

Approved

Gary Blumenthal

Date

FEB 17 1992

MINUTES OF THE House COMMITTEE ON Governmental Organization

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

9:05 a.m./~~p.m.~~ on February 10, 1992 in room 522-S of the Capitol.

All members were present except:

All present

Committee staff present:

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

Conferees appearing before the committee:

Representative Vernon Correll
Eldon Fastrup, Director of Marketing, KS State Board of Agriculture

Chairman Blumenthal opened the meeting by welcoming former committee member, Kathryn Sughrue, who served on the Governmental Organization committee for 14 years.

Chair directed committee's attention to a memorandum prepared by staff on HB 2670; hearing on this bill will be tomorrow, (Attachment 1). It lists each board in question along with a breakdown of the composition, expenses, frequency of meetings and staff time. He urged members to read it carefully before tomorrow's meeting--this memo answers many questions that might arise.

Chair further advised that he sought input from the Governor's office and heard their recommendations regarding which boards they feel should be retained or abolished.

Hearing on HB 2807 - An act creating the Kansas pecan commission.

Chair recognized Representative Vernon Correll who testified as a proponent of HB 2807, written testimony furnished, (Attachment 2). He advised that establishing this commission would be beneficial to the state by allowing access to federal funds under the National Farm Act. The cost of setting up the commission would be minimal. Representative Correll anticipates that the pecan industry will eventually double in size within a few years. A Research Station is currently operating in Southeast Kansas and, along with other efforts, much higher production should follow.

Eldon Fastrup appeared in support of HB 2807 furnishing written testimony, (Attachment 3). His comments were directed mainly at the fiscal impact resulting from this commission.

Mr. Fastrup announced that he wanted to clarify a misconception. The funds in question are not federal funds, it is growers' money collected by a federal program. It is their self-help assessment. The National Agriculture Bill does provide the mechanism for collection; they collect and then remit back to the state the appropriate portion.

Mr. Fastrup advised that the estimated assessment would be approximately \$5000 per year. This is based on an assessment of $\frac{1}{4}$ of 1 cent per pound of pecans handled by "first handlers."

Committee members questioned Mr. Fastrup regarding reimbursement for commission members. The possibility that commission members would be willing to waive their salary and travel allowance was mentioned.

Hearing closed on HB 2807.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,
room 522-S, Statehouse, at 9:05 a.m./~~p.m.~~ on February 10, _____, 1992

Motion to approve minutes for February 3 and 4 was made by Representative Hamilton, seconded by Representative Lawrence, motion carried.

Meeting adjourned at 9:35 a.m.

MEMORANDUM

Kansas Legislative Research Department

Room 545-N – Statehouse
Topeka, Kansas 66612-1586
(913) 296-3181

February 4, 1992

House Bill No. 2670 – Abolition Bill

1. **Medical Advisory Board (K.S.A. 8-255b).** The five-member Medical Advisory Board was created in 1969 and is attached to the Division of Vehicles of the Department of Revenue. The purpose of the Board is to provide advisory opinions to the Director of Vehicles for any person whose license to operate a motor vehicle has been suspended or revoked because of existing or suspected mental or physical disability.
 - a. **Composition of Board.** The five-member board is appointed by the Secretary of Revenue and must include an ophthalmologist, an optometrist, a psychiatrist, and a physician who specializes in internal medicine.
 - b. **Expenses.** Members are allowed \$35 per diem compensation and travel and subsistence. Annual member compensation and travel total approximately \$1,530.
 - c. **Frequency of Meetings.** The Board meets monthly. Meetings are upon call of the Secretary of Revenue.
 - d. **Staff Time.** Staff devotes a minimum of 150 hours monthly to the Board.

2. **Agricultural Labor Relations Board (K.S.A. 1990 Supp. 44-820).** Created in 1972, the three-member Board is appointed by the Governor and charged with holding hearings and making inquiries relating to agricultural employer and employee relations. The Board can be activated only when a complaint is filed with the Secretary of the State Board of Agriculture alleging the existence of a controversy under the Agricultural Labor Relations Act. The Board is staffed by the Department of Human Resources.
 - a. **Composition of Board.** The three-member Board is appointed by the Governor. One member each is representative of the following: agricultural labor, agricultural employers, and the general public.
 - b. **Expenses.** Members are authorized to receive per diem compensation and travel expenses.
 - c. **Frequency of Meetings.** Meetings may be held only when a complaint is filed. The Board has not met since December, 1980.

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- d. **Staff Time.** None.
3. **Midwest Nuclear Board (K.S.A. 48-2001).** The Midwest Nuclear Board was created in 1972 when Kansas enacted the Midwest Nuclear Compact. Eligible states are Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Each member state is represented by one member on the Board. The Compact requires the Board to make an annual report to the governor and to the legislatures of member states. The Board's duties are: promote cooperation among the member states, promote the utilization of nuclear technology, encourage the development and use of scientific developments in nuclear materials, and collect and disseminate information.
- a. **Composition of Board.** The Kansas representative on the Board is appointed by the Governor to a four-year term, subject to Senate confirmation.
- b. **Expenses.** None.
- c. **Frequency of Meetings.** The Board is inactive. The last person believed to have been on the Board is a Kansas State University faculty member who was appointed by Governor Robert Docking. The Board became inactive during his tenure because the required number of states were not members of the Compact. According to him, the Board can be abolished.
- d. **Staff Time.** None.
4. **Milk Advisory Committee (K.S.A. 65-737b).** The Milk Advisory Committee was established in 1967. The duty of the six-member board is to advise and assist the State Board of Agriculture in the establishment and administration of a statewide system of milk inspection and regulatory services.
- a. **Composition of Committee.** Committee consists of five members appointed to three-year terms by the Governor, of whom four must be actively engaged in the milk industry or members of state or local governmental milk regulatory agencies. The State Dairy Commissioner is an ex officio member of the Committee.
- b. **Expenses.** Members are authorized travel and subsistence. For the six meetings held from 1988 to the present, the total cost is estimated to be \$785.
- c. **Frequency of Meetings.** The Committee is required to meet at least annually. The Committee met three times in 1988, one time in 1989, one time in 1990, and one time in 1991.
- d. **Staff Time.** The State Board of Agriculture estimates that each meeting takes one to one and one-half staff days.
5. **Hazardous Waste Disposal Facility Approval Board (K.S.A. 65-3432).** The five-member board was created in 1981 and is advisory to the Secretary of Health and Environment. Its duties

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include reviewing and granting or denying final approval for each application for any off-site hazardous waste disposal facility permit recommended for approval by the Secretary.

- a. **Composition of Board.** The five-member Board consists of the secretaries of Health and Environment and Transportation, the State Geologist, and two members representing the general public who are appointed by the Governor and are subject to Senate confirmation.
 - b. **Expenses.** Board members are eligible to receive per diem compensation and travel expenses. No expenses have been incurred since 1982.
 - c. **Frequency of Meetings.** The Board held an organizational meeting in 1982 and has not met since. No meetings have been held because no applications to site a hazardous waste disposal facility have been received.
 - d. **Staff Time.** None.
6. **Advisory Board on Low-level Radioactive Waste (K.S.A. 65-34a03).** The Board was created in 1982 in connection with Kansas becoming a member of the Central Interstate Low-Level Radioactive Waste Compact. Eligible states are Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, and Oklahoma. The responsibility of the Board is to advise the Kansas representative to the Compact, the Secretary of Health and Environment (DHE), who is chairperson of the Board.
- a. **Composition of Board.** The 12-member Board consists of the Secretary of DHE; the Director of the Division of Environment, DHE; the Director of the Bureau of Radiation Control, DHE; a representative of the Governor's Office and two additional members appointed by the Governor; Chairpersons of the House and Senate Committees on Energy and Natural Resources; a House and Senate member of each chamber's Energy and Natural Resources Committee, designated by the respective minority member; and the heads of the Legislative Research Department and the Office of Revisor of Statutes, or their designees.
 - b. **Expenses.** No expenses are authorized by statute and no costs have been incurred because the Board is inactive.
 - c. **Frequency of Meetings.** The Board has not met since 1986. The Board was most active in 1985 and 1986 when a host state for the Compact was being selected.
 - d. **Staff Time.** None.
7. **Advisory Committee on Podiatry (K.S.A. 74-2807).** The three-member Committee, created in 1975, is appointed by the Governor and is advisory to the State Board of Healing Arts regarding the qualifications and examination of podiatrists. The Committee administers examinations to applicants for podiatry licensure. It also reviews complaints against podiatrists received by the Board.

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- a. **Composition of Committee.** The three-member Committee is appointed by the Governor to four-year terms. Members must "be residents of different parts of the state."
 - b. **Expenses.** Members are authorized travel expenses. Expenditures for the Committee were \$102 in FY 1990, \$363 in FY 1991, and \$217 for the first half of FY 1992.
 - c. **Frequency of Meetings.** In the last five years, the Committee has met twice a year to give examinations to applicants for licensure, plus other meetings.
 - d. **Staff Time.** Minimal.
8. **Natural and Scientific Areas Advisory Board (K.S.A. 74-6614).** The Natural and Scientific Areas Advisory Board was established in 1974 by K.S.A. 74-6606. In 1984, the Board was abolished. However, during the 1985 Session, the Board was recreated. The duties of the 11-member Board are to consult with and advise the State Biological Survey on matters relating to the Administration of the Natural and Scientific Areas Preservation Act.
- a. **Composition of Board.** The 11-member Board consists of the following: the State Biologist; the Secretary of Wildlife and Parks; the State Forester; the State Geologist; the Director of the State Historical Society; the Director of the State Water Office; the Chairperson of the Nongame Wildlife Advisory Council; the Secretary of Health and Environment; a member of the House of Representatives appointed by the Speaker of the House; a member of the Senate appointed by the President of the Senate; and a representative of the Governor.
 - b. **Expenses.** Members are authorized travel expenses, except for legislators who also receive legislative per diem compensation. Reimbursement is paid by the agency each member represents. Cost of materials such as office supplies is borne by the Biological Survey and is estimated to be \$500 a year.
 - c. **Frequency of Meetings.** The Board is required to meet annually. Since 1988, it has met eight times.
 - d. **Staff Time.** Staff is provided by the Kansas Biological Survey, which devotes two months per year to Board activities. Staff duties include preparing minutes, promotional materials, reports, and other materials.
- Note: The State Biological Survey is a statutory function of the University of Kansas. Its function is to identify and report on the location and supply of native plants and animals that have educational and economic importance. It is authorized to enter into agreements with the federal government concerning certain federal land and to accept federal grants.
9. **Committee on Disability Concerns (K.S.A. 1991 Supp. 74-6701).** The Committee was created in 1975 as the Advisory Committee on the Employment of the Handicapped and reconstituted in 1989 as the Commission on Disability Concerns. The 30-member Commission is advisory

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to the Secretary of Human Resources on matters relating to the disabled, including housing, employment, rehabilitation, and education.

- a. **Composition of Committee.** The 30-member Committee consists of 15 members appointed by the Secretary of Human Resources, with preference given to representatives of the following: industry, labor, community-based independent living programs, disability or rehabilitation research programs, and private, nonprofit organizations serving Kansans with disabilities. At least eight of the members appointed by the Secretary shall be Kansans with disabilities. In addition the following 15 persons or their designees are ex officio members: the Secretary of Health and Environment, the Chairperson of the Kansas Planning Council on Developmental Disabilities Services, the Commissioner of Mental Health and Retardation Services of the Department of Social and Rehabilitation Services, the Commissioner of Rehabilitation Services of the Department of Social and Rehabilitation Services, the Secretary of Commerce, the Director of Special Education of the State Board of Education, the Secretary of Transportation, the Secretary of Aging, the Secretary of Human Resources, the Secretary of Administration, the Secretary of Social and Rehabilitation Services, the President of the Kansas Senate, the Minority Leader of the Kansas Senate, the Speaker of the Kansas House of Representatives, and the Minority Leader of the Kansas House of Representatives.
 - b. **Expenses.** Appointive members of the Commission are authorized travel expenses. The Commission is authorized 4.0 FTE staff positions and has a budget within the Department of Human Resources. Actual expenditures for staff and operations totaled \$111,750 in FY 1991. Expenditures are estimated to be \$151,605 in FY 1992.
 - c. **Frequency of Meetings.** Bylaws of the Commission call for three meetings a year. In the past five years, the Commission has met 15 times. It also conducts meetings via conference calls.
 - d. **Staff Time.** The Commission is authorized 4.0 FTE positions.
10. **Kansas Coal Commission (K.S.A. 1991 Supp. 74-8601).** The Kansas Coal Commission was established in 1987 to study ways to expand existing markets and create new markets for Kansas coal.
- a. **Composition of Commission.** The Commission consists of the following 13 members: the Secretary of the Department of Commerce, or the Secretary's designee, who will be chairperson of the Commission; seven appointees of the Governor -- one representative of the electric utility industry, one representative of the coal industry, one representative of an industry that uses coal in manufacturing or processing, one representative of organized labor, one representative of the public with energy, environmental, or consumer expertise, one representative of local government, and one representative of a research organization; four members, each of whom is appointed by one of the following -- the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of

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Representatives; and a member of the Mined-Land Conservation and Reclamation Board as a nonvoting ex officio member.

- b. **Expenses.** Members are authorized travel expenses "or a lesser amount as determined by the Chairperson." Staff and other operating expenses are paid from the budget of the Department of Commerce. The Department uses oil overcharge funds if these funds are available. At the last meeting, all but three members waived expenses. Costs for the three who claimed expenses totaled \$439 for travel and \$130 for per diem compensation for legislative members. Only legislative members receive per diem compensation.
- c. **Frequency of Meetings.** The Committee met once in 1991 (December 19) and has scheduled a meeting by conference call in February, 1992.
- d. **Staff Time.** Minimal.

Note: The Commission was reviewed under provisions of the Sunset Law in 1989. It is due to be abolished under the Sunset Law July 1, 1993.

- 11. **Governor's Residence Advisory Commission (K.S.A. 75-129).** The Governor's Residence Advisory Commission was established in 1976. The eight-member Commission is required to submit an annual report to the Legislature on the state of repair of the Governor's residence and its grounds and equipment. The Commission has the power to accept on behalf of the state, gifts or donations for the purpose of furnishing or improving the Governor's residence or grounds.
 - a. **Composition of Commission.** The eight-member Commission consists of the following: the Secretary of Administration, the Executive Secretary of the Kansas Historical Society, the Chairperson of the Senate Committee on Ways and Means, the Minority Leader of the Senate or designee, the Chairperson of the House Committee on Appropriations, the Minority Leader of the House of Representatives or a designee, the Governor's spouse or a designee, and the President of the Friends of Cedar Crest Association or an officer of the Association designated by the Association's President. The Secretary of Administration shall serve a chairperson of the Commission.
 - b. **Expenses.** No expenses for Commission members are specifically authorized and none is claimed since most members are in Topeka regularly. Other expenses of the Commission are minimal.
 - c. **Frequency of Meetings.** According to the Secretary of Administration, the Commission meets at least annually.
 - d. **Staff Time.** According to the Secretary of Administration, staff time is minimal and would be incurred in any event as part of the state's responsibility to maintain the Governor's residence.

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12. **Information Systems Policy Board (K.S.A. 74-4708).** Created in 1972, the three-member Board is responsible for approving a comprehensive plan prepared by the Division of Information Systems and Communications relating to central data processing for state agencies.
 - a. **Composition of Board.** The Board consists of the Secretary of Administration (who serves as Chairperson), the Chief Justice of the Kansas Supreme Court (or a designee), and the Chairperson of the Legislative Coordinating Council (or a designee).
 - b. **Expenses.** Members are authorized per diem compensation and travel expenses. The Secretary of Administration reports no recent expenses incurred.
 - c. **Frequency of Meetings.** The Board has met twice in the last five years.
 - d. **Staff Time.** The Secretary of Administration reports no staff costs for this Board to operate.

13. **Advisory Corrections Boards (K.S.A. 75-5297).** Authority for the Secretary of Corrections to establish correction advisory boards was provided for in 1978. The purpose of the boards is to formulate comprehensive plans for the development, implementation, and operation of community correction programs such as restitution programs, victim services programs, and preventive or diversionary correctional programs. There currently are 25 community corrections boards established in conjunction with 32 community corrections programs.
 - a. **Composition of Boards.** Each board consists of 12 or more members who are representative of law enforcement, prosecuting authorities, the judiciary, education, corrections, ethnic minorities, the social services, and the general public. Membership of the boards is set forth in the statutes and, in general, consists of designated local officials and persons appointed by designated local bodies.
 - b. **Expenses.** No reimbursement is specifically authorized. The State Department of Corrections has no estimate of any other costs associated with these boards, but does not think they are substantial.
 - c. **Frequency of Meetings.** According to the Secretary of Corrections, the frequency of local board meetings varies from monthly to semi-annually.
 - d. **Staff Time.** Staff time and costs incurred by the boards locally are not reported to the Department of Corrections, but the Secretary thinks they are minimal.

14. **Advisory Commission for Children with Special Health Care Needs (K.S.A. 75-5643).** Created in 1977 as the Advisory Commission for Crippled Children, the name of the Commission was changed to the Advisory Commission for Children with Special Health Care Needs in 1988 (K.S.A. 75-5643). The Commission is within the Department of Health and Environment and is advisory to the Secretary of Health and Environment on matters relating to children with special health care needs.

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- a. **Composition of Commission.** The five-member Commission is appointed by the Governor to four-year terms. No composition of Commission is specified in the statutes.
 - b. **Expenses.** Members are authorized reimbursement for travel expenses. Costs are estimated to be \$300 per meeting.
 - c. **Frequency of Meetings.** The Commission meets approximately four times a year and has held 14 meetings in the last five years.
 - d. **Staff Time.** Meetings last three to four hours and are attended by the Director of Children with Special Health Care Needs program and one clerical staff person.
15. **Advisory Commission on Health and Environment (K.S.A. 75-5656).** The Advisory Commission on Health and the Advisory Commission on Environment both were established in 1974 by K.S.A. 75-5614 and 75-5615. These Commissions were abolished in 1988 and the Advisory Commission on Health and Environment was established. The 13-member Commission consults with and advises the Secretary of Health and Environment on matters relating to local, state, regional, and national policies and trends in public health and environment. It also meets on matters relating to the agency's budget and legislative proposals.
- a. **Composition of Commission.** The 13-member Commission is appointed by the Governor and consists of the following: two members who are representatives of health fields; two members who practice environmental engineering or geology; three members who are scientists from academia or commercial health or environmental laboratories or private businesses; three members who are business leaders utilizing health or environmental services; and three members who represent the public at large.
 - b. **Expenses.** Members are authorized reimbursement for travel. Travel expenses and other costs of the Commission are estimated to be \$1,000 per meeting.
 - c. **Frequency of Meetings.** The Commission has met 11 times since 1988.
 - d. **Staff Time.** Staff time varies, depending on program issues. The Secretary of Health and Environment, division directors, and some support staff attend meetings. Staff time involves some preparation for meetings, in addition to actual meeting attendance.
16. **Technical Advisory Committee on the Assessment-Sales Ratio Study (K.S.A. 79-1444).** The Committee was established in 1965. The three-member Committee advises and consults with the Director of Property Valuation on procedures used to complete assessment-sales ratio studies.
- a. **Composition of Committee.** The three-member Committee is appointed by the Secretary of Revenue and must have the education and training necessary to

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advise on the methodology of conducting assessment-sales ratio studies. The members are professors at Regents' institutions.

- b. **Expenses.** Members are authorized reimbursement for travel expenses. Exact figures for expenses are unavailable because, according to the Secretary of Revenue, the records were destroyed in a paper drive.
- c. **Frequency of Meetings.** The Committee has met twice in the last five years. A meeting presently is scheduled but has not been held, due to the death of a Committee member. According to the Secretary of the Department of Revenue, the Committee meets only when there is a need to change procedures or statistical methodology connected with the study.
- d. **Staff Time.** The Director of Property Valuation and two other staff members attend meetings. There is little other staff time utilized.

Note: According to the Department, proposed changes in school finance funding (particularly a statewide property tax levy) could cause a greater reliance on the assessment-sales ratio study and an increase in Advisory Committee activity.



TOPEKA

HOUSE OF
REPRESENTATIVES

VERNON W. CORRELL
REPRESENTATIVE, SEVENTH DISTRICT
LABETTE COUNTY
PO BOX 214
OSWEGO, KS 67356

COMMITTEE ASSIGNMENTS
MEMBER: AGRICULTURE
ENERGY & NATURAL RESOURCES
TRANSPORTATION

TESTIMONY

ON

HOUSE BILL 2807

TO

HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

Mr. Chairman and members of the Committee:

Thank you Mr. Chairman. I'm Representative Vernon Correll from the 7th District in Labette County.

House Bill 2807 was introduced by me as a committee bill on January 29th. It establishes a seven-member pecan commission in the state in conjunction with the Pecan Promotion Research Act of 1990, 7 U.S.C.A. 6001 et, seq. (National Farm Bill).

The proceeds would be collected by the National Pecan Marketing Board and the state's portion transferred to the Kansas Pecan Commission Fund on a monthly basis.

A portion of the receipts would be deposited in the state general fund and the balance credited to the Kansas Commission under the provisions of K.S.A. 75-317a.

Approximately 2,000,000 pounds of pecans are sold to the "first handler" in Kansas each year with about 800,000 pounds produced in Kansas, the balance sold in Kansas by surrounding states.

It is estimated these figures would double in three to five years with better research, education and publicity in the Kansas pecan industry.

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This is a very small industry located in the extreme Southeast corner of the state and there would be no costs to the state except in the initial setting-up process of the commission.

One other point is; Kansas does not share in pecan proceeds from the national program unless it has its own commission.

Thank you for the opportunity to appear before you.

Vernon W. Correll
State Representative
District #7

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Good morning Mr. Chairman and members of the committee. My name is Eldon Fastrup, and I am the Director of Marketing for the Kansas State Board of Agriculture. House Bill #2807, which you are considering today, would create the Kansas Pecan Commission and place the responsibility for administration and operation within the Marketing Division. A fiscal note prepared by our division estimates the assessments collected by this new function to be approximately \$5,000 per year. As defined by the bill, collections would be based on an assessment of 1/4 of 1 cent per pound of pecans handled by "first handlers" in the state. Experts in the pecan industry estimate that approximately 2,000,000 pounds of pecans are handled by processors and marketers in the state each year.

Several provisions of this bill provide for set asides to the state general fund (estimated at \$105 per year) to cover accounting costs and the payment of travel expenses and salary to commission members for attendance to at least one meeting annually. The remainder of funds would be utilized for market development, research, education, and publicity for the Kansas Pecan Commission.

Collections, as outlined by the bill, would be made by the national Pecan Marketing Board, and state assessment portions returned to the newly created Kansas Pecan Commission fund on a monthly basis. The bill also establishes a provision for abolishment of the Kansas Pecan Commission if the national Pecan Marketing Board is discontinued for any reason.

The Marketing Division acknowledges that with funding levels at such a low level, operations would need to be "bare bones" so that the maximum amount of money could be spent on program functions established by the seven member commission. Existing staff would need to be re-aligned to assume whatever level of administrative responsibility that is required. The division is prepared to dedicate such staff efforts to complete these responsibilities. The division support the

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concept of producer organizations establishing self-support mechanisms to assist market development and research efforts to promote their products.

Thank you for the opportunity to present testimony on this bill and I stand ready to answer any questions you may have.