

Approved March 3, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

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

1:35 ~~am~~/p.m. on February 18, 1992 in room 531-N of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Oleen, Doyen, Francisco, Kanan, Moran, Strick
and Vidricksen

Members Absent - Excused: Senator Bogina

Members Absent: Senator Gaines

Committee staff present:

Julian Efrid, Kansas Legislative Research Department

Fred Carman, Revisor of Statutes Office

Mary Allen, Committee Secretary

Conferees appearing before the committee:

Dr. Terry Harmon, Kansas State Historical Society

John Wine, Secretary of State's Office

David Haury, Kansas State Historical Society

Terri Roberts, Kansas State Nurses Association

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

Chairman Oleen opened the hearing on SCR 1629.

Senate Concurrent Resolution 1629 - Urging state agency heads to serve the public need with maximum effectiveness, efficiency and economy.

The Chairman said that SCR 1629 was recommended for passage to the 1992 Session of the Legislature by the Special Committee on Governmental Organization/Confirmations during the 1991 Interim. Staff reviewed the Resolution and said that it addresses the proliferation of agencies creating new advisory boards and other adjunct groups. He pointed out that most cabinet and constitutional officers have the authority to create advisory groups; therefore, SCR 1629 urges these officers to be mindful, when creating these groups, that there is a presumption on the part of the public that too many advisory groups exist and it urges the officers to show restraint in this area by making every effort to hold to an absolute minimum the number of advisory bodies established. Chairman Oleen pointed out that many of the advisory board members are paid subsistence and travel expenses. The hearing on SCR 1629 was closed.

The Chairman opened the hearing on SB 587.

Senate Bill 587 - Transfer of certain public records to the state archives.

Dr. Terry Harmon, Acting State Archivist for the Kansas State Historical Society, spoke in support of SB 587. He noted that during the past five years large quantities of records have been transferred from the Office of the Secretary of State to the State Historical Society for permanent preservation in the state archives. He pointed out that questions have arisen concerning the legality of transferring some of these records to the archives because of statutes which state or imply that the documents should remain permanently in the office of the Secretary of State; consequently, SB 587 is proposed as a means of solving this legal problem. He stated that it is efficient and cost effective to concentrate noncurrent records created by state agencies possessing permanent value in a single state archives repository. (See Attachment I for copy of Dr. Harmon's testimony.)

John Wine, General Counsel of the Office of the Secretary of State, appeared in support of SB 587 and encouraged the Committee to recommend it favorably for passage. He observed that the bill would clarify that in any situation where the Secretary of State's Office holds records, those records can be transferred

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,
room 531-N, Statehouse, at 1:35 ~~am~~/p.m. on February 18, 1992.

lawfully to the State Archivist. (See Attachment II for copy of Mr. Wine's testimony.)

The Chairman closed the hearing on SB 587.

Terri Roberts, Executive Director of the Kansas State Nurses Association, appeared to request that the Committee authorize for introduction a bill to change the composition of the Kansas State Board of Nursing by increasing the number of Registered Nurses on the Board to seven and reducing the number of Licensed Mental Health Technicians from two to one and Public Members from two to one. (See Attachment III for Ms. Roberts' testimony.)

Senator Vidricksen moved that bill draft 1 RS 2609, requested by the Kansas State Nurses Association, be introduced by the Committee. Senator Francisco seconded the motion. The motion carried.

Senator Strick moved that the minutes of the February 3, 1992, February 4, 1992, and February 11, 1992, meetings of the Committee be approved. Senator Moran seconded the motion. The motion carried.

The Committee turned its attention to discussion and possible action on bills previously heard.

Senate Bill 573 - Use of acid-free and permanent paper for state publications.

Staff presented and explained some amendments to SB 573 which were requested by the Kansas State Historical Society (Attachment IV). In answer to a question from the Chairman concerning the use of permanent paper, David Haury, Kansas State Historical Society, reported that under the provisions of the bill the number of documents required to be printed on permanent paper would be very limited. The Historical Society, he said, would work with the State Library and the library of the Historical Society to determine which documents not only need to be preserved permanently but also which would have the type of handling which would require long term preservation.

Senator Strick moved that SB 573 be amended as shown in Attachment IV and that the bill be reported favorably for passage as amended. Senator Moran seconded the motion. The motion carried.

Senate Bill 2 - Repeal of sunset provision for joint committee on arts and cultural resources.

Senator Moran moved that SB 2 be amended in lines 8 and 13 by changing the numbers "1990" to the numbers "1991". Senator Strick seconded the motion. The motion carried.

Senator Moran moved that SB 2 be reported favorably for passage as amended. Senator Strick seconded the motion. The motion carried.

Senate Bill 397 - Establishing the division of operations and director of operations in the department of revenue.

Staff reported that SB 397 was the result of a subcommittee review of the Department of Revenue during the 1991 Session of the Legislature. He noted that due to the fact that since this bill was introduced the Department of Revenue's Division of Operations has been abolished, SB 397 is moot.

Senator Doyen moved that SB 397 be reported adversely. Senator Vidricksen seconded the motion. The motion carried.

Senate Bill 587 - Transfer of certain public records to the state archives.

Senator Vidricksen moved that SB 587 be reported favorably for passage and that it be placed on the Consent Calendar. 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 ~~a.m.~~ p.m. on February 18, 1991.

Senate Bill 544 - Examinations for construction tradespeople building licenses.

Senator Vidricksen moved that SB 544 be reported favorably for passage. Senator Strick seconded the motion. The motion carried.

The meeting was adjourned by Chairman Oleen at 2:15 p.m.

February 18, 1992

GUEST LIST

| <u>NAME</u> | <u>REPRESENTING</u> |
|--------------------|---------------------|
| Terri Roberts | KSNA |
| Carolyn Muddendary | KSWA |
| Laura Lee | KDOT |
| John Wine | Sec. of. St. |
| David A. Hawry | KSHS |
| Terry Harmon | KSHS |

TESTIMONY CONCERNING SENATE BILL NO. 587

Presented to the Senate Committee on Governmental Organization
by Terry Harmon, Acting State Archivist

February 18, 1992

I appreciate this opportunity to appear before the committee as a representative of the Kansas State Historical Society. My comments will be brief because the statutory change proposed in S.B. 587 is uncomplicated and no opposition to it is anticipated.

During the past five years large quantities of records have been transferred from the office of the Secretary of State to the State Historical Society for permanent preservation in the state archives. Questions subsequently have arisen about the legality of transferring some of these records to the archives because of statutes which state or imply that the documents should remain permanently in the office of the Secretary of State.

When the Government Records Preservation Act was adopted in 1981, subsection (c) of K.S.A. 45-405 was included in an effort to eliminate any doubt about this matter. It now appears that the language currently in subsection (c) is not comprehensive enough to achieve this objective, and S.B. 587 is proposed as a means of solving the problem. Instead of attempting to list each statute which might be viewed as an obstacle to transferring records of the Secretary of State's office to the state archives, it would change subsection (c) to say that: "The secretary of state shall not be prevented by any statute from depositing in the state archives any noncurrent government records accepted by the state archivist."

One example of the records which would be affected by this change is the original enrolled laws and resolutions signed by legislative leaders and the governor. K.S.A. 75-404 says that the Secretary of State "shall not permit the same to be taken out of his or her office" Other examples include campaign finance reports and statements of substantial interests which are filed in the Secretary of State's office. Personnel of the Kansas Commission on Governmental Standards and Conduct have questioned whether the laws which require filing of such documents allow their transfer to the state archives after they become noncurrent.

For a variety of reasons, it is efficient and cost-effective to concentrate noncurrent records created by state agencies possessing permanent value in a single state archives repository. The State Historical Society has well-trained and experienced archivists, storage facilities, reading rooms, special copying equipment, and other resources needed to preserve records and make them adequately accessible to the public.

We hope you therefore will agree that the statutory change proposed in S.B. 587 would be appropriate.

*Senate Committee on Governmental Organization
2-18-92*

Attachment I

Bill Graves
Secretary of State



2nd Floor, State Capitol
Topeka, KS 66612-1594
(913) 296-2236

STATE OF KANSAS

TESTIMONY BEFORE THE SENATE GOVERNMENTAL
ORGANIZATION COMMITTEE
SENATE BILL NO. 587

February 18, 1992

The office of the Secretary of State supports SB 587 and encourages this committee to favorably recommend it for passage.

This bill alleviates any doubt about the authority of the Secretary of State to transfer records to the State Archivist. The existing statute attempts to accomplish this goal, but has created some confusion.

Specifically, we were concerned about the transfer of enrolled bills to the Archivist. A separate statute, K.S.A. 45-410, requires us to retain printed laws. Because K.S.A. 45-405 did not specifically mention K.S.A. 45-410, we were not certain about our actual authority to make the transfer.

This bill would clarify that in any situation where we hold records, the records can be lawfully transferred to the State Archivist. Because our office does not have the training or facilities for proper preservation of historical records, we should not be prevented from voluntarily transferring such records.

Again, we encourage this committee to favorably report SB 587 for passage.

Thank you.

John Wine, General Counsel

Senate Committee on Governmental Organization
2-18-92

Attachment II

KSNA

the voice of Nursing in Kansas



TO: Senate Governmental Organization Committee

FROM: Terri Roberts J.D., R.N.
Executive Director

Carolyn Middendorf M.S., R.N.
Legislative Chairperson

DATE: February 18, 1992

SUBJ: Bill Request
Senate Governmental Organization Committee

The Kansas State Nurses' Association would respectfully request the opportunity to present a bill before the Senate Governmental Organization Committee. The bill would change the composition of the Kansas State Board of Nursing by increasing the number of RN's on the Board to seven and reducing the number of LMHT's from two to one and Public Members from two to one. The total number of Board members would remain the same at eleven.

The following Kansas nursing organizations have endorsed this position:

Kansas State Nurses Association

Kansas Association of Nurse Anesthetists

TR/tls

a:letter.tr
Testimony 1992

*Senate Committee on Governmental Organization
2-18-92
Attachment III*

Kansas State Nurses' Association Constituent of The American Nurses Association

700 S.W. Jackson, Suite 601 • Topeka, Kansas 66603-3731 • (913) 233-8638 • FAX (913) 233-5222
Michele Hinds, M.N., R.N.—President • Terri Roberts, J.D., R.N.—Executive Director

M E M O R A N D U M

The Kansas State Nurses' Association Board of Directors adopted a motion at the June Board of Directors meeting to introduce legislation in 1992 to amend the Nurse Practice Act to change the composition of the Kansas State Board of Nursing.

The proposal has been informally discussed with elected and appointed officials of other Kansas nursing organizations. The KSNA Board of Directors believes that there are two factors which contribute greatly to the need for increasing the representation of R.N.'s on the Board of Nursing.

The first is the workload of the Board of Nursing as it relates to approving nursing education and continuing education programs and providers. The practice issues that continue to emerge also deal with expanded nursing practice in a rapidly changing health environment. Registered nurses on the Board of nursing and their expertise are needed in greater numbers to address these increasing and complex issues.

The second is the increasing number of R.N.'s compared to other licensees and the current disparity of representation on the Board.

KANSAS STATE NURSES' ASSOCIATION PROPOSAL FOR CHANGING THE COMPOSITION OF THE KANSAS STATE BOARD OF NURSING BY REDUCING THE LMHT'S TO 1 AND THE PUBLIC MEMBER TO 1 AND ADDING TWO ADDITIONAL R.N.'S.

| | Current KSNB | Ratio of Licensees per Board Member | KSNA Proposal KSNB Board | Change in Ratio Kansas RN's |
|----------|-----------------|--|-----------------------------|--------------------------------|
| R.N. | 5 | 1:4800 | 7* | 1:3425 |
| L.P.N. | 2 | 1:4250 | 2 | 1:4250 |
| L.M.H.T. | 2 | 1: 500 | 1 | 1:1000 |
| Public | 2 | | 1 | |
| TOTAL | <u>11</u> | | <u>11</u> | |

*Of the current five R.N.'s on the Board of Nursing, 3 are from service and two from education. The KSNA Proposal would include adding one more R.N. from service and one from education for a total of 7 R.N.'s.

The current number of Kansas Licensees is as follows:

| | | | | | |
|--------|--------|----------|-------|------------|-------|
| R.N.'s | 24,000 | L.P.N.'s | 8,500 | L.M.H.T.'s | 1,000 |
|--------|--------|----------|-------|------------|-------|

Kansas State Nurses' Association Constituent of The American Nurses Association

700 S.W. Jackson, Suite 601 • Topeka, Kansas 66603-3731 • (913) 233-8638 • FAX (913) 233-5222
Michele Hinds, M.N., R.N.—President • Terri Roberts, J.D., R.N.—Executive Director

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Governmental Organization

Recommends that Senate Bill No. 573

"AN ACT concerning use of acid-free, alkaline-based or permanent type paper in certain state publications."

Be amended:

On page 1, by striking all of lines 13 to 22, inclusive, and inserting the following:

"Section 1. All records and printed documents created by state agencies shall be produced on acid-free paper having a minimum pH of 7.0, unless use of such paper is infeasible because of excessive costs or inadequate availability of the paper.

Sec. 2. The state records board shall designate certain types of records and printed documents produced by state agencies which must be created on paper conforming to the American national standards for permanent paper for printed library materials (ANSI Z39.48-1984). When notified prior to September 1 by the state records board that a designated record series or printed document title shall be produced on permanent paper, the agency responsible for creating the record or document shall comply during the following fiscal year. The customary symbol indicating use of permanent paper shall be included in such printed documents.";

In the title, in line 9, by striking all after "acid-free"; in line 10, by striking all before "publications" and inserting "or permanent paper in creating state records and";

And the bill be passed as amended.

Chairperson

Senate Committee on Governmental Organization
2-18-92
Attachment IV