

Approved

Gary Blumenthal

Date

2-10-92

MINUTES OF THE House COMMITTEE ON Governmental Organization

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

9:10 a.m./~~pm~~ on February 3, 1992 in room 522-S of the Capitol.

All members were present except:

Rep. Ruby Gilbert, excused
Rep. Ruth Ann Hackler, excused

Committee staff present:

Carolyn Rampey, Research Dept.
Avis Swartzman, Revisors Office
Nita Shively, Committee Secretary

Conferees appearing before the committee:

John Badger, Chief Legal Counsel, SRS
Sherman Parks, Legal Counsel, Sec. of State's Office
John Collins, Personnel Management Specialist 4, Dept. of Adm.

Chairman Blumenthal called the meeting to order when quorum was present.

Hearing on HB 2723 - An act concerning rules and regulations.

John Badger testified and furnished written testimony as a proponent of HB 2723, (Attachment 1). He stated that the current law causes problems in terms of getting regulations in place. It takes in excess of 120 days for permanent regulations and 90 days for temporary. This results in difficulties toward the end of the legislative session when laws are enacted, especially appropriations bills, which become effective July 1.

During the question period, Mr. Badger stated that one of the primary objectives of this bill is the reduction in the time period from 45 days to 30 days for rules and regulations to become effective.

There was considerable discussion regarding some of the proposed changes in the bill and the intention of the bill drafter. Staff indicated they would research further to satisfy members' questions.

Sherman Parks, who had been in the audience, clarified the portion of the bill requested by the Secretary of State's Office--page 5, lines 19 through 25. He stated that this bill allows them greater flexibility, i.e., situations where a clean-up type error is not discovered by the Department of Administration or Attorney General's Office and rather than have an agency go through the entire process from the beginning, the Secretary of State's Office can submit it to the Rules and Regulation's Board for approval.

The recommendation under Section 5 is intended to speed up the process; it allows an agency to begin all the necessary procedures before filing with the Secretary of State's Office.

Chair announced that the hearing on HB 2723 will resume tomorrow so that additional information can be provided.

Hearing on HB 2782 - An act concerning the state civil service board.

Chair recognized John Collins who testified and furnished written testimony as a proponent of HB 2782, (Attachment 2).

Mr. Collins described the duties and function of the Civil Service Board, its make-up, compensation of the members and the additional \$2,400 per month allowed for the chairperson. The chairperson is currently over-compensated since the management functions have been assigned to the staff person. The

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,
room 522-S Statehouse, at 9:10 a.m./~~p.m.~~ on February 3, 1992

bill is intended to eliminate the additional \$2,400 per month payment.

Hearing closed on HB 2782.

Representative Ramirez moved to approve the minutes for January 27 and 28, 1992, motion seconded by Representative Watson, motion carried.

Meeting adjourned at 9:25 a.m. Next meeting will be Tuesday, February 4, 1992 at 9:00 a.m. in room 522-S.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Before the House Committee on Governmental Organization
February 3, 1992

House Bill No. 2723

Mr. Chairman and members of the Committee, on behalf of Secretary Whiteman, I thank you for the opportunity to present testimony here today.

The purpose of my testimony is to express the Department of Social and Rehabilitation Services' support for House Bill 2723. The Rules and Regulations Filing Act was significantly amended in 1988, and most of the changes made at that time have proven 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 usually takes in excess of 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 amendments contained in Sections 2 and 3 of House Bill 2723 would be of considerable benefit to our agency by allowing us to move ahead more quickly in adopting temporary regulations, and would allow us to get permanent regulations in place on a more timely basis. This would give agencies such as SRS more flexibility in using permanent regulations and would reduce the number of occasions when it becomes necessary to process temporary and permanent regulations simultaneously.

For these reasons SRS supports House Bill 2723 and is respectfully requesting that this Committee act upon it favorably.

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

*J.B. 2-3-91
attachment 1*

Testimony To The
HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

By
John Collins
Division of Personnel Services
Department of Administration

Monday, February 3, 1992
Re: HB 2782

Mr. Chairperson, members of the Committee, thank you for the opportunity to appear in support of House Bill 2782.

My name is John Collins. I am employed by the Department of Administration's Division of Personnel Services. Under the Kansas Civil Service Act the director of the Division of Personnel Services acts as the secretary of the state civil service board or may designate a person to serve as the secretary. The director has appointed me as the designated secretary of the board.

Today before the House Governmental Organization Committee for review is HB 2782, which proposes to delete a provision within the civil service act authorizing the annual payment of \$2,400, payable monthly, to the chairperson of the board while that member holds that office.

The state civil service board is a five-member body with jurisdiction under the state civil service act to hear appeals taken to it pursuant to K.S.A. 75-2940, 75-2949 and 75-3747

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Attachment 2

concerning dismissal, demotion or suspension of a permanent employee in the classified service, or concerning refusal to examine an applicant or to certify a person as eligible for a job class, and concerning disciplinary actions taken in violation of K.S.A. 75-2973, the "whistle blower" act.

Board members are private citizens appointed from each congressional district by the governor and confirmed by the senate to four year terms of office unless appointed to fill the vacancy created when a member resigns before the end of a term. Board members organize annually by electing one member as chairperson and one as vice-chairperson.

Members are paid diem compensation of \$70 a day for each day of attendance at a meeting of the board. A member residing more than 100 miles from the place of a meeting is also paid \$35 for each day in travel to or from the meeting if such travel is on a day other than the day of the meeting. Members also receive subsistence and mileage under the provisions of K.S.A. 75-3223.

Per diem compensation paid to members of the state civil service board is among the highest paid to members of a state board or commission comprised of members who are not full time.

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HB 2782 Testimony
John Collins
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Currently the chairperson receives an additional amount of compensation at the rate of \$2,400 per annum payable monthly during the chairperson's service in that office.

The matter before you today is the revocation of the authority to pay the chairperson of the board the annual compensation of \$2,400. The annual salary for the chairperson was established in 1985. Adoption was recommended at that time because the chairperson of the board devoted a significant amount of time administering the management functions of the board. The annual salary of \$2,400 was proposed to compensate the chairperson for this time.

Subsequently, the management functions of the board have been assigned to a staff person in the division of personnel services. As a result, the amount of time the chairperson now spends on management functions has decreased, thereby, eliminating the need to compensate the chairperson for additional responsibilities associated with the board.

Thank your for allowing me this time. I would be happy to respond to any questions you might have.

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