

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 FRIDAY, MARCH 3, 1989 in room 522-S of the Capitol.

All members were present except:

Representative Gjerstad - Excused
Representative Reinert - Excused
Representative Turnbaugh - Excused
Committee staff present:

Laura Howard - Legislative Services
Carolyn Rampey - Legislative Services
Avis Swartzman - Revisor
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

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

The first order of business was final action on previously heard bills.

HB 2124 - building trades

Representative Graeber moved that HB 2124 be passed favorably as amended.
Representative Bowden gave a second to the motion. The motion carried.

HB 2466 - barbers

Representative Bowden moved that HB 2466 be passed favorably. Representative Wiard gave a second to the motion. The motion carried.

The committee turned to HB 2472 - concerning dentists

Representative Weimer moved that HB 2472 be considered favorably for passage.
Representative Graeber gave a second to the motion. The motion carried.

The committee turned to HB 2491 - polygraphists

Representative Brown distributed copies of a balloon on HB 2491 which contained minor amendments. (See Attachment 1)

Representative Brown moved the amendments. Representative Weimer gave a second to the motion. The motion carried.

Representative Ramirez moved that HB 2491 be passed favorably as amended.
Representative Graeber gave a second to the motion. The motion carried.

Chairman Walker called on Representative Weimer, Water Subcommittee Chairman, to give the subcommittee report. Representative Weimer read through the recommendations. (Attachment 2) The subcommittee recommends that the Water Office and Authority be extended for five years. Other recommendations included the establishment of a water hotline, the assignment of priorities to recommended projects submitted by various water agencies, the containment of State Water Plan projects in a single budget to the extent it can possibly be done, and consideration by the Board of Regents to allow flexibility in its budget preparation cycle. Representative Weimer had an attachment showing current costs involved in the acquisition of a toll-free hotline. One-time cost was approximately \$913, monthly on-going costs \$3,449.50, and annual on-going costs \$41,394.00. (Attachment 3)

Legislation for consideration by the 1989 Legislature would include authorization of the Chief Engineer of the Division of Water Resources, Board of Agriculture, to require water users who own water rights defined in (g) K.S.A. 82a-701, and amendments thereto and any lessee or assignee of such water rights to prepare long-range water conservation plans on a case by case basis. Development of the Geographic Information System should be encouraged. Legislation be introduced to ensure domestic water wells are being drilled properly. The request of a follow-up audit to its report "State Agencies Handling of Water Contamination and Pollution Problems in Kansas." Recognition and commendation was given to the various water agencies for the good working relationship they have established.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

room 522-S Statehouse, at 9:00 a.m./p.m. on FRIDAY, MARCH 3, 1989.

Chairman Walker is directed to send copies of the report to the various water agencies so they will be advised of the subcommittee's recommendations and the legislation that is to be introduced.

Representative Sughrue moved the adoption of the Subcommittee Report. Representative Weimer gave a second to the motion. The motion carried.

Representative Sughrue moved the amendments in the Subcommittee Report. Representative McClure gave a second to the motion. The motion carried.

Representative Weimer moved to pass out favorably as amended House Bills 2038 and 2039. Representative Borum gave a second to the motion. The motion carried.

The Chairman gave his thanks to all who had worked hard to make the first half of the committee work a success.

The meeting was adjourned.

HOUSE BILL No. 2491

By Committee on Governmental Organization

2-22

14 AN ACT concerning polygraphists; relating to regulation and licen-
15 sure; prohibiting certain acts and providing penalties for violations;
16 amending K.S.A. 75-7b03 and K.S.A. 1988 Supp. 75-740, 75-741,
17 75-744, 75-745 and 75-748 and repealing the existing sections.
18

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

20 Section 1. K.S.A. 75-7b03 is hereby amended to read as follows:
21 75-7b03. The following persons shall not be deemed to be engaging
22 in detective business:

23 (a) A person employed exclusively and regularly by one employer
24 in connection only with the affairs of such employer and where there
25 exists an employer-employee relationship;

26 (b) any officer or employee of the United States, or of this state
27 or a political subdivision thereof while engaged in the performance
28 of the officer's or employee's official duties;

29 (c) a person engaged exclusively in the business of obtaining and
30 furnishing information as to the financial rating of persons;

31 (d) a charitable philanthropic society or association duly incor-
32 porated under the laws of this state which is organized and main-
33 tained for the public good and not for private profit;

34 (e) an attorney performing duties as an attorney;

35 (f) a licensed collection agency or an employee thereof while
36 acting within the scope of employment, while making an investigation
37 incidental to the business of the agency, including an investigation
38 of the location of a debtor or a debtor's property where the contract
39 with an assignor creditor is for the collection of claims owed or due
40 or asserted to be owed or due or the equivalent thereof;

41 (g) admitted insurers, agents and insurance brokers licensed by
42 the state, performing duties in connection with insurance transacted
43 by them;

A.O.
Attach 1
3/3/89

1-2

81 (1) Cardiovascular reactions;
 82 (2) respirations; and
 83 (3) electrodermal response,
 84 which is used to test or question individuals to determine the
 85 truthfulness of the individual's responses which:

86 (1) Records continuously visually, permanently and simultane-
 87 ously changes in cardiovascular, respiratory and electrodermal pat-
 88 terns as minimum instrumentation; and

89 (2) is used, or the results of which are used, for the purpose of
 90 rendering a diagnostic opinion regarding the honesty or dishonesty
 91 of an individual.

92 (e) (g) "Polygraphist" means a person licensed by the board to
 93 conduct polygraph examinations.

94 Sec. 3. K.S.A. 1988 Supp. 75-741 is hereby amended to read as
 95 follows: 75-741. (a) There is hereby established, under the jurisdiction
 96 of the attorney general, the Kansas board of polygraphists.

97 (b) The board shall consist of five members to be appointed by
 98 the attorney general. No person shall be eligible for appointment as
 99 a member of the board unless such person is a citizen of the United
 100 States and is, and has been for a minimum of one year immediately
 101 preceding the appointment, a resident of Kansas.

102 (c) Four members of the board shall be licensed polygraphists,
 103 each of whom shall have personally conducted at least 500 poly-
 104 graph examinations during the five years immediately preceding
 105 the appointment 500 polygraph examinations, if privately employed
 106 as polygraphists, or 250 polygraph examinations, if employed by law
 107 enforcement agencies as polygraphists. Of these four board members,
 108 two shall be privately employed as polygraphists; and two shall be
 109 employed by law enforcement agencies as polygraphists. The first
 110 members of the board appointed to these positions shall meet these
 111 qualifications, except for their lack of licensure as polygraphists, and
 112 shall seek to become licensed as soon as possible after appointment
 113 to the board.

250

100

114 (d) The fifth 5th member of the board shall be a voting public
 115 member. Such member shall be: (1) A registered voter and; (2) a
 116 person who is not and never has been a member, nor the spouse
 117 of a member, of any profession licensed or regulated under this act;

229 *lygraph examinations.*

230 ~~(e)~~ Each applicant for a license as a polygraphist or as an intern
231 shall meet the following requirements:

- 232 (1) Be a citizen of the United States;
- 233 (2) be a person who has not been convicted of a felony nor of
234 any crime involving moral turpitude;

235 (3) (A) have a bachelor's degree from a four-year accredited uni-
236 versity or college recognized as such by the board; or

237 (B) have completed two years of study, or its equivalent, at such
238 university or college; and ~~(i) have had at least two years' experience~~
239 ~~as an investigator as approved by the board; or (ii) served a minimum~~
240 ~~of two years' internship under the supervision of a licensed examiner.~~

241 Official transcripts must be submitted to the board as proof for
242 all college courses, technical courses and other educational credits
243 claimed by the applicant.

244 ~~(e)~~ (f) Each applicant for a license as a polygraphist or as an
245 intern shall have satisfactorily completed a polygraphy training
246 course, consisting of at least 250 hours of instruction, that is rec-
247 ognized by the board and offered by any accredited college or uni-
248 versity or any other institution approved by the board to offer such
249 instruction.

250 ~~(f)~~ (g) Each applicant for a license as a polygraphist shall pass
251 both a written and practical examination conducted or approved by
252 the board and shall pay the required examination fee before the
253 license shall be granted. Any applicant who fails to pass the ex-
254 amination shall be permitted to take a subsequent examination upon
255 payment of a reexamination fee.

256 ~~(g)~~ (h) Each applicant for a license as a polygraphist shall suc-
257 cessfully complete an internship in accordance with rules and reg-
258 ulations adopted by the board under the personal supervision and
259 control of a polygraphist before the license shall be granted. In cases
260 where the geographical location of the intern is not conducive to
261 the direct and immediate supervision and control of a polygraphist,
the intern may be required to submit, on a timely and regular basis,
such documents and papers as the supervisory polygraphist deems
264 necessary to be evaluated in order to determine satisfactory per-
265 formance and progress of the intern. No violation of any examinee's

(e) Each applicant for renewal of a license as a polygraphist or as an intern shall submit to the board evidence of satisfactory completion of a program of continuing education. The board by rules and regulations shall establish the requirements for such program of continuing education.

(f)

(C) have had at least two years' experience as an investigator as approved by the board; or
(D) have served a minimum of two years' internship under the supervision of a licensed examiner.

11-1

266 privacy and security shall occur as a result of the intern evaluation
267 process. The internship shall continue until the intern has personally
268 conducted at least 100 polygraph examinations.

269 (h) (i) The board may waive the examination requirement of this
270 section and grant a polygraphist license without examination to any
271 applicant upon presentation of satisfactory evidence that the applicant
272 has been licensed or registered as a polygraphist in another state
273 that has requirements for licensure substantially equivalent to the
274 requirements for licensure in this act.

275 (i) (j) The board may waive the education, training, internship
276 and examination requirements of this section and grant a polygraphist
277 license to any applicant upon presentation of satisfactory evidence
278 that the applicant has had prior training or experience substantially
279 equivalent to these requirements, and that the applicant has been
280 engaged in conducting polygraph examinations in this state for at
281 least one year immediately preceding ~~the effective date of this act~~
282 *date on and after which such applicant is required to be licensed,*
283 ~~has personally conducted at least 250 polygraph examinations and~~
284 ~~has completed training as approved such training or examination~~
285 ~~as required by the board.~~

the date of application for licensure

286 (j) A polygraph examiner employed by a municipal, county,
287 state or federal agency shall not be required to pay any ap-
288 plication or licensing fees so long as the sole use of the po-
289 lygraph is in performance of such examiner's official duties,
290 provided that such polygraph examiner must be properly
291 licensed.

292 (k) All licenses shall at all times be posted in a conspicuous place
293 in the principal place of business of the licensee in this state. The
294 board shall issue to each licensed polygraph examiner an identifi-
295 cation card which must be in the examiner's possession when ad-
296 ministering polygraph examinations at a location away from the
297 normal place of business.

298 New Sec. 6. (a) Except as provided in subsection (b), it is un-
299 lawful for any employer:

300 (1) Directly or indirectly, to require, request, suggest or cause
301 any employee or prospective employee to take or submit to any lie
302 detector test;

303 (2) to use, accept, refer to or inquire concerning the results of
304 any lie detector test of any employee or prospective employee;

305 (3) to discharge, discipline, discriminate against in any manner
306 or deny employment or promotion to, or threaten to take any such
307 action against: (A) Any employee or prospective employee who re-
308 fuses, declines or fails to take or submit to any lie detector test or
309 (B) any employee or prospective employee on the basis of the results
310 of any lie detector test; or

311 (4) to discharge, discipline, discriminate against in any manner
312 or deny employment or promotion to, or threaten to take any such
313 action against, any employee or prospective employee because: (A)
314 Such employee or prospective employee has filed any complaint or
315 instituted or caused to be instituted any proceeding under or related
316 to this act, (B) such employee or prospective employee has testified
317 or is about to testify in any such proceeding, or (C) of the exercise
318 by such employee or prospective employee, on behalf of such em-
319 ployee or another person, of any right afforded by this act.

320 (b) Subsection (a) does not apply to:

321 (1) Any employer deemed to be engaged in or affecting commerce
322 or in the production of goods for commerce for purposes of the
323 federal employee polygraph protection act of 1988, as in effect on
324 the effective date of this act; or

325 (2) any employer not deemed to be engaged in or affecting com-
326 merce or in the production of goods for commerce for purposes of
327 the federal employee polygraph protection act of 1988, as in effect
328 on the effective date of this act, to the extent that such employer
329 would be exempt from section 3 of such act if such employer were
330 subject to such act.

; or

331 Sec. 7. K.S.A. 1988 Supp. 75-748 is hereby amended to read as
332 follows: 75-748. Any person found guilty of violating any provision
333 of this act or of section 6 is guilty of a class A misdemeanor.

334 Sec. 8. K.S.A. 75-7b03 and K.S.A. 1988 Supp. 75-740, 75-741,
335 75-744, 75-745 and 75-748 are hereby repealed.

3 Sec. 9. This act shall take effect and be in force from and after
its publication in the statute book.

(3) the United States government, the state
of Kansas, or any political subdivision of the
state.

SUBCOMMITTEE REPORT

To: House Governmental Organization Committee

FROM: House Governmental Organization Subcommittee on Water

RE: Sunset Review of the Kansas Water Authority and the Kansas Water Office and Office of the Director

The House Governmental Organization Subcommittee on Water has held ten meetings to review the activities of the Water Office and Water Authority. At those meetings, it has met with representatives of the Water Office, the Water Authority, the Governor's Office, the Department of Health and Environment, the Board of Agriculture, the State Conservation Commission, the Department of Wildlife and Parks, and the State Corporation Commission.

Following its review, the Subcommittee makes the following recommendations and comments:

1. The Kansas Water Office and Office of Director and the Water Authority should be extended for five years until July 1, 1994. H.B. 2038 and H.B. 2039 should be amended accordingly and reported favorably.
2. A water hotline should be established in the Kansas Water Office. This hotline would provide a central location to which inquiries about water-related issues could be directed.
3. The Kansas Water Authority, in its annual implementation report, should assign priorities to recommended projects submitted by various water agencies. As a part of the process, the Water Authority should request that the Basin Advisory Committees submit their water requests in priority order.
4. Projects that comprise the State Water Plan that are now fragmented among various agency budgets, appropriations bills, and legislative subcommittees should be contained in a single appropriations bill and, to the extent possible, assigned to the same subcommittee in Ways and Means/Appropriations Committees. The Subcommittee thinks this recommendation would make it easier for legislators to identify elements in the State Water Plan and to make better informed decisions about funding the Water Plan.
5. The Board of Regents should give consideration to allowing flexibility in its budget preparation cycle so that water-related projects can be considered for inclusion after the normal time for final approval of budgets by the Board has passed.

G.O.
#2
3/3/89

6. Legislation should be introduced for consideration by the 1989 Legislature to authorize the Chief Engineer of the Division of Water Resources, Board of Agriculture, to require water users who own water rights as defined by subsection (g) of K.S.A. 82a-701, and amendments thereto, and any lessee or assignee of such water rights, to prepare long-range water conservation plans on a case by case basis. These plans should be developed in accordance with state guidelines established by the Water Authority. Each long-range plan should contain a drought contingency plan. Basin Advisory Committees should be involved in identifying areas where there may be a need for water conservation plans.
7. The development of the Geographic Information System (GIS) should be encouraged and reports of progress being made in its development should be made to the House Governmental Organization Committee by the Water Office during the 1990 and 1991 Sessions. In this connection, consideration should be given to direct access to the environmental data base by the Legislature.
8. As an incentive to ensure that domestic water wells are drilled properly, the Subcommittee recommends that legislation be introduced to provide that any person drilling a domestic well after July 1, 1990, which is not constructed according to standards established under K.S.A. 82-1205, will not be eligible for securing an appropriation right for water taken from that well. K.S.A. 82a-705a will need to be amended.
9. The Chairman of the House Governmental Organization Committee is directed to request that the Legislative Post Audit Committee authorize a follow-up audit to its report, "State Agencies' Handling of Water Contamination and Pollution Problems in Kansas." The Subcommittee thinks the Legislature should monitor efforts to identify and remediate contaminated sites in Kansas.
10. The Subcommittee wishes to recognize and commend the various water agencies for improvements in communications that have taken place during recent years. The Subcommittee is pleased with the good working relationship among the agencies and encourages them in these efforts.
11. The Chairman of the House Governmental Organization Committee is directed to send copies of this report to the various water agencies, advising them of the Subcommittee's recommendations and of legislation that is to be introduced.

Representative Frank Weimer
Subcommittee Chairman

Representative Rick Bowden

Representative Robert Krehbiel

Representative John McClure

Representative David Miller

Representative Kathryn Sughrue

Representative Stephen Wiard

PRELIMINARY ESTIMATE
(PROVIDED BY THE KANSAS WATER OFFICE)

3/2/89

CURRENT COSTS INVOLVED IN ACQUIRING A TOLL-FREE HOTLINE

	One-time Costs	Monthly On-going Costs	Annual On-going Costs
	-----	-----	-----
Toll-free telephone number (incoming only from within state - call must terminate on a single line dedicated to that purpose - could not transfer calls to another number)			
phone set - purchase	\$30	\$0	\$0
- on-going	\$0	\$109/mo.	\$1,308
installation-SW Bell (to building)	\$133	\$0	\$0
-DISC - maintenance	\$0	\$1.50/mo.	\$18
monthly charge based on actual usage (depends on number and length of calls - estimate 6 hrs/mo. @\$18/hr.)	\$0	\$108/mo.	\$1,296
Cost for KWO to return calls on KANS-A-N depends on number and length of calls (estimate 6 hrs/mo. @ \$18/hr.)	\$0	\$108/mo.	\$1,296
Cost to transfer phones at end of day to Allied Answering Service to assure 24-hour answering (Allied personnel could not respond to questions, they could only take a message and relay it to agency staff the next business day)	\$0	\$45/mo.	\$540
Toll-free telephone number published in SW Bell toll-free telephone directory	\$0	\$0	\$0
Cost to publish number in local telephone directories across the state (in blue pages):			
Toll-free number or current agency number (500 dir. @ \$1.75 mo.)	\$0	\$875/mo.	\$10,500
Would need to contact Bell Telephone and other independent telephone companies across the state			
Would take at least one year to get number in all telephone books due to publishing cycles			
DISC approval required			
One Public Information Officer I (Range 21) to staff hotline during regular business hours - salary	\$0	\$2,203/mo.	\$26,436
- Office furniture, etc.	\$750	\$0	\$0
TOTAL PROJECTED COSTS	\$913	\$3,449.50	\$41,394

Y.O.
3
3/3/89