishes procedure. In addition, this statute places too tight of a time line on the board to prepare for a disciplinary hearing.

At the time I presented testimony in the House Public Health and Welfare Committee, no opposition to the legislation was presented or concern expressed.

H.B. 3030 was amended on the floor of the House to remove the per diem compensation for members of the board. My office gathered information regarding per diem compensation on 19 administrative boards with per diem paid by each of the boards' fee fund, not through general funds. Of these 19 boards, only one did not provide for per diem compensation as its members are full-time salaried state employees paid through general funds. The listing is attached for your information.

I request your amendment to this bill by deleting "(e)" on line 0126 which will restore per diem compensation for the board members.

Thank you for permitting me to appear before you today. I will be happy to answer any questions you may have.

Attachment

\$35
PER DIEM

BOARD	YES	NO	AUTHORIZING STATUTE
1. Accountancy	X		K.S.A. 1-203
2. Agriculture	X		K.S.A. 74-504(c)
3. Barbers	X		K.S.A. 74-1806
4. Corrections Ombudsman	X		K.S.A. 74-7401(c)
5. Cosmetology	X		K.S.A. 74-2702
6. Credit Unions	X		K.S.A. 17-22-35
7. Crimes Victims Reparations	X		K.S.A. 74-7303(b)
8. Dentists	X		K.S.A. 74-1405
9. Healing Arts	X		K.S.A. 1987 Supp. 65-2823
10. Kansas Regents	X		K.S.A. 74-3202
11. Mortuary Arts	X		K.S.A. 74-1705
12. Nursing	X		K.S.A. 1987 Supp. 74-1106(e)
13. Optometry	X		K.S.A. 74-1503
14. Parole		Full-time salary	
15. Pharmacy	X		K.S.A. 74-1607
16. Savings and Loan	X		K.S.A. 74-3115
17. State Fair	X		K.S.A. 1987 Supp. 74-521
18. Technical Professions	X		K.S.A. 74-7008
19. Veterinary Examiners	X		K.S.A. 47-819(e)

JOHN PREBLE, *Chairperson*
MARY ANN GABEL, *Executive Secretary*



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BEHAVIORAL SCIENCES REGULATORY BOARD

TESTIMONY PRESENTED TO THE SENATE GOVERNMENTAL ORGANIZATION ON

H.B. 3031

March 29, 1988

MR. CHAIRMAN AND COMMITTEE MEMBERS:

I am Mary Ann Gabel, Executive Secretary of the Behavioral Sciences Regulatory Board, appearing before you today on behalf of the board and in support of H.B. 3031.

The board is charged with protection of the public through its registration and regulation of professional counselors.

Regulation of this group will include investigating complaints filed with the board and when necessary, taking disciplinary action.

This legislation was introduced at the board's request, to: (1) handle residency requirements; (2) provide for substantial equivalence between the advisory commission for the registration of professional counselors and the advisory committee for the registration of master level psychologists; and (3) address the board's concerns regarding administrative disciplinary action.

Section 1(b)(2) (lines 0033-0034) amends the residency requirements for registration as a professional counselor to include persons who are providing services in the State of Kansas. The statute now prohibits persons who are not residents of, or who are not in the process of establishing residency from becoming registered.

This amendment permits persons who are currently working in Kansas but who reside out of state (i.e., Missouri, Oklahoma, Nebraska and Colorado) to become registered as professional counselors.

Section 2 (lines 0059-0060) is amended to enable the board to exercise more discretion in taking disciplinary action against its registrants. The statute provides for either suspension or revocation of registration. This amendment enables the board to take action against a registration without having to suspend or revoke same.

Other professions have similar language in their statutes concerning the effect of a finding of prohibited conduct:

- pharmacist. K.S.A. 1987 Supp. 65-1627 (revoke, suspend, deny renewal)
- dentist. K.S.A. 1987 Supp. 65-1436 (refuse to issue, revoke or suspend)
- nurse. K.S.A. 65-1120 (deny, revoke, limit, or suspend)
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- respiratory therapist. K.S.A. 1987 Supp. 65-5510 (deny, refuse to renew, suspend, revoke)

Section 2(o) (lines 0107-0113) is amended to authorize the board to act on a registration or application for registration when another state has taken action. Similar language can be found in the Board of Healing Arts' statutes governing the practice of medicine and podiatry.

Section 3 (lines 0116-0160), amendments are intended to provide for substantial equivalence between the advisory commission for the registration of professional counselors and the advisory committee for the registration of master level psychologists as defined in K.S.A. 1987 Supp. 74-5368.

At the time I presented testimony in the House Public Health and Welfare Committee, no opposition to the legislation was presented or concern expressed.

H.B. 3031 was amended on the floor of the House to remove the per diem compensation for members of the advisory committee, although advisory committee members for the registration of master level psychologists will continue to receive per diem compensation. The board does not understand this discrepancy. The professional counselor's advisory commission is functioning the same as the RMLP advisory committee, has the same responsibilities and purpose, and compensation should be equivalent.

I request your amendment to this bill by deleting "(e)" on line 0159 and restoring the language in lines 0156-0158 which will reinstate per diem compensation for the advisory committee members, two of whom are board members.

Thank you for permitting me to appear before you today. I will be happy to answer any questions you may have.

STATE OF KANSAS



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field

Topeka, Kansas 66620-0001

Phone (913) 296-1500

Mike Hayden, *Governor*

TESTIMONY PRESENTED TO

Stanley C. Grant, Ph.D., *Secretary*

Gary K. Hulett, Ph.D., *Under Secretary*

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BY

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

House Bill No. 3024

House Bill 3024 abolishes a number of advisory committees and boards. We support the provisions abolishing the following two advisory committees that are attached to the Kansas Department of Health and Environment: the Renal Disease Advisory Committee and the Advisory Committee on Food Service and Lodging Standards.

The Renal Disease Advisory Committee was established (K.S.A. 65-1,110) in 1970 to consult with the Kansas Department of Health and Environment on the renal disease program. In 1973, the federal government included chronic kidney disease as a disability for the purposes of Medicare and individuals formerly covered under the State's renal disease program became eligible for Medicare coverage. Funding for the state program was discontinued in FY 84. Thus there is no need for the Kansas Department of Health and Environment Renal Disease Advisory Committee and the Committee no longer exists except in statute.

The Advisory Committee on Food Service and Lodging Standards was established (K.S.A. 75-5629) to consult with and advise the Secretary of the Kansas Department of Health and Environment on matters relating to food service and lodging. In 1975 the Kansas Legislature abolished the free-standing Food Service and Lodging Board and transferred its responsibilities to the Secretary of the Kansas Department of Health and Environment. At that time the Advisory Committee was created. The Committee is inactive and has not met for several years. Legislation to abolish the Committee was introduced in 1987 but was not enacted.

We support the provisions in House Bill 3024 that abolish the Renal Disease Advisory Committee and the Advisory Committee on Food Service and Lodging Standards.

Presented by:

James D. Mankin, D.D.S., M.P.H.
Director, Bureau of Local Health Services
March 29, 1988

in Landon State Office Building—900 S.W. Jackson



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Re: H.B. 3024 - Abolishing the Agricultural Labor Relations Board

March 29, 1988
Topeka, Kansas

Presented by:
Paul E. Fleener, Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and Members of the Committee:

My name is Paul E. Fleener. I am the Director of Public Affairs for Kansas Farm Bureau. Mr. Chairman, and Members of the Committee, we come to you today seeking your support for our position on H.B. 3024. Our position is this: PLEASE, please delete from H.B. 3024 all of line 32 and in line 33 all through and including 44-830. In addition, we ask you to delete all of lines 45 and 46 and in lines 492, 493 and 494 and by deleting 44-818 through 44-830.

Oh, what a hard fought battle it was in 1972 to win the passage of the legislation creating the Agricultural Employment Relations Act.

Yes, on the organizational chart that might be devised by some Political Scientist it might appear to be entirely appropriate to transfer the duties and responsibilities of the Agricultural Labor Relations Board to some other entity. But Mr. Chairman, Members of the Committee, let me describe briefly for you what went into the enactment of this legislation. Let me

quote briefly to you from the Public Policy Statement contained in K.S.A. 44-818. That public policy indicated that "the lack of orderly procedures to meet and confer has contributed to certain problems in the agriculture industry, including secondary boycotts and work discrepancies during critical periods, which promote strife and pose a threat to the public interest and the free flow of commerce."

When this legislation was proposed and debated in the Halls of the Legislature there was a great deal of strife in the area of agricultural labor. There were strikes in the State of California. There were calls for secondary boycotts ... boycotts of table grapes, boycotts of lettuce, boycotts of other highly perishable commodities. The threat existed for strife in the livestock and commodity areas more generally prevalent in the State of Kansas.

The Legislature went ahead to state, in the public policy developed concerning agricultural employment: **"Recognizing the unique nature of the agricultural industry,** including the public dependence upon its vital products, it is necessary to establish **special** (emphasis added) provisions so that the right to organize and to be represented in meet and confer relationships with agricultural employers may be assured to agricultural employees without undue injury to the public interest."

In 1972 the Agricultural Labor Relations Board, and all of the sections proposed for repeal in **H.B. 3024**, outlining the duties of the board and carefully establishing definitions for boycotts, secondary boycotts, strikes, threats of strikes was

written. This law was created, established, and brought into being for a **very special purpose!**

The legislation, which passed the Senate, then the House of Representatives, was vetoed by then-Governor Robert Docking. And following the veto there was an override in both Houses of the Legislature.

Mr. Chairman, the veto override took bipartisan support. But let me tell you how that veto override came to be in the House of Representatives. Then-Representative John Carlin, now former Governor John Carlin, then-Representative Fred Weaver, then-Representative George Wingert, then-Speaker Cal Strowig and others on both sides of the aisle came to the defense of this legislation and **remarkably** overrode the veto of the Governor.

In the Kansas Senate then-Senator Robert F. Bennett, together with his colleagues in the Senate overrode the veto of the Governor. Governor Bennett fought off every conceivable challenge to any constitutional or other questions concerning the legislation and garnered the support to override the veto.

You will hear or perhaps have heard the Agricultural Labor Relations Board has infrequently been used. That's a blessing. That's not a problem. This legislation has been in place since 1972. It is good legislation. The Agricultural Labor Relations Board established by the legislation is an appropriate entity to discuss and to decide any problems which may arise in agricultural employment representation and relations cases.

We urge the Members of this Committee to delete those portions of **H.B. 3024** which relate to the Agricultural Employment Relations Act and the Agricultural Labor Relations Board.

Let me quote just briefly again from the Public Policy Statement in K.S.A 44-818. That section says this:

It is hereby declared to be the policy of the State of Kansas to eliminate the cause of certain substantial obstructions to the preflow of commerce by encouraging farmers and agricultural employees represented by employee organizations to resolve labor disputes through meeting and conferring in good faith and to protect the exercise by agricultural workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment.

The Agricultural Labor Relations Board was established as a part of the Agricultural Employment Relations Act. The duties and responsibilities of the Board were described fully and completely. So, too, were the rights of employees and rights of employers.

Again, Mr. Chairman and Members of the Committee, we urge you to delete any reference to the Agricultural Labor Relations Act or Board from **H.B. 3024**. Thank you for this opportunity. I would be pleased to respond to any questions.

Committee of . . .

Kansas Farm Organizations

STATEMENT IN OPPOSITION TO PROVISIONS OF HOUSE BILL NO. 3024

BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

March 29, 1988

Chairman Vidricksen and Members of the Committee:

I am Wilbur Leonard, representing the Committee of Kansas Farm Organizations. We appear on only those legislative issues where there is no dissention without our membership.

We oppose the abolition of the agricultural labor relations board created by K.S.A. 44-820. However, we do recommend that the board be activated on an "as needed" basis, whenever agricultural labor controversies and crises arise, and that the board be returned to a dormant status when such events no longer exist.

We likewise oppose the repeal of the entire agricultural employment law as proposed in House Bill No. 3024. These statutes, K.S.A. 44-818 through 830, set forth the general body of law pertaining to the rights of agricultural employers and employees. In addition to establishing the agricultural labor relations board, these sections contain useful guidelines in avoiding agricultural labor-management disputes.

That there have been few recorded cases under this law is probably the best evidence that "it works." It costs the state nothing to maintain the legal standards for agricultural employers and employees and the mechanism for solving their differences. We firmly believe this law has served the state well. We're not so dogmatic as to insist that no changes be made, but we do consider it axiomatic that such changes be effected only after there has been an opportunity for adequate input from both agricultural labor and management. Unfortunately, time in this session does not permit such dialog.

We, therefore, respectfully request that this law remain intact until changes, if merited, pertaining to either the board or the substantive law, can be considered under more deliberative circumstances.

I personally wish to thank each of you for this opportunity to make known our views on this important subject. For your information, following is a roster of our members:

ASSOCIATED MILK PRODUCERS
KANSAS AGRI-WOMEN
KANSAS ASSOCIATION OF SOIL CONSERVATION DISTRICTS
KANSAS ASSOCIATION OF WHEAT GROWERS
KANSAS COOPERATIVE COUNCIL
KANSAS CORN GROWERS ASSOCIATION
KANSAS ELECTRIC COOPERATIVES
KANSAS ETHANOL ASSOCIATION
KANSAS FARM BUREAU
KANSAS FERTILIZER & CHEMICAL INSTITUTE, INC.
KANSAS GRAIN & FEED DEALERS ASSOCIATION
KANSAS LIVESTOCK ASSOCIATION
KANSAS MEAT PROCESSORS ASSOCIATION
KANSAS PORK PRODUCERS COUNCIL
KANSAS RURAL WATER DISTRICT ASSOCIATION
KANSAS SEED DEALERS ASSOCIATION
KANSAS SOYBEAN ASSOCIATION
KANSAS STATE GRANGE
MID-AMERICA DAIRYMEN
KANSAS VETERINARY MEDICAL ASSOCIATION
KANSAS WATER WELL ASSOCIATION



2044 Fillmore • Topeka, Kansas 66604 • Telephone: 913/232-9358
Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

STATEMENT
OF THE
KANSAS LIVESTOCK ASSOCIATION
IN OPPOSITION OF
HOUSE BILL 3024
BEFORE THE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE
SENATOR BEN VIDRICKSEN, CHAIRMAN
SENATOR WINT WINTER, VICE CHAIRMAN
PRESENTED BY
RICH MCKEE
EXECUTIVE SECRETARY, FEEDLOT DIVISION
MARCH 29, 1988

The Kansas Livestock Association (KLA) is a trade organization made up of nearly 10,000 members located in all of the 105 counties. KLA, founded in 1894, has members who are actively involved in numerous aspects of livestock production that include cow-calf/stocker producers, feeders, sheep producers, swine operators, and general farming and ranching enterprises.

Good afternoon. The Kansas Livestock Association opposes House Bill 3024. Lines 0045 and 0046 of this proposal would eliminate the Agricultural Labor Relations Board.

During the early 1970's, the legislature approved a package of ag labor laws. Included in this package was legislation establishing the Agricultural Labor Relations Board. KLA and other ag groups worked diligently to gain support for this package of ag labor legislation.

The Agricultural Labor Relations Board is comprised of three individuals. One is appointed by the Governor from a list of three individuals nominated by the Secretary of Human Resources. This individual is to represent ag employees. The second is appointed by the Governor from a list of three nominees from the State Board of Agriculture. This person is to represent ag employers. The third person is "deemed not to be a representative of either ag employers or ag employees". This person shall be selected and agreed upon by the other two board members. The term of board members is four years and all are eligible for reappointment.

The Agricultural Labor Relations Board has not been very active since its inception. The board has met for two different cases. Once in the mid-seventies and again in 1980. This speaks well for both the ag employers and ag employees in the state of Kansas. In both cases the board performed well. Both cases were resolved without major conflict.

Kansas Livestock Association members would like to maintain the Agricultural Labor Relations Board. Because of agriculture's uniqueness, such a board is beneficial to both parties. Because the board has only met twice in over 15 years, administrative expense is minimal.

For these reasons, the Kansas Livestock Association asks you to amend House Bill 3024 by striking lines 0045 and 0046. Thank you!

HOUSE BILL 2660

House Bill 2660 was introduced to allow barber schools to enroll part-time students. Schools have experienced difficulty in enrolling students. The Board as well as the school owners think more people would enroll if they could work and go to school at the same time. Federal grant money is uncertain, therefore, a potential student is reluctant to go to school full-time and leave the security of a job. Also, more students will create more revenue for the Barber Fee Fund and the General Fund in future years. We cannot estimate a percentage increase in the number students, however, the Board of Cosmetology informed us they saw their enrollment increase 28 to 30% when they began allowing part-time students.

The bill also would allow barbers to hold instructor licenses without teaching in a school. The statute now requires that a person holding an instructor license, teach in a school sometime during a three year period in order to renew their license. We have 29 instructors, half of whom are involving in teaching in barber schools. The other half give private seminars and hold demonstrations. The board feels these instructors are involved in education and it is beneficial to the barbers and the public for them to have the instructor licenses.