

Approved February 12, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Governmental Organization

The meeting was called to order by Senator Lana Oleen at
Chairperson

1:35 a.m./p.m. on February 4, 1991 in room 531-N of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Oleen, Bogina, Francisco, Kanan and Strick.

Committee staff present:

Julian Efird, Kansas Legislative Research Department
Fred Carman, Revisor of Statutes Office
Mary Allen, Committee Secretary

Conferees appearing before the committee:

Mark Stafford, Office of the Attorney General

The meeting of the Senate Committee on Governmental Organization was called to order at 1:35 p.m. by the Chairman, Senator Lana Oleen.

Julian Efird, Kansas Legislative Research Department, presented an overview of Sunset procedures. He noted that two state agencies, the State Corporation Commission and the Department of Transportation (plus the Secretary of Transportation) are scheduled for abolition during 1991, subject to the provisions of the Kansas Sunset Law, and noted that the Dealer Review Board in the Department of Revenue, is scheduled for abolition in 1991. Mr. Efird further observed that the Citizens' Utility Ratepayer Board (CURB) is scheduled for termination by means of a repealer provision which is effective on July 1, 1991, although this Board is not subject to provisions of the Kansas Sunset Law. Following a brief Sunset background of each of those entities scheduled for Sunset or for termination, he discussed the functional overlap in transportation-related functions of the State Corporation Commission, the Department of Transportation, the Department of Revenue and the Kansas Highway Patrol. In summary, Mr. Efird stated that generally there appear to be two major areas in which similar functions are performed by these different state agencies: (1.) registering and permitting of commercial operators; and (2.) enforcing and investigating safety-related regulations. (See Attachment 1 for testimony.)

Senator Bogina moved that the minutes of the January 22, 1991, meeting of the Committee and the January 28, 1991, meeting be approved. Senator Kanan seconded the motion. The motion carried.

Chairman Oleen called for requests for introduction of bills. Mark Stafford, Assistant Attorney General, appeared before the Committee to request the introduction of bill draft 1 RS 0574 which provides for continued licensure for Kansans who practice professions as civilians but who have been called to active military service. (See Attachment 2 for testimony.) The Chairman asked whether civilians who are volunteering overseas in the war effort are included in this bill draft. Mr. Stafford answered that they are not but he would have no problem with including them.

Senator Bogina moved that the Committee introduce bill draft 1 RS 0574. Senator Kanan seconded the motion. The motion carried.

The Revisor of Statutes presented bill draft 1 RS 0410 which provides for continuing the existence of the State Corporation Commission.

Senator Bogina moved that the Committee introduce bill draft 1 RS 0410. Senator Strick seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Governmental Organization,

room 531-N, Statehouse, at 1:35 ~~xxx~~ p.m. on February 4, 1991

The Chairman presented bill draft 1 RS 0438, a proposed Senate Concurrent Resolution providing for a special committee to make a legislative study concerning certain state records and the advisability of the use of acid-free paper in the printing of those records. She noted that this Resolution would be in lieu of Senate Bill 4 previously introduced by the Committee.

Senator Bogina moved that the Committee introduce bill draft 1 RS 0438. Senator Strick seconded the motion. The motion carried.

The Chairman reminded the Committee of the joint tour by the Senate and House Governmental Organization Committees of the State Corporation Commission to be held tomorrow, February 5, 1991.

The meeting was adjourned at 2:20 p.m. by Chairman Oleen.

SUNSET REVIEW: 1991

Two state agencies, the State Corporation Commission and the Department of Transportation (plus the Secretary of Transportation) are scheduled for abolition during 1991, subject to the provisions of the Kansas Sunset Law. The 1990 Legislature continued in existence for one year the Dealer Review Board in the Department of Revenue and it also is scheduled for abolition during 1991. The Dealer Review Board had been placed under the Kansas Sunset Law in 1989 during the sunset review of the Department of Revenue. If the 1991 Legislature does not pass legislation to reestablish these entities, then they begin a one-year period on July 1, 1991, to conclude their business before ceasing to exist on July 1, 1992.

In addition to these four entities scheduled for sunset in 1991, another agency, the Citizens Utility Ratepayer Board is scheduled for termination by means of a repealer provision which is effective on July 1, 1991. This Board is not subject to provisions of the Kansas Sunset Law, so its termination date is final and no phaseout period is provided to conclude its business.

Sunset Background

For the entities scheduled for abolition under the Kansas Sunset Law, all have been reviewed previously by the Legislature.

State Corporation Commission

The State Corporation Commission originally was scheduled for abolition under provisions of the Kansas Sunset Law on July 1, 1982. Two sunset audit reports prepared by the Legislative Division of Post Audit were presented prior to the 1982 Legislature to assist in reviewing the State Corporation Commission: one addressing the Office of the Securities Commissioner and one on the motor carrier regulatory program. Another audit, on the mined-land regulatory program, was released in March 1982 during the session. A final audit on the public utility regulatory program was released in September 1982 after the session.

The 1982 Legislature continued the Commission in existence through July 1, 1983, in order for the 1983 Legislature to complete the sunset review of the Commission and the last two audit reports. The 1982 Legislature also passed HB 3075, as amended by HB 3168, to detach the Securities Commissioner from the State Corporation Commission and to establish an independent Office of the Securities Commissioner.

The 1983 Legislature passed SB 42 which reestablished the State Corporation Commission until July 1, 1991, at which time it will be subject to abolition under provisions of the Kansas Sunset Law. In addition, the 1983 Legislature passed Substitute for HB 2434

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Attachment 1

which abolished the Kansas Energy Office and transferred certain responsibilities to the State Corporation Commission.

Department and Secretary of Transportation

Also in 1983 the Legislature passed SB 40 which reestablished the Department and Secretary of Transportation until July 1, 1991, at which time both are subject to abolition under provisions of the Kansas Sunset Law. A sunset audit report on the Department of Transportation was presented prior to the 1983 Legislature to assist in reviewing the agency.

Dealer Review Board

The 1990 Legislature passed SB 770 which continued the Dealer Review Board in existence for one additional year. It originally had been scheduled for abolition in 1990 by SB 273 which was passed by the 1989 Legislature after its sunset review of the Department of Revenue. The Board is scheduled for abolition on July 1, 1991.

Citizens' Utility Ratepayer Board

KSA 66-1225 would repeal KSA 66-1220 through 66-1225 on July 1, 1991, and the statutory authority for the Board would be terminated at that time. This provision was included in the original enabling legislation which created the Board in 1989.

Functional Overlap of Agencies

Both the State Corporation Commission and the Department of Transportation have certain responsibilities for transportation functions. In addition, the Department of Revenue and the Kansas Highway Patrol also have responsibilities in this area. The overlap in transportation-related functions will be the focus of this brief outline of activities. There are other areas in addition to transportation for which either the Corporation Commission or the Department of Transportation overlap with other agencies which will not be the addressed in this memo due to time constraints.

1. State Corporation Commission. The Transportation Division has two units which perform transportation-related functions. The Division is responsible for the following activities:

- (a) processing applications for authority to operate as a motor carrier in Kansas;
- (b) registering motor carrier equipment, verifying and registering insurance;
- (c) processing motor carrier rate requests and reviewing annual financial reports; and
- (d) enforcing carrier rates and enforcing federal and state safety regulations.

The Motor Carrier Section processes applications for operating authority of trucks and truck companies. In addition to the central location, a one stop shop facility is jointly staffed by the Department of Revenue and Motor Carrier Section. The Rate, Safety and Service Section includes safety inspectors for both motor carriers and railroads, administration of the Motor Carrier Safety Assistance Program (MCSAP), and tariff (rate) reviews.

2. Department of Transportation. At least three units within this agency perform transportation-related functions. First, the Lighting Section within the Bureau of Traffic Engineering is responsible, in cooperation with the Department of Revenue, with issuing permits for oversize and overweight motor vehicles. Second, the Traffic and Field Operations Unit within the Bureau of Transportation Planning collects a variety of traffic data, including information about railroad crossing features and truck weights, which includes a weighing-trucks-in-motion (WTIM) survey. Third, the Bureau of Rail Affairs is responsible for developing and coordinating state policy on rail transportation issues.

3. Department of Revenue. Three units within this agency are involved in transportation matters. The State Appraised Property Bureau within the Property Valuation Division has a Public Utility Section and a Motor Carrier Section which assess the valuation of these real properties. The Motor Carrier Services Bureau within the Division of Vehicles includes a Central Permit Office (the one stop shop colocated with the Corporation Commission staff), an Edit and Accounting Section, plus an Issuance and Data Entry Section which processes various permits and prorates tags required for operating in the state. The Dealer Licensing Board and Bureau also are located with the Division of Vehicles of the Department. The Commercial Driver License Bureau within the Division of Vehicles provides testing of truck and other commercial vehicle drivers as required by new federal legislation.

4. Kansas Highway Patrol. The Patrol has two troops which are involved exclusively with motor carriers. Troop I is designated the Motor Vehicle Enforcement and Motor Carrier Safety Assistance Program (MCSAP) unit. Funding is provided from the federal government through the Motor Carrier Safety Assistance Program (MASAP) to enforce commercial motor vehicle safety.

Troop M is designated the Motor Carrier Inspection unit. Troop M has responsibilities for operating the ports of entry (referred to as motor carrier inspection stations, some which include fixed scales for weighing trucks) and enforcing the registration and safety regulations through a mobile inspection activity which includes weighing trucks. MCI was transferred from the Department of Revenue's Division of Vehicles to the Highway Patrol by the 1988 Legislature.

Summary

In general, there appear to be two major areas in which similar functions are performed by different state agencies:

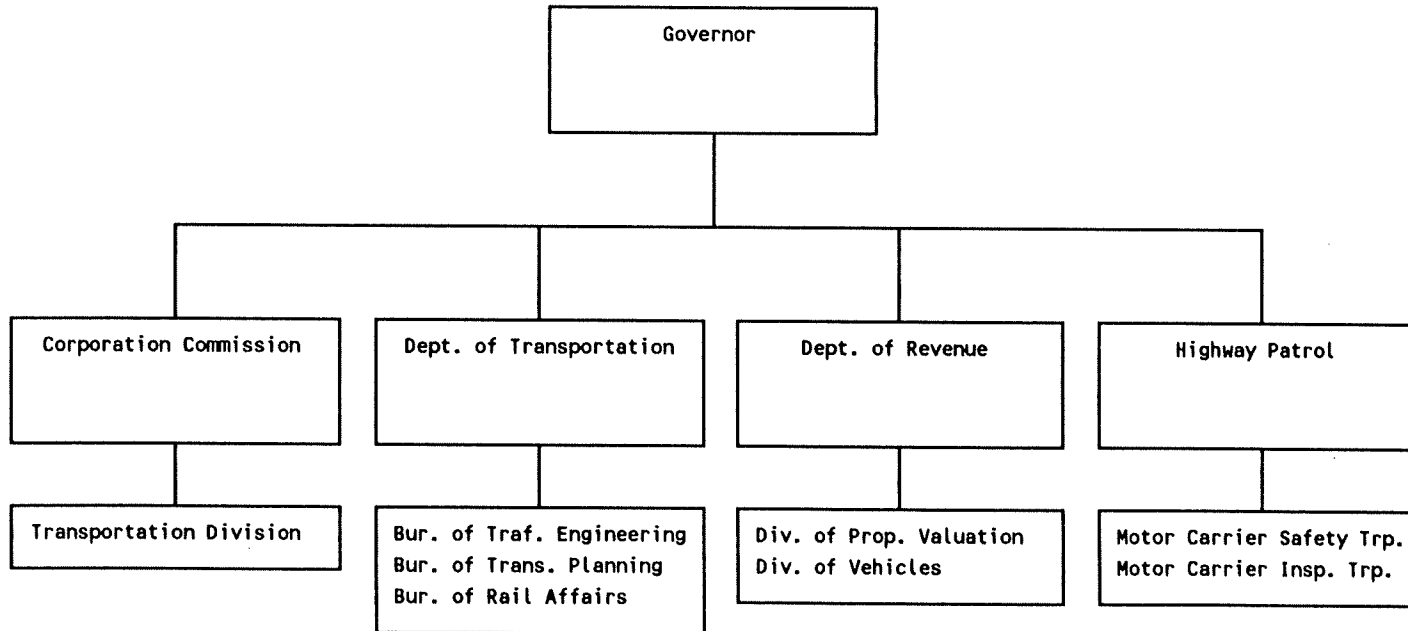
- (1) registering and permitting of commercial operators; and
- (2) enforcing and investigating safety-related regulations.

One purpose of sunset reviews is for the Legislature to determine whether current organizational methods for implementing state functions, such as transportation-related activities, are efficient and cost-effective. Without sunset performance audit reports to guide legislative review, it becomes necessary for the agencies involved in the review process to make recommendations for improving the efficiency and cost-effectiveness of state operations.

KSA 74-7248(a) provides that "the state agency or officer involved shall have the burden of demonstrating a public need for continued existence and the necessity for and extent of any changes in the state agency or office or in its enabling statutes which would increase the efficiency or effectiveness of the administration or operation of the state agency or office."

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Primary State Agencies Involved
In Motor Carrier Activities





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TO: Senate Governmental Organization Committee
FROM: Mark Stafford, Assistant Attorney General
DATE: February 4, 1991
RE: Professionals in Military

Attorney General Bob Stephan requests the following bill introduction:

Professionals in the Military - To provide continued licensure for Kansans who practice professions as civilians but who have been called to military service. Licensed professionals such as medical doctors, nurses, social workers, psychologists, engineers, emergency medical technicians, educators, and others must meet certain requirements in order to retain their licenses or certificates. However, those requirements, such as continuing education and insurance coverage, may be difficult to keep up while the professionals are serving in the military in time of war.

Several relatively minor changes must be made in state law to accommodate the licensing requirements of professionals who are serving their country. Those changes include updating the definitions of military personnel, changes in continuing education requirements, provisions for default of a licensee and adding a section which allows a lapse of insurance coverage without penalty.

*Senate Committee on Governmental Organization
2-4-91*

Attachment 2