

Approved APR 1 1991 Date _____

MINUTES OF THE House COMMITTEE ON Governmental Organization

The meeting was called to order by Rep. Gary Blumenthal at _____
Chairperson

9:00 a.m./p.m. on March 27, 1991 in room 522-S of the Capitol.

All members were present except:

- Rep. Tom Bishop, absent
- Rep. Ruth Ann Hackler, excused

Committee staff present:

- Carolyn Rampey, Research Dept.
- Avis Swartzman, Revisor of Statutes
- Nita Shively, Committee Secretary

Conferees appearing before the committee:

- Senator Marge Petty
- Rebecca Rice, Attorney - Topeka
- Faith Loretto, Dept. of Administration
- David Traster, Asst. Secretary. General Counsel, H&E
- John Badger, Acting Counsel, SRS
- Dan Carlson, KS Independent Auto Dealers Assoc.
- Pat Barnes, KS Motor Car Dealers
- Terry Humphrey, KS Mfg. Housing Assoc.
- Roger Hayden, Dept. of Corrections

Chair called meeting to order when quorum was present.

Hearing on SB 197 - AN ACT concerning state surplus property; relating to the storage and disposal thereof.

Senator Marge Petty appeared in support of SB 197 furnishing written testimony which included a diagram showing 1990 space inventory, (Attachment 1). She stated that the idea of a centralized clearing house would be extremely effective in consolidating storage needs and disposition of surplus which would result in drastic reduction in cost to the state and increased efficiency. She further advised that the Dept. of Corrections, Dept. of Administration and Ramon Powers with the State Historical Society fully concur with this proposal.

Chair asked if there were any additional conferees who wished to testify on this bill. Roger Hayden from the Dept. of Corrections stated that his agency is very much in favor of this bill.

Hearing closed on SB 197.

Hearing on HB 2448 - AN ACT concerning state agencies; relating to the adoption of administrative rules and regulations.

Rebecca Rice appeared as a proponent for HB 2448. She provided written testimony including 2 diagrams explaining how the procedure currently works and how it would work if this legislation is adopted, (Attachment 2). Ms. Rice advised that HB 2448, requiring notice published in the Kansas Register that rules and regulations were in the process of being drafted, would greatly improve the entire procedure. She believes that input from interested parties would be very advantageous both for the agency involved and the public.

Faith Loretto appeared in opposition to HB 2448. She furnished written testimony including flow charts detailing each step in the process. (Attachment 3). Ms. Lorretto informed the committee that the Dept. of Administration opposes this bill for a variety of reasons. One of their primary concerns is the additional length of time; one consequence of the delay could result in serious problems for agencies required to meet federal mandates.

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./~~pm~~ on March 27, 1991

Another factor would be the additional cost of publishing the extra notice in the Kansas Register. In addition, Ms. Loretto disagreed with the proponent's contention that the bill would not apply to temporary regulations. She cited several recent examples where quick action was necessary due to the Gulf crisis.

David Traster testified and furnished written testimony in opposition to HB 2448, (Attachment 4). He stated that his agency is already faced with constantly changing state regulations and federal mandates and the proposed legislation would cause a great deal of confusion and would also slow the process considerably.

John Badger appeared as an opponent to HB 2448, furnishing written testimony, (Attachment 5). Mr. Badger also expressed serious concerns regarding the time factor. SRS is already faced with having to anticipate appropriations, which may not be passed until late April or early May, so an additional 15-day delay could cause problems in meeting necessary deadlines.

Hearing closed on HB 2448

Hearing on SB 237 - AN ACT relating to sunset of dealer review boards.

Dan Carlson appeared in support of SB 237 furnishing written testimony, (Attachment 6). He requested that the committee continue the Dealer Review Board and lift the sunset. Mr. Carlson stressed the important function of the board and the need for greater cooperation with the Dept. of Revenue. He mentioned that nearly all states have some form of board, which is extremely helpful to both dealers and the public.

Pat Barnes appeared in support of SB 237. He stated that even though the Dealer Review Board no longer has as much clout as it originally had when enacted in 1974, it is very important that it be retained as an advisory board. Furthermore, he requested that sunset coincide with the parent organization.

Terry Humphrey testified and furnished written testimony as a proponent for SB 237, (Attachment 7). Ms. Humphrey stated that the Kansas Manufactured Housing Assoc. supports this bill, but would like an amendment added. Since there are no R.V. representatives on the board, yet they are governed and effected by their recommendations, this oversight should be corrected.

Hearing closed on SB 237

Chair announced he has appointed Rep. Ramirez to chair subcommittee to review SB 237; members include Representatives Brown, McClure, Bowden and Weimer. Since they were on the committee last year it would be helpful to compare consistency between decisions made last year and this year.

Discussion and action on Sub SB 118

Discussion followed on several proposed amendments. Staff (Avis Swartzman) distributed a proposed amendment that she drafted after conversations with interested parties, (Attachment 8). Due to lack of time, Chair ruled that this matter would be continued on Friday.

Meeting adjourned at 10:00 a.m. Next meeting will be Friday, March 29th.

GUEST LIST

COMMITTEE: 90

DATE: 3-27-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Sherrill Pank, Jr	Topeka	Sec of State
Susan Maddrell	Topeka	Sec of State
Faith Forester	"	Dept. of Admin.
Rod Bieker	Topeka	Dept of Education
Roger HADEN	TOPEKA	Dept of Corrections
TOM DAY	TOPEKA	KCC
Jay D. Moser	Topeka	The Agri. Sec Dept
Larry R. Heersink	Topeka	Ks. Dept. of Trans.
Charles G. Bredahl	Topeka	Adjutant General's Dept
Shirley Rice	Topeka	Self
Jacque Dakes	Topeka	Ks. Ind. Auto Dealer Assoc
Dan Carlson	Topeka	Ks. Ind. Auto Dealer Assoc
Sandra McAdam	Topeka	KDHE
DAVID M. TRASTER	Topeka	KDHE
John Baker	Topeka	SRS
PAT BARNES	Topeka	Ks. Motor Car Dealer Assoc
Pat Johnson	Topeka	Board of Nursing
Tom Kumples	Topeka	Ks. Manufacturers Assoc
Kenneth M. Wilke	Topeka	Ks. Bd of Agriculture
Dean Trimmer	Council Grove	Ks. Motor Car Dealer Assoc
Gene Jarvey	Topeka	KDOC

SB 197

STATE OF KANSAS

MARGE PETTY
SENATOR, 18TH DISTRICT
SHAWNEE COUNTY



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
MEMBER ASSESSMENT AND TAXATION
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS
JUDICIARY
LABOR, INDUSTRY AND SMALL BUSINESS
LOCAL GOVERNMENT

SB 197

Purpose:

1. Reduce the cost to the state of providing state storage and increase the efficiency in planning for storage.
2. To establish the Secretary of Corrections as responsible for the consolidation of and the disposition of surplus property.
3. To establish the Department of Administration as responsible for planning for storage needs throughout the state system.

The State of Kansas currently pays almost a half a million dollars to private individuals for storage of state property. In addition to storage in private facilities, there is over one million eight hundred thousand square feet of space used for storage of state property. This includes warehouses with old desks stacked 30 feet high and surplus furniture stored for enough years it has been forgotten.

There are currently two hundred and twelve separate departments which contract individually for their storage needs. It is assumed that if there is a state central planning process that goes on for storage, space needs will be better planned, and existing space will be better utilized within state property. The results of such planning could be a reduction in the need for contracting with private individuals to provide storage and therefore reduced expenses.

An additional advantage would be better use of space within offices. Consolidation of storage needs and disposition of surplus, can impact office space needs. Better utilization of space could minimize new building purchases for additional office space.

April 23, 1990

1990 SPACE INVENTORY
KANSAS PROPERTY MANAGEMENT
APRIL 23, 1990 A PRELIMINARY STUDY OF STATE OWNED AND LEASED PROPERTIES IN KANSAS

	FY90 SQ.FT. *****	FY91 SQ.FT. *****	SQ.FT. Incr/Decr *****	FY90-FY91 Percentage Incr/Decr *****
Total Leased Properties: (Office and Storage)	2069107	2107149	38042	1.84%
Office Space:	1798670	1836712	38042	2.12%
Storage Space:	270437	270437	0	0.00%
Total State Owned Properties: (Office and Storage)	15443601	15500866	57265	0.37%
Office Space:	13749927	13783435	33508	0.24%
Storage Space:	1693674	1717431	23757	1.40%
Total Leased & State Owned: (Office and Storage)	17512708	*17608015	95307	0.54%

Total Full Time Employees FY90: 37393

Total Estimated Full Time Employees FY91:

37348

Total Estimated Increase/Decrease FY91:

-45

Total Estimated Percentage Increase/Decrease FY91:

-0.12%

What amount for storage

J.O. 3-27-91
attachment 1-2

REBECCA RICE

Attorney at Law

835 S.W. Topeka Avenue, Suite B
Topeka, KS 66612

Mailing Address:
P.O. Box 4842
Topeka, KS 66604

Telephone:
913/234-9702
Fax 913/234-3189

TESTIMONY PRESENTED TO
HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION
RE: HB2448
3/27/91

by: Rebecca Rice

Mr. Chairman & members of the committee:

I am Rebecca Rice and I do not appear before you today on behalf of any client but only as an individual who works within the structure of the Kansas government and who has a suggestion as to how this structure could work more efficiently and accurately.

I began this process of attempting to determine how the permanent rules and regulations procedure could be improved when I began working with an agency this summer to draft rules and regulations for mental health reform. I had not until that time worked within the adoption process and was appalled at the lack of oversight. Upon discussing it with several legislators, I determined that dissatisfaction with the procedure was widespread so decided to "help".

This legislation is a partial result of that effort. I have taken the liberty of attaching two diagrams which explain how the procedure works now and how it would work if the legislature were inclined to adopt this legislation.

The purpose of this legislation is to raise the issue of agency authority prior to the public hearing when the issue is basically moot. The atty. genl. can not be expected to know the history of the authorizing legislation or whether the agency is utilizing "general" rule and reg. authority for policy making purposes.

I have had two instances in the last year where this notice requirement would have been very helpful. One involved an agency attempting to do that through rules and regulations which the 1990 legislature had specifically denied. If this proposed notice change had been in effect, the rules and regulations could have been stopped early in the process. I could not address it early as I was not notified of the rules and regulations until the notice for the public hearing appeared in the register. Therefore, large amounts of staff time within that agency, the Dept. of Admin. and the Attorney General's office were spent creating and authorizing rules and regulations which were clearly beyond the agency authority.

*g.o. 3-27-91
Attachment 2*

As I have worked through the court action which brought the legislature to this point and through the process itself, I must admit to you I have come to realize my extremely strong bias that the government must be watched. The present system works perfectly if you believe in the bureaucratic structure and believe that bureaucrats (non-elected officials) work to express the desires of the elected officials. I have come to realize that I do not accept that premise. Therefore, I believe more safeguards must be built into the system to protect the regulatees from the regulators. I believe this can be accomplished, in part, by allowing meaningful input which can only be accomplished by timely intervention.

In pursuing this, however, I have found that some do not believe the system is unwieldy or is abused by bureaucrats. Therefore, there is a fundamental difference of opinion. I have not pursued this legislation with any of you because of my acknowledgement that perhaps my opinion is incorrect or too biased. I know that certain members of the legislative staff believe that I am absolutely incorrect and believe that Administration bureaucrats rarely abuse the immense power this legislature has granted to them. I disagree with their position but am also caught in a "catch-22".

If this procedure were changed, the chances of me getting to sue a state agency for exceeding the authority granted it by the legislature are remote. I will be allowed to intervene in a timely manner and the differences in most cases should be worked out. If left unchanged, however, my chances for a lawsuit are fairly good.

As an attorney, the idea of such a lawsuit is exhilarating. Hence, I know, as a part of this system, I should help to improve it. But when the attitude becomes one of "if you don't like it, sue us", the challenge becomes almost too enticing.

Thank you for your time and indulgence in reviewing this problem.

J. O. 3-27-91
attachment 2-2

A SIMPLIFIED CHART OF HOW RULES
AND REGULATIONS CURRENTLY BECOME LAW

Agency creation

submission to Dept. of Administration for
determination of proper format



returned to agency in proper format



Agency

submission to Attorney General for
determination of legality, i.e. does
the agency have the authority or has the
agency authority been exceeded.



returned to agency with determination of legality



Agency

once determined to be properly formatted and
legal, agency publishes notice of a public
hearing date



public hearing is held where rules and regulations are
adopted and become law.

*g. O. 3-27-91
attachment 2-3*

CHART INDICATING WHERE PROPOSED NOTICE
REQUIREMENT WOULD BE INSERTED

Agency creation

submission to Dept. of Administration for
determination of proper format

returned to agency in proper format

Agency

would publish a notice stating briefly the
content of the rules under consideration
with the location of where a copy of the
proposed rules could be obtained.

Agency

submission to Attorney General , 15
days after publication of above referenced
notice, for determination of legality, i.e.
does the agency have the authority or has the
agency authority been exceeded.

returned to agency with determination of legality

Agency

once determined to be properly formatted and
legal, agency publishes notice of a public
hearing date

public hearing is held where rules and regulations are
adopted and become law.

*g. O. 3. 27-91
attachment 2-4*

TESTIMONY ON HB 2448
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE
MARCH 27, 1991

Mr. Chairman and members of the Committee, my name is Faith Loretto. I am a Staff Assistant in the Department of Administration and I am appearing today on behalf of Acting Secretary Arthur Griggs. Thank you for this opportunity to express our opposition to HB 2448.

HB 2448 would amend a portion of the Rules and Regulations Filing Act (K.S.A. 777-420) to require an additional notice to the public following approval of proposed regulations by the Secretary of Administration. The notice would need to be published in the Kansas Register and provided to the Secretary of State at least 15 days before the regulations are submitted to the Attorney General for review and approval. The notice would include a summary of the regulations and the address where a complete copy of the regulations may be obtained. Presumably the intent of the bill is to provide notice to the public at a very early stage in the development of regulations. However, it does not provide specifically for the agencies to take comments from the public at that point in the process.

The bill would have no direct impact on the Department of Administration with respect to its role in reviewing and approving proposed regulations for form, style, organization, grammar and orthography. However, as the Secretary's designee responsible for overseeing that function, I am very aware of the impact that the bill would have on the many state agencies required or authorized by the Legislature to adopt regulations. State agencies adopting regulations, as well

g. O. 3-27-91
Attachment 3

as those parties that the regulations are intended to benefit or protect, would be adversely affected in the following ways:

The bill would add 23 to 29 additional days to the already lengthy and often tortuous process of adopting temporary and permanent regulations -- 15 days' notice plus eight to 14 days from the date the notice is submitted to the Secretary of State to the date it is published. Currently, it takes seven to 132 days (one to 19 weeks) for adopting temporary regulations (depending upon whether a public hearing is held prior to their adoption) and from 118 to 174 days (16 to 25 weeks) to complete the process for adopting permanent regulations. I have attached a chart outlining the time frames involved in the process, modified to show the effect of HB 2448.

These time frames do not include the often extensive time spent by agencies developing proposed regulations prior to submitting them to the Secretary of Administration. When the regulations must be adopted by a board or commission which meets only periodically, additional time will be required.

Such delays adversely affect agencies' ability to implement legislation on a timely basis or to otherwise adapt policies and administrative practices to rapidly changing circumstances. In particular, the additional time would hamper agencies that must adopt regulations in order to meet a federal mandate and agencies adopting temporary regulations that are necessary or desirable in order to preserve the public peace, health, safety or welfare.

Last fall, at the direction of the Governor, the Department of Administration adopted a temporary

9.0. 3.27.91
Attachment 3-2

regulation providing certain benefits and protections to state employees who were activated to military duty in Operation Desert Shield. The regulation was drafted, approved, adopted and presented to the State Rules and Regulations Board within a one-week period in order to address the immediate needs of those personnel. Similarly, the Department has adopted a temporary regulation ensuring that employees returning from the Persian Gulf are provided positions in the same geographical area in which they served prior to activation. This regulation was adopted within two weeks and took effect on the day the 190th Air Refueling Group returned to Kansas. Had HB 2448 been in effect, the Department of Administration would still be waiting for the 15-day period to pass.

Thus, HB 2448 would have the effect of making agencies less responsive to urgent needs. Moreover, there is no apparent value or benefit to a notice and wait requirement at that stage in the adoption process.

There would be additional publication expenses associated with adopting regulations. The Secretary of State's office reported that in CY 1990, state agencies were charged a total of \$7413 for publishing in the Kansas Register notices of public hearings on proposed regulations. It is reasonable to assume that the cost to state agencies for the notices of proposed action would be comparable to the costs for publishing the public hearing notices.

If the Attorney General requires the agency to make changes in the regulations before approval is granted, if the

*G. O. 3 27-91
attachment 3-3*

agency decides to make further changes to the proposed regulation prior to publishing its notice of hearing or after receiving comments at the public hearing, the agency must begin the approval process again by returning them first to the Secretary of Administration and then to the Attorney General for further review and approval. As HB 2448 is drafted, it appears that agencies would be required in each of these instances to again give the 15-day notice of proposed action following the Secretary's review and prior to submitting them to the Attorney General. Thus, on each occasion an agency makes a change in a proposed regulation following an initial approval by the Secretary, both the publication costs and time delays will be doubled.

Presumably, the underlying motivation for this bill is to give lobbyists and other interested parties an early opportunity to receive notice of proposed changes and to lobby the agency about the substance of the proposed regulations on a private and informal basis. This opportunity would be in addition to opportunities that currently exist for public comments----comments can be submitted during the public comment period and during the public hearing. Comments can also be made at appearances before the Joint Committee on Administrative Regulations when the regulations are reviewed by the Joint Committee or through other forms of legislative review.

Although it is not specifically stated, HB 2448 seems to infer that agencies would be required to provide copies of the proposed regulations on request following publication of the

9.0.3.27-91
Attachment 3-4

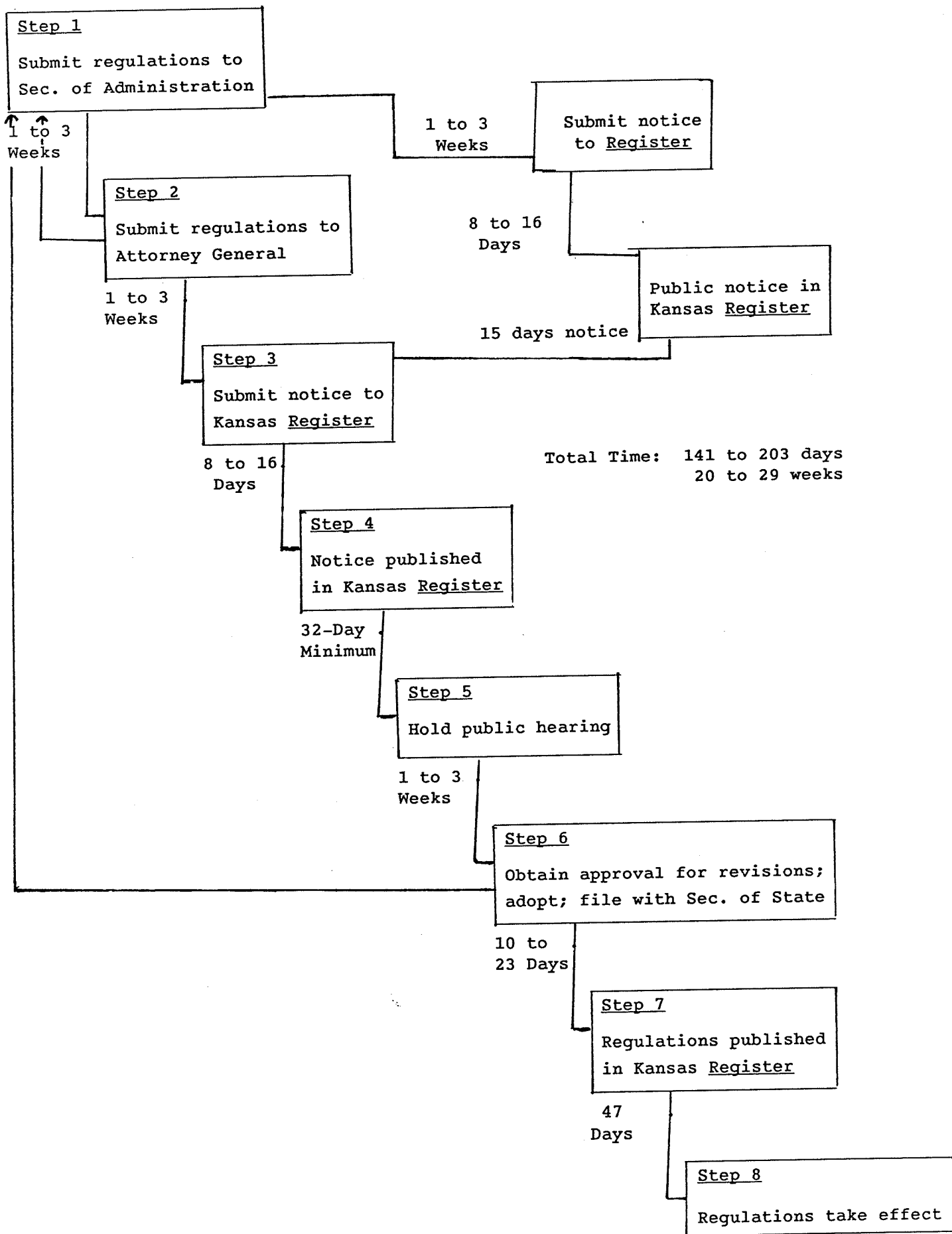
notice. Some agencies do choose on occasion to share draft copies of regulations with interested parties, prior to giving notice of the public hearing in the Kansas Register. However, it is common for the substance of proposed regulations to be modified one or more times as they move through the review process --- as the result of changes required by the Attorney General or on the agency's own initiative as it continues to review and evaluate the substance and language in the draft regulations. The Department of Administration and the Attorney General have treated these regulations as draft documents that would not be subject to the Open Records Act.

Therefore, a policy question which should be considered is whether draft documents should be subject to public review and whether there are any benefits to early public scrutiny which would outweigh the inevitable confusion resulting from multiple versions of draft regulations circulating in the public domain.

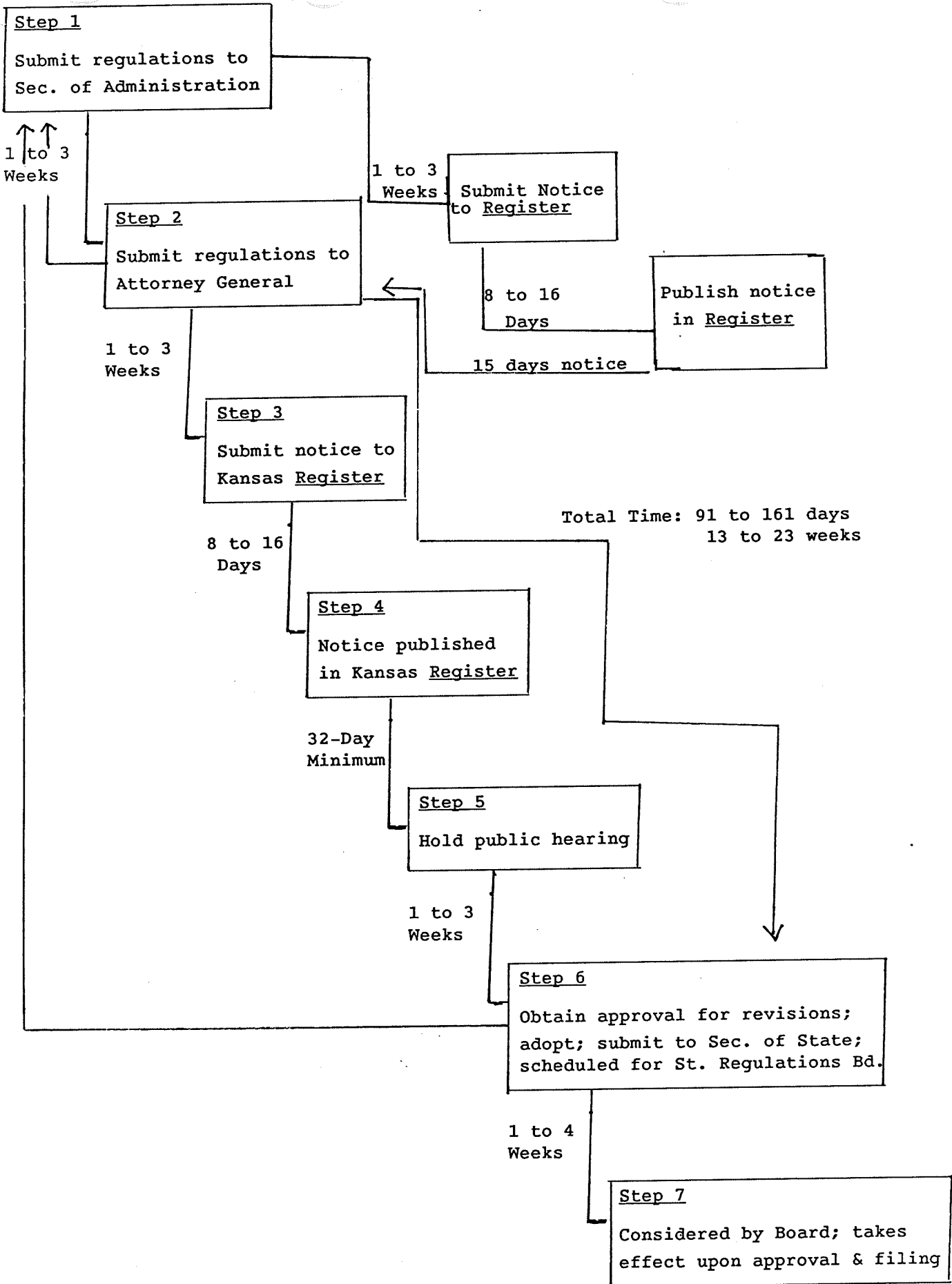
In short, it is the position of the Department of Administration that HB 2448 poses significant administrative difficulties without any corresponding public benefit. Rather than increasing the responsiveness of agencies adopting regulations, it may in fact make it more difficult for them to address changing needs. For these reasons, we urge the Committee to report HB 2448 adversely.

Thank you for your careful consideration of these concerns. I would be glad to answer any questions you may have.

PERMANENT REGULATIONS

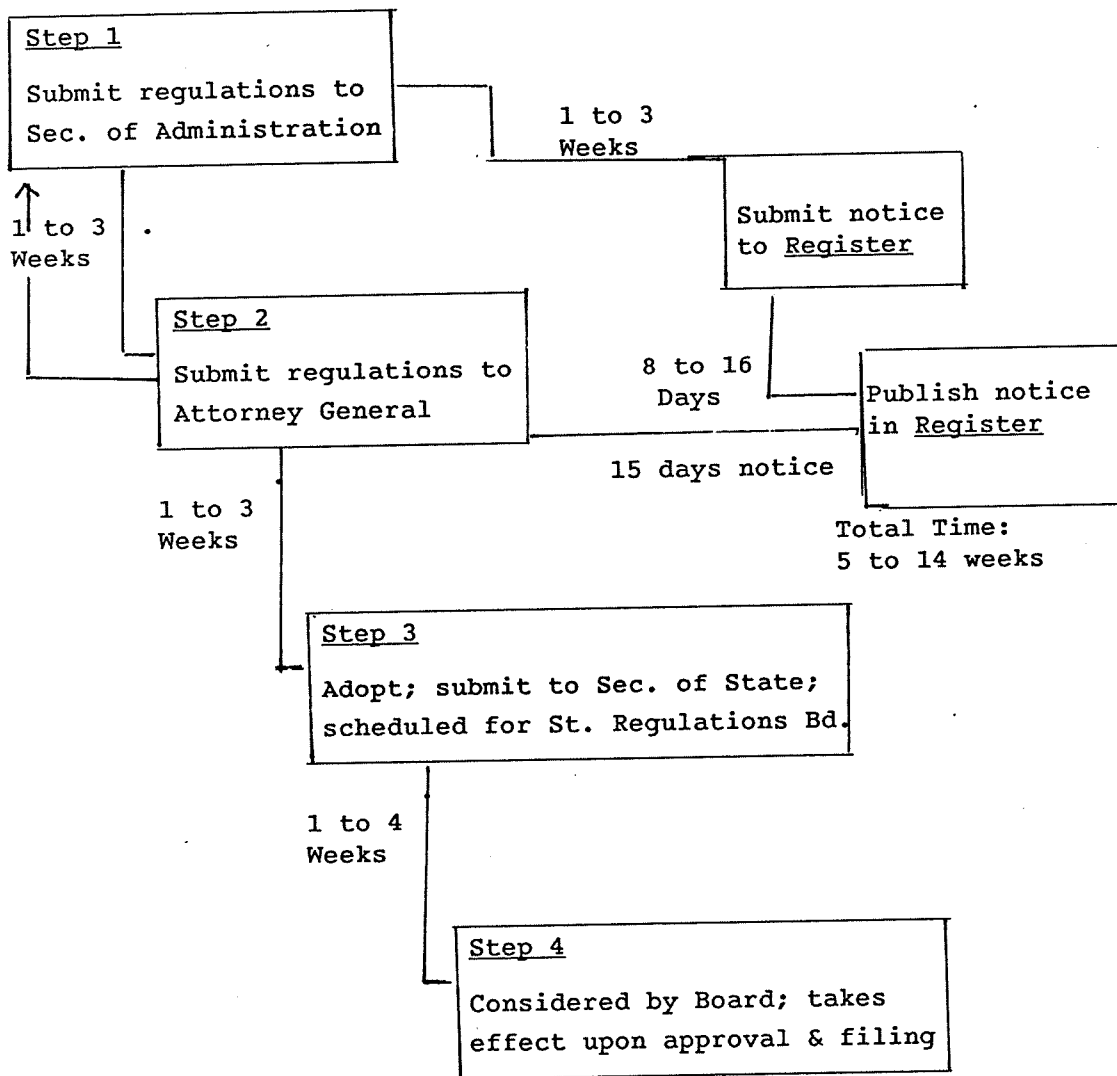


g. O. 3. 27-91
attachment 3-6



*g.O. 3. 27-91
Attachment 3-7*

TEMPORARY REGULATIONS -- ADOPTED WITHOUT A HEARING



1040L

g. O. 3. 27. 91
attachment 3-8



State of Kansas

Joan Finney, Governor

Department of Health and Environment
Office of the Secretary

Stanley C. Grant, Ph.D.,
Acting Secretary

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1522
FAX (913) 296-6231

Testimony Presented to
House Governmental Organization Committee
by
Kansas Department of Health and Environment

HOUSE BILL 2448

We believe the act before you today will create significant problems for the administrative agencies who must promulgate regulations. The process in place at this time works well, even if it is somewhat slow. The changes proposed by this bill will drastically change the time needed to have regulations adopted.

This agency is constantly dealing with timelines. Implementation dates in Kansas Statutes as well as Federal mandates require that the process not be slowed further.

Many changes are made during the process of regulation drafting. Changes made within the agency, as requested by the Department of Administration, the Attorney General, the public and the regulated community. When changes are made to regulations, they go back to the Department of Administration and the Attorney General for further review. If an agency is required to go back out on public notice each time changes are made, the process will never be complete.

KDHE opposes this legislation.

Presented by: David M. Traster
Assistant Secretary and General Counsel
Kansas Department of Health and Environment
March 26, 1991

*g. 0. 3. 27-91
attachment 4*

Department of Social and Rehabilitation Services

House Bill 2448

Before the House Committee on Governmental Organization
March 27, 1991

SRS is opposed to the proposed amendments set out in House Bill 2448 since they would add additional time to the already lengthy process which is now required to promulgate administrative rules and regulations.

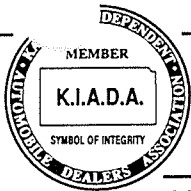
The timelines involved in adopting administrative rules and regulations present an obstacle that is often very difficult for an agency such as SRS to overcome. The rules and regulations filing act was significantly amended in 1988 and the changes made at that time have proven very beneficial. However, the required timelines often put the agency in a position of having to guess what the legislature or the federal government might do in order to have regulations in effect on the date necessary. This is particularly true at the state level with regard to appropriations and other laws which may not be passed until late April or early May of a given year but still take effect on or before July 1. The short time period does not allow for permanent regulations to be promulgated because the process for a permanent regulation takes approximately 120 days. Even a temporary regulation, unless it can be justified as being necessary to preserve the public peace, health, safety or welfare or is in response to specific direction contained in a concurrent resolution adopted by the legislature takes from 60 to 90 days before it can become effective.

The language proposed in House Bill 2448 would add at least one additional 15-day period to this process which would make it even more difficult for agencies such as SRS to promulgate regulations to meet required deadlines.

For these reasons SRS opposes House Bill 2448.

John Badger
Acting General Counsel
Social and Rehabilitation Services
296-3967

*g. O. 3-27-91
attachment 5*



KANSAS INDEPENDENT AUTOMOBILE DEALERS ASSOCIATION



Citizens Bank & Trust Building • 6th & Humboldt • Manhattan, Kansas 66502
Phone: 913-776-0044 FAX: 913-776-7085

March 27, 1991

TO: HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

SUBJECT: SUBSTITUTE FOR SENATE BILL 237--DEALER REVIEW BOARD

Mr. Chairman and Members of the Committee:

My name is Dan Carlson, Chairman of the Board, of the Kansas Independent Automobile Dealers Association. I represent 270 used car dealers in the state of Kansas.

I am here today asking you to continue the Dealer Review Board and to remove the Board from application of the Kansas Sunset Law. The Dealer Review Board is under the Department of Revenue and would be reviewed with the Department which is scheduled to sunset in 1995.

The Dealer Review Board was created in 1974. It is made up of nine members: two new car dealers, two used car dealers, one salvage dealer, two public, one manufactured housing, and one manufacturer. They meet once a month. The Board is self sustaining using salesman license fees. The cost is about \$5,000 a year. A list of the members is attached.

The Board confers with the Director of Vehicles on regulations to improve vehicle dealer practices, makes recommendations for changes in current law on vehicle sales and trade, acts as a resource for industry problems, and provides expertise to create a balance between operating problems and public interest. To give you an idea of the subject matter discussed at the meetings, we are attaching minutes from the October, November and December meetings.

The four states around Kansas--Colorado, Nebraska, Missouri, and Oklahoma--all have boards. In fact they are empowered to issue license instead of the Department of Vehicles and to hold hearings upon violations. We do not have any exact figures, but we understand from our national organization that most states have some form of a Dealer Review Board.

The Senate Committee on Governmental Organization has issued a letter to the Director of Vehicles encouraging the Department to work more closely with the Board and recommending some procedures for better development of that relationship. Last week this bill passed the Senate 40-0.

We firmly believe that the Dealer Review Board is an important resource for the Department of Vehicles to help resolve any problem areas in the industry and to improve vehicle dealer practices as they pertain to the public interest.

Please give your serious consideration to this bill. Thank you.

Individually we struggle to be heard—Collectively we cannot be ignored.

g.c. 3.27.91
Attachment 6

DEALER REVIEW BOARD MEMBERS
(REVISED 10/24/90)

Gil Broxterman
1706 Arrowhead Road
Topeka, Kansas 66604
(913) 272-6186

Vice-Chairman (10-19-90)
Public-at-Large Member

Jack Cassell
331 S. Shefford
Wichita, Kansas 67209
(316) 722-6304

Public-at-Large Member

Ron Collins
3001 E. 11th, Box 2799
Hutchinson, Kansas 67504-2799
(316) 663-9991

Factory Representative Member

Glenn Frye
Box 45
Haddam, Kansas 66944
(913) 778-2074

Used Vehicle Member

Dale Lehning
A-One Auto Slvg of Wichita, Inc
7335 South Broadway
Haysville, Kansas 67060
(316) 524-3273

Salvage Dealer Member

Walt Lesline
2160 N. Riverside Blvd.
Wichita, Kansas 67203
(316) 681-1211

New Vehicle Member

Bob Parrish
1911 McKinney Drive
Great Bend, Kansas 67530
(316) 793-7723

Chairman (10-19-90)
New Vehicle Member

g. O. 3. 27. 91
attachment 6-2

Rod Taylor
Doug's Mobile World Inc
4919 South Topeka Blvd
Topeka, Kansas 66609
(913) 862-0321

Mobile Home Mfg Member

John Young
Salina Auto Auction
2845 Centennial Rd
Salina, Kansas 67401
(913) 827-8784

Used Vehicle Member

g. O. 3-27-91
attachment 6-3

STATE OF KANSAS

Jackie Gates

LANA OLEEN
SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
CHAIRMAN GOVERNMENTAL ORGANIZATION
VICE-CHAIRMAN, CONFIRMATIONS
LABOR, INDUSTRY AND SMALL
BUSINESS
MEMBER ASSESSMENT AND TAXATION
ECONOMIC DEVELOPMENT
JUDICIARY
LEGISLATIVE EDUCATIONAL PLANNING
COMMITTEE
CHILDREN AND YOUTH ADVISORY COMMITTEE
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

LEGISLATIVE HOTLINE
1-800-432-3924

March 21, 1991

Mr. Joe Dick
Director of Vehicles
Kansas Department of Revenue
Docking State Office Building
915 Harrison
Topeka, KS. 66612

Dear Mr. Dick:

The Senate Committee on Governmental Organization held hearings recently on SB 237 which would have extended the sunset on the Dealer Review Board and restored the appeal process. The Committee agreed to lift the sunset and keep the Board in an advisory status to the Department of Revenue.

During the Committee discussion, it was recommended that the Division of Vehicles be encouraged to work more closely with the Dealer Review Board. For example, a monthly presentation to the Board on the number of violations filed with the Division, the number of hearings held, the status of those hearings and the disposition of the hearings would be encouraged. Given the above recommendations, the Board would then be in a better position to examine where problem areas are located in the industry and attempt to assist in those areas.

In addition, we believe it is important for the Motor Vehicle Director to be present at each meeting. In the event of conflicting schedules, your assistant could be present in order to facilitate better communication.

The motor vehicle industry is a complex industry, and the Dealer Review Board has served as an important resource and liaison between the Division and the motor vehicle industry. The Committee strongly believes that this relationship should be continued and better developed to resolve differences and problem areas within the industry.

I have requested that the Dealer Review Board set up their meeting dates for the next six months so that schedules can be coordinated. Agendas of the meetings will be provided to you, and your Department's input is encouraged.

9-0-3-27-91
Attachment 6-4
STATE CAPITOL ROOM 143 N
TOPEKA KANSAS 66612
(913) 296-7360

March 21, 1991,
Mr. Joe Dick
Page two.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Senator Lana Oleen
Chairman
Senate Committee on Governmental Organization

LO:ma

cc: Secretary of Revenue
Representative Gary Blumenthal

g.O. 3-27-91
attachment 6-5

KANSAS DEALER REVIEW BOARD

The meeting of the Kansas Dealer Review Board convened at the State Office Building, Ninth and Harrison, Topeka, Shawnee County, Kansas on the 10th day of December.

The following members of the Board were present:

Gil Broxterman
Jack Cassell
Glenn Frye
Dalé Lehning
Walt Lesline
Bob Parrish
Rod Taylor
John Young

The following named member of the Board was absent:

Ron Collins

In addition to members of the Board, the following named persons were present:

Harold Turntine, Vehicle Director Office
Tom Skinner, Director of Vehicle
Marge Bailey, Title & Registration Bureau
Pam Summerville-Taylor, KMCDA
Kevin Allen-KMCDA
Jacque Oakes, KIADA
Pat Wiechman, KADRA
Marc Woods, Dealer Licensing Bureau
Norma Creek, Secretary, Dealer Review Board:

The Chairman called the meeting to order and asked the Secretary to call the roll, there was a discussion on Item #2 on the Agenda, and Harold Turntine explained the exemptions on vehicle mileage disclosures as provided by the Federal Truth In Mileage Act, concerning vehicles 10 model years old, and heavy trucks 16M and over. The minutes were approved upon a proper motion by Walt Lesline, 2nd by John Young, and certified by the Board. A motion was offered by Walt Lesline, and 2nd by John Young, to wait on the legal opinion before attempting to seek new rules and regulations to adopt the federal exemptions on mileage disclosures on heavy trucks and vehicles of 10 model years and over, the motion carried and was adopted by unanimous vote.

At this point the Chairman asked for discussion on the Manufacturing Housing Association concern about duplicate names on the registration files, Harold Turntine introduced Marge Bailey, Revenue Analyst to the Board. Marge explained how the duplication of Manufacturing Housing product names appear on the titles in error, she also offered a solution to the problems by

g. O. 3.27-91
attachment 6-6

requiring each manufacturer to use a secure and distinctive MCO and the Division will pick up both make and model.

The next matter on the agenda to be addressed was the photo ID cards for both dealers and salespersons. Tom Skinner explained that he intended to have the photo ID program in place prior to July 1, 1991, when the salespersons are required to renew their license. Walt suggested that the Division should consider holding training classes across the state for dealers and their title people to help them prepare for the required salesperson test, and other changes in the vehicle law. Tom concurred and stated he would like to see such a program in place, and he felt it could be done administratively.

Under the heading of old business, Jacque Oakes directed the Boards attention to a draft of a Senate Bill to be submitted to the legislature by the Committee on Governmental Organization. Senator Oleen, Chairman of the Committee on Governmental Organization will be provided a copy of the bill which amends section 7 of the 1990 Kansas Session Law, Chapter 43, K.S.A. 1990 Supp. 8-2410, 8-2411, 8-2412 and repeals the existing sections, also K.S.A. 1990 Supp. 74-7276. Walt expressed concern over sec. 2. K.S.A. 8-2410 sec. (a)(18). page 4 of the bill. Tom suggested the dealers should inventory their dealer plates periodically, and especially at the beginning of the renewal period. The Chairman asked if there was any further discussion on the bill, and there was none. Upon a proper motion by Walt Lesline and a second by Jack Cassell, the bill was adopted by the Board.

Dale Lehning lead a discussion on the vehicle inspection program and the consensus of the discussion was if the dealers in the Wichita area were experiencing any problems with the vehicle inspections they should contact Kansas Highway Patrol Headquarters in Topeka and voice those concerns to Major Hornbaker at (913) 296-6800.

There was a round table discussion of the possibility of exempting from the mandatory vehicle inspection law, "Factory Program Cars" that are wholesaled by the factory through the "Auctions" dealer only program. Tom indicated he would present the matter to the Kansas Highway Patrol, since they are charged with administrating the Vehicle Inspection Program. Pam Summerville expressed concern that exempting Program Cars from the required vehicle inspection would lead to increased "Off Site Sales". The Chairman asked if there was a motion to that affect, upon a motion by Walt and a second by Dale, the motion carried.

The Chairman next recognized Dale Lehning, who expressed concern about the dealer title services and what they feel is a lack of respect at both the County and State level, Tom responded by stating the Wichita dealers who use the title services should contact the County tag office and request them to seek ways they can better serve the dealer title services at that level, and the State will take a look at the services they provide to the title services, however, if the title application and other paper work is not correct or complete, it must be corrected or go into the "Hold File" until such time as processing can be completed. Harold stated the state offers 48 hour service on 5 titles, however they cannot process an unlimited number of titles that a title service may submit, and still issue individual titles within that same 48 hour period.

*g. O. 3-27-91
attachment 6-7*

The Chairman recognized Rod Taylor who related he was concerned about the past inability of the Sales Tax Department to cross check a dealers reported dollar sales value against the required monthly sales reports each dealer files with the Dealer Licensing Bureau. Rod stated he was personally aware of a dealer who, several years ago, actually cheated the State out of a considerable sum of revenue. Harold Turntine stated the States new computer program (KBITS) must have a method of cross check vehicle sales tax paid against vehicle sales reported.

Discussion on having set days each month for a meeting was heard by the Board, It was decided by motion from Walt for the period starting 1991 that the Dealer Review Board Meetings be held the 3rd Monday of each month. Gil 2nd the motion. The motion carried. The Chairman set the next meeting for January 22,, 1991 at 9:00 AM in the Personnel Conference Room.

The Chairman accepted a motion by Walt Lesline to adjourn the meeting , and was 2nd by Glenn Frye. The motion carried and the Chairman adjourned the meeting at 12 noon.

g. O. 3-27-91
attachment 6-8

KANSAS DEALER REVIEW BOARD

The meeting of the Kansas Dealer Review Board convened at the State Office Building, Ninth and Harrison, Topeka, Shawnee County, Kansas on the 19th day of November.

The following members of the Board were present:

Gil Broxterman
Jack Cassell
Ron Collins
Dale Lehning
Walt Lesline
Bob Parrish
Rod Taylor
John Young

The following named member of the Board was absent:

Glenn Frye

In addition to members of the Board, the following named persons were present:

Jacque Oakes, KIADA
Warren Blakley, KIADA
Kevin Allen, KMCDA
Pam Summerville-Taylor-KMCDA
Paul Davis-Salvage Representative
Harold Turntine, Vehicle Director Office
Norma Creek, Secretary, Dealer Review Board

The Chairman called the meeting to order and the roll was called, there being a quorum present, the minutes of the last meeting were approved as recorded. With a motion from Jack Cassell to approve the minutes, and 2nd by Ron Collins, they were certified.

Federal exemptions concerning certain motor vehicles. - Kevin Allen

Kevin stated the Federal Odometer law exempts certain vehicles from Odometer disclosure i.e., vehicles 10 model years and older, also heavy trucks (16M) and over. 17 states are still not in full compliance with the federal title law. John Young felt Kansas should also exempt motor vehicles 10 model years or older the same as federal law does. Harold was asked how the exemption could be adopted and he replied the statute K.S.A. 8-611 would need to be amended and the old section replaced, currently a title cannot be issued without the mileage entered on the title. It was stated under current procedures a Kansas dealer cannot buy a 10 year old foreign titled vehicle, if the vehicle was last titled in a state that exempted the mileage requirement.

The Chairman asked about elimination of the notary seal on titles and Harold indicated the Attorney General, Consumer Protection Division was opposed to doing away with the notary requirement on titles, since a false notarization is grounds to seek damages against the notary bond. More discussion followed on the notary issue and a decision was made to table the matter until the next meeting.

Duplication of Kansas Manufacturing Housing descriptions on titles -Rod Taylor

Rod explained the problems of Manufacturers whose names are similar (1st four letters) are not able to determine whether it is a manufactured home or recreational

*g. O. 3-27-91
attachment 6-9*

vehicle since only the first four letters of the name is picked up on the title. Rod asked that a letter from the state be forwarded to the various County Treasurers, requesting the make and model year of the mobilehomes be placed on the title application. The Chairman asked Harold to report back to the Board on the matter at the next meeting. Rod also indicated the Manufacturing Housing Industry would request legislation to remove Manufacturing Housing from the vehicle titling procedure.

Photo identification cards for motor vehicle salespersons- Harold Turntine

Information on photo identification cards for salespersons to better identify themselves was presented by Harold. Further discussion on how to issue these cards were brought up by the Board members. Walt suggested that the salesperson be required to attend a seminar or schooling and take and pass the test right there on the spot. Harold brought up the fact that the State of Colorado has 15 Investigators that work for the Dealer Licensing Bureau that put on seminars. Walt said he couldn't see why our Field Investigators couldn't do this. Walt Lesline motioned to recommend to the Director of Vehicles that dealer and salesperson licenses have the photo on the identification cards. Gil Broxterman 2nd the motion, and the motion carried.

Review new legislation proposals- Jacque Oakes-Pam Summerville -Taylor-Kevin Allen

Handouts were passed out to all attending. Jacque has been visiting with Senator Lana Oleen and she wanted to know what the four states around us were doing with the Dealer Review Board and our own state on Boards. The information was gathered by Harold that was distributed. The states around us hold the hearings and issue the licenses. They have an Executive director which is a permanent position. Jacque asked the Board if there is a Association of Review Boards throughout the states? Harold and Kevin confirmed the question with "yes". Jacque gave a summary of the bill which was introduced last year. A Board Commission was discussed among those attending. Kevin and Pam suggested that the Board would have to introduce a letter to the interim study legislative coordinating council who decides which interim studies are for discussion. Jacque asked Kevin to clear something up for her relating to not trying for the appeals process. Kevin said we need the appeals process.

Pam addressed the Chairman and the Board with handouts on the following : 1) Kansas Dealer Review Board, a copy of a bill draft proposed in the 1990 legislative session, copy of the subcommittee report on the substitute senate bill 539. Pam stated that another effort will be made this year to reinstate the appeals process and extend the sunset for three more years. A three year term will enable the Board to work more efficiently. 2) Relevant Market Area, commonly known as RMA. This legislation would set up a protest for the dealer when a manufacturer recommends an additional point of same-make, same-line in the existing dealers market area. The legislation does not prohibit new dealers in the state, but rather would require the manufacturer to justify adding an additional point, and would permit the existing dealer to protest.

The Chairman adjourned the meeting at 12 noon, and we will meet at 9:30 AM on December 10, 1990 in the Personnel Conference Room.

*g. O. 3-27-91
attachment 6-10*

KANSAS DEALER REVIEW BOARD

The meeting of the Kansas Dealer Review Board convened at the Docking State Office Building, Ninth and Harrison, Topeka; Shawnee County, Kansas on the 19th day of October.

The following named members of the Board were present:

Jack Cassell
Glenn Frye
Walt Lesline
Bob Parrish
Rod Taylor
John Young

The following named members of the Board were absent:

Gil Broxterman
Ron Collins
Dale Lehning

In addition to members of the Board, the following named persons were present:

Danny Carlson, I-70 Auto Auction
Jackie Oakes, KIADA
Kevin Allen, KMCD
Pam Summerville-Taylor, KMCD
Tom Skinner, Director of Vehicles
Harold Turntine, Vehicle Director's Office
Marc Woods, Dealer Licensing Bureau
Norma Creek, Secty, Dealer Review Board

The Chairman called the meeting to order and the roll was called, there being a quorum present, the minutes of the last meeting were approved as recorded.

The next order of business was to nominate and elect a new Chairman and Vice-Chairman. Upon a proper first motion by Jack Cassell, Bob Parrish was nominated for Chairman. Bob Parrish asked for a discussion, Bob wanted the Board to know he was no longer a

*g.O. 3-27-91
attachment 6-11*

dealer owner, and did not want to embarrass either the appointing authority or the Board. Walt said he did contact Sue Bauman and she assured him that he could continue to serve until his term expires, the Kansas Motor Car Dealer Association expressed no concern about his continuing on the Board and the discussion was closed, John Young second the nomination, there being no other names submitted for the position of Chairman. Bob Parrish was elected by unanimous acclamation. The Chairman then accepted nomination for Vice-Chairman, John Young placed Gil Broxterman's name in nomination, and seconded by Jack Cassell. There being no further nominations the Board asked that they be closed and Gil Broxterman was elected by unanimous acclamation.

The next matter brought to the Boards attention was stolen 30-day temporary permits. Walt indicated some of the dealers have complained about permits being stolen. Walt asked if the permits could be placed in the back window as opposed to putting them on the back bumpers. Harold Turntine stated that law enforcement is very much in favor of placing the plates on the outside of the vehicle in the normal tag position, because if the tag was inside the vehicle it cannot be read without stopping the vehicle. Tom Skinner mentioned that some salespersons are writing their name across the face of the dealer plate, and this is a violation of the registration law. It was explained to the Board that it is legal to issue a replacement plate when a temporary registration plate is reported lost or stolen, it must be identified as a replacement for the original, and show the same expiration date as the original issued plate. The Chairman asked if there was any further questions on 30-day temporary registration permits, and there were none.

The Chairman asked about dealer titles, whether there was problems that would cause a unusual delay in getting dealer titles from the State. Harold Turntine responded that sometimes the counties may be late in getting title to the state, if a dealer experiences an unusual delay in getting a title through no fault of his own, he should contact either one of two people for assistance, 1) Marge Bailey (913) 296-3601 or 2) Pat Fultz (913) 296-3621.

The Chairman next recognized Rod Taylor, the new Board member representing the Manufacturing Housing Industry, and introduced him to the Board, and others present.

*J. O. 3-27-91
Attachment 6-12*

The Chairman next recognized Jackie Oakes, Kansas Independent Automobile Dealers Association, who inquired whether the Board would meet again prior to the convening of the next legislative session. After discussion, it was agreed upon that the next Dealer Review Board meeting would be November 19, 1990, at which time the Kansas Motor Car Dealer Association and Kansas Independent Automobile Dealer Association will present to the Board, their legislative recommendations. The Board expressed concerns over the need to also schedule a December meeting and a tentative date of December 10, 1990 was agreed upon. The plan for the Board is to review the recommendations for new legislation and be prepared to make contact by personal letter or direct contact with the appropriate legislators and ask for their support to reinstate the Boards original authority.

John Young expressed concern over the fact the state vehicle record requirements exceed the requirements established by the "feds" in regard to mileage disclosure on heavy trucks that are 10 years or older. Kevin Allen stated there are 3 exemptions allowed by the Federal Odometer Law, and he would be glad to provide information to the Board. The Chairman suggested that the exemptions allowed by the "feds" as well as the duplication of mobile home make codes on the computer files as indicated by Rod Taylor be placed on the agenda for the next meeting.

Bob Parrish suggested that a list of all the Board Members, addresses and telephone numbers be made available. Jackie Oakes suggested that a copy of the minutes of the Boards proceedings be sent to Senator Lanna O'Leen.

The meeting was adjourned at 11.41 AM.

*g. O. 3-27-91
attachment 6-13*

KANSAS MANUFACTURED HOUSING ASSOCIATION

TESTIMONY BEFORE THE HOUSE

COMMITTEE ON GOVERNMENTAL ORGANIZATION

TO: Representative Gary Blumenthal, Chairman
and Members of the Committee

FROM: Terry Humphrey, Executive Director

DATE: March 28, 1991

RE: Senate Bill 237

Mr. Chairman and members of the Committee, I am Terry Humphrey, Executive Director of the Kansas Manufactured Housing Association (KMHA) and today I am representing KMHA's associate members of the Recreation Vehicle Council. The R.V. Council is made up of R.V. retailers from across the state and three Kansas R.V. manufacturers.

The Kansas R.V. Council supports SB 237, however, we would ask that SB 237 be amended to specifically include a representative of the R.V. Industry on the Dealer Review Board. Presently there is not a designated position for an R.V. representative yet they are governed under Article 24 of Chapter 8 and effected by any recommendation of the Dealer Review Board.

Therefore, we respectfully request that SB 237 be amended to include an R.V. representative on the Dealer Review Board. Thank you.

Proposed Amendment to Substitute for Senate Bill No. 118

On page 1, in line 12, before "Section", by inserting "New"; also in line 12, after "in", by inserting "sections 1 through 5 of"; in line 27, before "Sec.", by inserting "New"; in line 37, before "Sec.", by inserting "New";

On page 2, in line 8, before "Sec.", by inserting "New"; also in line 8, after "of", by inserting "sections 1 through 5 of"; in line 25, before "Sec.", by inserting "New"; by striking all of lines 31 and 32; following line 32, by inserting three new sections as follows:

"New Sec. 6. (a) Each state officer or employee of any agency of the executive, legislative or judicial branch of state government who is a permanent, probationary or conditional employee in the classified service or who is a permanent employee in the unclassified service under the Kansas civil service act, excluding any employee on a temporary or emergency appointment, and who is on official leave of absence from such state service by reason of having been ordered into active service as a member of a reserve component of a branch of the military service of the United States, or having volunteered for such active service, or having been ordered into active service as a member of the state of Kansas national guard, or having volunteered for such active duty, and who is receiving compensation for such active military service at a rate of compensation which is less than the state officer or employee's rate of compensation for such state service, shall be entitled supplemental compensation during the period of such state officer or employee's active service in accordance with this section upon request therefor accompanied by a copy of an appropriate military order.

(b) Each state officer or employee entitled to receive supplemental compensation in accordance with this section shall apply to the officer or employee's appointing authority for supplemental compensation. Each application shall specify the rate or rates of compensation that the state officer or employee

g..o. 3.27-91
Attachment 8

is to receive for active military service and such other information as may be required by the rules and regulations or policies adopted pursuant to this section. The rate of supplemental compensation for each state payroll period payable to the officer or employee shall be equal to the rate of compensation for such state service of the officer or employee that is in effect on the date such active military service commences minus the rate of compensation payable to the officer or employee for such active military service equated to the appropriate state payroll period. Supplemental compensation under this section shall be payable for each payroll period or portion thereof that the eligible state officer or employee is on such active military service and that is chargeable to fiscal year 1991 or any fiscal year thereafter. Retroactive amounts of supplemental compensation shall be payable for payroll periods chargeable to fiscal year 1991 that ended prior to the effective date of this act upon appropriate application therefor in accordance with this section.

(c) All supplemental compensation shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all purposes under the Kansas public employees retirement system and shall be subject to applicable deductions for employee contributions. Supplemental compensation shall be for all purposes deemed to be the same as regular compensation payable for state service and shall be subject to all withholding or deduction requirements prescribed or authorized by law.

(d) In accordance with the provisions of K.S.A. 75-3706, and amendments thereto, the secretary of administration shall adopt rules and regulations to implement and administer the provisions of this section with respect to officers and employees in the executive branch of state government. The legislative coordinating council may adopt policies to implement and administer the provisions of this section with respect to officers and employees in the legislative branch of state government. The supreme court may adopt policies to implement the

g. O. 3-27-91
attachment 8-2

provisions of this section with respect to officers and employees in the judicial branch of state government.

"Sec. 7. K.S.A. 1990 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to (1) appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. ~~1989~~ 1990 Supp. 8-2118 and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing, the division of vehicles will be notified to suspend the person's driving privileges. Upon the person's failure to comply within such 30 days, the district or municipal court shall notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished the informing court. Upon such compliance the informing court shall notify the division of vehicles and the suspension or suspension action shall be terminated.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$50 for each charge on which the person failed to make satisfaction regardless of the

g. O. 3-27-91
attachment 8-3

disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, district or municipal court costs and other penalties. The court shall, at least monthly, remit all reinstatement fees to the state treasurer who shall credit 50% of such moneys to the division of vehicles operating fund, 25% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126 and amendments thereto, 12.5% to the highway patrol training center fund created by K.S.A. 1990 Supp. 74-2134 and amendments thereto and 12.5% to the juvenile detention facilities capital improvements fund created by K.S.A. 1990 Supp. 38-556 and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

"Sec. 8. K.S.A. 65-2201, 65-2202, 65-2203, 65-2204 and

g. O. 3-27-91
attachment 8-4

65-2205 and K.S.A. 1990 Supp. 8-2110 are hereby repealed.";

By renumbering section 7 as section 9;

In the title, in line 8, by striking "licensure of"; in line 9, before "repealing", by inserting "relating to maintenance of licensure by such persons for the practice of certain occupations or professions; providing for payment of supplemental compensation by state agencies to such persons under certain circumstances; exempting such persons from certain penalties and fee payments for failure to comply with certain traffic citations; amending K.S.A. 1990 Supp. 8-2110 and repealing the existing section; also"

g. O. 3-27-91
Attachment 8-5