

Approved: February 10, 1998  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 5, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Steve Lloyd, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee: Robert Jones, Human Resources Manager, Overland Park  
Don Seifert, Management Services Director, Olathe  
Don Moler, League of Municipalities  
Michelle Miller, Johnson County

Others attending: See attached list

The Chairman called the meeting to order and asked if there were any bill introductions.

Representative Dahl requested legislation relating to cloning and research into human cloning.

Representative Dahl moved and Representative Faber seconded to accept request as a committee bill. The motion carried.

**HB 2244 - Repealing local option provisions in public relations act.**

The Chairman opened the hearing on **HB 2244** and stated the proponents and one opponent testified yesterday and the remaining opponents would testify today.

Robert Jones, Director of Human Resources, Overland Park, testified as an opponent to **HB 2244**, stating proposals have been introduced that would remove the current local option and force local units of government to come under the PEER Act, K.S. A. 75-4321 which states that the purpose of the PEER Act is to obligate public agencies, public employers and their representatives to enter into discussions with affirmative willingness to resolve grievances and disputes relating to conditions of employment. If passed, this legislation would mandate collective bargaining and the recognition of employee organizations.

The City's position on **HB 2244** should not be construed as anti-labor but pro-labor. The City prides itself for high quality, effective employer-employee relations. The employees of the City not only participate individually and collectively in decisions affecting their conditions of employment but also in decisions affecting the work environment in which they perform their duties and responsibilities.

The City views this proposed legislation as an erosion of the home rule powers set forth in Article 12, Section 5, of the Kansas Constitution. It is the City's position that discussions and actions relating to conditions of employment are best resolved at the local level without state intervention. This legislation is an unfunded mandate from the State Legislature to the citizens of Overland Park with no specific result that would improve the quality of life in the community. (Attachment 1)

Donald R. Seifert, Management Services Director, testified as an opponent to **HB 2244**, stating this bill would eliminate the local option provision in the Kansas Public Employer-Employee Relations Act (PEER). Opposition to this legislation has long been a part of the city's legislative program. Opposition to this bill does not suggest that Olathe is uncommitted to a positive relationship with its employees. It does not suggest that the PEER Act is a poor statement of public policy or has no merit. Instead, our opposition is solely based on the fact that this bill would obligate the city to come under this particular employee relations system. Just as state government is hesitant to accept federal mandates, the cities are opposed at the local level to mandates from the state. The flexibility to decide whether PEER or some alternative locally determined process best enables it to maintain a high level of commitment to its employees. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on February 5, 1998.

Don Moler, General Counsel, League of Kansas Municipalities, an opponent to **HB 2244**, stated this bill would repeal subsection (c) of K.S.A. 75-4321, thus eliminating the local option provision which has been part of the Kansas Public Employer-Employee Relations (PEER) Act since its enactment in 1972.

There is a long standing policy position of the League, which is contained in the League's convention-adopted "1997-1998 Statement of Municipal Policy" dealing with this basic issue. This section provides as follows:

"C-3(b). Public Employee Relations. The state and federal government should not intervene in local government employee relations. Because personnel management must remain a local responsibility we oppose any federal or state legislation which would mandate collective bargaining or the recognition of employee organizations. The local option provisions of the Kansas public employer-employee relations law (PEER act) should be retained."

**HB 2244** applies only to public employers. It is the League's judgment that the state has fulfilled its responsibilities to the public, and to local public employers and public employees, by making the PEER Act available. The public policy decision as to whether a local government is covered by the PEER Act should continue to be a local decision, based on local conditions, and as determined by a locally elected governing body. (Attachment 3)

Michelle Miller, representing the Johnson County Board of County Commissioners, testified on **HB 2244**, and stated they opposed any effort to require local governments to come under the state's mandates in the Public Employer/Employee Relations Act (PEER). Johnson County believes this proposal diminishes county home rule authority and inhibits the management of their organization. The Board of Commissioners believes that policies relating to county employees are best retained at the local level without intervention by other levels of government. (Attachment 4)

The Chairman asked if there were any others in the audience that wished to testify as an opponent to **HB 2244**. There being no others wishing to testify, the hearing on **HB 2244** was closed.

The Chairman stated **HB 2510** would be discussed.

Jill Wolters, Revisor of Statutes, reviewed the Revisor's Amendments, stating this was a clarification. This bill was introduced last year and Section 2 was amended last year so there is current law that was not reflected in this bill. Section 2 was rewritten to comply with the current law. The other changes were: on page 1, line 10, add 79-4801, change 1996 to 1997 and on line 11 add "and" after 8831. On line 43, change "assistance" to "assistant". On page 6, line 4, page 8, line 13, page 9, line 31, and page 14, line 38 change "1996" to "1997". On page 14, line 36, delete July 15, 1996, and June 25, 1997, and each year thereafter; delete "and" on line 38 and add "and 79-4801" and on line 39 add "and" after 74-8831 and delete "and 79-4801."

Representative Tanner stated that Representative Weber had requested an amendment to Section 2. (c) (1) and add "Except as provided further", at the beginning of the sentence, change (1) to (A) and (2) to (B) and add (2) to read: "This subsection shall not apply to any steward or racing judge holding an occupation license, if such steward or racing judge is employed at a racetrack facility and such steward's or racing judge's relative, as listed above, is employed at, by or has entered into any business dealings, ventures or contracts with a different racetrack facility."

Representative Klein moved and Representative Mason seconded to incorporate the two amendments into the bill.

Representative Weber stated she felt that a person that is a resident of Kansas should be able to race whatever they raise if it is legal in the state according to the rules. She does not want to loosen the law on ownership as that would be dangerous. Ownership from Racing Commission employees should be addressed. It is felt there could be a problem if a licensed Racing Commission member would own any portion of a dog or horse and racing them at another track.

Jill Wolters stated she would look at the statute that covers the steward and racing judges are licensed and believe this is a minor issue and believe it could be easily done in this balloon and addressed in this section. Possibly there is another section that actually says any racing judge or steward cannot have ownership and that might control and will check and make that amendment if necessary.

Representative Klein moved and Representative Gilbert seconded to incorporate Representative Weber's amendment along with the Revisor's clarification amendment.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on February 5, 1998.

Representative Grant moved and Chairman Boston seconded to incorporate the Revisor's technical amendment, Representative Weber's amendment and conceptual motion to clarify ownership of the bill. The motion carried.

Representative Ruff moved and Representative Swenson seconded to move **HB 2510** out favorably as amended. The motion carried.

The meeting adjourned at 2:25 p.m.

The next meeting is scheduled for February 10, 1998.

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: February 5, 1998

| NAME                        | REPRESENTING                 |
|-----------------------------|------------------------------|
| Kelly Kuntala               | City of Overland Park        |
| Bob Jan                     | City of Overland Park        |
| Ron Seifert                 | City of Olathe               |
| Wanda A. Wang               | City of Olathe               |
| GARY BURESH                 | ELECTRICAL WORKERS WICHITA   |
| EW Rouse                    | Electrical worker Wichita    |
| David Woodard               | Electrical Workers Wichita   |
| TERENCE LYBARGER            | City of Independence         |
| STEPHEN BARNES              | CITY OF INDEPENDENCE         |
| LEONARD MORRISON            | City of Independence         |
| Dennis Peterson             | City of Wichita              |
| Jeffrey Mitek               | Wichita Public Schools SEIU  |
| Dana M. Spencer             | SEIU Local 513               |
| Julie Marts                 | SEIU Local #513              |
| Kim Thompson                | SEIU Local #513              |
| Gilbert M. Trevino          | SEIU Local # 513             |
| Harold Schlechtweg          | SEIU Local #513              |
| Craig Srieland              | SEIU Local # 513             |
| Quinton C Vandiver II       | SEIU Local #513              |
| Steven S. Fischer           | SEIU Local # 513             |
| John W. Jones               | SEIU Local # 513             |
| Ramona Kiera-Schwichtenberg | Supporter of SEIU Local 513  |
| Brian Hardsy                | SEIU Local 513               |
| KEN HENKLE                  | SEIU Local 513               |
| Brenda Enneking             | USWA - local 307 Topeka      |
| Wenny Coffe                 | USWA local 307 Topeka        |
| Paul Wilson                 | KABE                         |
| Milton Bell                 | SEIU Local 513 Brian-Collins |
| James O. Young              | SEIU #513 USA #259           |





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TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 2244

PRESENTED BY: ROBERT JONES, DIRECTOR OF HUMAN RESOURCES

TO: The Honorable Garry Boston, Chairperson  
Members of the House Federal and State Affairs Committee

DATE: February 4, 1998

RE: House Bill No. 2244 -- An Act concerning the public employer-employee relations act (PEER Act); relating to the applicability of the act to local units of government.

Ladies and Gentlemen:

Proposals have been introduced that would remove the current local option and force local units of government to come under the PEER Act. K.S.A. 75-4321 states that the purpose of the PEER Act is to obligate public agencies, public employers and their representatives to enter into discussions with affirmative willingness to resolve grievances and disputes relating to conditions of employment. If passed, this legislation would mandate collective bargaining and the recognition of employee organizations.

The City of Overland Park employs approximately 600 full-time employees and 300 part time and seasonal employees. These employment numbers make the City one of the largest public employers in Johnson County.

The City's position on HB 2244 should not be construed as anti-labor but pro-labor. The City prides itself for high quality, effective employer-employee relations. The employees of the City not only participate individually and collectively in decisions affecting their conditions of employment but also in decisions affecting the work environment in which they perform their duties and responsibilities.

The proposed legislation creates an additional boundary between management and employees at a time when employers and employees are making great strides to minimize boundaries that have historically separated them. News articles and business research papers of the last ten to 15 years enumerate the many examples and success stories of

Fede State  
2-5-98  
Atch #1

TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2635

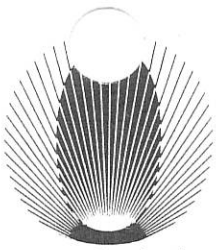
February 5, 1998

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organizations working to create a feeling of ownership amongst all shareholders including management, employees and the people served by the organization.

The City views this proposed legislation as an erosion of the home rule powers set forth in Article 12, Section 5, of the Kansas Constitution. It is the City's position that discussions and actions relating to conditions of employment are best resolved at the local level without state intervention. This legislation is an unfunded mandate from the State Legislature to the citizens of Overland Park with no specific result that would improve the quality of life in the community.

Therefore, the City of Overland Park is opposed to legislation that would remove the current local option of coming under the PEER Act.



City of Olathe

MEMORANDUM

**TO:** Members of the House Federal and State Affairs Committee  
**FROM:** Donald R. Seifert, Management Services Director *DRS*  
**SUBJECT:** HB 2244; PEER Act, Repeal of Local Option Provision  
**DATE:** February 4, 1998

On behalf of the city of Olathe, thank you for the opportunity to appear today to express opposition to HB 2244. This bill would eliminate the local option provision in the Kansas Public Employer-Employee Relations Act (PEER). Opposition to this legislation has long been a part of the city's legislative program.

Local option has been a basic provision of the PEER Act since its enactment in 1971. We view this bill as a fundamental threat to the principle of home rule and to the city's ability to manage its affairs. HB 2244 would make PEER the only structure for public employers in Kansas to conduct employee relations. We believe the PEER process is not necessarily appropriate for every community.

Opposition to this bill does not suggest that Olathe is uncommitted to a positive relationship with its employees. It does not suggest that the PEER Act is a poor statement of public policy or has no merit. Instead, our opposition is solely based on the fact that this bill would obligate the city to come under this particular employee relations system. Just as state government is hesitant to accept federal mandates, you must appreciate our natural opposition at the local level to mandates from Topeka. The Olathe governing body desires to retain the flexibility to decide whether PEER or some alternative locally determined process best enables it to maintain a high level of commitment to its employees.

Thank you again for the opportunity to comment on this bill.

rc

Federal + State  
2-5-98  
Atch #2





**LEAGUE OF  
KANSAS  
MUNICIPALITIES**

AN INSTRUMENTALITY OF KANSAS CITIES 300 SW 8TH TOPEKA, KS 66603 (785) 354-9565 FAX (785) 354-4186

**Memo**

**TO:** House Federal and State Affairs Committee  
**FROM:** Don Moler, General Counsel  
**DATE:** February 4, 1998  
**RE:** Opposition to HB 2244

I appreciate the opportunity to appear today on behalf of the League's 527 member cities in opposition to HB 2244. This bill would repeal subsection (c) of K.S.A. 75-4321, thus eliminating the local option provision which has been part of the Kansas Public Employer-Employee Relations (PEER) Act since its enactment in 1972. The effect of this mandate would be to authorize the formation of employee organizations under PEER in all local governmental units, and to require the governing bodies of these units to meet and confer with such "recognized employee organizations". We also interpret the thrust of the act as effectively nullifying any locally-established employee relations procedures other than under the Kansas PEER Act.

There is a long-standing policy position of the League, which is contained in the League's convention-adopted "1997-1998 Statement of Municipal Policy" dealing with this basic issue. This section provides as follows:

**C-3(b). Public Employee Relations. The state and federal government should not intervene in local government employee relations. Because personnel management must remain a local responsibility, we oppose any federal or state legislation which would mandate collective bargaining or the recognition of employee organizations. The local option provisions of the Kansas public employer-employee relations law (PEER act) should be retained.**

The elected city officials of Kansas believe the matter before you is essentially a matter of home rule and local self-determination, and that state government should *not intervene* in local employee relations by mandating the procedures and requirements for dealing with employees and their organizations. The League was active in the development of the PEER Act and actively supported its passage, with the inclusion of the local option provision. The League's policy position at that time was taken after thoughtful consideration. We believed that some cities and counties would elect to come under the law, in order to take advantage of the procedures and processes established by the PEER Act, as has occurred. We also believed that some local units would not elect to come under the act, for a variety of reasons, including the disinterest of their employees, the absence of need, the attitude of the general public, or the desire to establish a local process separate and distinct from the state act.

We do not believe circumstances have changed in this regard since 1972. We respectfully suggest that locally elected governing bodies are responsive to community needs and interests, and recognize the need to have good employee relations. We suggest to you that if local employees find it difficult or impossible to convince their *locally elected* governing body to come under the PEER Act, one can question whether the state legislature should take it upon itself to mandate the inclusion of that local unit within the PEER Act. HB 2244 clearly falls into the category of being yet another unfunded mandate. Quite simply, municipal taxpayers cannot afford any more unfunded state or federal mandates.

Finally, we would remind you that HB 2244 applies *only to public employers*. In our judgment, the state has fulfilled its responsibilities to the public, and to local public employers and public employees, by making the PEER Act available. We believe the public policy decision as to whether a local government is covered by the PEER Act should continue to be a local decision, based on local conditions, and as determined by a locally elected governing body.

Thank you for allowing the League to testify today on HB 2244.

# RESEARCH / INFORMATION BULLETIN

League of Kansas Municipalities / 300 S.W. Eighth Street / Topeka, Kansas 66603 / 785-354-9565

Vol. XVII No. 646  
July 11, 1997

## Status of Kansas Local Labor Agreements under PEER Act

Under the Kansas Public Employer-Employee Relations (PEER) Act, found at K.S.A. 75-4321 et seq., city governing bodies have the option of recognizing and bargaining with employee groups. As part of a recent League survey of those cities which the League had been previously advised had opted to be governed by the PEER Act, the League solicited information on the labor organizations which represent the various employee groups. The cities of Burlington, Chanute, Coffeyville, Derby, Ellis, Hays, Hutchinson, Junction City, Kansas City, Manhattan, McPherson, Osawatomie, Russell, Topeka, and Wichita were among the cities contacted. According to some responses, several cities which had originally chosen PEER Act coverage have since rescinded participation, including Burlington, Derby, McPherson, and Osawatomie.

Based on the responses to the survey, eleven cities remain under the act's provisions, but only six of the eleven cities that responded have active labor organizations.<sup>1</sup> The cities of Ellis, Hays, Hutchinson, Junction City, Kansas City, Manhattan, and Topeka identified seventeen (17) labor organizations with which they deal. The International Association of Firefighters (IAFF) is the most common labor organization among the respondents. The IAFF is found in the cities of Hutchinson, Junction City, Kansas City, Manhattan, and Topeka.

The Fraternal Order of Police (FOP) represents employees in Hays, Hutchinson, Kansas City, and Topeka. Junction City police are represented by their own police organization called the JCPOA, which is not affiliated with the FOP. The AFL-CIO represents employees in Ellis, Hays, and Hutchinson. The American Federation of State, County, and Municipal Employees (AFSCME) has member groups in Kansas City and Topeka.

Kansas City has the largest number of active labor organizations; eleven out of the seventeen organizations which exist according to the respondents of the survey. Eight of these labor organizations are found solely in Kansas City; e.g., the United Food and Commercial Workers Union and SEIU. Topeka has five active labor organizations, several of which are only found in Topeka-KAPE, and Topeka Streets and WPC.

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<sup>1</sup>The cities of Chanute, Coffeyville, and Wichita, did not respond to the survey.

## Results of Labor Agreement Survey

| City of              | Department(s)                      | Labor Organizations                                 |
|----------------------|------------------------------------|---|
| <b>Ellis</b>         | Public Works (Police)              | Service Employees Union Local 513 AFL-CIO-CLC       |
| <b>Hays</b>          | Fire                               | Firefighters Lodge 48 Local 2219                    |
|                      | Police                             | Fraternal Order of Police                           |
|                      | Public Works and Parks             | AFL-CIO Local 513                                   |
| <b>Hutchinson</b>    | Dispatchers                        | Communication Workers of America                    |
|                      | Fire                               | International Association of Firefighters           |
|                      | Maintenance and Clerical Workers   | AFL-CIO   |
|                      | Police                             | Fraternal Order of Police                           |
| <b>Junction City</b> | Fire                               | International Association of Firefighters           |
|                      | Police                             | JCPOA   |
| <b>Kansas City</b>   | Building Engineers                 | SEIU Local #96                                      |
|                      | Carpenters                         | Carpenters Dist. Council #61                        |
|                      | Clerical, Service, and Maintenance | AFSCME Local #3475                                  |
|                      | Dispatchers                        | United Food and Commercial Workers Local #576       |
|                      | Fire                               | International Association of Firefighters Local #64 |
|                      | Laborers                           | Const. and Gen. Laborers #1290                      |
|                      | Painters                           | Painters Dist. Council #3                           |
|                      | Plumbers                           | Plumbers Local #8                                   |
|                      | Police                             | Fraternal Order of Police Lodge #4                  |
|                      | Streets and Parks Department       | PSEU Local #1132                                    |
|                      | Water Pollution                    | IBEW Local #53                                      |
| <b>Manhattan</b>     | Fire                               | International Association of Firefighters           |
| <b>Topeka</b>        | Building Inspection                | AFSCME  |
|                      | Clerical, Service, and Maintenance | KAPE  |
|                      | Fire                               | International Association of Firefighters           |
|                      | Police                             | Fraternal Order of Police                           |
|                      | Streets and WPC                    | Topeka Streets and WPC Local Union                  |
|                      | Technical, Fiscal, and Staff       | KAPE  |
|                      | THA                                | KAPE  |
|                      | Water                              | AFSCME  |

**TESTIMONY ON HB 2244 BEFORE THE HOUSE FEDERAL AND STATE  
AFFAIRS COMMITTEE**

**On Behalf of the Johnson County Board of County Commissioners**  
Presented by Michelle Miller, Johnson County Intergovernmental Relations Coordinator  
February 4, 1998

Chairman Boston, members of the committee, thank you for allowing me to appear before you today to testify on HB 2244. The Johnson County Board of County Commissioners has long opposed any effort to require local governments to come under the state's mandates in the Public Employer/Employee Relations Act. (PEER). We have made our opposition part of our standing policy in our county legislative program. Therefore we oppose HB 2244, which attempts to repeal the exemption of local governments from the requirement of the Act, and provides the option for local governing bodies to select a course of action which is in the best interests of its constituency.

Johnson County believes that this proposal diminishes county home rule authority and inhibits the management of our organization. The Board of County Commissioners believes that policies relating to county employees are best retained at the local level without intervention by other levels of government. Therefore, we respectfully oppose the attempt of this bill to remove local governments' option to meet and confer with local collective bargaining units.

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