

Approved Thomas F. Walker
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 TUESDAY, JANUARY 24, 1989 in room 522-S of the Capitol.

All members were present except:

Representative D. Miller - Excused

Committee staff present:

Avis Swartzman - Revisor

Carolyn Rampey - Legislative Research

Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

Ed Ahrens - Legislative Research

John Wine - Assistant Secretary of State

Ron Thornburgh - Deputy Assistant Secretary of State

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. The minutes will stand approved at the end of the meeting if there are no corrections or additions.

HB 2071-Publication, Distribution & Disposition of Certain State Publications

Ed Ahrens, Legislative Research, was introduced by the Chairman. Mr. Ahrens brought with him several publications including Session Laws, Kansas Administrative Regulations, and Permanent Journals of the House and Senate. He also directed attention to the Kansas Statutes Annotated that were in the room.

Mr. Ahrens went through the attachment which he had distributed to the Committee regarding Proposal No. 51. (See Attachment 1) He went through the background and committee activity. He stated that of the major recommendations of the interim committee, number six was the main focus with the most substantive change. Members of the Legislature will receive two sets of statutes and one set of the administrative rules when they begin service, and thereafter receive supplements and revisions as are necessary to keep sets current. It would not be accurately possible to measure an exact cost figure, but he did mention with regard to these publications, \$22,000, \$13,000 and \$12,000 respectively.

John Wine, Assistant Secretary of State, testified that what his office sought with regard to the bill was clarification of distribution. The greatest concern is consistency.

Concern was expressed over books being distributed which later would not have the appropriate supplements. Many do not know the process involved in obtaining these.

Ron Thornburgh, Deputy Assistant Secretary of State stated that distribution is broken down into free and paid distribution. In answer to a question, Mr. Thornburgh stated he has two part-time students employed for distribution purposes that averages forty-five to fifty hours per week. This will taper off shortly. He will bring a form to show the committee.

The question of schools and libraries receiving the statutes and supplements was discussed. Old sets with no supplements is a problem as is the lack of knowledge of where to acquire such supplements. It was a general consensus that the state librarian's input would be most helpful in clarifying several questions.

The Chairman complemented the committee on its work on this interesting bill. Members asked some questions that the interim committee did not. No final action would be taken at this time.

The meeting was adjourned.

RE: PROPOSAL NO. 51 -- DISTRIBUTION OF CERTAIN STATE
PUBLICATIONS*

Under Proposal No. 51, the Special Committee on Ways and Means/Appropriations was directed to review and make recommendations concerning the distribution of published volumes and supplements to the Kansas Statutes Annotated, the Kansas Administrative Regulations, the Session Laws, and the Permanent Journals of the Senate and House of Representatives, without charge, to officers and agencies of the executive and judicial branches of the state and to officers and agencies of political subdivisions of the state.

Background

The distribution of the four publications named in the Committee's charge under Proposal No. 51 is the responsibility of the Secretary of State. The provisions of four separate statutes direct the Secretary of State to distribute certain copies without charge to officials or entities specifically named or generally described therein. The principal sections dealing with distribution are as follows: K.S.A. 45-106, pertaining to the Session Laws; K.S.A. 45-116, pertaining to the Permanent Journals of the Senate and House of Representatives; K.S.A. 77-138, pertaining to the Kansas Statutes Annotated (K.S.A.); and K.S.A. 77-430, pertaining to the Kansas Administrative Regulations (K.A.R.). The 1988 Legislature amended each of these sections. The 1988 amendments conformed provisions relating to distribution of copies of the publications for use of the Legislature and staff, provided that distribution of a no-charge copy of the Session Laws to a third class city be on a request-only basis, and increased the specified price of the K.S.A. volumes and supplements. However, the Secretary of State suggested to the Legislative Coordinating Council that a more general review of present distribution requirements would be a desirable topic for interim study.

Committee Activity

The Committee reviewed the statutory provisions governing the distribution of the four publications in question and received information from the Secretary of State as to how his office executes the responsibilities for distribution of copies of the publications as delegated by

* H.B. 2017 accompanies this report.

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statute. The Revisor of Statutes presented the Committee with his observations regarding the current situation, principally in regard to his responsibilities for the publication of the Kansas Statutes Annotated. The Committee also heard testimony from representatives of the Judicial Branch, the Kansas Association of Counties, and the League of Kansas Municipalities.

Conclusions and Recommendations

The statutes governing the distribution of the four publications includes provisions that are inconsistent, overly specific, or vague. As a result, these provisions are unduly difficult to administer. Another probable result is the inefficient use of state resources; although, from a marginal cost standpoint, the unnecessary distribution of these essential state publications may not constitute a significant dollar amount.

The following are major examples of the Committee's findings:

1. Although the two publications are essential to each other, K.S.A. and Session Laws distributions differ as to recipients of copies and the number of copies so distributed.
2. Distributions to the various officers and entities of the Judicial Branch are individually specified and do not correspond to current needs (in contrast, distributions for the general use of the Legislature and its staff are as needed).
3. Two sets of K.S.A. are directed to be provided to "appointive state officers who are heads of departments," a term which is not clear as to legislative intent and may not be indicative of need, e.g., the Board of Examiners of Dispensers of Hearing Aids receives two free copies, as does the Department of Revenue.
4. The law requires that a copy of the Session Laws be given to certain state agencies specified by title, but not to others in similar circumstances, e.g., the Secretary of Social and Rehabilitation Services and other cabinet officers are excluded, while the Secretaries of Health and Environment and Human Resources are specified.

5. With respect to local units of government and certain of their entities, there is inconsistency among the publications as to the number of copies to be distributed and whether or not distribution is made on a request basis.
6. There is inconsistency as to pricing the copies distributed to nonspecified recipients of the publications. K.S.A. and K.A.R. prices are specified by law; the price of the Session Laws is set by rule and regulation of the Secretary of State; and the Permanent Journals of the Senate and House of Representatives are distributed without charge. The current statutory price of K.S.A. replacement volumes substantially exceeds the cost of printing and binding.

To address these and other issues, the Committee recommends the introduction of H.B. 2017, passage of which would accomplish the following major recommendations of the Committee:

1. The Judicial Branch should receive without charge the number of copies it needs, as certified by the Chief Justice.
2. Constitutional executive officers of the state should receive one copy of each publication without charge.
3. All other officers and agencies of the Executive Branch should purchase such copies as are needed, subject to appropriation acts of the Legislature.
4. The number of copies distributed of K.S.A. and the Session Laws should be identical.
5. Cities and counties, certain entities thereof, and other nonstate governmental recipients should receive copies without charge up to the number specified in the law, but only upon request.
6. In lieu of the present statutory provisions, members of the Legislature should receive two sets of K.S.A. and one set of K.A.R. upon commencement of service and, thereafter, should receive such supplements and revisions as are necessary to keep the sets current.

7. Prices of all four publications should be based upon recovering the cost of printing and binding, as is now the case with respect to the Session Laws. The Committee recommends that such prices for the K.S.A.'s and the permanent journals be established by the Legislative Coordinating Council and in the case of K.A.R. by the Secretary of State. In addition, the present statute providing for recovering the costs of delivery should be extended to include the Permanent Journals of the Senate and House of Representatives.

Respectfully submitted,

November 16, 1988

Rep. Rochelle Chronister, Chairman
Special Committee on Ways and
Means/Appropriations

Sen. Gus Bogina, Vice-
Chairman
Sen. Ross Doyen
Sen. Frank Gaines*
Sen. Michael Johnston
Sen. Dave Kerr
Sen. Merrill Werts

Rep. William Brady
Rep. Harold P. Dyck
Rep. Duane Goossen
Rep. Henry Helgerson
Rep. Martha Jenkins
Rep. Kenneth King
Rep. Jack Shriver
Rep. Burr Sifers
Rep. George Teagarden
Rep. Thomas Walker

* Ranking Minority Member