

Approved Mar 15, 1999

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Lisa Benlon on **February 17, 1999** in Room 521-S of the Capitol.

All House Committee members were present.

Committee staff present: Dennis Hodgins - Research, June Constable- Committee Secretary. Mary Galligan, Research, Theresa Kiernan, Revisor.

Conferees appearing before the committee: Proponents: Secretary KDHE, Clyde Graber, Natalie Haag, Governor Graves Office, Jim Keeting, Gene Cross, Jim Yonley, (by written testimony only - Judy Moler), David Meuler, Sandra Jacquot, Carol Williams,

Silent roll for the House Committee was taken by the Secretary of that Committee.

Hearing opened on **HB 2077**

Chair Benlon presented **HB 2077** to the committee to be worked. Revisor Theresa Kiernan briefed the committee on the bill. Sec. Clyde Graber and representatives from the Governors office acknowledged the correctness of the bill. Rep. Shriver moved that the committee adopt the balloon amendment on the bill. Rep. Storm seconded the motion. Discussion was held, motion voted upon. Motion Carried.

Before voting upon the bill, Rep. Johnston asked Sec. Graber to address the committee regarding the reasons the KDHE needed to be split. Sec. Graber addressed the committee. Rep. Johnston moved that the bill pass out of committee favorably. Rep. Vining seconded the motion. Discussion followed. Motion Carried.

Hearing opened on **ERO 29**, Emergency Planning and Response.

Researcher Mary Galligan briefed the committee on the premises of an ERO (Executive Reorganization Order) and provided (Attachment #1). She noted that the Committee Report will take the form of a Resolution, rather than the normal report. Discussion and questions from the committee followed. Proponent Natalie Haag, of Gov. Graves office, addressed the committee, written testimony was provided (Attachment #2). Discussion and questions from the committee followed. Proponent Jim Keeting spoke to the committee, explaining his agency's position on the bill. Proponent Gene Cross of Division of Emergency Management spoke to the committee. Discussion followed.

Chair Benlon announced that the hearing on **ERO 29** was closed. The bill was worked by the committee. Rep. Shriver moved to adopt ERO 29 and to move it favorably to the House. Rep. Power seconded the motion. Motion carried.

Hearing opened on **HB 2205**, Surveys, was opened. Proponent Jim Yonley addressed the committee and furnished written testimony (Attachment # 3). Discussion and questions by the committee followed. Judy Moler of Kansas Association of Counties submitted written testimony, but did not appear before the committee. (Attachment #4) Hearing was closed on **HB 2205** The Bill was worked. Rep. Welshimer moved that HB 2205 be amended, by amending the title, as provided by the committee's discussion. Rep. Hayzlett seconded. Motion Carried. Rep. Powers moved that the Bill be moved out of Committee favorably. Rep. Gilbert seconded. Motion carried, Rep. Powers to carry the bill.

Hearing opened on **HB 2216**, Rural water district. Proponent David Meuller presented written and oral testimony on behalf of the Kansas Rural Water District. (Attachment #5) There were questions from the committee. Hearing closed. Bill was worked. Rep. Huff moved bill HB 2216 be moved out of committee favorably. Rep. Horst seconded. Motion carried. Rep. Storm to carry bill to House.

HB 2260 Hearing opened. Proponent Sandy Jacquot, Shawnee County Counselor. Presented written and oral testimony to the committee (Attachment #6). There were no questions. Hearing closed. The committee worked the bill. Rep. O'Connor moved that HB 2205 be reconsidered by the committee to be attached to HB 2260. Rep Huff seconded the motion. Motion carried. Rep. O'Conner then moved that HB 2260 in that form be passed favorably out of committee. Rep. Powers

CONTINUATION SHEET
GOVERNMENTAL ORGANIZATION AND ELECTIONS

seconded. Motion carried.

Hearing opened on **HB 2163**. Proponent Carol Williams testified and furnished written testimony to the committee, (Attachment #7), concerning unknown and anonymous contributions. Questions followed and the hearing was closed.

The bill was worked.

Rep. Hayzlett moved that the bill pass out of committee favorably. Rep. O'Connor seconded. Motion carried. Rep. Storm to carry the bill to the House.

Hearing opened on **HB 2229**. Proponent Carol Williams presented written and oral testimony to the committee. (Attachment #8) concerning campaign contributions limits. Questions were asked by the legislators verifying that the limits only applied to PAC's and to Parties.

Hearing closed and the bill was worked.

Rep. Horst moved that HB 2229 be moved out of committee favorably. Seconded by Rep. Jenkins. Motion carried. Rep. Jenkins to carry the bill.

There being no further questions or testimony and there being no further business to come before the Chair, meeting was adjourned. The next meeting scheduled is February 22, 1999, at 3:30 in room 521-S

House Governmental Organization
and Elections
Guest List

2-17-99

Your Name	Representing
Chuck Bredahl	Adjutant General
Sandra Jaquot	Shawnee County
Jim Yarnally	Kan. Soc. Land Surveyors
Gay Miller	KDHE
JIM KEATING	KSEMO
Tim Lockett	Highway Patrol
JAN SIDES	KDHE
Michael Kelly	KS. Society of Land Surveyors
DAVID MUELLER	KRWAA
Evan Hanson	KRWAA
David Dallam	DOB
Lynn Retz	KPRB
Pat Lehman	KFSA
STAN BOYNE	KANP.
Amy Bura	KANIP
George Barber	Barber & Assoc's
Joe L. Fund	KDHE
Danielle Klee	Governor's Office
Glyce Shaker	KDHE
Jamie Clover Adams	Governor's Office
Natalie Haag	Governor's office
Judy Krueger	" "
Bruce Dimmitt	Kansans for Life

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February 11, 1999

To: House Committee on Governmental Organization and Elections

From: Mary K. Galligan, Principal Analyst

Re: Executive Reorganization Orders

The *Kansas Constitution* authorizes the Governor to issue Executive Reorganization Orders (E.R.O.s) for the purpose of transferring, abolishing, consolidating, or coordinating functions in the executive branch of state government (Art. 1, §6). Legislative and judicial agencies and functions and constitutionally-delegated functions of state officers and state boards are exempt from such orders. E.R.O.s must be transmitted to both houses of the Legislature on the same day within the first 30 calendar days of a session (on or before February 9 in the 1999 Session). E.R.O. 29, establishing the Commission on Emergency Planning and Response, was introduced on February 9, 1996.

An E.R.O. becomes effective on July 1 following its transmittal to the Legislature unless, within 60 calendar days (on or before March 11 in the 1999 Session) and before the adjournment of the legislative session, either the Senate or the House adopts a resolution disapproving it. A majority vote would be sufficient to reject an E.R.O.

Portions of an E.R.O. may become effective at a later time than the order is otherwise effective. An E.R.O. may be amended or repealed in the same manner as any statute.

House and Senate rules provide that an E.R.O. is assigned to the appropriate committee. The committee must report its recommendations by the 60th calendar day of the session and not later than 30 calendar days after the order has been received, whichever occurs first. (In the case of 1999 E.R.O. 29, those days coincide.) The committee report takes the form of a resolution. If the committee fails to report the deadline, the executive reorganization order and the resolutions pertaining thereto are deemed returned to the floor without recommendation. Within the applicable time constraints, each house must act to approve or reject each such order, unless the other house already has acted to disapprove it. Such action is scheduled as a special order of business.

*Gov. Org. & Elec.
Feb. 17 1999
Attachment #1*

HOUSE BILL No. 2077

By Committee on Federal and State Affairs

1-21

9 AN ACT concerning the department of health and environment; creating
10 the department of health and the department of environment; provid-
11 ing for the powers, duties and functions thereof. See Attached

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. In order to reorganize the administration and regulation
15 of the state's policies related to public health, there is hereby established
16 within the executive branch of government, the Kansas department of
17 health.

18 Sec. 2. The Kansas department of health shall be administered under
19 the direction and supervision of a secretary of health, who shall be ap-
20 pointed by the governor subject to confirmation by the senate as provided
21 in K.S.A. 75-4315b, and amendments thereto. The secretary shall serve
22 at the pleasure of the governor. The secretary of health shall be in the
23 unclassified service under the Kansas civil service act and shall receive an
24 annual salary fixed by the governor.

25 Sec. 3. The secretary of health may appoint assistant secretaries, and _____ and other staff attorneys
26 a chief attorney who shall serve at the pleasure of the secretary. The _____ and other staff attorneys
27 assistant secretaries, and chief attorney shall be in the unclassified service
28 under the Kansas civil service act and shall receive annual salaries fixed
29 by the secretary. The secretary of health also may appoint such other staff _____ and approved by the governor
30 assistants, attorneys and employees necessary to enable the secretary to

Gov. Org.
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Attachment # 2

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Attachment 2

; also repealing K.S.A. 75-5601,
75-5602, 75-5603, 75-5604, 75-5605,
75-5606, 75-5607, 75-5608, 75-5609,
75-5610, 75-5611, 75-5612, 75-5613,
75-5617, 75-5618, 75-5619, 75-5620,
75-5621, 75-5622, 75-5623, 75-5624,
75-5626, 75-5627, 75-5628, 75-5637,
75-5638, 75-5639, 75-5640, 75-5641,
75-5642, 75-5643, 75-5644, 75-5645,
75-5646, 75-5647, 75-5648, 75-5649,
75-5655, 75-5657, 75-5660, 75-5661 and
75-5662.

31 carry out the duties of the office. Such other staff assistants, attorneys
 32 and employees shall be in the classified service under the Kansas civil
 33 service act. Assistant secretaries, other staff assistants and employees shall
 34 have powers, duties and functions as are assigned to them by the secretary
 35 or as prescribed by law. The assistant secretaries, staff assistants and em-
 36 ployees shall act for and exercise the powers of the secretary of health to
 37 the extent authority to do so is delegated by the secretary of health as
 38 provided by law. The secretary of health may appoint one public infor-
 39 mation officer, one personal secretary and one special assistant who shall
 40 be in the unclassified service under the Kansas civil service act and shall
 41 receive compensation fixed by the secretary of health and approved by
 42 the governor.

43 Sec. 4. In order to reorganize the administration and regulation of

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1 the state's policies related to the environment, there is hereby established
 2 within the executive branch of government, the Kansas department of
 3 environment.

4 Sec. 5. The Kansas department of environment shall be adminis-
 5 tered under the direction and supervision of a secretary of environment,
 6 who shall be appointed by the governor subject to confirmation by the
 7 senate as provided in K.S.A. 75-4315b, and amendments thereto. The
 8 secretary shall serve at the pleasure of the governor. The secretary of
 9 environment shall be in the unclassified service under the Kansas civil
 10 service act and shall receive an annual salary fixed by the governor.

11 Sec. 6. The secretary of environment may appoint assistant secretar-
 12 ies, ~~and~~ a chief attorney ~~who shall serve at the pleasure of the secretary.~~ and other staff attorneys
 13 The assistant secretaries, ~~and~~ chief attorney ~~shall be in the unclassified~~ and other staff attorneys
 14 service under the Kansas civil service act and shall receive annual salaries
 15 fixed by the secretary. ~~The secretary of environment also may appoint~~ and approved by the governor
 16 such other staff assistants, attorneys and employees necessary to enable
 17 the secretary to carry out the duties of the office. Such other staff assis-
 18 tants, attorneys and employees shall be in the classified service under the
 19 Kansas civil service act. Assistant secretaries, other staff assistants and
 20 employees shall have powers, duties and functions as are assigned to them

21 by the secretary or as prescribed by law. The assistant secretaries, staff
22 assistants and employees shall act for and exercise the powers of the
23 secretary of environment to the extent authority to do so is delegated by
24 the secretary of environment as provided by law. The secretary of envi-
25 ronment may appoint one public information officer, one personal sec-
26 retary and one special assistant who shall be in the unclassified service
27 under the Kansas civil service act and shall receive compensation fixed
28 by the secretary of environment and approved by the governor.

29 Sec. 7. The Kansas department of health and environment and the
30 secretary of health and environment created by K.S.A. 75-5601, and
31 amendments thereto, are hereby abolished.

32 Sec. 8. (a) The division of health established pursuant to K.S.A. 75-
33 5603, and amendments thereto, and the position of director of the division
34 of health are hereby abolished.

35 (b) Except as otherwise provided by this act, all of the powers, duties
36 and functions of the existing division of health and the existing director
37 of the division of health are hereby transferred to and conferred and
38 imposed upon the secretary of health established by this act.

39 Sec. 9. (a) The division of environment established pursuant to
40 K.S.A. 75-5605, and amendments thereto, and the position of director of
41 the division of environment are hereby abolished.

42 (b) Except as otherwise provided by this act, all of the powers, duties
43 and functions of the existing division of environment and the existing

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1 director of the division of environment are hereby transferred to and
2 conferred and imposed upon the secretary of environment established by
3 this act.

4 Sec. 10. Except as otherwise provided by this act, whenever the Kan-
5 sas department of health and environment or words of like effect is re-
6 ferred to or designated by a statute, contract or other document, such
7 reference or designation shall be deemed to apply to the Kansas depart-
8 ment of health or the Kansas department of environment as established
9 by this act. If any conflict arises as to whether the department of health
10 or department of environment is being designated or referenced, such

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11 conflict shall be resolved by the governor whose decision shall be final.

12 Sec. 11. All rules and regulations of the secretary of health and en-
13 vironment in existence on the effective date of this act shall continue to
14 be effective and shall be deemed to be duly adopted rules and regulations
15 of the secretary of health or the secretary of environment established by
16 this act until amended or revoked pursuant to law. The determination of
17 which rules and regulations shall be administered by the secretary of
18 health or the secretary of environment shall be made based upon the
19 terms of this act. If any conflict arises as to the responsibility for enforce-
20 ment or administration of rules and regulations of the secretary of health
21 and environment, such conflict shall be resolved by the governor whose
22 decision shall be final.

23 Sec. 12. All certificates, permits, licenses, orders and directives of the
24 Kansas department of health and environment or the secretary of health
25 and environment in existence on the effective date of this act shall con-
26 tinue to be effective and shall be deemed to be the certificates, permits,
27 licenses, orders and directives of either the secretary of health or the
28 secretary of environment until amended or revoked pursuant to law. The
29 determination as to whether the certificates, permits, licenses, orders and
30 directives of the Kansas department of health and environment or the
31 secretary of health and environment shall be the responsibility of the
32 secretary of health or the secretary of environment shall be determined
33 pursuant to the provisions of this act. If any conflict arises as to the re-
34 sponsibility for such certificates, permits, licenses, orders and directives,
35 the conflict shall be resolved by the governor whose decision shall be
36 final.

37 Sec. 13. The Kansas department of health and the Kansas depart-
38 ment of environment and the secretary of health and the secretary of
39 environment established by this act respectively shall be continuations of
40 the Kansas department of health and environment, the secretary of health
41 and environment, the director of the division of health and the director
42 of the division of environment.

43 Sec. 14. Except as otherwise provided in this act, on the effective

1 date of this act officers and employees who, immediately prior to such
 2 date, were engaged in the performance of powers, duties or functions of
 3 any state agency or office which is abolished by this act or which becomes
 4 a part of the department of health or the powers, duties and functions of
 5 which are transferred to the secretary of health and who in the opinion
 6 of the secretary of health are necessary to perform the powers, duties and
 7 functions of the Kansas department of health shall be transferred to and
 8 shall become officers and employees of the Kansas department of health.
 9 Any such officer or employee shall retain all retirement benefits and all
 10 rights of civil service which have accrued to or vested in such officer or
 11 employee prior to the effective date of this act. The service of each such
 12 officer and employee so transferred shall be deemed to have been con-
 13 tinuous. If a conflict arises as to whether an officer or employee shall be
 14 assigned to the Kansas department of health or the Kansas department
 15 of environment, such conflict shall be resolved by the governor whose
 16 decision shall be final.

17 Sec. 15. Except as otherwise provided in this act, on the effective
 18 date of this act officers and employees who, immediately prior to such
 19 date, were engaged in the performance of powers, duties or functions of
 20 any state agency or office which is abolished by this act or which becomes
 21 a part of the department of environment or the powers, duties and func-
 22 tions of which are transferred to the secretary of environment and who
 23 in the opinion of the secretary of environment are necessary to perform
 24 the powers, duties and functions of the Kansas department of environ-
 25 ment shall be transferred to and shall become officers and employees of
 26 the Kansas department of environment. Any such officer or employee
 27 shall retain all retirement benefits and all rights of civil service which have
 28 accrued to or vested in such officer or employee prior to the effective
 29 date of this act. The service of each such officer and employee so trans-
 30 ferred shall be deemed to have been continuous. If a conflict arises as to
 31 whether an officer or employee shall be assigned to the Kansas depart-
 32 ment of health or the Kansas department of environment, such conflict
 33 shall be resolved by the governor whose decision shall be final.

34 Sec. 16. Except as provided in this act, the Kansas department of
 35 health shall succeed to all contracts, property, property rights and records
 36 which were used for or pertain to the performance of the powers, duties
 37 and functions transferred to the secretary of health. Except as provided
 38 in this act, the Kansas department of environment shall succeed to all

39 contracts, property, property rights and records which were used for or
40 pertain to the performance of the powers, duties and functions trans-
41 ferred to the secretary of environment. If any conflict as to the proper
42 disposition of contracts, property, property rights or records arising under
43 this act and resulting from the transfer, attachment or abolition of any

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1 state agency or office or all or part of the powers, duties and functions,
2 such conflict shall be resolved by the governor whose decision shall be
3 final.

4 Sec. 17. (a) No suit, action or other proceeding, judicial or admin-
5 istrative, lawfully commenced or which could have been commenced by
6 or against any state agency abolished in this act or by or against any officer
7 of the state in such officer's official capacity or in relation to the discharge
8 of such officer's official duties shall abate by reason of the governmental
9 reorganization under the provisions of this act. The court may allow any
10 such suit, action or other proceeding to be maintained by or against the
11 successor of such state agency or any officer affected.

12 (b) No criminal action commenced or which could have been com-
13 menced by the state shall abate by reason of the governmental reorgan-
14 ization under the provisions of this act.

15 Sec. 18. (a) On the effective date of this act, the balance of all funds
16 appropriated and reappropriated to any state agency abolished by this act
17 is hereby transferred to either the Kansas department of health or the
18 Kansas department of environment and shall be used only for the purpose
19 for which the appropriation was originally made. The determination of
20 whether particular funds shall be transferred to the department of health
21 or to the department of environment shall be made pursuant to the terms
22 of this act. If any conflict arises as to the proper disposition of funds, such
23 conflict shall be resolved by the governor whose decision shall be final.

24 (b) On the effective date of this act, the liability for all accrued com-
25 pensation or salaries of officers and employees who, immediately prior to
26 such date, were engaged in the performance of powers, duties or func-
27 tions of any state agency or office abolished by this act or which becomes
28 a part of the Kansas department of health or the Kansas department of

29 environment established by this act or the powers, duties and functions
30 which are transferred to the secretary of health or the secretary of envi-
31 ronment provided for by this act shall be assumed and paid by the Kansas
32 department of health or the Kansas department of environment. The
33 determination as to which department shall be liable for particular ac-
34 crued compensation or salaries shall be made pursuant to the terms of
35 this act. If any conflict arises as to which agency shall be responsible for
36 particular accrued compensation or salaries, such conflict shall be re-
37 solved by the governor whose decision shall be final.

38 Sec. 19. The secretary of health may organize the department of
39 health in the manner deemed most efficient, so long as the same is not
40 in conflict with law. The assistant secretaries, ~~division heads and~~ staff
41 assistants shall perform such duties and exercise such powers as pre- and employees
42 scribed by law and such other duties as the secretary of health prescribes.
43 Such assistant secretaries ~~and division heads~~ shall act for, and exercise

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1 the powers of the secretary of health to the extent authority to do so is
2 delegated by the secretary of health. Personnel of each division shall per-
3 form such duties and exercise such powers as the assistant secretary or
4 the head of the division may prescribe and such duties and powers as
5 prescribed by law. Personnel of each division shall act for, and exercise
6 the powers of their assistant secretary or division head to the extent au-
7 thority to do so is delegated by the assistant secretary or division head.

8 Sec. 20. The secretary of environment may organize the department
9 of environment in the manner deemed most efficient, so long as the same
10 is not in conflict with law. The assistant secretaries, ~~division heads and~~ and employees
11 staff assistants shall perform such duties and exercise such powers as
12 prescribed by law and such other duties as the secretary of environment
13 prescribes. Such assistant secretaries ~~and division heads~~ shall act for, and
14 exercise the powers of the secretary of environment to the extent au-
15 thority to do so is delegated by the secretary of environment. Personnel
16 of each division shall perform such duties and exercise such powers as
17 the assistant secretary or the head of the division may prescribe and such
18 duties and powers as prescribed by law. Personnel of each division shall

19 act for, and exercise the powers of their assistant secretary or division
20 head to the extent authority to do so is delegated by the assistant secretary
21 or division head.

22 ~~Sec. 21. This act shall take effect and be in force from and after July~~
23 ~~1, 2001, and its publication in the statute book.~~

See Attached

2-9

2-9

Sec. 21. The separation of duties shall be made pursuant to a transition plan and such separation shall be made on or before October 1, 1999. Such transition plan shall be jointly developed by the Governor and the secretary of health and environment.

Sec. 22. K.S.A. 75-5601, 75-5602, 75-5603, 75-5604, 75-5605, 75-5606, 75-5607, 75-5608, 75-5609, 75-5610, 75-5611, 75-5612, 75-5613, 75-5617, 75-5618, 75-5619, 75-5620, 75-5621, 75-5622, 75-5623, 75-5624, 75-5626, 75-5627, 75-5628, 75-5637, 75-5638, 75-5639, 75-5640, 75-5641, 75-5642, 75-5643, 75-5644, 75-5645, 75-5646, 75-5647, 75-5648, 75-5649, 75-5655, 75-5657, 75-5660, 75-5661 and 75-5662 are hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the Kansas register.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
GOVERNMENTAL ORGANIZATION AND ELECTIONS

Madam Chairman, and members of the committee, I am Jim Yonally, representing KSLS, the Kansas Society of Land Surveyors. We appreciate the fact that the committee agreed to introduce HB 2205, and we are here today, to urge your approval of the bill.

The bill involves basically, updating and clean-up language, with little real policy change. First, page 1 line 18, we strike "county register of deeds" because in section 3 of the bill we amend K.S.A. 58-2011. In line 24, we strike "United States coast and geodetic survey" because that agency no longer exists. We add the replacement federal agency, or as an alternative, the state plane coordinate system.

Secondly, still on page 1, lines 31 through 37, we strike what a county engineer shall do in the absence of a county surveyor and replace it with language that requires the engineer to contract with a land surveyor to conduct the review, and certify the same, if in compliance with the act.

On page 2, lines 3 through 7 directs where these "survey corner" reports should be filed. Note back to the change on page 1 (used to be the register of deeds). Also allows that reports filed with the secretary of the state historical society may be filed electronically. The changes on lines 11 and 12 allow for fees to be paid periodically. Currently, it would appear that the law requires the surveyor to physically hand over a payment at the time that a report was filed, or retrieved.

Lastly, on page 3, lines 19 and 20, establishes a fine for failure to use a land surveyor as required by subsection (b) on page 2. Note that on lines 39 and 40 on page 2, the land surveyor faces suspension, or revocation of their license for failing to comply with the provisions of this section. However, without this addition, there was no penalty for failing to use a surveyor.

I would be happy to attempt to answer any questions.

*Gov. Org. & Elec.
Feb. 17 1999
Attachment #3*



KANSAS
ASSOCIATION OF
COUNTIES

February 17, 1999

To: Rep. Lisa Benlon and Members of the Governmental
Organization and Elections Committee

From: *Judy Moler*, KAC Legislative Services Director/General
Counsel

Re: HB 2205

The Kansas Association of Counties would like to register our concern with Section 2 of HB 2205. The language appears to mandate counties to contract with a land surveyor for review of plats in the absence of a county surveyor. Most counties no longer have a county surveyor. It is our assumption that the original subdivision plat or plat of a survey is done by a licensed surveyor...licensed by the Board of Technical Professions. Thus, the survey should be accurate and have no need for a second review. This section creates unnecessary costs for county government and thus ultimately for the taxpayer.

I regret that I cannot attend the committee hearing this afternoon. I can be reached at the KAC offices and would be glad to answer any questions you might have. Thank you.

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Gov. Org. + Elec.
Feb. 17 1999
Attachment # 4

TOM SLOAN
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TOPEKA

HOUSE OF
REPRESENTATIVES

Testimony on HB 2216 Before House Governmental Organizations and Elections Committee – 2/17/99

Madam Chairman, Members of the Committee, thank you for the opportunity to discuss HB 2216 which concerns rural water districts. This is a simple bill.

Rural water districts are quasi-governmental units created to provide drinking water in areas not served by municipalities. They are governed by boards of directors elected from among those persons living within the defined geographical boundaries of the district. Rural water districts are similar to other forms of government in that they may borrow money to finance capitol projects, but are somewhat unique in that they do not have taxing authority. Rural water district revenues come solely from the sale of water and other services.

Rural water districts are empowered to serve geographic areas. Rural water districts are related to cooperatives (in which members invest in the capitol structure that is administered by the board of directors) instead of municipal governments in which taxpayers fund general improvements. Persons wishing to receive water service generally pay the costs associated with building water lines from the nearest district line to that applicant's property.

Occasionally, persons build homes far from the water service lines of the district in which they live, but near lines of the neighboring rural water district. It is common practice for district boards of directors to approve the transfer of such customers to another district to save those individuals the thousands of dollars it otherwise would cost to run water service to their homes.

Under existing statutes, if a rural water district is unable to provide service to potential customers, those persons may petition the County Commission for a release and permission to seek service from another district. This procedure is both cumbersome and unnecessary.

I am Chairman of a rural water district that has on several occasions exchanged service territories with two other districts because it was in the best interests of those persons seeking water. HB 2216 simplifies the transaction because it permits the rural water district boards to deal with each other directly to benefit customers. Customers will receive water service more quickly, at less expense, and with substantially less legal paperwork under procedures incorporated in HB 2216.

Because the prospective customers and both rural water district boards of directors must agree on the territory exchange, and because those customers will save substantial money as a result of the exchange, and because this bill greatly simplifies and expedites the process, I encourage you to recommend HB 2216 favorable for passage.

Gov. Org. & Elec
February 17, 1999
Attachment # 5

TESTIMONY RELATING TO HOUSE BILL NO. 2260

House Bill No. 2260 would abolish the elected office of County Surveyor in Shawnee County. Currently, Shawnee County is one of two counties in the State of Kansas required by law to have an elected and licensed land surveyor. All other counties are allowed to appoint the county engineer to the office of surveyor to perform all of the duties pertaining to that office. In fact, Article 14 is titled "County Surveyor or Engineer." While this law may have had some rational basis historically, there is no existing reason to set Shawnee County apart from any of the other counties in Kansas on this issue. If a county engineer in Douglas County or Johnson County can perform the duties of surveyor, then the county engineer in Shawnee County should be able to perform such tasks. Shawnee County employs a licensed surveyor in the public works department and the county surveyor's office could easily be overseen by public works.

Further, eliminating this elective office during this session will not disrupt or displace any elected incumbent. Dennis Handke, the elected Shawnee County Surveyor, has resigned to pursue other employment opportunities and a former Shawnee County engineer has been appointed to serve out the remaining two years of the term. The bill, as worded, would abolish the office at the end of the current four-year term.

For the reasons cited above, Shawnee County requests support for the proposed amendment to K.S.A. 19-1401.

Respectfully Submitted on behalf of
The Board of County Commissioners
of the County of Shawnee, Kansas,

Sandra L. Jacquot
Shawnee County Counselor

*Gov. Org & Elec.
Feb 17 1999
Attachment # 6*



GOVERNMENTAL ETHICS COMMISSION

**Testimony before House Committee
on Governmental Organization and Elections
in Support of House Bill 2163
by Carol Williams**

House Bill 2163 amends K.S.A. 25-4154 which is a provision of the Campaign Finance Act. The Commission recommended this legislation in its 1998 Annual Report.

The Commission believes that the amendment to K.S.A. 25-4154 is really a technical amendment to clarify subsection (c) which concerns anonymous contributions. The amendment on line 21 would add the word "known" so this subsection would state that "the aggregate of contributions for which the name and address of the contributor is not known shall not exceed 50% of the amount one individual may contribute..."

Current law states the aggregate of contributions for which the name and address of the contributor is not reported under K.S.A. 25-4148 shall not exceed 50% of the amount one individual may contribute. The Commission believes this provision could be interpreted to mean that anatomist contributions which are not reported under K.S.A. 45-4148, which have not been subject to an aggregate limitation, could be subject to the same aggregate limitation as anonymous contributions.

The Commission believes this technical amendment should be adopted and it urges your support and passage of HB 2163.

*Gov. Org + Elec.
Feb. 17 1999
Attachment # 7*



GOVERNMENTAL ETHICS COMMISSION

Testimony before House Committee on Governmental Organization and Elections in Support of House Bill 2229 by Carol Williams

House Bill 2229 amends K.S.A. 1998 Supp. 25-4148 which is a provision of the Campaign Finance Act. This bill is a recommendation made by the Kansas Governmental Ethics Commission in its 1998 Annual Report.

The new language amending K.S.A. 1998 Supp.25-4148 is found on page 2 lines 28 through 42. Political action committees and party committees would be required to report the name and address of each candidate for state or local office that receives an in-kind contribution or benefits from an independent expenditure made by the committee. The amount, date and a detailed description of the service would also be required to be disclosed.

Under current law, political and party committees do not have to report the name of any candidate they make expenditures on behalf of when filing a receipts and expenditures report. The committee's current responsibility is to list the vendor to whom the expenditure is directly made, not the candidate on whose behalf the expenditure was made. For example, if a political committee pays the postmaster \$200 and the XYZ Printers \$300 for a mailing for candidate A, the committee is only required to show the expenditure to the postmaster and the printer. The public has no idea, from viewing the political actions committee's report, that candidate A was the recipient of an in-kind contribution in the amount of \$500 or an independent mailing.

The Commission believes that full disclosure should be made as to which candidates are being assisted by political and party committee in-kind contributions and/or independent expenditures. The Commission urges your support of House Bill 2229.

Gov. Org. & Elec.

Feb. 17 1999

Attachment # 8

8-1

**SCHEDULE C
EXPENDITURES AND OTHER DISBURSEMENTS**

ABC POLITICAL ACTION COMMITTEE

(Name of Candidate, Party Committee or Political Committee)

Date	Name and Address	Purpose of Expenditure or Disbursement	Amount
	<u>CURRENT REPORTING</u>		
10-12-98	XYZ PRINTERS MAIN STREET TOPEKA, KS 66612	PRINTING	\$300.00
10-17-98	POSTMASTER TOPEKA, KS 66612	POSTAGE	\$200.00
	<u>PROPOSED REPORTING</u>		
10-12-98	XYZ PRINTERS MAIN STREET TOPEKA, KS 66612	PRINTING IN-KIND MAILING FOR CANDIDATE A	\$300.00
10-17-98	POSTMASTER TOPEKA, KS 66612	POSTAGE IN-KIND MAILING FOR CANDIDATE A	\$200.00
Subtotal This Page			