

..Approved: 3/1/95  
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 21, 1995 in Room 531-N of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Senator Vidricksen

Others attending: See attached list

Chairman Ramirez called the meeting to order at 1:35 p.m. He called for action on the February 15 minutes. Senator Reynolds moved the minutes of February 15 be approved. Senator Steffes gave a second to the motion. The motion carried.

### SB 255--dairy advisory board members not subject to confirmation

Senator Vidricksen gave background on the bill, stating that his interest in the bills stems back to 1982 when he was vice-chair of Confirmations. At that particular time, some of the members of the committee felt that it was time to change some of the procedures as far as confirmations were concerned. At that time it didn't seem as if the confirmation process was worth its weight because everybody was confirmed; there needed to be some overhauling in the confirmations process. An interim study was asked for and the Special Committee on Confirmations reviewed the various types of nominations that required confirmation. Also they were going to look to see whether the positions should be subject to Senate confirmation if they were not currently subject to it and whether the positions subject at that time should be made not subject to confirmation. A procedure was set up whereby they knew exactly the criteria they were going to look at. The committee did look at other states. Some states had no confirmation procedure, some had confirmation by executive council, some had confirmation by the entire legislature and some had confirmation by the Senate. The majority of states, thirty-eight, require confirmation procedures to be accomplished by the Senate, such as Kansas has. The committee did set up the criteria. Julian Efird, Legislative Research, staffed the committee, and Arden Ensley was the Revisor.

Senator Vidricksen elaborated on the criteria the committee had set for particular positions that would be subject to the confirmations process, naming several that would fit the criteria created by the committee, such as setting policy and sensitive areas of social concern. The committee also dealt with those advisory boards and commissions that should not be subject to confirmation using the 1982 criteria.

Senator Vidricksen referred to the bill being heard today. The Dairy Advisory Board is strictly an advisory board and the members should not be subject to confirmation; they have no policy making decisions and it is simply a waste of the Senate's time and effort to confirm these people. The ones that have already been confirmed will stay, but any ensuing board members will not be subject to Senate confirmation.

The Chairman reiterated that what this bill does is do away with confirmation of the advisory board.

Senator Vidricksen responded to a committee member regarding criteria for confirmation by stating the board does not set policy or deal in a sensitive area of social concern.

A member commented on an important piece of legislation in the Senate where the Governor appoints the Secretary of Agriculture with an advisory board. This bill be an extremely important board; will or will it not be subject to confirmation.

It was explained that as long as this board is advisory only, the members will not be subject to confirmation. If the board became a policy making board, then the situation would become different.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION Statehouse, at 1:30 p.m. on February 21, 1995.

Seeing no other conferees on the bill, the Chairman closed the hearing on **SB 255**. Action will be taken on the bill later in the week.

The committee turned its attention to **SB 188**--certified public accountants, licensure and fees  
The Revisor distributed a balloon and the committee began working the bill.

Senator Harris moved to amend **SB 188** consistent with the balloon amendments offered during last week's testimony. Senator Steffes gave a second to the motion.

One of the committee voiced his concerns regarding the level of education and the inability to identify that level of capability.

The Chairman asked that other areas of concern be addressed after a vote on the amendment.

The motion carried.

A member of the committee had spoken of the committee's concerns with a CPA in her area regarding the cutting back of education and where Kansas stood in relation to the other states as far as the level of education, and the concern of sending people out to jobs who might not be qualified. With these concerns in mind,

Senator Reynolds moved to amend **SB 188** conceptually with language to the effect on page 3, line 19, after the period."Prior to commencing an engagement covered by this subsection, the permit holder shall notify the board in writing of the name of the client, type of report to be issued, and the name of the qualified permit holder who will perform the preissuance review."

This will leave it up to the board and then if someone does not submit that, there will be grounds for revoking or suspending the certificate. Basically what it is doing is allowing the board who is going to do the audit, who the client is, and it keeps everybody legal. That way if someone is going to put himself out to be something that he is not, and he hasn't filed this report with the board, then the board can revoke or suspend.

Senator Gooch gave a second to the motion.

One of the committee talked with his CPA, giving the scenario of what that firm had gone through, and stated that he would be in favor of the motion.

T.C. Anderson, Kansas Society of Architects, related that he had taken the committee's concerns back to the Board and Society and decided there was an omission here. They need to make sure that no one bypass this provision, which is a provision to allow young people to get permits. It may not be the greatest thing, but it is in there so more young people can qualify. He added that one other line might be added that will tie this amendment to a penalty section on page 6. This will make failing to notify the board grounds for revoking or suspending the certificate or permit.

Senator Reynolds added page 6, inserting the correct K.S.A. language to the conceptual amendment.

The motion carried.

Deletion of the fine was discussed.

Senator Reynolds moved to amend **SB 188** on page 6, line 29, by striking the fine. Senator Gooch gave a second to the motion.

The committee debated the advantages or disadvantages of the fine to the bill.

The motion failed.

Senator Harris moved to pass out **SB 188** favorably as amended. Senator Steffes gave a second to the motion. The motion carried.

The Chairman will hold **SB 195** in committee at the request of one of the members.

The meeting was adjourned.

The next meeting is scheduled for February 22, 1995.

