

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 Monday, March 20, 1989 in room 522-S of the Capitol.

All members were present except:

Representative McClure

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research
Jackie Brey Meyer - Committee Secretary

Conferees appearing before the committee:

Randy Harold - Kansas Judicial Counsel
Ron Miles - Board of Indigents Defense Services
Tom Slaon - Department of Corrections
Ed Rolfs - Secretary, Dept. of Revenue
DeVerne H. Phillips - State Sealer

The meeting of the House Governmental Organization Committee was called to order by Representative Thomas F. Walker, Chairman. He stated the minutes would stand approved as read if there were no corrections or additions at the end of the meeting.

SB 10 - State Board of Indigents Defense Services; Increase Membership

Randy Harold, Kansas Judicial Counsel, said that this bill was recommended by the 1988 interim Special Committee on Judiciary. The Board has taken no position on the bill. Mr. Harold said the Board would be well served if it could have four additional members. These members would be appointed by the President of the Senate, the Speaker of the House and the minority leaders of both Senate and House. Mr. Harold said the Board could use an enthusiastic voice in the legislature. Terms would be staggered. Seven board members would constitute a quorum. There is a \$2,000 fiscal note to the bill. In answer to a committee member's question, Mr. Harold replied that those appointed by legislative leaders would not necessarily have to be legislators.

Ron Miles, Director, State Board of Indigents Defense Services, spoke to the bill next. He said SB 10 is a bill that has not been presented to the Board. As a result the Board has not taken a stand on it. There does not seem to be any opposition to it. It does seem to have some support. He gave a short history of the Board. The Board was created in 1982. It's mission was to provide legal counsel for indigent defendants in an economically feasible manner. In 1981 when the bill was originally drawn up it had legislative members in it, but somewhere along the line they were amended out. There are four offices. The locations are Wichita, Salina, Junction ^{City} and Topeka. There is a conflicts office and a state-wide appellate office. The Board meets at least once every quarter; it will meet March 31. That is one of the reasons the Board has not taken a position on the bill. The Supreme Court has mandated adequate funding for the Board.

Mr. Miles answered several questions. He received thanks from the Chairman. Chairman Walker asked for other conferees on SB 10. Seeing none, he declared the hearing closed on SB 10.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,

room 522-S Statehouse, at 9:00 a.m.~~xxx~~ on MONDAY, MARCH 20, 1989

SB 206 - law enforcement memorial

Tom Sloan, Department of Corrections appeared in support of the bill which transfers authority from the Director of Architectural Services to the Secretary of the State Historical Society. Mr. Sloan had a proposed amendment to the bill. He explained why the Department would like to see the amendment. The Department of Corrections correctional officers are represented on the memorial, but are not represented on the committee. Their inclusion would be appreciated. The amendment would read "the secretary of corrections, or the secretary's designee". (See Attachment 1)

As there was no one else to testify on the bill, the Chairman declared the hearing closed on SB 206.

SB 272 - Oil Inspection Law

Secretary of Revenue, Ed Rolfs, spoke to the bill which would transfer the petroleum inspection measurement **program from the** Revenue Department to the State Board of Agriculture. Oil Inspection makes sure how much gas is coming out of the gas pumps. It is a consumer protection operation. Revenue does not have the management competence to supervise this type of operation. It needs to be taken from Revenue and given to an agency more focused on that type of operation. This would be the Weights and Measures section of the Board of Agriculture. They will be much more competent in administering the operation.

The bill was amended in the Senate to transfer the motor fuels signing authority to KDOT.

Eleven full time equivalent positions will go from Revenue to Agriculture. No people will go to KDOT.

DeVern H. Phillips, State Sealer, spoke in support of the proposed changes. (Attachment 2) This legislation will permit the Department of REvenue to concentrate on revenue collection and not be directly involved in enforcement. On line 22 of the bill, K.S.A. 74-2428 should be amended to read 55-428. The same change should be made on page 12, line 386.

The Chairman declared the hearing closed on **SB 272**.

SB 273 - Establish Division of Collections

Secretary Rolfs stated that the bill would unclassify two positions - the Director of Collections and the Manager of Planning and REsearch. These persons are involved in significant policy decisions. Also, duties being performed by the Director of Taxation could be delegated to other staff. Page 14, new Section 19, lays out the Division of Collections in a statutory format, rather than the administrative fiat in which it was created. Line 515 is a policy change to contract with collection agencies to do in-state collection of taxes. New section 20 contains language to the effect that you pay tax - we'll waive penalty. The Director of Collections would be responsible for this.

After a few other brief comments, Secretary Rolfs finished his talk.

Chairman Walker thanked Secretary Rolfs. The hearing will reopen Wednesday if there is anyone else who would like to testify.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 522-S, Statehouse, at 9:00 a.m. ~~p.m.~~ on MONDAY, MARCH 20, 1989

The Chairman asked if the Committee would like to work any of the bills.

Representative Sughrue moved to pass out SB 10 favorably. Representative Weimer gave a second to the motion. Discussion began on the bill.

Representative Miller made a substitute motion to take out the language that requires members appointed under K.S.A. 22-4519 c(2) to be lawyers. Representative Gjerstad gave a second to the motion.

Members spoke for and against the amendment. It was stated that members could be lawyers or not. It would be up to the governor. It would take away any restrictions on the appointment.

A voice vote on the amendment showed the amendment passed, but a division was called for. A show of hands showed passage by a 7-5 vote.

Compensation of board members was discussed.

Representative Miller moved to table SB 10. Representative Krehbiel gave a second to the motion. The motion carried.

The non-statutory list of boards, committees and commissions was commented on. It will be distributed to the new committee members.

The Committee turned to SB 206, the law enforcement memorial bill.

Representative Miller moved to amend SB 206 by adding a member of the Department of Corrections to the advisory committee. Representative Graeber gave a second to the motion. The motion carried.

Representative Graeber moved to pass out SB 206 favorably as amended. Representative Miller gave a second to the motion. The motion carried.

The meeting was adjourned.



DEPARTMENT OF CORRECTIONS

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March 20, 1989

TESTIMONY BEFORE HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE: S.B. 206

The Department of Corrections supports the proposed changes in the operation of the law enforcement officers memorial advisory committee, but suggests an additional change.

Correctional Officers have their names inscribed on the memorial, but do not have a representative on the advisory committee. The Department of Corrections requests that an additional member be added to the committee and suggests the following language:

"the secretary of corrections, or the secretary's designee".

The inclusion of a representative of the only law enforcement group presently not represented on the committee, but who are represented on the memorial, would be appreciated by all Department of Corrections correctional officers.

G.O.
Attach 1
3/20/89

PRESENTATION TO THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATIONS

March 20, 1989

By

DeVern H. Phillips, State Sealer

Good morning members of the Committee. My name is DeVern H. Phillips. I am the State Sealer and Administrator of the Agricultural Commodities Assurance Program.

Enforcement of the Weights and Measures laws in Kansas are vested with the Kansas State Board of Agriculture's Division of Inspections Agricultural Commodities Assurance Program (ACAP). This enforcement is the responsibility of the State Sealer.

Weights and Measures laws presently enforced through this program deal with all commercial weighing and measuring devices, all commodities bought or sold in Kansas by weight, volume, count or measurement. This program also enforces laws dealing with the accuracy of LP-gas meters and meters on delivery vehicles transporting refined fuels.

The Secretary of Revenue has acted as a Deputy State Sealer for the purposes of enforcement of those Weights and Measures laws which the Petroleum Measurement Unit were responsible, such as calibration of wholesale meters at pipeline terminals and refineries as well as the calibration of retail metering devices (gas pumps).

Senate Bill 272 would transfer the responsibilities for monitoring the accuracy of all petroleum measurement devices, now the responsibility of the Department of Revenue, to the Kansas State Board of Agriculture's Division of Inspections Agricultural Commodities Assurance Program.

*G. O.,
Attach 2
G. O. 3/20/89*

This legislation was introduced at the request of the Secretary of Revenue to permit the Department of Revenue to concentrate on revenue collection and not be directly involved in enforcement.

The Kansas State Board of Agriculture supports the proposed changes. Enactment of Senate Bill 272 will permit equitable enforcement of the Weights and Measures laws of Kansas through direct supervision of the State Sealer.