

Approved

Thomas F. Walker  
Date 3-26-90

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 23, 1990 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Avis Swartzman - Revisor  
Julian Efird - Legislative Research  
Carolyn Rampey - Legislative Research  
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

The meeting was called to order by Chairman Walker. He stated the minutes would stand approved at the end of the meeting if there were no corrections or additions.

Sub. for Senate Bill 539 - Dealer Review Board

Representative Weimer, Subcommittee Chairman, gave background on the bill and went through the report. (Attachment 1) He stated that the subcommittee was not unanimous in its views. The Subcommittee recommendation was to ask the committee to debate the issue and hear all the arguments.

The Revisor located in the balloon, page 2, line 9 where it states two public members.

Representative Weimer moved the adoption of the Subcommittee Report on the Dealer Review Board with the correction of two members of the general public on the Board. Representative Reinert gave a second to the motion. The motion carried.

A member asked which position was vacant. The reply was the salvage member.

Chairman Walker thanked Representative Weimer and his subcommittee for their work on the report and set the debate on the bill for next week.

The Chairman directed the committee to turn to SB 427 - housing.

A balloon was distributed to the committee to be used for discussion purposes. (Attachment 2) The Revisor said that in Ms. Squyres testimony, it stated the powers were given to her by executive memorandum. It was the thinking of the Chairman that these should be in the statutes. The word "assistant" was dropped to comply with the Department's wishes. On page 3, line 8, the word "aging" was struck. The section that created the advisory committee on housing concerns was in Section 4; now it has been put into one section.

Representative Ramirez moved to strike new section 4. Representative Miller gave a second to the motion.

In discussion Representative Ramirez stated he thought the Department of Commerce could appoint the advisory committee at its discretion without having it put in the statutes. He has no problem with amending the bill to director or the other provisions.

Don Gragg, Department of Commerce, was asked if federal guidelines mandate an advisory committee be in place. He replied that the guidelines beyond the Housing Office point have not been furnished.

Several suggestions to help with the amendment were put forth. One suggestion was to drop the assistant from line 34, adopt the Revisor's language down to line 39 and after "Commerce" put a period. Delete all else down to what was inserted and add that.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION,  
room 522-S Statehouse, at 9:00 a.m./p.m. on Friday, March 23, 1990

One member stated she did not like the makeup of the board. Another member stated he thought some of the conferees might have been misled into thinking this would be a lot simpler task in cost and staff. At this point one of the members asked for a clarification of what the motion was.

a vote was taken on the motion and the motion carried.

Representative Miller moved to insert directly after (b) and before what is typed " subject to and in accord with appropriations acts," Representative Sughrue gave a second to the motion.

A vote voice was unclear and a division was called for. On a show of hands, the vote was 7 for 5 opposed. The motion carried.

Representative Brown moved to pass out SB 427 favorably as amended. Representative Sughrue gave a second to the motion. The motion carried.

The meeting was adjourned.



SUBCOMMITTEE REPORT

March 22, 1990

TO: House Committee on Governmental Organization

FROM: Subcommittee on the Dealer Review Board

RE: Substitute for S.B. 539

The bill as passed by the Senate would continue the Dealer Review Board in existence and would provide in statute for newly defined advisory duties. Testimony presented to the Committee and Subcommittee by representatives of some businesses affected by the Act and with membership on the Board suggested expanding the authority of the Board to hear appeals of decisions made by the Director of Vehicles regarding complaints against licensees and to hear disputes between dealers, distributors and manufacturers.

The Subcommittee identified two situations which could be appealed to the Board under the proposed amendment: actions taken by the Director against licensees and disputes involving franchise agreements. The public policy issue appears to be whether the Board should have quasi-judicial powers; and if it should be granted such authority, whether it should hear all appeals cases, appeals of the Director's decisions, or franchise disputes.

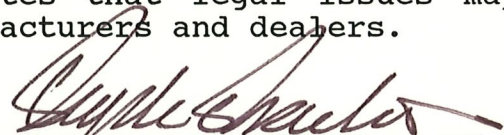
Currently, decisions of the Director of Vehicles can be appealed to District Court. The proposed amendment would place the Board in the administrative process and allow the Board to confirm, modify or reject the Director's decisions. The Board played an appellate role prior to institution of the Administrative Procedures Act in 1985.

The Subcommittee believes that if certain duties are given to the Board for hearing franchise disputes, then the parties to the dispute should bear the costs of hearing appeals.

The Subcommittee also notes that the Board is composed of members from the industries and businesses connected with the Act. <sup>Two</sup> public members serve on the Board. The Senate Committee added a member from manufactured housing to the Board at the industry's request. The Subcommittee further notes that legal issues may complicate the appeals involving manufacturers and dealers.



Representative Frank Weimer  
Subcommittee Chairman



Representative Clyde Graeber



Representative Robert Krehbiel

Attachment 1  
H. O.  
3/23/90

*[As Amended by Senate Committee of the Whole]*

*As Amended by Senate Committee*

Session of 1990

**SENATE BILL No. 427**

By Special Committee on Federal and State Affairs/  
Governmental Organization

Re Proposal No. 27

12-21

14 AN ACT concerning housing and housing related programs; desig-  
15 nating the department of commerce as the official state agency  
16 for purposes of compliance with federal housing and housing re-  
17 lated acts and programs; transferring certain powers, duties and  
18 functions from the secretary and department of social and reha-  
19 bilitation services to the secretary and department of commerce;  
20 repealing K.S.A. 75-5340.  
21

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

23 Section 1. (a) (1) All of the powers, duties and functions of the  
24 secretary of social and rehabilitation services and the department of  
25 social and rehabilitation services which relate to housing and housing  
26 assistance and which were exercised pursuant to contracts and agree-  
27 ments with the federal department of housing and urban develop-  
28 ment immediately prior to the effective date of this act are hereby  
29 transferred to and conferred upon the secretary of commerce and  
30 the department of commerce.

31 (2) All of the powers, duties and functions of the secretary of  
32 social and rehabilitation services and the department of social and  
33 rehabilitation services which relate to the application, receipt, admin-  
34 istration, and utilization of grants, vouchers and other financial as-  
35 sistance that the federal ~~government~~ *department of housing and*  
36 *urban development* makes available under federal housing ~~and hous-~~  
37 ~~ing related acts and programs~~, and that other public or private  
38 entities make available for housing and housing related purposes,  
39 are hereby transferred to and conferred upon the secretary of com-  
40 merce and the department of commerce.

41 (b) The secretary of commerce and the department of commerce  
42 shall be the successors in every way to the powers, duties and  
43 functions which are specified in this section and which were vested

*Attachment 2*  
*K.O.*  
*3/23/90*

2-2

1 the secretary of social and rehabilitation services and the de-  
2 partment of social and rehabilitation services prior to the effective  
3 date of this act.

4 (c) Whenever the secretary of social and rehabilitation services  
5 or the department of social and rehabilitation services, or words of  
6 like effect, is referred to or designated by statute, contract or other  
7 document with regard to the powers, duties and functions which are  
8 specified in this section, such reference or designation shall be  
9 deemed to apply to the secretary of commerce and the department  
10 of commerce.

11 (d) Officers and employees who immediately prior to the effective  
12 date of this act were engaged in the exercise and performance of  
13 the powers, duties and functions specified in this section and who,  
14 in the opinion of the secretary of commerce, are necessary to perform  
15 the powers, duties and functions transferred under this section shall  
16 become officers and employees of the department of commerce. Any  
17 such officer or employee shall retain all retirement benefits and all  
18 rights of civil service which had accrued to or vested in such officer  
19 or employee prior to the effective date of this act. The service of  
20 each such officer and employee so transferred shall be deemed to  
21 have been continuous. All transfers and any abolition of personnel  
22 positions in the classified service under the Kansas civil service act  
23 shall be in accordance with civil service laws and any rules and  
24 regulations adopted thereunder.

25 Sec. 2. Whenever the designation of a state agency is required  
26 by any federal act or program under which federal financial assistance  
27 is made available for housing or housing related purposes, the de-  
28 partment of commerce shall serve as the officially designated state  
29 agency of Kansas and such department shall be responsible for ex-  
30 exercising the powers and performing the functions and duties required  
31 of state agencies under such federal acts and programs.

32 (a) ~~Sec. 3. There is hereby established within the existing di-~~  
33 ~~vision of community development the office of housing the head of~~  
34 ~~which shall be the assistant director for housing. Under the super-~~  
35 ~~vision of the director of community development, the assistant di-~~  
36 ~~rector for housing shall administer the office of housing.~~

and as a  
part of  
director  
of  
of

37 ~~Sec. 4. There is hereby established the housing concerns~~  
38 ~~advisory committee the members of which shall be appointed by the~~  
39 ~~secretary of commerce from the following: One member from the~~  
40 ~~office of housing coordinator of the United States department of~~  
41 ~~commerce; one member from the commission on civil rights or its~~  
42 ~~staff; one member from the commission on disability concerns or its~~  
43 ~~staff; one member from the national association of housing; two~~

(a)

(b) The office of housing is hereby authorized and empowered to:

(1) Prepare, from time to time amend, and administer the state housing plan in accordance with criteria of the federal department of housing and urban development;

(2) serve as a clearinghouse and single point of contact for the state regarding information, programs, and resources related to affordable and accessible housing;

(3) provide access and management of federal housing programs for delivery to the citizens and businesses of Kansas;

(4) work with existing agencies, organizations, and social programs to assist in the development of affordable and accessible housing; and

(5) exercise such other powers and perform such other duties as may be prescribed by law.

(c) The office of housing shall prepare and submit to the governor and the legislature an annual report regarding administration of the state housing plan.

1 members from public housing authorities (one urban and one rural);  
2 one member from the Kansas association of counties; [one member  
3 from the home builders association of Kansas;] one member from  
4 the Kansas league of municipalities; one member representing public  
5 utilities; two members representing private developers (one urban  
6 and one rural); two members from nonprofit organizations; one mem-  
7 ber representing mental health concerns; one member representing  
8 [aging] citizens who are over 65 years of age; and other members the  
9 secretary deems necessary in the performance of the goals of the  
10 office of housing.

Members of the housing concerns advisory committee shall serve on a voluntary basis without compensation or reimbursement for expenses.

~~11 [New Sec. 5. The office of housing shall prepare and submit to  
12 the 1991 session of the legislature a preliminary plan for housing  
13 for Kansas which meets the criteria of the federal department of  
14 housing and urban development.~~

(b) The housing concerns advisory committee shall have and perform the following functions:

~~15 New Sec. 6. The housing concerns advisory committee shall have  
16 and perform the following functions:~~

(1) Assist the office of housing in the development of the state housing plan;

~~17 (a) Assist in the development of the preliminary plan for housing  
18 for Kansas prepared in accordance with section 5;~~

(2) address the special populations in need of housing availability and affordability; and

~~19 (b) address the special populations in need of housing availability  
20 and affordability; and~~

(3) work with existing agencies, organizations and social programs to develop affordable and accessible housing.

~~21 (c) work with existing agencies, organizations and social pro-  
22 grams to develop affordable and accessible housing.~~

(c) The provisions of this section shall expire on March 31, 1992.

~~23 5] New Sec. 7. Section 4 is repealed on March 31, 1992.~~

~~24 Sec. 3[8]. K.S.A. 75-5340 is hereby repealed.~~

~~25 Sec. 4[9]. This act shall take effect and be in force from and after  
26 its publication in the statute book Kansas register.~~