

Approved March 31, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

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

1:40 ~~xxx~~ a.m./p.m. on March 16, 1992 in room 531-N of the Capitol.

~~4~~ members ~~were~~ present ~~at~~: Senators Oleen, Doyen, Francisco, Kanan, Moran,
Strick and Vidricksen

Members Absent - Excused: Senators Bogina and Gaines

Committee staff present:

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

Conferees appearing before the committee:

Brian Moline, State Corporation Commission
Tom Day, State Corporation Commission

The meeting of the Senate Committee on Governmental Organization was called to order at 1:40 p.m. by the Chairman, Senator Lana Oleen, who opened the hearing on SB 426.

Senate Bill 426 - Concerning the state corporation commission.

Staff reminded the Committee that SB 426 was drafted during the 1991 Legislative Session in an effort to codify the current organizational structure of the State Corporation Commission in bill form. The bill was carried over to this Legislative Session from that time.

Brian Moline, General Counsel for the State Corporation Commission, told the Committee that the Commission has some difficulties with SB 426 for several reasons. He noted that the bill basically changes the way the Commission is organized. He pointed out that under SB 426 the Commission members would be totally separate from the staff, with the staff becoming an agency under the direction of an executive director; consequently, the staff would perform its duties completely separate from those who are the decision makers. He noted that this plan is similar to the one which is in effect in the State of Minnesota but he observed that Minnesota is attempting to return to the system which is currently used in Kansas because the one it is now using is very expensive. Mr. Moline said that the Commission, therefore, believes that the system proposed in SB 426 is not the most efficient way to organize the agency. He suggested that freezing in statute the current organizational structure is probably not a good idea and he pointed out that for one reason or another most agencies reorganize regularly. He also pointed out that most agencies' organizational structures are not statutory. Mr. Moline told the Committee that although the Commission does not object to the portion of SB 426 which would set forth in the statute the job titles of Director of Utilities, General Counsel and Director of Public Information, it does have reservations about the structure which the bill would seem to portend.

Chairman Oleen pointed out that SB 426 reflects a Post Audit Report and recommendations on the State Corporation Commission made several years ago. Mr. Moline said that this bill would create a means of Commission organization which is a radical departure from the way it is currently organized with unknown expense and unknown consequences. He pointed out that the Commission has regularly undergone reorganization.

There being no other conferees appearing, the hearing on SB 426 was closed.

Chairman Oleen opened the hearing on HB 2667.

House Bill 2667 - Sunset law, state corporation commission, continuation.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

room 531-N, Statehouse, at 1:40 ~~am~~/p.m. on March 16, 1992.

Brian Moline, State Corporation Commission, reminded the Committee that the Commission was extended for one year by the 1991 Legislature. HB 2667, he said, would continue the Commission until July 1, 2000, under the provisions of the Kansas Sunset Law. He stated that Post Audit has completed a mini audit of the Commission the results of which are to be released in two days. He urged the passage of HB 2667.

The Chairman said that the Senate Committee on Governmental Organization expressed the desire last year, when it reviewed the State Corporation Commission, that the Commission formulate and send to the Governor's Office a proposal regarding classification of a majority of the Commission's employees in the Utilities Division. She pointed out that the Senate Committee was concerned over the high number of unclassified employees in that Division. Mr. Moline said that such a proposal was sent to the Governor for her consideration but she did not see fit to support it. The proposal, he said, also contained a list of areas in the Commission where unclassified employees should become classified. Mr. Moline said that he will provide the Committee with a copy of the letter which was provided to the Governor. Tom Day, Director of Administrative Services for the State Corporation Commission, told the Committee that the legislative proposal concerning changing unclassified employees to classified ones included everyone below section heads in the Utilities Division and in the Energy Section in addition to two employees in the Conservation Division. The Chairman expressed concern that the Commission cooperate with the Committee in its requests for information during the Committee's sunset review of the Commission. She pointed out that there is no statutory reference currently to the Director of Public Affairs and Consumer Protection, Director of the Utilities Division, Executive Director, or the General Counsel. Mr. Moline stated that the Commission takes the Sunset review very seriously but that it does not have the authority to either classify or unclassify any positions. He further pointed out that it was the Legislature who unclassified positions in the Commission. He said that the Commission has attempted to do what the Committee directed it to do by listing those positions which could be placed in the classified service and by communicating those concerns to the Budget Division. He noted that at that point the matter became one between the Governor's Office and the Legislature. Mr. Moline said that he will bring a copy to Chairman Oleen by tomorrow of suggested amendments to SB 426 which would provide for the referencing of certain positions in the Commission as well as correspondence and background requests of information.

The hearing on HB 2667 was closed by the Chairman.

The Committee turned its attention to SB 655.

Senate Bill 655 - Children's community services planning group in each judicial district.

Chairman Oleen told the Committee that she plans to request that SB 655 be referred to the Judiciary Committee where the majority of other bills concerning children and youth issues are currently being considered.

Senator Moran moved that the minutes of the March 2, 1992, March 3, 1992, and March 5, 1992, meetings of the Committee be approved. Senator Kanan seconded the motion. The motion carried.

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

GUEST LIST

NAME

REPRESENTING

Tom Day

KCC

Brian Melin

KCC

Jim Lupone

KPL