

Approved 2-6-90
Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:10 a.m./~~p.m.~~ on February 1, 1990 in room 254-E of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mary Ann Torrence, Revisor of Statutes Office
Mary Galligan, Legislative Research
Ellen Piekalkiewicz, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Dorothy Ilgen, Kansas Arts Commission
Rep. Ben Foster
Dr. David Hauray, Assistant Director, Kansas State Historical Society

A draft was distributed with a request from Jonathan Small to introduce legislation relating to the prohibition of Kansas cities and counties operating certain correctional facilities. (Attachment 1)

A motion was made by Senator Vidricksen and seconded by Senator Strick that such a proposal be introduced. The motion carried.

A letter was distributed from John L. Sheets, Kaw Valley Engineering & Development, Inc., expressing concern over SB 104. (Attachment 2)

Hearing on: SB 498 - Authority of Kansas arts commission to adopt rules and regulations

A booklet entitled "Joint Committee on Arts and Cultural Resources" was distributed to the committee members from the Kansas Legislative Research Department. (On file in the Senate Federal and State Affairs office)

Staff said that this bill would provide the arts commission authority, though it would not force it, to adopt rules. It would allow the commission to develop arts programs and make guidelines legally enforceable.

Dorothy Ilgen, Executive Director, Kansas Arts Commission, presented testimony on the bill. (Attachment 3) She emphasized that they estimate a fiscal note of about \$2,000 to publish funding regulations in the Kansas Register. A section of the Commission's policy manual was distributed. (Attachment 4)

Rep. Ben Foster said that this is the only state agency that doesn't have authority to make rules and regulations and that there is no legislative oversight of the commission.

Hearing on: SB 500 - Joint committee on arts and cultural resources authorized to introduce legislation

Staff testified that this bill would repeal the sunset provision requiring the joint committee to end and would create a permanent committee. This committee is not under the sunset statute. It would also authorize the joint committee to introduce legislation. The committee meets on approval of the LCC.

Rep. Ben Foster said that the intent is that the joint committee

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs,
room 254-E, Statehouse, at 11:10 a.m./~~p.m.~~ on February 1, 1990.

only meet when the legislature is not in session. To his knowledge, all joint committees have authority to introduce bills, but California statutes were used as guidelines, and he didn't notice then that authority was not given to introduce legislation. He believes the arts and cultural resources committee fills a need not addressed by the legislature.

Hearing on: SB 502 - Copies of state agency publications provided to state historical society

Staff said that this bill was requested by the historical society and would reduce from 30 to 10 the number of copies which state agencies must deliver to the historical society. In the past there was more exchange with other states; now ten copies will suffice.

David Haury, Assistant Director of the Kansas State Historical Society, gave background and justification for SB 502. (Attachment 5)

Staff was directed to draft a letter for committee approval that might be directed to the Department of Administration Secretary, encouraging state agencies to seek to be more frugal regarding their publications.

A motion was made by Senator Bond and seconded by Senator Daniels that SB 498 be reported favorably. The motion carried.

A motion was made by Senator Bond and seconded by Senator Daniels that SB 500 be reported favorably. The motion carried.

A motion was made by Senator Yost and seconded by Senator Strick that SB 502 be reported favorably. The motion carried.

The meeting was adjourned at 11:50 a.m.

AN ACT concerning Kansas cities and counties; relating to the prohibition of owning or operating certain correctional facilities.

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

Section 1. Kansas cities and counties are prohibited from authorizing, constructing, owning or operating any type of correctional facility for the placement or confinement of inmates from one or more state or federal agencies until such time as the legislature has reviewed and provided a public policy regarding such activity. The provisions of this section shall not apply to facilities defined as municipal or county jails which are used exclusively for such purposes.

Section 2. This act shall take effect and be in force from and after its publication in the Kansas register.

Senate F & S A
2-1-90
Att. #1

LAW VALLEY ENGINEERING & DEVELOPMENT, INC.

859 SOUTH WASHINGTON
P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
(913) 762-5040

5201 NW CROOKED ROAD
P.O. BOX 14225
PARKVILLE, MISSOURI 64152
(816) 587-5033

January 24, 1990

Senator Ed Reily, Chairman
SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
State Capitol, Room #255-E
Topeka, Kansas 66612

RE Senate Bill 104

Dear Senator

I wanted to write to express my concern over the passage of Senate Bill 104 in this legislative session. As you know, this bill contains many major amendments to the existing statutes for Engineers, Architects and Land Surveyors, and I feel its passage should move forward as rapidly as possible. I am an active member of both the Kansas Consulting Engineers and the Kansas Society of Land Surveyors, and I have kept informed of the status of this bill over the past two years, including the compromises that the technical professions have had to make to get the bill to the full committee. It is my understanding that now only two issues of the bill remain in conflict.

1. The first major issue is one which would oppose removing the existing exemption from Land Surveying licensure requirements for state, city and county employees. The now-existing exemption of governmental employees from licensure requirements is definitely not in the interest of public safety and welfare.

Consulting Engineers contend that KDOT should not be required to have a Registered Land Surveyor available for minor surveying tasks in the field, and I agree with this. However, for years KDOT has allowed inexperienced, incompetent personnel to prepare the major surveying tasks, such as legal descriptions for condemnation of land, and such as setting concrete monuments for property corners. I am certain of this, because I was one of those people at one time.

As a result, we have thousands of concrete monuments across Kansas that are not in their correct position (some are off as much as 10 to 15 feet), and we also have hundreds of cases where it is actually no longer possible to accurately determine the location of highway right-of-ways, due to inaccurate descriptions and inaccurate field surveys by KDOT personnel, who cannot under the present laws be held legally responsible.

Therefore, I urge you to vote to remove the existing exemption from licensure requirements by governmental employees, which would serve to insure that someone be held responsible for measurements of property, and thereby require competent personnel to accomplish the field work. All property owners have the right to expect this.

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2-1-90
Att. #2

Senate Bill 104
January 24, 1989
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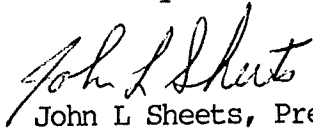
2. The second issue concerns the desire of Land Surveyors to increase their representation on the Board of Technical Professions from the current one member to three members. I also feel that Land Surveyors should have equal representation on the Board of Technical Professions.

I state this because the one Land Surveyor on the present board has had his vote overridden on several major concerns that were related to Land Surveying only. As both a Professional Engineer and a Registered Land Surveyor, I can assure you that engineers specifically are not qualified to make Land Surveying decisions or judgments; and that they should not be allowed to override goals for improving the Land Surveying Profession.

I thank you for your time; and again, I would like to express my strong desire to see this bill move forward, as it is a major improvement for all technical professions in Kansas.

For the reasons stated, I urge you to vote to remove the present exemption for KDOT personnel, and to increase the number of Land Surveyors on the Board of Technical Professions from one to three members.

Sincerely



John L. Sheets, President
KAW VALLEY ENGINEERING & DEVELOPMENT, INC

Kansas Professional Engineer No 7389
Kansas Registered Land Surveyor No 583

cc:

Bill Morris, Vice-Chairman	Wichita	143-N	296-7385
Gene Anderson	Wichita	404-W	296-7387
Dick Bond	Overland Park	128-S	296-7382
Norma Daniels	Valley Center	460-E	296-7377
Roy Ehrlich	Hoisington	138-N	296-7354
Janice McClure	Sublette	462-E	296-7359
John Strick	Kansas City	126-S	296-7376
Ben Vidricksen	Salina	143-N	296-7390
Doug Walker	Osawatomie	136-N	296-7655
Eric Yost	Wichita	128-S	296-7386

Testimony before the Senate Committee
on Federal and State Affairs
Regarding SB: 498

by Dorothy L. Ilgen, Executive Director
Kansas Arts Commission

Senate Bill 498 will authorize the Kansas Arts Commission to adopt rules and regulations. This authority will have its greatest impact on the Commission's policies and guidelines, particularly the funding guidelines for the KAC's grant programs.

Currently, the KAC is meeting the intent of rules and regulations by inviting public review and comment on all of its funding program guidelines. The attached section of the Commission's policy manual addresses the procedures governing this public review. The Commission endeavors to publish its guidelines at least three months prior to the grant deadline.

The proposed legislation will impact upon the Commission's operations as follows: the Commission will be required to publish pertinent guidelines in the Kansas Register and follow procedures which would require 17-24 weeks minimum timeline, in addition to the KAC's own goal of a three-month minimum lead time for each grant category. Therefore, it would take nearly nine months to promulgate guidelines, in addition to the KAC's staff preparation work. This timeline will limit the KAC's ability to respond to new funding opportunities; even the timeline for temporary regulations is somewhat limiting.

Another important concern is that the KAC's level of state and federal funding fluctuates, which may require the use of temporary regulations for several grant programs.

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What is of greatest concern to the KAC is the financial impact the adoption of rules and regulations will have on the agency's budget. A conservative estimate for the publication of funding regulations in the Kansas Register is \$1500-\$2000. There will may be additional Commission meeting needed to approve guidelines on a timeline other than the one currently used. Commission meetings cost about \$1500 each.

STATE OF KANSAS

Kansas Arts Commission

POLICY MANUAL



Prepared by:
Opinion Research Associates, Inc.
Madison, Wisconsin
June Spencer, Director
Anne Katz, Senior Analyst

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Att. #4

The compliance audit must cover the period covered by the contracts and meet the Kansas Arts Commission audit requirements. The compliance audit may be a separate report or it may be included as a part of the organization's annual audit. However, the compliance audit is required whether or not the organization applied for funding during the next fiscal year.

The Kansas Arts Commission will withhold funding or applications from organizations which fail to comply with the Compliance Audit requirement.

G) Application Procedures

1. Procedures

The Kansas Arts Commission will generally follow these procedures to a grant deadline (some programs, such as RAP, KTP, and SOG, are processed according to procedures specific to each program):

9 months prior to deadline: The Executive Director and staff will conduct an annual review of guidelines standards. In this annual review, guidelines will be revised and new guidelines will be drafted if necessary.

8 months prior: The draft will be presented to the Program Committee of the Commission for a first review.

6 months prior: The Commission will make the proposed guidelines available to the field and to the community during a public review period of 30 days, through such means as contact with print and electronic media, notification of the *Kansas Register*, public hearings around the state and notification of all statewide service organizations, current grantees and previous fiscal year applicants.

5 months prior: After the public review period, the Commission will pass the guidelines with any necessary changes.

3 months prior: A program brochure containing the new guidelines, a project support application form and instruction sheet will be mailed to potential applicants.

2-3 months (minimum) prior: Grant-writing workshops will be held around the state.

After a grant application deadline, the Kansas Arts Commission will follow these procedures:

1 month after application: KAC staff will determine whether KAC funding may be appropriate according to current program categories. The staff consid-

ers the project budget, logistics, publicity plans, documentation plans, evaluation plans, and community involvement and administrative capability of the applicant. The staff is usually in telephone communication with the applicant during this process, and may return the application to the applicant for clarifications and/or corrections.

6 weeks after: Final applications are returned to the Commission.

2 months after: The application is presented to the appropriate advisory panel for review, consideration and recommendation.

3 1/2 months after: The final decision on grants is made by the Commission.

4 months after: Applicants are notified by mail of the KAC decision. A favorable decision results in the awarding of a contract.

4+ months after: Contracts are processed and sent to fully funded grantees; grantees with partial funding receive a contract based upon revised budget (see Section H, contractual requirements).

2. Applicant Evaluation

The Commission will make every effort to visit programs, to provide adequate staff to administer the grant programs and sufficient travel funds so the staff can monitor programs, and to select panelists who are willing and able to objectively view programs in their discipline and geographic area.

H) Contractual Requirements

1. After Funding

The Commission notifies applicants whose projects have been approved for funding individually by letter. Funded applicants must perform the following duties once they have received notification of funding:

- complete a Revised Budget form, provided by the KAC, if the amount the KAC grants to a project is less than the amount requested in the application. Partially-funded grantees must submit a Revised Budget before a contract can be issued; the applicant may need to reduce program or administrative costs or seek funds elsewhere.
- sign a contract issued by the KAC which states the terms of the funded project. The person in the organization legally designated to enter into a contract on behalf of the funded organization must sign the contract.

1 February 1990

Testimony for the Senate Committee on Federal and State Affairs on
SB 502

I am David Haury, Assistant Director of the Kansas State Historical Society, and am here today to review the background and justification for SB 502.

This bill amends the statute which requires that every state agency deliver 30 copies of its publications to the Historical Society. The bill reduces this requirement from 30 to 10. It also stipulates that agencies exempted from using the state printer are required to deliver their publications directly to the Society. The current mechanism ensures receipt only of items printed by the state printer.

In early years Kansas publications were widely exchanged for materials from other states and 30 copies were useful. However, the types of materials used for such exchanges and the mechanism for exchanges are more limited today, and 10 copies will suffice.

The bill will have a slight cost savings impact on both the Society and other agencies. It will somewhat reduce our storage space requirements by eliminating the need to keep excess copies which were not exchanged, and it will reduce the printing bills for other agencies.

Senate F & S A
2-1-90
Att. #5