

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 ~~a.m.~~/p.m. on February 25, 1992 in room 531-N of the Capitol.

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

Committee staff present:

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

Conferees appearing before the committee:

Dave Charay, Kansas State Employees Health Care Commission
Gene Yockers, Kansas Real Estate Commission
Gary Stotts, Department of Corrections
Rocky Vacek, Kansas Board of Barbering
Dixie Bratton, Kansas Board of Cosmetology
Dorothy Reddy, Kansas Board of Cosmetology

The meeting was called to order at 1:35 p.m. by the Chairman, Senator Lana Oleen.

The Committee considered requests for bill introductions. Dave Charay, Health Benefits Administrator for the Kansas State Employees Health Care Commission, asked that the Committee authorize bill draft 1 RS 2154 for introduction. This draft, he said, would exempt the Health Care Commission from the provisions of the Kansas Open Meetings Act when the Commission meets solely for certain enumerated purposes. (See Attachment I)

Senator Vidricksen moved that the Committee introduce the bill requested by the Kansas State Employees Health Care Commission. Senator Strick seconded the motion. The motion carried.

Gene Yockers, Director of the Kansas Real Estate Commission, requested that the Committee recommend bill draft 1 RS 2667 for introduction. He reported that this bill draft concerns appointments to the Commission.

(Attachment II)

Senator Strick moved that the Committee introduce the bill draft requested by the Kansas Real Estate Commission. Senator Vidricksen seconded the motion. The motion carried.

Chairman Oleen called to the report of the Subcommittee on SB 473.

Senate Bill 473 - Sunset law, secretary and department of corrections, continuation.

Senator Doyen, Chairman of the Subcommittee on SB 473, gave the report of that Subcommittee, which had Senator Francisco as its other member. He discussed the statutory authorization for the Department of Corrections, its duties and responsibilities, and department organization. After listing the Subcommittee's conclusions, he said that it recommends that SB 473 be passed as introduced and recommends that the Department and Office of Secretary be continued in existence for a period of eight years, at which time both would be subject to abolition under the Kansas Sunset Law. (See Attachment III)

Gary Stotts, Secretary of the Department of Corrections, was present to answer questions. He informed the Committee that he met recently with staff from the Labette Correctional Conservation Camp concerning the increased utilization of that facility. He noted that the Labette staff will be attending the State Judicial Conference and talking to Community Corrections people to explain the

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 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION,

room 531-N, Statehouse, at 1:35 ~~xxx~~ p.m. on February 25, 1992

programs of the facility to both groups. Senator Bogina noted that the Youth Center at Topeka is full; therefore, the Department of Corrections might want to consider adjudicating some of the residents of that Center in order that they could be placed in the Labette facility.

Senator Doyen moved that the Report of the Subcommittee on SB 473 be accepted. Senator Moran seconded the motion. The motion carried.

Senator Strick moved that SB 473 be recommended favorably for passage. Senator Moran seconded the motion. The motion carried.

Chairman Oleen opened the hearing on SB 600.

Rocky Vacek, Administrative Officer of the Kansas Board of Barbering, testified in support of SB 600 and stated that the bill was introduced in an attempt to upgrade the language in the existing barbering statutes. He pointed out that the bill was recommended by an Assistant Attorney General assigned to the Board of Barbers. He further pointed out that the Barber Board unanimously agreed that this bill be introduced. Mr. Vacek noted that the contents of New Section 7 of the bill are presently in the Board's Rules and Regulations but the Assistant Attorney General has recommended that they be in the statutes.

Senator Vidricksen moved that SB 600 be reported favorably for passage. Senator Gaines seconded the motion. The motion carried.

The Committee turned its attention to SB 575 which was heard at its February 17, 1992, meeting.

Senate Bill 575 - An act concerning cosmetology.

A list of the locations of the cosmetology schools in Kansas was given to the Committee. Staff reviewed the provisions of SB 575 and reminded the Committee that it basically eliminates cosmetology apprenticeship programs in Kansas with the exception of the program for electrology. Dixie Bratton and Dorothy Reddy, both representing the Kansas Board of Cosmetology, answered questions from the Committee and stated that there is presently no school in Kansas for electrology; consequently, the apprenticeship program for that would be continued until such time as a school exists which offers the program. They said that it is their interpretation of the bill that anyone already participating in an apprenticeship program or anyone who enrolls before July 1, 1992, can complete his or her program.

Senator Francisco moved that SB 575 be amended on page 5, line 34 to change the figure "18" to the figure "6". Senator Strick seconded the motion. The motion carried.

Senator Gaines offered a conceptual motion that SB 575 be amended on page 7, line 33 to make that language consistent with other enumerated items which precede and follow it. Senator Moran seconded the motion. The motion carried.

Senator Gaines moved that SB 575 as amended be recommended favorably for passage. Senator Kanan seconded the motion. The motion carried.

The Committee turned its attention to SB 472.

Senate Bill 472 - Sunset law, Kansas lottery, executive director, commission, continuation.

Members of the Kansas Lottery staff were present to answer questions from the Committee. There being none, the meeting was adjourned at 2:10 p.m. by the Chairman.

GUEST LIST

NAME

REPRESENTING

Harathy Reddy

Bd. of Cosmetology

Dipie Bratton

Bd. of Cosmetology

Rocky Vaul

Bd of Barbers

Tony A. Stamps

" " "

Gene Robben

KDOT

Nick Roach

IGT

DAVE CHARAY

Health care commission
Citizen

Jan Decker

John N. Roberts

Kansas Lottery

Ralph Decker

Kansas lottery

Gene Yockers

KREC

Denise L. Sutton

Kansas Lottery



**KANSAS STATE EMPLOYEES
HEALTH CARE COMMISSION**

COMMISSIONERS:
James R. Coble
Ron Todd
Robert C. Harder

Dave Charay,
Benefits Administrator

M E M O R A N D U M

TO: Senator Oleen, Chairperson
Senate Government Organization Committee

FROM: Dave Charay, Health Benefits Administrator

DATE: February 24, 1992

RE: Bill Introduction Request

Your assistance in introducing the attached bill is requested on behalf of the Kansas State Employees Health Care Commission.

This legislation would amend K.S.A. 75-6504 to provide that the provisions of K.S.A. 75-4317 et seq. (the Open Meetings Act) would not apply to the Health Care Commission when the Commission meets solely for the following purposes:

- a. Conducting negotiations for health care plans and contracts;
- b. Discussing and preparing strategies for negotiations; and
- c. Considering health care matters relating to individually identifiable plan participants.

Under K.S.A. 75-37,102, procurement negotiating committees are exempted from the provisions of the Open Meetings Act for the purposes of negotiating a contract. This provision recognizes the difficulty and disadvantages a negotiating committee faces if required to prepare for and conduct negotiations in full view of all parties to the negotiations.

The Health Care Commission is an agency of the state which is subject to the Open Meetings Act. However, in negotiating for health care coverage contracts, it performs the same functions as a procurement negotiations committee. Currently,

Senator Oleen
February 24, 1992
Page 2

only one member of the Commission can be present during negotiations if the confidentiality of those negotiations is to be preserved without triggering the Open Meetings Act. As a result, it is difficult to keep all members of the Commission fully informed regarding the status and progress of negotiations. The proposed legislation would extend to the full Commission the same exemption now provided for procurement negotiating committees when the Commission is acting in a similar capacity.

An additional exemption would be provided for the Commission for discussions of confidential matters relating to an individual plan participant. Such an exemption would be comparable to exemptions from the Open Records Act for personnel records or individually identifiable records pertaining to employees or applicants and for public records containing information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. (K.S.A. 45-221(a)(4) and (30).)

Your assistance in introducing this bill is appreciated. I would be glad to respond to any questions you may have regarding the proposal.

0661W

cc: John Hennessy
Ron Todd
Robert Harder

PROPOSED BILL NO. _____

By

AN ACT concerning the Kansas state employees health care commission; relating to the open meetings law; amending K.S.A. 75-6504 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-6504 is hereby amended to read as follows: 75-6504. (a) Subject to the provisions of appropriation acts relating thereto, in developing and providing for the implementation of a state health care benefits program the Kansas state employees health care commission may:

(1) Enter into one or more group insurance contracts to provide coverage for all or part of the state health care benefits program;

(2) establish a self-funded program on an actuarially sound basis to provide coverage for all or part of the state health care benefits program and administer the self-funded program or contract for all or part of the administration of the self-funded program;

(3) provide for the self-administration of all or part of the state health care benefits program;

(4) enter into contracts with one or more health care providers for the provision of health care services;

(5) enter into contracts in accordance with the provisions of K.S.A. 75-6505, and amendments thereto, with one or more health maintenance organizations for the provision of health care services; or

(6) any combination of the authority granted under this subsection (a).

(b) The Kansas state employees health care commission is hereby authorized to negotiate and enter into contracts with

*Senate committee on Governmental Organization
2-25-92*

Attachment I

qualified insurers, health maintenance organizations and other contracting parties for the purpose of establishing the state health care benefits program, including the acquisition of consulting and other services necessary therefor. The commission shall advertise for proposals, shall negotiate with not less than three firms or other parties submitting proposals, and shall select from among those submitting proposals the firm or other contracting party to contract with for the purpose of entering into contracts for services related to the state health care benefits program.

(c) The provisions of K.S.A. 75-4317 through 75-4320a, and amendments thereto, shall not apply to meetings of the Kansas state employees health care commission when the commission meets solely for the purpose of:

(1) Conducting negotiations for health care plans and contracts;

(2) discussing and preparing strategies for negotiations for such plans and contracts; and

(3) considering health care matters relating to individually identifiable plan participants.

~~(e)~~ (d) Contracts entered into pursuant to this section, K.S.A. 75-6505 or 75-6510, and amendments thereto, shall not be subject to the provisions of K.S.A. 75-3738 to 75-3740, inclusive, and amendments thereto. Such contracts may be for terms of not more than three years and may be renegotiated and renewed. All such contracts shall be subject to the limits of appropriations made or available therefor and subject to the provisions of appropriations acts relating thereto.

Sec. 2. K.S.A. 75-6504 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Senate Governmental Organization Committee
February 25, 1992

Madame Chair and members of the committee:

My name is Gene Yockers, and I am the Director of the Kansas Real Estate Commission. I am here to ask you to introduce a bill to amend K.S.A. 74-4201 which provides for appointments to the commission.

The commission consists of five members who are appointed under current law from each of the congressional districts. At least one member must be a public member. The amendment provides for the public member to be appointed from the state at large and the other four from each of the four "new" congressional districts. One of the four could also be a public member.

I would be glad to answer any questions.

*Senate Committee on Governmental Organization
2-25-92
Attachment # 2*

SENATE BILL NO. _____

By Committee on Governmental Organization

AN ACT concerning membership of the Kansas real estate commission; amending K.S.A. 74-4201 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 74-4201 is hereby amended to read as follows: 74-4201. (a) After the expiration of the term of each member who was appointed prior to the effective date of this act, the Kansas real estate commission shall consist of ~~five~~ four members appointed by the governor, one from each of the ~~five~~ four congressional districts of this state and one from the state at large. Each member shall have been, for a period of five years immediately preceding the member's appointment, a citizen and a resident of Kansas. Not less than three members shall have been real estate brokers for five years and not less than one member, including the member appointed from the state at large, shall be designated as a public member and shall have never engaged in business as a real estate brokers broker or salesperson and shall not be so engaged while serving on the commission.

(b) At the expiration of the term of any member of the commission, the governor shall appoint a successor for a term of four years and until a successor is appointed and qualifies.

(c) Upon the expiration of the term of each member who was appointed prior to the effective date of this act, successors shall be appointed in the following manner:

(1) The successor to the member who was appointed from the first congressional district, whose term expires on April 30, 1995, shall be appointed from the first congressional district;

(2) the successor to the member who was appointed from the second congressional district, whose term expires on April 30,

Senate Committee on Governmental Organization
2-25-92

Attachment II

1996, and who is a public member of the commission on the effective date of this act, shall be appointed from the state at large;

(3) the successor to the member who was appointed from the third congressional district, whose term expires on April 30, 1994, shall be appointed from the third congressional district;

(4) the successor to the member who was appointed from the fourth congressional district, whose term expires on April 30, 1993, shall be appointed from the fourth congressional district;

(5) the successor to the member who was appointed from the fifth congressional district, whose term expires on April 30, 1993, shall be appointed from the second congressional district.

(d) In the event of a vacancy in the membership of the commission, the governor shall appoint a member to serve for the unexpired portion of the vacated term and until a successor is appointed and qualifies. Each member of the commission shall, before entering upon the member's duties, take and file with the commission an oath to faithfully perform the duties of the office.

Sec. 2. K.S.A. 74-4201 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

MEMORANDUM

Kansas Legislative Research Department

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

February 25, 1992

To: Senate Committee on Governmental Organization

From: Subcommittee on Department of Corrections -- Senator Ross Doyen, Chairperson;
Senator Ken Francisco

Re: Sunset Review of the Office of Secretary and Department of Corrections

The Kansas Sunset Law provides for the abolition of the Kansas Department of Corrections and Office of the Secretary of Corrections on July 1, 1992, unless continued in existence by an act of the Legislature. If no bill passes the 1992 Session to continue these entities in existence, then both would enter a statutorily mandated one-year phaseout period before ceasing to exist on June 30, 1993.

Application of the Kansas Sunset Law

The Kansas Sunset Law provides a framework for periodic legislative reviews of preselected state agencies (and the programs which the agencies are responsible for implementing). Also included on the termination list are key state officials (specifically, their statutory offices) which also are subject to sunset as well as the agencies which they head.

When an agency and its chief officer are scheduled for abolition (e.g. on July 1, 1992), the Kansas Sunset Law provides that both would continue in existence for one year after the date cited in statute for abolition, in order to conclude their business.

No agencies or officers which are subject to the Kansas Sunset Law may be continued or reestablished for more than eight years.

Prior to the abolition date, committees of reference in each house of the Legislature must hold public hearings on the agencies and offices scheduled for abolition. As a continuation to the public hearing held by the full Committee, the Subcommittee was directed to further review the operations and organization of the agency.

Senate Committee on Governmental Organization
2-25-92
Attachment III

Subcommittee Review and Recommendation

The Subcommittee met with the Department of Corrections officials on February 10, 1992, to review the operations of the agency. The Secretary of Corrections, Gary Stotts, presented an overview of the agency and its operation.

Statutory Authorization

The Kansas Department of Corrections is a cabinet-level agency headed by the Secretary of Corrections. The Department was created in 1974 through enactment of the Kansas Penal Reform Act; specific authorization for the establishment of the Department is found in K.S.A. 75-5203.

Duties and Responsibilities

The mission of the Department of corrections, as part of the criminal justice system, is to contribute to the public safety by exercising reasonable, safe, secure, and humane control of offenders while actively encouraging and assisting them to become law-abiding citizens. In fulfilling this mission, the Department:

- operates maximum, medium, and minimum security correctional facilities that provide for appropriate placement and management of inmates, given security requirements and available resources;
- implements inmate education, treatment, and work programs that respond to offender needs and that enhance the likelihood of successful offender return to the community;
- supervises offenders paroled or conditionally released from correctional facilities to protect the safety of the public and to facilitate offender reintegration into the community; and
- supports community-based supervision of felony offenders through implementation of the Kansas Community Corrections Act and administration of state grants to community corrections agencies.

Department Organization

Management of the KDOC system is directed from its central office located on the fourth floor of the Landon State Office Building in Topeka. The Secretary of Corrections is the chief executive officer for the Department. To assist the Secretary, seven divisions and sections provide direction and oversight for facility and field services operations. They are:

- Facility Management Division, headed by Ray Roberts, Deputy Secretary;
- Program Management Division, headed by Dick Koerner, Deputy Secretary;

- Community and Field Services Division, headed by Roger Werholtz, Deputy Secretary;
- Legal Services and Investigations Section, headed by Charles Simmons, Chief Legal Counsel;
- Fiscal Management and Budget, Section, headed by Dennis Williams, Fiscal Officer;
- Human Resources Section, headed by Judy Rickerson, Human Resource Manager; and
- Information Systems and Communications Section, headed by Jeff Lewis, Information Resource Manager.

Each division and section administrator reports directly to the Secretary. An executive committee meets regularly to assist the Secretary in performing departmental responsibilities. Membership on the executive committee includes the deputy secretaries and the chief legal counsel. The other section heads, plus the public information officer and staff assistant to the Secretary, are considered staff to the executive committee.

The Department also holds periodic meetings of the senior management staff, which includes: executive committee; executive committee staff; correctional facility wardens; and regional parole directors. A functional organization chart for the KDOC central office is presented in Figure 1. The chart shows the current organization of the agency, the major functions assigned to each division and section, and the name of the administrator for each division and section.

The Kansas Department of Corrections supervises correctional facilities and parole offices in 23 communities throughout the state. Correctional facilities are located in 12 communities and parole offices, in 14 communities. The locations of KDOC facilities and offices are presented in Figure 2.

Subcommittee Conclusions

The Subcommittee was guided by the following questions in forming its conclusions and recommendation about the Kansas Lottery.

1. Why should the state agency be reestablished or continued in existence? What would be the consequences if the agency and its programs were not renewed? Should the state agency be subject the sunset in the future? For how long should the continuation be set (up to a maximum of eight years) before the next legislative review preceding sunset?

Conclusion. The Department of Corrections and Office of the Secretary are the management mechanism which tie together a number of state penal institutions and other entities located throughout the state. The Subcommittee believes that the management structure should continue as a cabinet-level department, with a single head of the department.

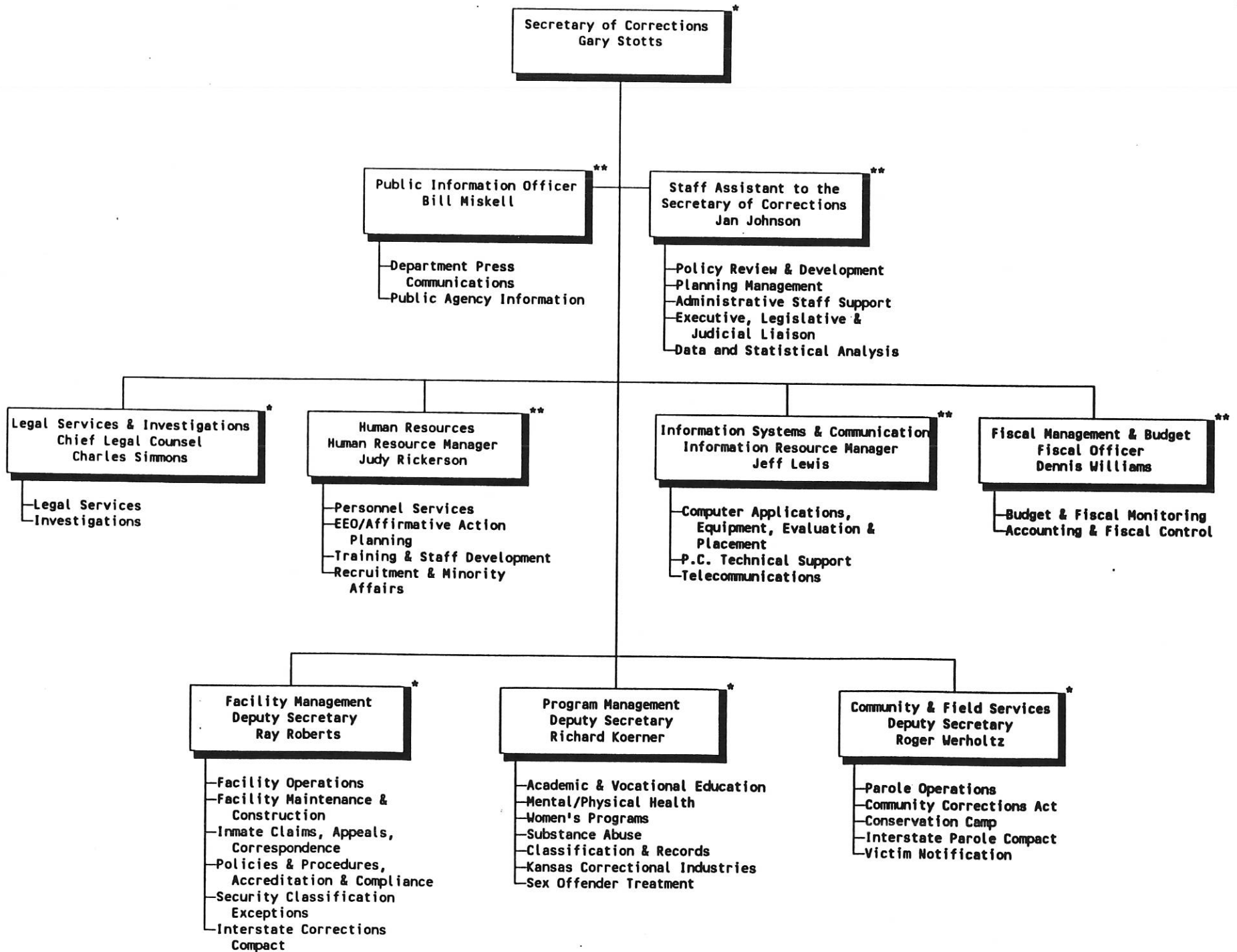
2. Can the functions of the state agency and any of its programs be performed in a more efficient, effective or economical manner? What changes would need to be made in statutes to accomplish these suggestions? What changes would need to be adopted by the agency (rather than made in statutory authority) to accomplish these suggestions?

Conclusion. The Secretary outlined a number of management initiatives undertaken by the agency. Part 3 of the "Corrections Briefing Report" presented to the Senate Committee details these initiatives. The Subcommittee commends the Secretary for the thoroughness of these management initiatives.

3. Does the agency's organization and staff have a basis in law? What are the legal requirements found in statutes? Does the agency head have statutory authority to reorganize the agency and its programs? What limitations are in effect? Are any statutory changes needed to make the organization structure and its established positions consistent with law?

Conclusion. The Subcommittee includes in its report two organization charts (Figures 1 & 2) of the Department and its related agencies. Renaming of the institutions under the jurisdiction of the Department has occurred over the past several years. Additional legislation is pending before the 1992 Legislature. The Subcommittee believes that these matters have been considered by the Federal and State Affairs Committee, and therefore does not draw any conclusions in this area.

Subcommittee Recommendation. The Subcommittee recommends that S.B. 473 be passed as introduced, to continue the Department and Office of Secretary in existence for a period of eight years, at which time both would be subject to abolition under the Kansas Sunset Law.



*Executive Committee
 **Executive Staff

Figure 1

5-3

**Kansas Department of Corrections
Facilities and Parole Offices**

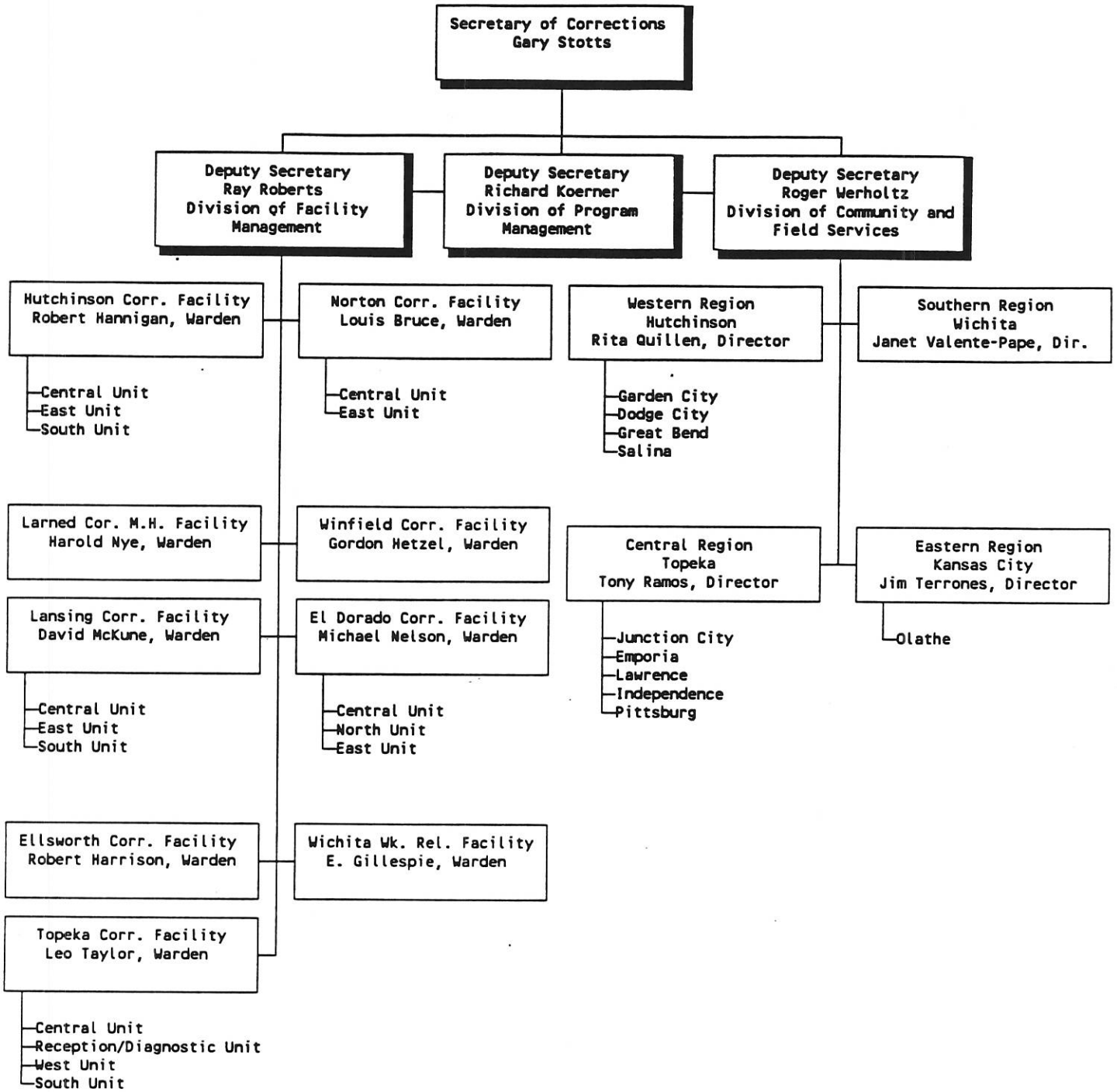


Figure 2