

Approved July 8, 1991 Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at  
Chairperson

1:00 ~~xxx~~/p.m. on Friday, April 12, 1991 in room 526-S of the Capitol.

All members were present except:

Representative Arthur Douville - Excused

Committee staff present:

Lynne Holt - Kansas Legislative Research Department  
Mary Torrence - Office of the Revisor  
Mary Galligan - Kansas Legislative Research Department  
Connie Craig - Secretary to the Committee

Conferees appearing before the committee:

Chair Sebelius called the meeting to order.

SB 368

The Chair announced that SB 368 was the bill that was requested by the Secretary of State's office and the Register of Deeds Association, dealing with filing the FEIN number in a U.C.C. check. She stated that the Chair is open for discussion on the bill.

One Committee member reminded the Committee that there was a recommendation to delete line 40 on page 4 of the bill.

Representative Empson moved to amend SB 368 by striking the language on page 4, line 37, beginning with the words "the requirement", down to line 40, ending with the word "party". Representative Gjerstad made a second to the motion.

Committee Discussion:

1. The Senate amendment was intended to permit a secured party to file a continuation without the FEIN SSI number if it was unknown.
2. One Committee member quoted from the Secretary of State's testimony in regards to the Senate amendment, "We believe that this exception is unnecessary and would prevent searches from being trustworthy. We checked with the states currently requiring this number on the continuation, and they report no problems."
3. One Committee member pointed out that by not having the Social Security number at the time that the original U.C.C. 1 is filed or an amendment of this type, we would be preventing a continuation statement from being filed which protects the lienholder.
4. Chair Sebelius stated that if we want to keep that language in, at the very least, the word "after" is needed, according to the Secretary of State's office, on line 40, rather than the words "prior to".

Chair Sebelius called for a vote on the motion on the floor. Motion to amend SB 368 passed on a voice vote.

Representative Rock moved to further amend SB 368 by changing the word employee when it appears in relation to the FEIN number to employer. Representative Graeber made a second to the motion. Motion passes by a voice vote.

One Committee member expressed concern over tying your Social Security number to everything private.

Representative Roper moved that SB 368 as amended be reported favorable. Representative Graeber made a second to the motion.

Staff stated that the word employee should be left as it is in regards to the FEIN number.

Chair Sebelius suggested that the bill be passed over until later in the meeting so that the confusion over the word employee or employer can be clarified.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:00 ~~xxx~~ /p.m. on Friday, April 12, 191.

SB 370

Chair Sebelius asked the Committee to turn their attention to SB 370 for action. She added that this is the bill that involves one change in the charitable trust act.

Representative Graeber moved to report SB 370 favorable. Representative Baker made a second to the motion, which passed on a voice vote.

HB 2517

Chair Sebelius asked the Committee to turn their attention to HB 2517 for action. She explained that this is the bill on the creation of the housing trust fund.

Committee Discussion:

1. In response to a question from a Committee member, Carol Morgan, Department of Commerce, stated that if HB 2517, and not the substitute, is passed, we will still be in compliance with federal law. She added that it is probable, under this new law, that not all of the cities in Kansas that are currently entitlement cities will continue to be. So that they will be coming to the State for funding which they now go directly to the federal government.
2. When asked by a Committee member, Carol Morgan stated that her department turned down a gift last year because there was no place to receive it.
3. In regards to needing statutory authority in the proposed substitute bill to issue mortgage credit certificates or mortgage revenue bonds, the Department of Commerce's position on that is to do that next year.

Representative Wagon moved to report HB 2517 favorable for passage. Representative Baker made a second to the motion, which passes on a voice vote.

SB 375

Chair Sebelius asked the Committee to turn their attention to SB 375 for action.

One Committee member stated that if this bill is amended, it will probably end up in Conference Committee. He pointed out that this morning the Senate passed simulcasting, and as we know, if a bill on the same subject is passed in one House or the other, that bill can be amended into another bill in Conference Committee. He added that if SB 375 passes out of this Committee and the House floor without amendment, then it goes straight to the Governor. It is not subject to the Conference Committee possibility. He also added that he there are parts of SB 375 that he is uncomfortable with, but less comfortable with the problems in this bill then with potential questions on simulcasting.

Chair Sebelius responded by saying that she would like to assure the Committee that if simulcasting passes the Senate, it is her intention to hold a hearing on it during the Veto Session. She added that these are two separate issues, and it is not her intention to put this bill out as a vehicle for simulcasting.

Representative Baker moved to report SB 375 favorable. Representative Empson made a second to the motion, which passes on a voice vote.

One Committee member suggested to the Chair that she consider asking Majority Leader Whiteman to hold SB 375 as far down on the calendar and to expedite hearings on simulcast as soon as we get back to allow for sufficient time so that this bill does not become a vehicle.

SB 227

Chair Sebelius asked the Committee to give their attention to Representative Gjerstad, Chair of the Subcommittee that considered SB 227, HB 2010, HB 2555, and HB 2542. These are various bills that Representative Gjerstad and her Subcommittee members have been dealing with and now have a report.

Representative Gjerstad passed out copies of Proposed House Substitute For Senate Bill 227, Attachment #1. She explained that the Subcommittee took part of the 4 bills, 3 of which establish a commission in different forms, and we developed our own version of that. This act would establish a commission on children, youth, and families.

Representative Gjerstad moved to adopt balloon amendments. Representative Graeber made a second to the motion.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:00 ~~xxx~~/p.m. on Friday, April 12, 19<sup>91</sup>

Committee Discussion:

1. In regards to hiring an executive director and staff, Chair Sebelius stated that the framework for this was modeled after the Sentencing Commission staff. She added that the fiscal note was about \$150,000, and that could be further reduced by potentially borrowing staff from some of the existing agencies. She added that the mandate to do an honest review of what is in existence (some by statute, some by executive order, and some just because they exist) and try to make some very careful recommendations about getting rid of duplication and consolidating mandates, it was felt that an entity which just existed for a period of time and then would cease to exist should be this kind of executive director.
2. Representative Gjerstad added that HB 2542's fiscal note was \$123,000, and Secretary Harder did testify that he felt staff could be borrowed. This would be per year subject to appropriations.

Chair Sebelius asked for a vote on the motion to adopt the balloon. Motion to adopt the balloon passes on a voice vote.

Representative Sprague moved that at the bottom of page 2, Section 2, that the fifth line down after the words "two years" to insert "serve at the pleasure of the Commission" and strike the last sentence in subsection (a). Representative Baker made a second to the motion.

One Committee member questioned why use the term of two years, and instead just say the executive director shall serve at the pleasure of the Commission, because they are the ones hiring.

Representative Sprague moved to amend his motion to deleting the words "two years". Representative Baker agreed to second the amended motion.

Staff suggested that the Executive Director shall be in the unclassified service and shall receive compensation set by the Commission.

Representative Sprague moved to use "executive director shall be in the unclassified service and receive compensation as set by the Commission and to strike the last two sentences in subsection (a). Representative Baker made a second to the motion, which passed on a voice vote.

One Committee member asked that on page 4 in subsection (n), if we are accepting gifts, loans, and grants, can we spend them?

One Committee member felt that this Commission studies and makes recommendations, and that money accepted would be used to subsidize any recommendations.

Representative Hamilton moved to delete subsection (n), Section 3 in substitute SB 227. Representative Sprague made a second to the motion.

Committee Discussion:

1. Representative Gjerstad brought to the Committee's attention that Secretary Harder thought that there would be grant money and donation money available to help fund the duties of this specific commission.
2. Several Committee members stated their opposition to the motion.

Chair Sebelius asked for a vote. The motion to delete subsection (n), Section 3 failed on a voice vote.

One Committee member stated that in Section 3, Subsection (k) says in regards to performing activities reasonably related to the legislative intent of this act, the powers and the intents set out ahead are extremely broad. He added that he did not know what subsection (k) means, or what would be reasonably related to legislative intent. He pointed out that that is an inherent power anyway, but to set this out is a red flag and is unnecessary.

Representative Sprague moved to remove subsection (k), Section 3. Representative Rock made a second to the motion.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:00 ~~xxx~~/p.m. on Friday, April 12, 1991.

Representative Wagnon offered a substitute motion that would read "perform such other activities to improve the public awareness of the special needs of Kansas children, youth, and families. Representative Allen made a second to the motion, which passes on a voice vote.

One Committee member stated that in Section 2, subsection (a), it should be clear appropriations apply not only to the Commission Director, but also to the staff.

Representative Sprague moved to add in Section 2, subsection (a), at the very beginning of the sentence, insert "Subject to appropriations,". Representative Cates made a second to the motion, which passes on a voice vote.

One Committee member asked the Committee to consider removing the language of appointment of members of the Legislature to this Commission. He expressed concerns that legislators spend too much time as lobbyists for certain groups.

Representative Sprague moved to delete subsections (7) and (8) of subsection (b), Section 1, page 1, and the first sentence of subsection (c), Section 1, page 2. Representative Lane made a second to the motion.

Committee Discussion:

1. Several Committee members stated opposition to the motion.

Representative Hamilton offered a substitute motion to appoint the President of the Senate and one additional member of the Senate appointed by the Minority Leader and the Speaker of the House and one additional member of the House of Representatives appointed by the Minority Leader. Representative Allen made a second to the motion.

Committee Discussion:

1. One Committee member stated that a designee is not good, and that the President of the Senate and the Speaker of the House is needed for their total buy in and we will not have this if they are not there serving.

Chair Sebelius called for a vote on the substitute motion. The substitute motion to include only the President of the Senate and one additional Senator and the Speaker of the House and one additional member of the House of Representatives failed on a voice vote.

Chair Sebelius called for a vote on Representative Sprague's original motion. The motion to delete legislators as members of the Commission failed on a voice vote. Division is called for. Motion fails 8 to 11 by a show of hands.

Representative Rock moved to change the word "identify" in Section 3, subsection (f) to the word "propose". Representative Long made a second to the motion, which passes on a voice vote.

Representative Rock moved to delete "public and private" in Section 3, subsection (h), page 4. Representative Baker made a second to the motion, which passes on a voice vote.

Representative Allen moved that the Attorney General be added to the list of Commission members. Representative Baker made a second to the motion.

Several Committee members stated their opposition to the motion.

Chair Sebelius called for a vote on Representative Allen's motion. The motion to add the Attorney General to the Commission appeared to pass on a voice vote. Division is called for. The motion fails by a show of hands.

Representative Baker moved to correct the term served by the Commission to two year terms to coincide with the terms of the members of the House of Representatives. Representative Jones made a second to the motion, which passes on a voice vote.

Representative Gjerstad moved to report SB 227 as amended favorable for passage. Representative Graeber made a second to the motion, which passed by a voice vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,  
room 526-S, Statehouse, at 1:00 ~~xxx~~/p.m. on Friday, April 12, 1991.

SB 368

A representative from the Secretary of State's office reported that the word used with the FEIN number is employer. Chair Sebelius stated that the motion to use the word employer was voted on and passed.

Representative Baker moved to report SB 368 as amended favorable. Representative Hamilton made a second to the motion, which passed on a voice vote.

HB 2630

Chair Sebelius asked the Committee to turn their attention to HB 2630 for action. She stated that Representative Adam requested that HB 2630 be sent to an appropriate interim study.

Representative Rock moved that HB 2630 be sent to an appropriate interim study. Representative Baker made a second to the motion, which passed on a voice vote.

SB 381

Chair Sebelius asked that the Committee turn their attention to SB 381 for action. She explained that SB 381 is the reconstitution of the Sentencing Commission and combination with the Coordinating Council. She pointed out that on page 4, line 34 through 39 would basically lock into place everyone who is currently on the Commission. She added that the work of the Commission as originally constituted is basically done in terms of the sentencing guidelines, and that bill is in the Senate, had hearings, and is a legislative product. The Commission is now going to start to do other things; the next topic is the consolidation of field services. She felt very strongly that to add additional minority members, as well as to relook at this group, we shouldn't lock in the existing members for another two years.

Representative Cates moved to delete lines 34 through 39 on page 4. Representative Sprague made a second to the motion, which passed by a voice vote.

Representative Hamilton moved to keep the one member from the Sherrif Association and one member from the Law Enforcement community on the Commission, and to change the membership total from 13 to 17 members. Representative Graeber made a second to the motion.

Chair Sebelius spoke in opposition to the motion by pointing out that those are the public members of the Commission. She added that there is nothing from precluding the Governor from choosing people with that kind of expertise, but if you will look at the statutory members, we have the Attorney General, attorneys, county and district attorneys, Secretary of Corrections, parole board, community corrections, and court services officers. She stated that by mandating 2 of the 5 public members come out of specific communities, you have effectively made sure that the public voice is dimly heard.

Chair Sebelius called for a vote on Representative Hamilton's motion. The motion to keep a sherrif and a law enforcement person as members of the Commission, and to change the membership total from 13 to 17, passes on a voice vote.

Representative Jones moved to pass SB 381 as amended favorable. Representative Cates made a second to the motion, which passes on a voice vote.

Chair Sebelius adjourned the meeting.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 4-12-91

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Reterson	Topeka	Ks Municipal Security Dealers
Carol Beard	Topeka	505
GARRY SANDERS	TOPEKA	KS SENT. Comm.
Christy Kistley Hill	"	SPS
Key Farley	"	OSA
JEFF SONNICH	TOPEKA	KNLS 1
Whitney Jamron	Topeka	Wichita Greyhound Park, Inc.
DANA NELSON	TOPCKA	KRC
Pat M. Slick	1147 OREGON ST. LAWRENCE 66044	Soll
Hyndon Drew	Topeka	RTOA
Doug Bowman	"	Children & Youth Advisory
Sydney Karr	Lawrence	KS action for children

PROPOSED HOUSE SUBSTITUTE FOR SENATE BILL NO. 227

By Committee on Federal and State Affairs

AN ACT concerning children, youth and families; creating the Kansas commission on children, youth and families; providing for establishment of local commissions on children, youth and families; providing for development and coordination of plans and programs relating to children, youth and families.

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

Section 1. (a) There is hereby created the Kansas commission on children, youth and families.

(b) The commission shall consist of 17 members, as follows:

- (1) The secretary of social and rehabilitation services;
- (2) the secretary of corrections;
- (3) the secretary of health and environment;
- (4) the secretary of human resources;
- (5) the chief justice of the Kansas supreme court or the chief justice's designee;
- (6) the commissioner of education;
- (7) the president of the senate and two members of the senate, one appointed by the president of the senate and one appointed by the minority leader of the senate;
- (8) the speaker of the house of representatives and two members of the house of representatives, one appointed by the speaker of the house of representatives; and one appointed by the minority leader of the house of representatives; and
- (9) five members of the public, appointed by the governor, which members shall include at least one resident of each congressional district of the state. In making such public appointments consideration shall be given to the individual's experience in children's issues with particular emphasis on experience as a child and adolescent mental health specialist,

court appointed special advocate volunteer, foster parent, county or district attorney with a significant child in need of care or juvenile offender caseload, guardian ad litem or experience with children in a local youth program. Not more than three members of the commission appointed by the governor shall be of the same political party.

(c) Members of the legislature appointed to the commission shall serve on the commission for terms coinciding with <sup>those of</sup> such ~~members'~~ <sup>the H of R</sup> legislative terms. Of the members of the commission first appointed by the governor, two shall serve for terms of three years, two for terms of two years and one for a term of one year, as designated by the governor. Thereafter, members appointed by the governor shall serve for terms of three years. Appointed members shall serve until their successors are appointed and qualify. All other members of the commission shall serve ex officio.

(d) The governor shall appoint a chairperson of the commission from among the members appointed by the governor. The members of the commission shall elect any additional officers from among its members necessary to discharge its duties.

(e) The commission shall meet upon call of its chairperson as necessary to carry out its duties under this act.

(f) Members of the commission shall receive subsistence allowances, mileage and expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 2. (a) The Kansas commission on children, youth and families shall appoint an executive director who shall be a person having experience in the operation and administration of services to children and youth. The executive director shall ~~be appointed for a term of two years and may be reappointed. The executive director may be dismissed only for cause.~~ <sup>serve at the pleasure of the commission.</sup>

(1) The ex. dir shall be a member of the commission. <sup>(1) The ex. dir shall be a member of the commission.</sup>

(b) The executive director shall: <sup>unclassified service and shall receive compensation</sup>

(1) Employ, with the advice and approval of the commission, <sup>set by the</sup>

such staff as necessary to perform the duties of the commission; <sup>commission subject to appropriations</sup>

(2) prepare the state plan for services to children, youth <sup>subject to P. appropriations</sup>

HOUSE FEDERAL AND STATE AFFAIRS

April 12, 1991

Attachment #1 - Page 2



and families; the annual report; such other reports as necessary and appropriate; and an annual budget for the approval of the commission;

(3) formulate and recommend rules and regulations for approval or rejection by the commission;

(4) serve as chief executive officer of the commission; and

(5) act as an agent for the commission, as authorized by the commission, in the performance of the commission's duties.

Sec. 3. The Kansas commission on children, youth and families shall:

(a) Review current state policies on children, youth and families as reflected by Kansas statutes, rules and regulations, programs, services and budgetary priorities;

(b) study the many problems which jeopardize the development and well-being of Kansas children, youth and families, including but not limited to such persistent, interdisciplinary problems as teen pregnancy, educational under-achievement, youth employment, alcohol and drug abuse, delinquency, emotional illness, birth defects, daycare, homelessness, child abuse and the growing impoverishment of childhood and adolescence;

(c) define and establish the components, guidelines and objectives of a comprehensive state policy to ensure and promote present and future health, welfare and opportunity for all of Kansas children, youth and families;

(d) identify any state or local laws, rules and regulations, programs, services and budgetary priorities which conflict with the components, guidelines and objectives of such comprehensive policy;

(e) search for any interagency gaps, inconsistencies and inefficiencies, whether at the state or local level, in the implementation or attainment of such comprehensive policy;

(f) <sup>propose</sup> ~~identify any~~ new laws, rules and regulations, programs, services and budgetary priorities <sup>as</sup> ~~which are~~ needed to ensure and promote present and future health, welfare and opportunity for all of the state's children, youth and families;

(g) serve as an in-house informational resource on policy matters concerning children, youth and families;

(h) promote public ~~and private~~ policies and programs which emphasize preventive action, independence of the individual, strengthening of families and minimization of physical and mental disabilities and disfunction;

(i) encourage the establishment of local commissions on children, youth and families which will consolidate and replace existing groups which foster duplication or fragmentation of policies and programs regarding children, youth and families;

(j) provide technical assistance to existing or developing local commission on children, youth and families;

(k) perform such other activities ~~as are reasonably related to the legislative intent of this act, including but not limited~~ to improving public awareness of the special needs of Kansas children, youth and families;

(l) facilitate joint planning and service coordination among public and private agencies that provide services to children, youth and families;

(m) prepare and publish reports related to children, youth and families;

(n) accept appropriations, gifts, loans and grants from the state and federal government and from other sources, whether public or private;

(o) secure necessary statistical, technical, administrative, operational and staff services by interagency agreements or contracts;

(p) exercise all incidental powers necessary and proper for the performance of the duties and responsibilities of the commission;

(q) adopt any rules and regulations necessary to carry out the duties and responsibilities assigned to the commission.

Sec. 4. (a) The Kansas commission on children, youth and families shall evaluate and review the development and quality of services to children, youth and families and, on or before

January 1 of each year, shall publish and distribute an annual report of its findings to the governor, the speaker of the house of representatives, the president of the senate, the chief justice of the Kansas supreme court and the chief administrative officer of each agency affected by the report. Such report shall include activities of the commission; recommendations for the further development and improvement of services to children, youth and families; and budget and program needs.

(b) On or before January 1, 1992, and on or before July 1 of each year thereafter, the commission shall publish a state plan for services to children, youth and families for the next succeeding fiscal year. The plan shall:

(1) Identify and establish goals and priorities for services for children, youth and families and the estimated costs of implementing such goals and priorities;

(2) show previous and current expenditures for state and state-supported services to children, youth and families; and

(3) include such other information or recommendations as necessary and appropriate for the improvement and coordinated development of the children, youth and families service system; and

(4) be made available to the general public.

(c) The commission shall identify and evaluate existing state agencies, including boards, commissions, advisory committees and other entities, involved in policy matters or services concerning children, youth and families. On or before January 1, 1993, the commission shall make a report and recommendations to the legislature regarding: (1) The need for each such agency; (2) each such agency's role under the state plan developed by the commission; (3) consolidation or abolition of any such agencies to promote consistency and efficiency; and (4) expansion of the authority of any such agencies to meet policy and service needs.

Sec. 5. The provisions of this act shall expire on July 1, 1998.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.