

Approved: 2/7/95
Date

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Chairperson Al Ramirez at 1:30 p.m. on February 1, 1995 in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Julian Efird, Legislative Research Department
Fred Carman, Revisor of Statutes
Jacqueline Breymeyer, Committee Secretary

Conferees appearing before the committee: Frank D. Gaines

Others attending: See attached list

The meeting was called to order by Chairman Ramirez at 1:40 p.m. He asked for action on the minutes of January 24 and January 25, 1995. Vice Chairperson Reynolds moved the minutes of January 24 and January 25, 1995 be approved. Senator Lee gave a second to the motion. The motion carried.

The Chairman welcomed Frank D. Gaines to the Committee. Mr. Gaines, a former Senator, was present for the Confirmation hearing for the State Civil Service Board. Copies of Mr. Gaines' questionnaire (Attachment 1) and Statement of Substantial Interest (Attachment 2) were distributed to the committee.

Mr. Gaines began by giving some background on how he was approached for the position. Late last summer former Senator Mike Johnston called him and asked him if he would serve. Mr. Gaines responded that he was happy with what he was presently doing. Mr. Johnston told him it would be very helpful if he would do it, but Mr. Gaines replied that he would pass. Mary Holliday, liaison to Governor Finney, also asked Mr. Gaines to take the position.

Mr. Gaines stated that he had not been all that knowledgeable about what the Board did; essentially it is due process; the court of last appeal. Employees are disciplined or terminated. Mr. Gaines mentioned John Collins, Department of Administration, who was present at the hearing, and said he was doing a good job of running things. Mr. Gaines said he had no vested interest one way or another and no preconceived opinions about the position. He had also not seen anything of a partisan nature. Mr. Gaines the burden of proof is on the employee to prove his case. The offset of this is that the state has to move forward with the evidence first. This promotes a kind of balance.

Mr. Gaines stated he had been a fiscal conservative when he was in the Senate and had worked very hard. He feels this is a carryover into this position and stated that most terminations are justified. He is the only attorney on the Board, although the Department of Administration has access to lawyers they can call in. Mr. Gaines commented that they had made a change to hold costs down in that they would require no mandatory appearances on the Board unless the penalty was a suspension of ten days or greater. By this he meant that it would require a couple of members to be present for a three-day suspension or a termination where someone is going to lose his job. Generally on a suspension, it is already done when it is heard, but the Board hears it anyway. It was felt to be a waste of money for the Board to get together for those suspensions. This has finally been turned around by policy. It should save some money.

Mr. Gaines stood for questions.

Mr. Gaines was asked if there had to be three members present at a public hearing. The reply was that only two are needed for a hearing, but it takes three to take any type of action.

On being asked who the Chairman was, the reply was Downer Tyler, Second Congressional District, Topeka.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION Statehouse, at 1:30 p.m. on February 1, 1995.

Mr. Gaines was asked about the caseload. In 1979 the Board met 17 days; in FY 94, the Board met 90 days, with the Board hearing more than 90 appeals.

The questions was asked of Mr. Gaines how the Board handled cases with two people when it takes three people for final action on a case. Mr. Gaines said there had always been three people present and there had never yet been a problem. A committee member used the example of the Parole Board where one person holds a hearing, but the majority of the Board vote on the parole.

The question was posed to Mr. Gaines that with the Board meeting so often, would he be willing to put in the time and stick with the job. Mr. Gaines replied in the affirmative and said that he would probably be tested.

Mr. Gaines stated that the big case they had last year was a case that he was involved in when he was in the Senate. The appropriation for the Highway Patrol had been cut. He voted "no" on the vote to cut. The Legislature changed the state law which said that a person could retire from the an agency and go back to work for the same agency. Mr. Gaines was very opposed to this law. When the Highway Patrol reorganized and federal funds were coming down, a new troop was organized. The Department of Revenue transferred the responsibility of truck inspection to the Highway Patrol. When the Patrol was forced to take on truck inspection the new troop was established. When this happened, three captains immediately retired and then were reemployed as lieutenants in the new troop. When the Highway Patrol appropriation was cut, the Superintendent had to do something so he picked out all the older men who had state pensions that had been paid on and laid those off before anyone else. All the old captains sued the state for unlawful termination. The case has not yet been decided. It was a well presented case by the lawyers from both sides.

In response to a question from a committee member, Mr. Gaines stated that it is an exception when a case goes to the district court; most cases are settled by the Board. Mr. Gaines noted that the Board had heard sexual harassment cases.

Mr. Gaines told of a case in which the chief of police had terminated one of the K.U. campus patrolmen. When all the facts were in, the decision was reversed and the man reinstated.

One of the members asked if there was some type of balance requirement for the Board. The reply was there has to be a 3-2 balance.

Another response by Mr. Gaines stated that the state provides the attorney for its side of the case; the employee hires his own attorney.

Referring back to the Highway Patrol case, Mr. Gaines thought the attorney for the patrolmen was working on a contingency basis. The men are seeking back pay from the day they were allegedly unlawfully terminated.

In response to a question, Mr. Gaines stated that if an agency terminates an employee and the Board overturns that termination, the agency involved would have to pay the employee back pay to the date the termination took place.

Mr. Gaines clarified his date of birth as being 1934. After a few humorous comments, Mr. Gaines responded in a serious vein that something needs to be done with respect to the checks done and what people have to go through that are asked to serve. Common sense needs to prevail.

It was commented that \$332,000 was spent on KBI checks last year on Racing Commission persons. A cabinet level position would require in depth checking, but some of the other checking is ridiculous.

The Chairman thanked Mr. Gaines for his appearance, gave the agenda for next week, and adjourned the meeting.

The next meeting is scheduled for February 7, 1995.

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: FRANK D. GAINES

Home Address: RR-1

City, State, Zip Code: HAMILTON, KANSAS 66853

Home Phone: 316 / 6783220

Business Address: Box 219

City, State, Zip Code: Augusta, Kansas 67010

Business Phone: 316 / 7752182

Date of Birth: 4-21-3 Place of Birth Peabody, Kansas

Party Affiliation Democrat KBI Check (Yes/No) yes

Appointed as: State Civil Service Board

Effective 10/3/94 for the 4 year term
ending 11/31/98 Succeeding M. Lou Allen

Salary N/A Statutory Authority 75-2929a

Statutory Requirements _____

1. EDUCATION:
High School EUREKA, High School

Year Graduated 1952

Postsecondary	Degree, etc.	Dates
<u>Eldorado Junior College</u>	<u>yes</u>	<u>1954-55</u>
<u>Washburn University</u>	<u>B.S. Business M.S.</u>	<u>1959-60</u>
	<u>J.D. Law</u>	

Senate Governmental Organization
Attachment 1
2-1-95

2. MEMBERSHIP IN BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

Dates	Name	Location
<u>Kansas Bar Assn.</u>	<u>1960 to Present</u>	<u>Topeka, Kansas</u>
<u>Kansas Bankers Ass.</u>	<u>1975 to Present</u>	<u>" "</u>
<u>Kansas Livestock Assn</u>	<u>1975 to Present</u>	<u>" "</u>

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? YES Yes _____ No _____
If so, please list dates and offices held.

Date	Office
<u>1967 to 1972</u>	<u>House of Rep.</u>
<u>1972 to 1992</u>	<u>Senate</u>
_____	_____

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY? NO
If so, please list dates and offices held:

_____	_____
_____	_____
_____	_____

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? NO
If you were a registered lobbyist, did you receive any compensation? _____
List groups you represented or for which you employed a lobbyist:

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED:

Business - Banking, law, oil+gas operators and contractors,
Ranching, farming and state legislator

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE:

All of the above my adult life

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? NO

If so, please list dates of service, branch of service and date and type of discharge:

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? NO

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612

Frank D. Laine
Signature

FILED

RECEIVED

NOV 22 1994



(Handwritten initials)

NOV 24 1994

BILL GRAVES
SECRETARY OF STAT

Kansas Commission
on Governmental
Standards & Conduct

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

G A I N E S F R A N K D

Last Name

First Name

MI

G A I N E S B E V E R L Y J

Spouse's Name

R R I

Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

H A M I L T O N K A N S A S 6 6 8 5 3

City, State, Zip Code

3 1 6 ** 6 7 8 ** 3 2 2 0

Home Phone Number

3 1 6 ** 6 7 8 ** 3 4 9 3

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

C I V I L S E R V I C E B O A R D

List Name of Agency, Commission or Board

M E M B E R

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 6 4 3 4

Senate Governmental Organization
KCGS&C 201-3, Rev. 2-92
Attachment 2
2-1-95

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. 1st National Bank Shares, Fredonia, Kansas	Bank	Sole	100% — —	You Spouse Jointly
2. FRANKLIN D. GAINES Oil Trust	OIL + DRILLING	Sole	100% — —	You Spouse Jointly
3. Burkett Ranch	Land + Cattle	Sole	100% — —	You Spouse Jointly
4.			— — —	You Spouse Jointly
5.			— — —	You Spouse Jointly
6.			— — —	You Spouse Jointly
7.			— — —	You Spouse Jointly

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.

If you have nothing to report in Section "D", check here ____.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1. NONE		
2.		
3.		

G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here ____.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.	NONE		
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, FRANK D. GAINES, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

11-18-94
Date

Frank D. Gaines
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	1st National Bank	Fredonia, Kansas	BANK
2.			

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
If you have nothing to report in Section "E"2, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	1st National BANK	Fredonia, Kansas	BANK
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	1st National BANK Fredonia, KANSAS	C. E. O + Chrm of the Bd	Husband
2.	1st National BANK Fredonia, Kansas	V. President	Wife
3.			
4.			
5.			