

MINUTES OF THE HOUSE KANSAS 2000 SELECT COMMITTEE.

The meeting was called to order by Chairperson Kenny Wilk at 1:30 p.m. on January 18, 2000 in Room 526-S of the Capitol.

All members were present except: Representative Gwen Welshimer - excused

Committee staff present: Audrey Nogle, Legislative Research Department
Bob Nugent, Revisor of Statutes
Janet Mosser, Committee Secretary

Conferees appearing before the committee:

Senator Don Steffes
Senator Donald Biggs
David Wilson, Executive Director, Kansas Arts Commission
Bobbi Mariani, Assistant Director, Division of Personnel Services,
Department of Administration
Andy Sanchez, Kansas Association of Public Employees (KAPE)

Others attending: See attached list.

Chairperson Wilk opened the hearing on **HB 2592 - Kansas arts commission, terms of members.**

The fiscal note was distributed.

Chairperson Wilk recognized Senator Don Steffes. As a member of the Joint Committee on Arts and Cultural Resources, Senator Steffes expressed his embarrassment at the lack of funding the state of Kansas gives to this important area. While there is tremendous support at the local level in time and effort spent on the arts and culture, state financial support is minuscule. He encouraged the committee to think kindly towards the arts and would support the committee's efforts to enhance funding in this important area.

Chairperson Wilk recognized Senator Donald Biggs. Also a member of the Joint Committee on Arts and Cultural Resources, Senator Biggs emphasized the sincerity of the committee members and seconded everything said by Senator Steffes.

Audrey Nogle, Legislative Research Department, briefed the committee on the contents of the bill.

David Wilson, Executive Director, Kansas Arts Commission, proponent, was recognized by Chairperson Wilk to address the committee (Attachment 1).

Questions and discussion followed testimony.

Chairperson Wilk closed the hearing on **HB 2592.**

Chairperson Wilk opened the hearing on **HB 2481 - State civil service pilot projects, human resource management.**

The fiscal note was distributed.

Audrey Nogle, Legislative Research Department, briefed the committee on the contents of the bill.

Bobbi Mariani, Assistant Director, Division of Personnel Services, Department of Administration, proponent, was recognized by Chairperson Wilk to address the committee (Attachment 2).

Chairperson Wilk recognized Andy Sanchez, Kansas Association of Public Employees (KAPE), opponent, to address the committee (Attachment 3).

Questions and discussion followed testimony. Bob Nugent, Revisor, was recognized and assisted in

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answering questions.

Chairperson Wilk closed the hearing on **HB 2481**.

Chairperson Wilk returned the committee's attention to **HB 2592**.

Representative Sloan moved to pass favorably and put on the consent calendar **HB 2592**. The motion was seconded by Representative Alldritt. The motion carried.

Chairperson Wilk adjourned the meeting at 2:37 p.m.

The next meeting is scheduled for January 19, 2000.



Summary of HB #2592

By the Joint Committee on the Arts and Cultural Resources

Bill Graves
Governor of Kansas

Martin W. Bauer
President
Wichita

John Hunter
Vice-President
Topeka

Martha Rhea
Secretary-Treasurer
Salina

Rosalie Summers
Wichita

T.J. Snyder
Mission Hills

Denice Morris
El Dorado

Burton Pell
Wichita

Lisa Adkins
Leawood

Robert Feldt
Great Bend

Elwanda Richardson
Kansas City

Raymond Olais
North Newton

Kent Stehlik
Dodge City

David M. Wilson
Executive Director

An ACT concerning the Kansas Arts Commission; relating to terms of members; affecting officer nomenclature; amending K.S.A. 74-5202 and 74-5204 and repealing existing sections.

Summary: The Kansas Arts Commission (KAC) is actively exploring alternative sources of funding including the development of a cultural trust fund. In this process, the Commissioners developed suggested changes to the KAC enabling legislation. The Joint legislative Committee on the Arts and Cultural Resources reviewed these changes this past summer and fully endorsed the suggestions. House Bill # 2592 resulted from this approval. This act accomplishes three things:

1. It changes the length of Commissioner terms from one four year term to a maximum of two three year terms, contingent upon reappointment by the Governor for the first and second term. The reasoning behind this change was to accommodate the anticipated long-term development of alternative funding sources such as a trust fund. Many Commissioners said it took two to three years to really develop and understand their role as Commissioner of the KAC.
2. It expands the possible membership beyond representatives of the arts field to those that care about the arts, but which might bring a diversity of experiences to help guide the Commission in its development of alternative funding sources, including fundraising, promotion, and trust fund development.
3. It changes the Commission officer nomenclature from President and Vice-President to Chair and Vice-Chair, in order to better represent the structure of the Commission and reflect current practices with similar arts agencies nation-wide.

The Kansas Arts Commission feels these changes will help the Commission move forward in the future.

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**Testimony to the
Kansas 2000 Select Committee
By
Bobbi Mariani, Division of Personnel Services**

**January 18, 2000
House Bill 2481**

Good afternoon, I am Bobbi Mariani and I am the Assistant Director of the Division of Personnel Services. Thank you for the opportunity to speak to you in support of House Bill 2481. This bill would authorize the Director of the Division of Personnel Services to design, conduct and evaluate pilot projects relating to the Civil Service Act.

Pilot projects would be a valuable tool to evaluate and implement a wide variety of personnel related programs. In addition to policy implications, many proposed human resource programs have a significant fiscal impact because of our large state workforce. Yet, the policy and fiscal impact of a program cannot be fully determined when it can't be "tested." It is less disruptive to make changes to a program before it is implemented statewide.

An example of a program that would have been an ideal candidate for a pilot project is the state shared leave program. Although this program was carefully researched and planned, it was impossible to anticipate all the implications and effects of the program prior to implementation. While the existing program is successful, the ability to pilot test this program would have provided useful information to make the program easier to understand and more manageable prior to statewide implementation.

There are precedents in the public sector for pilot projects. California, Florida and Kentucky are three states that have a pilot project program in place. We developed our program guidelines using federal government Research and Demonstration Projects as a model. These guidelines, which I will briefly describe, are included in the proposed bill.

Each project is required to have a program plan that includes:

- the purpose, duration and potential impact of the project
- an evaluation criteria and methodology used to assess the effectiveness of the project
- fiscal implications of the project
- a description of agencies and groups of employees included in the project
- a specific description of provisions of personnel laws or regulations to be suspended for the project

This plan would then be submitted to the secretary of administration. If the plan is approved, it is then submitted to the Governor who may authorize implementation of the pilot project in an executive directive.

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The executive directive may place additional limitations or conditions on implementation of the pilot project, as the governor deems advisable. The executive directive must stipulate any provisions of one or more personnel regulations relating to state agencies and state employees. Any suspension of rules and regulations or laws would only be effective for participants in the pilot project and only for the duration of the project. In addition, there are some laws and regulations that cannot be suspended. No law or regulation prohibiting discrimination in personnel administration actions or relating to the appeal process to the civil service board can be suspended.

We are currently looking at projects that might be appropriate for a pilot project. A new initiative that has been discussed in the past is alternative dispute resolution (ADR). Because the impact of ADR to agencies and employees is significant, we have been reluctant to propose a statutory change to implement a program statewide. This would be an ideal candidate for a pilot project. We would then have valuable information on which to base a decision to implement ADR statewide or to make adjustments to the program.

We believe that pilot projects would supplement and enhance the development of human resource policies and legislative proposals. The preliminary period of testing provided by pilot projects would allow the Division of Personnel Services to determine the cost effectiveness and quality of each program. It would also allow DPS to determine if the program works and to fine-tune the project before it is implemented as a permanent policy. This bill provides basic authority only and requires no additional costs, staff, or funding for any state agency. Individual pilot projects will identify costs and funding sources. If a project requires new funding it would have to go through the budget process.

We have used pilot programs within the confines of the authority provided by law and found that to be useful. Often we have been limited to what we can try because of existing laws. This bill would expand our authority to test a wider range of human resource programs and obtain data to support legislative proposals. We request your favorable consideration of this legislation. Thank you for your time and attention. I would be happy to address any questions.

Testimony of Andy Sanchez, Executive Assistant to the President
The Kansas Association of Public Employees, KAPE/AFT, AFL-CIO
Before the Kansas 2000 Select Committee

Delivered January 18, 2000

Good afternoon Chairman Wilk and members of the committee. My name is Andy Sanchez and I am the Executive Assistant to the President of KAPE, the Kansas Association of Public Employees. I am here today to talk to you about a bill before this Committee, House Bill 2481. An act concerning state employees, authorizing the establishment and implementation of pilot programs related to civil service.

As a public employee organization who's mission emphasizes the effective representation of employees engaged in providing public service in the state of Kansas and the quality delivery of those services, KAPE requests clarification on four key points.

First, with a single broad stroke the bill appears to authorize both the establishment and implementation of an unspecified number of pilot projects. The bill appears to be open ended and unspecified. That is, who is this intended to cover and who will it effect? How will the pilots be chosen? What exactly are the changes? What policies and procedures are effected? And, what is the cost?

Second, KAPE supports the idea of identifying problems, then addressing those problems in an attempt to correct those insufficiencies. However, the purpose of the pilot programs is stated to be to determine whether a specified change in human resource management policies and procedures could result in improved human resource management. KAPE is respectfully asking for more details. Is the pilot an outcome of data received from the Fox and Lawson consulting firm? If not, then what study, survey, or evaluation tools have been used to determine a pilot is necessary. Are we considering changing job descriptions, job qualifications, hiring practices, firing practices, supervision, are we consolidating (broadbanding) positions or departments? This alone is a wide range of possible insufficiencies, but it is only a slice of the total possibilities. KAPE recommends avoiding random shots in the dark to fix something without first identifying what we are fixing.

Third, KAPE recommends more specifics be considered about the stage of review. As I understand it, they evaluate themselves. That is, the implementers establish the criteria and methodology by which the project will be evaluated. Will steps be taken to receive input from employees or employee organizations? How will success be measured?

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Finally, KAPE requests that if plans already exist, then they be made known. This way KAPE, employees and others in the public could have the opportunity to offer more insight. This would also allow for the agency officials to speak. KAPE has serious concerns that this is a phase-in plan offering no guidelines, no details, and in fact affording a great deal of latitude to the Director of Personnel to develop and implement more than one plan of strategy, to a single, a few, or several groups of employees. While I know it is not the intention of the Director of Personnel or the Secretary of Administration, it seems to provide permission to do what they'd like. The success of implementing such a drastic plan and change of a direction should be only taken if a number of options have been considered. Then, an option should only be taken with a reasonably high percentage of expectation for success. The Administration is but a single perspective. Where is the data to support this change in direction? KAPE encourages the efforts to strive for improved statewide human resource management. KAPE also extends an invitation to the states human resource department to establish labor management cooperatives involving KAPE committee members. KAPE promotes solutions that are the product of a joint effort by management and frontline workers to insure the quality of service does not suffer.