

Approved: March 18, 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 17, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Phill Kline, Excused  
Representative Doug Mays, Excused  
Representative Ralph Tanner, Excused

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

Conferees appearing before the committee: Barb Hinton, Legislative Post Audit Committee  
Helen Stephens, Kansas Sheriff's Association

Others attending: See attached list

The Chairperson opened the hearing on **SB 428 - Relating to certain communications by employees of state agencies.**

Barbara Hinton, Legislative Post Audit, testified stating that **SB 428** expands the Kansas Whistleblowers Act. The current Whistleblowers Act is designed to protect state employees from retaliation when they discuss operational problems (like inefficiencies or wastefulness) within their agencies with any member of the Legislature.

This bill proposes three changes to the Act. (1) The protection in the Act would be extended to State employees who discuss operational problems with any auditing agency--including Legislative Post Audit and auditors under contract with our office. (2) The bill treats classified and unclassified employees more consistently under the Act. Unclassified employees currently have 90 days to appeal a potential retaliatory disciplinary action through the court system. (3) Allows the Civil Service Board or the courts to award the prevailing party all or part of the costs of an appeal, including reasonable attorney and witness fees. This provision should help prevent the filing of frivolous appeals or lawsuits. (Attachment 1)

The Chairperson closed the hearing on **SB 428.**

Representative Grant moved and Representative Faber seconded to move **SB 428** out favorably and place on the consent calendar. The motion carried.

The Chairperson opened the hearing on **SB 469.**

**SB 469 - Sheriff's uniforms; changes in design or color.**

Helen Stephens, representing the Kansas Sheriffs Association, testified as a proponent on **SB 469**, stating since 1970 the Kansas Sheriffs have had statutory guidelines to follow when selecting uniforms for themselves and their deputies. When these guidelines were developed, a standard color and style were selected so all sheriffs and deputies would be the same. This was possible during that time; however, over the years it has become more and more difficult to meet these requirements. Uniform manufacturing companies are offering the required colors; but these companies have a wide variant of what is construed as the proper color of light blue, french blue, etc. (Attachment 2)

The Chairperson closed the hearing on **SB 469.**

Representative Mason moved and Representative Gilbert seconded an amendment to strike everything after "department" in line 22 through line 26.

Representative Samuelson stated she could not support the amendment.

Representative Crow stated she supported the amendment. The local Sheriff could be trusted to select appropriate uniforms. It is not necessary to run past the Attorney General.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S  
Statehouse, at 1:30 p.m. on March 17, 1998.

Representative Cox stated he opposed the amendment.

Representative Grant moved and Representative Dahl seconded a substitute motion to move **SB 469** out favorable.

A question was called on Representative Grant's substitute motion. A show of hands was requested -- 7 yeas and 10 nays. The motion failed.

The Chairperson stated were back on Representative Mason's motion to amend.

Representative Ballou moved to Table **SB 469**. The motion failed for lack of a second.

The Chairperson stated were back on Representative Mason's motion to amend and strike everything after "department" in line 22 through line 26. The motion carried.

Representative Ballou moved and Representative Ruff seconded to move **SB 469** out as amended.

The meeting adjourned at 2:15p.m.

The next meeting is scheduled for March 18, 1998.

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: March 17, 1998

NAME	REPRESENTING
J. B. Hopkins	Wyandotte City Sheriff Office
LeRoy GREEN Jr.	Wyandotte Co. Sheriff
Lisa Hunter	Farm Bureau Capital Experience
Michelle Rowe	Farm Bureau Capital Experience
Summer Yost	Farm Bureau Capital Experience
Jennifer Schneider	Farm Bureau Capital Experience
Karen Watson	DOA / DPS
Kelly Kuitala	City of Overland Park
Alan Steppat	Pete McGill & Assoc.
Frances Felt	Farm Bureau
Brent Wehmer	Farm Bureau
Phil Bras	LANE COUNTY
Mandy Ryan	Farm Bureau - Leavenworth Co.
Katie Anderson	Farm Bureau - Leavenworth
Kristen Norman	Farm Bureau - Leavenworth
Synette Hill	Kansas Farm Bureau
Valerie Andrews	Farm Bureau - Leavenworth
Erin Stiltner	Farm Bureau - Leavenworth
Margie Purcell	Farm Bureau - Leavenworth
Heather Sweeney	Leavenworth Farm Bureau
Lizzy Long / E. Prosper	Farm Bureau - <sup>10m from</sup> Leavenworth county
Amber Wheeler	Farm Bureau - Trayer (Neosho County)
Melissa DeGeer	Farm Bureau - <sup>ERLE</sup> (Neosho Co.)
Christy Leco	Farm Bureau - St. Paul (Neosho County)
Carolyn Norman	Leavenworth Co. Farm Bureau
Tom Norman	Farm Bureau Leavenworth County
Selen Stephen	KSA

**TESTIMONY BEFORE THE  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
SENATE BILL 428**

**Barb Hinton, Legislative Post Auditor  
March 17, 1998 11 a.m. Room 519-S**

Mister Chairman and Members of the Committee:

Thank you for giving me the opportunity to speak before you on Senate Bill 428, which expands the Kansas Whistleblowers Act. I'm appearing on behalf of the Legislative Post Audit Committee.

The current Whistleblowers Act is designed to protect State employees from retaliation when they discuss operational problems (like inefficiencies or wastefulness) within their agencies with any member of the Legislature. This bill proposes three changes to the Act.

First, the protections in the Act would be extended to State employees who discuss operational problems with any auditing agency—including Legislative Post Audit and auditors under contract with our office.

This change should make State employees feel freer to discuss problems with us that they see in the way their agencies are being operated, without fear of being retaliated against. Although it's not common, State employees sometimes tell us they are terrified of losing their jobs if they talk with us during an audit or provide us with information that's different from the "official" story. Just because an employee tells us something doesn't make it true. But this kind of information can help us decide where to direct our audit work, or what specific records to look at or questions to ask.

This change also sends a clear signal to agency managers not to take retaliatory actions against their employees for talking with us. I know of several instances where managers supposedly have made such threats.

Second, the bill treats classified and unclassified employees more consistently under the Act. Unclassified employees currently have 90 days to appeal a potential retaliatory disciplinary action through the court system. This bill increases the time classified employees have to appeal an alleged disciplinary action to the Civil Service Board from 30 days to 90 days after the alleged action.

Fed + State  
3-17-98  
Atch #1

Third, this bill would allow the Civil Service Board or the courts to award the prevailing party all or part of the costs of an appeal, including reasonable attorney and witness fees. This provision should help prevent the filing of frivolous appeals or lawsuits.

The Post Audit Committee and staff believe this bill will help improve not only the level of accountability in State government, but also Legislative Post Audit's ability to provide sound and accurate information to the Legislature. It will help ensure that our office, among others, can get the full cooperation of the staff of the agencies we audit on behalf of the Kansas Legislature.

I would be happy to try to answer any questions you may have on this bill.

# KANSAS SHERIFFS ASSOCIATION

March 17, 1998

House Committee on Federal and State Affairs

SB 649

Mr. Chairman and Members of the Committee:

I am Helen Stephens, representing the Kansas Sheriffs Association.

Since 1970, Kansas Sheriffs have had statutory guidelines to follow when selecting uniforms for themselves and their deputies. When these guidelines were developed, a standard color and style were selected so all sheriffs and deputies would be the same. This was possible during that time; however over the years, it has become more and more difficult to meet these requirements. Uniform manufacturing companies are offering the required colors; but these companies have a wide variant of what is construed as the proper color of light blue, French blue, etc.

Due to the inability to meet the requirements, we are asking that the statute be changed to allow the Sheriff to select the colors and style of his/her agency's uniform. Retaining the Attorney General approval authority in place and having on file descriptions of the uniform, will ensure each agency will stay professional and distinguishable in appearance from other law Kansas enforcement agencies.

This legislation represents an agreement between the Attorney General's office and Kansas Sheriffs.

As of this date, I know of no department that is planning to change their present uniform; mainly due to expense. Passage of this legislation although, would allow Sheriffs latitude if and when changes are necessary.

Thank you for this opportunity. I would stand for questions.

Fed. State  
3-17-98  
Atch #2