

Approved: March 16, 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 March 11, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Ray Cox, Excused  
Representative Cliff Franklin, Excused  
Representative Phill Kline, Excused  
Representative Doug Mays, Excused

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

Conferees appearing before the committee:

Others attending: See attached list

The Chairman stated there would be hearings on HB 2968 and HB 2998.

The Chairman opened the hearing on HB 2968.

**HB 2968 - Concerning the open records act; relating to the release of certain information.**

Jill Wolters, Revisor of Statutes, gave a briefing on HB 2968, stating the information released under the open records act shall not be used to recruit or solicit public employees for employment. Information on technology positions Information pertaining to salary, dates of employment, whether employee was regularly on time, etc. could be released.

Mary Adkins, Management Staff Services Section Manager, Division of Personnel Services, testified as a proponent to HB 2968, stating generally in the private sector, personnel information on employees is not a matter of public record. However, the Open Records Act makes some of this information about public employees open to interested parties. The act in its current form allows organizations to use this information to recruit employees away from state government.

The Open Records Act makes specific personnel information about state employees a matter of public record. Current restrictions in the act, in effect, prohibit the use of this information for personal or organization gain. this amendment is consistent with these restrictions. HB 2968 expands these restrictions to prohibit the use of this public information from being used as a recruitment tool. (Attachment 1)

The Chairman closed the hearing on HB 2968 and stated time permitting would work the bill later.

The Chairman opened the hearing on HB 2998.

**HB 2998 - Enacting the selective service registration awareness and compliance act.**

Junior F. Elder, State Director for Kansas, testified as a proponent to HB 2998, stating several state enactments paralleling federal laws that highlight the selective service registration are most useful because they ensure registration awareness among America's youth by linking eligibility for certain state programs and job opportunities to compliance with the national requirement. All public post-secondary schools are required to make every reasonable effort to inform each male applicant of his obligation to register. Registration cards are provided by Selective Service through the flyers, mail-back registration cards or the internet home page. (Attachment 2)

The Chairman closed the hearing on HB 2998.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on March 11, 1998.

The Chairman asked if the committee wished to work HB 2968.

Representative Dahl moved and Representative Gilbert seconded to move HB 2968 out favorable. The motion carried.

The Chairman asked if the committee wished to work HB 2998.

Representative Kuether moved and Representative Vining seconded to move HB 2998 out favorable. The motion failed.

Representative Ballou moved and Representative Dahl seconded a Substitute Motion to move HB 2998 out adversely. The motion carried.

The meeting adjourned at 2:20 p.m.

The next meeting is scheduled for March 16, 1998.



**Testimony to the**  
**HOUSE FEDERAL AND STATE AFFAIRS**

**By**  
**Mary Adkins**  
**Division of Personnel Services**

**Wednesday, March 11, 1998**  
**RE: Open Records Act - House Bill 2968**

Good afternoon, my name is Mary Adkins, and I am the Management Staff Services Section Manager of the Division of Personnel Services. Thank you for the opportunity to speak to you in support of House Bill 2968. This bill amends the Open Records Act by restricting the use of public personnel records as a recruitment tool. Any person requesting information made public by the act would be required to certify in writing that the information would not be used to recruit or solicit public employees for employment.

Generally in the private sector, personnel information on employees is not a matter of public record. However, the Open Records Act makes some of this information about public employees open to interested parties. We believe the act in its current form allows organizations to use this information to recruit employees away from state government.

Information Technology positions are an excellent example. Over the last several years, due to Year 2000 issues as well as the expanded use of computer technology, recruiting and retaining highly trained IT individuals has reached a critical point. Last year, a committee comprised of computer technology and human resource experts identified a number of strategies that could be used to retain existing IT staff. An amendment to the Open Records Act, such as House Bill 2968, would be one step among several to help state agencies retain those IT personnel. Clearly, this bill would benefit more than just IT positions.

The Open Records Act makes specific personnel information about state employees a matter of public record. Current restrictions in the act, in effect, prohibit the use of this information for personal or organizational gain. This amendment is consistent with these restrictions. House Bill 2968 expands these restrictions to prohibit the use of this public information from being used as a recruitment tool.

We request your favorable consideration of this amendment. Thank you for your time and attention today. I would be happy to address any questions you have.

Testimony of Junior F. Elder, State Director for Kansas  
Selective Service System on 11 March 1998  
re: House Bill 2998.

Under the provisions of the Military Selective Service Act the several Governors is named the titular head of the System in each of the States and Territories. The Governor recommends a candidate for the position of State Director to the Director of Selective Service in Washington, D.C., and upon appointment serves in such position at the will and pleasure of the Governor.

Permit me a personal point of privilege regarding my credentials. I was the low-man on the totem-pole of a small number of enlisted men in the Headquarters & Headquarters Detachment, Kansas National Guard, in early October 1940; we were called to active duty on 10 October 1940 as the clerk/stenographic pool with the Kansas Headquarters, Selective Service System. In mid 1943 most of us were transferred to various army units for overseas deployment...I served twenty-three months in the European Theatre. After demobilization I enrolled at Washburn University completing my baccalaureate in 1949; applied for and was granted a direct Commission as a 2d Lt in the Army Reserves; later when a vacancy occurred in the Kansas National Guard Selective Service Section I was invited to and did transfer. Upon finishing Washburn Law School in February 1951 I was invited to "volunteer" for an extended active duty tour, assigned to Kansas Headquarters, Selective Service System, and entered upon active duty in June 1951. In late summer 1969 it was determined advisable to spin off two of General Nickel's responsibilities thus permitting him to concentrate on the duties of Adjutant General, Kansas National Guard. Upon General Nickel's recommendation I was appointed State Director for Kansas remaining therein until the Department of Defense converted to an all volunteer armed forces. We closed shop and reverted to a deep stand-by status.

FS & A  
211.98  
Atch #2

Throughout its long tenure, the great strength of the Selective Service System has been the geographic and demographic diversity of the people involved...with less than 200 full-time employees, civilian and military, the System is fortified by hundreds of part-time military reservists (National Guard and Reserve) in every State and territory and more that 10,000 trained civilian volunteers spread among virtually every American community...these form the vast bulk of its mission-capable structure.

The year 1997 was an unusual year...three populous states, New Jersey, Texas and California passed legislation supporting the Military Selective Service Act, a federal statute. These State laws encourage young men to register on time linking eligiblity for State benefits and programs to compliance with the Federal law. Todate twenty-one States have voted favorably to enact such laws and several others have drafted similar legislation. Also scores of Governors, Mayors and County officials have issued proclamations declaring Selective Service System "Appreciation Days-Weeks-Months"...these events have served to remind young men of their obligation to register. Further, these areas of involvement demonstrates continued backing of Selective Service throughout "grass roots" America...these actions are a confirmation that the Selective Service System rests solidly on a foundation of public understanding and support.

The several State enactments paralleling Federal laws that highlight the Selective Service registration are most useful because they ensure registration awareness among America's youth by linking eligibility for certain State programs and job opportunities to compliance with the national requirement...this enhances the fairness and equity of any future involuntary call-up of our nations young adults. Registration

update forms a database of eligible manpower along with the basic structure and procedures needed to operate during a time of need. The State enactments requiring compliance to request State student financial assistance, admission to public colleges, State employment or some combination thereof.

Rep. Gerald B. Solomon (R-NY) sponsored an amendment to the Military Selective Service Act in September 1982 which conditioned federally backed student loans, Pell grants and other forms of post-secondary school financial aid...therein lies the often referred reference at State levels as "Solomon-like". Senator Strom Thurmond sponsored a like amendment wherein the Federal employment restrictions were made a part of the Act. We have combined the education and employment aspects together in the proposed legislation because we believe the young Kansan who does not pursue post-high school education or maybe even drops out before graduation, should likewise be afforded the same "courtesies".

The California law was an important milestone because California has more young men reaching the age of 18 than any other State in the Union...there's is a somewhat different aspect, i.e., all public post-secondary schools are required to "make every reasonable effort to inform each male applicant of his obligation to register...through one or more means as determined by each institution". They distribute registration information via flyers or mail-back registration cards provided by Selective Service as well as through an internet "home page".

Each of these supporting State laws provides a public good; producing informed State residents who are in compliance with Federal law. The awareness and education effects of these 21 State laws function to protect individuals' benefits, promote civic responsibilities, and provide for the Nation's "common defense".

The Selective Service System continues to explore new ways of registering young men. In March 1997 SSS entered a new era...men were able to register via the internet for the first time. If a young man wishes to register on-line, he simply accesses the System's home page at <http://www.sss.gov>. Young men can still register in the more traditional way...the 34,000 post offices are "contract" centers...we pay \$1.06 per card that the postal clerk completes and forwards to our data processing center or they have available mail-in cards the young man can complete and mail at his expense.

The System gets the names of potential registrants from the State Departments of Motor Vehicles (DMVs), Department of Defense high school recruiting lists, the Immigration and Naturalization Services and the Department of Education. We match up their lists with our computer tapes and those who are identified as nonregistrants are forwarded a reminder card...FY 1997 Reminder Mail-Back's generated 862,000 registrations...of these, 633,000 were generated from DMV lists.

Failure to register is not a victimless crime...each one who does not register increases the vulnerability of those who comply.

To repeat our "intentions"...if the proposed HB 2998 is enacted, young men who have not registered in the normal chain of events and seeks employment with the State or at the Federal level will be subject to registration...if perchance he does not seek such employment prior to his 26th birthday, he will be precluded from such job opportunities. We want these young men to be in compliance; we do not want them to come up short of the credentials necessary to get a job.

REGISTER, IT'S QUICK, IT'S EASY AND IT'S THE LAW.

Thank you sincerely for the opportunity to visit with you...I am available to answer questions or share further light.