

MINUTES
LEGISLATIVE COORDINATING COUNCIL

July 15, 2010

Members participating:

Speaker Michael O'Neal, Chairperson
President Steve Morris, Vice Chairperson
Senator Derek Schmidt, Majority Leader
Senator Anthony Hensley, Minority Leader
Representative Ray Merrick, Majority Leader
Representative Arlen Siegfried, Speaker Pro Tem
Representative Paul Davis, Minority Leader

The meeting was called to order by Speaker O'Neal at 1:32 p.m. in Room 152-S, State Capitol. Representative Davis participated in the meeting by telephone conference call.

1. Representative Merrick moved that the minutes of the December 11, 2009, meeting be approved. President Morris seconded the motion. The motion carried. Representative Merrick moved that the minutes of the May 28, 2010, meeting be approved. President Morris seconded the motion. The motion carried.
2. Speaker O'Neal reported the appointment of Senator Emler as chairperson and Representative Merrick as vice chairperson of the Legislative Budget Committee and Representative Horst as chairperson and Senator Schodorf as vice chairperson of the Legislative Educational Planning Committee.
3. Alan Conroy, Director of Legislative Research, distributed information regarding proposed interim study topics and committees as proposed by Speaker O'Neal and President Morris. Representative Merrick moved that the following be approved:
 - Establishment of the **Special Committee on Assessment and Taxation**, as follows:
Membership: Thirteen members (eight from the House, five majority party members and three minority party members; and five from the Senate, four majority party members and one minority party member)
Chair: Member of House of Representatives

Topic: *Kansas Tax Structure.* Review the Kansas tax structure and ways it can be improved and simplified. Study the overall tax structure and policy of the state and local units of government by reviewing the relationship of the various taxes imposed to each other and to the economy. Review ways to identify a fair, simple and effective tax structure that operates in the best interests of all Kansas citizens. Also, study ways to decrease tax rates by broadening tax bases, as well as studying the potential effects of a fair and flat consumption tax and a flat and simplified income tax. Finally, review what current taxes could be eliminated if a new such tax were to be imposed.

- Establishment of the **Special Committee on Education**, as follows:

Membership: Thirteen members (eight from the House, five majority party members and three minority party members; and five from the Senate, four majority party members and one minority party member)

Chair: Member of House of Representatives

Topic: *School Finance and Policy Issues.* Review various proposals considered in the 2010 Session on education policy and school finance and explore proposals, including Speaker Pro Tem Arlen Siegfried's suggestion to simplify and streamline school finance to improve the current funding formula. This would include, but not be limited to, studying Legislative Post Audit's school efficiency recommendations, consideration of extending school district audits, various formula revisions, uniform system of accounts, performance-based compensation, administrative reorganization, local options, district coordination of information technology systems, disparity among districts of unencumbered funds, flexibility of unencumbered funds, tenure reform, a ten-year cost projection on statewide K-12 spending based on the current school finance formula, curriculum standards and increasing percentage of state funds for classroom/instruction expenditures.

- Establishment of the **Special Committee on Judiciary**, as follows:

Membership: Nine members (six from the House, four majority party members and two minority party members; and three from the Senate, two majority party members and one minority party member)

Chair: Member of Senate

Topics: (1) *Criminal Background Checks for Potential Employees of Adult Care Homes.* Study whether state agencies or adult care home facilities requesting a criminal history background check should receive a complete or a redacted criminal history report from the Kansas Bureau of Investigation and whether the report should include juvenile adjudications or non-prohibited offenses. Review when a criminal history background check reveals information that would disqualify an applicant from employment or licensure, whether the pending employee or requesting adult care home facility should receive notification of the reasons for the denial of the employment or licensure. Also, study whether the current differences in the procedure and type of criminal record check information provided to child care facilities and adult care facilities is justified.

(2) *2010 Senate Bill No. 374 - The Apology Bill.* Review 2010 SB 374 which would make inadmissible in any claim or civil action by or on behalf of a patient alleging an adverse outcome of medical care, any statements expressing regret, a mistake, error, sympathy, or apology by a health care provider or employee.

- Assignment of the following topic to the **Joint Committee on Corrections and Juvenile Justice Oversight: Sex Offenders.** Review the current procedure followed by Kansas sheriffs to ensure that those steps required by the interstate compact were taken prior to the offender leaving his or her state of origin. Also, review the current number of sex offenders living in Kansas and compare those numbers to other states to determine whether Kansas' lack of residency requirements has drawn additional sex offenders to Kansas.
- Establishment of the **Special Committee on Streamlining Legislative Joint Committees, Commissions and Task Forces,** as follows:
Membership: Thirteen members (eight from the House, five majority party members and three minority party members; and five from the Senate, four majority party members and one minority party member)
Chair: Member of House of Representatives

Topic: *Streamlining Legislative Joint Committees, Commissions and Task Forces.* Review the number and purpose of legislative joint committees, commissions, and task forces. Study if the original need for a joint committee, commission or task force is no longer present. Determine if the 24 joint committees, commissions and task forces, which have a combined membership of 229 could be reduced or combined. Review the value of "sunsetting" a joint committee, commission, or task force.

- Assignment of the following topic to the **House Committee on Rules and Journal** and the **Senate Committee on Organization, Calendar and Rules:**

Topic: *Code of Ethics for Legislators.* Review the establishment of a legislator code of ethics to govern the behavior of legislators. Study the need for a code of ethics to address potential conflicts of interests. Review the Iowa Legislative Ethics Code and other state's legislative ethics codes.

Senator Hensley raised a concern that there are no Democratic members on the Senate Committee on Organization, Calendar and Rules, if it were to meet during the interim. President Morris stated that, if the Committee were to meet, it would include Democrats but he did not anticipate that it will meet.

- Establishment of the **Special Committee on Natural Gas Storage Fields and Facilities**, as follows:

Membership: Thirteen members (eight from the House, five majority party members and three minority party members; and five from the Senate, four majority party members and one minority party member)

Chair: Member of Senate

Topic: *Natural Gas Storage Fields and Facilities.* Study the impact of two recent court cases and their potential effects on state law and regulations associated with natural gas storage fields and facilities in Kansas. Review the potential impact on the state's ability to regulate natural gas storage fields (including safety of the fields) as a result of the Federal District Court's decision in Colorado Interstate Gas Company vs. Thomas E. Wright, et. al. Study current law and the potential impact on state law as a result of the Kansas District Court's decision in Northern Natural Gas Company vs. ONEOK Field Services Company, et. al. Review the need to

amend current state law based on these court decisions. Study the taxation of natural gas in underground storage facilities, the fields, storage gas, cushion gas and other minerals produced from storage fields. Review the current law that does not impose a tax on oil produced when storage gas is withdrawn from a natural gas storage field.

- Request the **Legislative Budget Committee** to review the following topic: *Cutting Off Voluntary Admissions to State Psychiatric Hospitals*. Review the recent decision by the Department of Social and Rehabilitation Services to eliminate the option of individuals to voluntarily admit themselves to state psychiatric hospitals during times of personal crisis. Also review the Department of Social and Rehabilitation Services protocol for managing state hospital census. Study funding for state psychiatric hospitals and local acute care psychiatric inpatient services from local hospitals.

President Morris seconded the motion of Representative Merrick. The motion carried.

4. Mr. Conroy distributed information relating to the number of meeting days for committees, commissions and task forces meeting during the interim. The following meeting days were recommended by Speaker O'Neal and President Morris for the FY 2011 interim:

Days	Committee or Commission
5	Administrative Rules and Regulations
1	Arts and Cultural Resources
2	Children's Issues
6	Claims
2	Confirmations Oversight
3	Corrections and Juvenile Justice Oversight
4	DUI Commission
2	Economic Development
4	Energy and Environmental Policy
1	Health Care Stabilization
4	Health Policy Oversight
3	Home and Community Based Services Oversight
2	Information Technology (JCIT)
1	Kansas Security
6	Legislative Budget

2	Legislative Educational Planning Committee (LEPC)
3	Pensions, Investments, and Benefits
0	Redistricting Advisory Group
0	Special Education Task Force
1	State Employee Pay Plan Oversight
6 *	State Building Construction
1	2010 Commission
3	Assessment and Taxation
4	Education - School Finance and Policy Issues
2	Judiciary
2	Streamlining Legislative Joint Committees, Commissions, and Task Forces
2	House Rules and Journal
2	Senate Organization, Calendar and Rules
2	Natural Gas Storage Fields and Facilities

*Two days to be held outside Topeka

Senator Hensley moved that the 2010 Commission be authorized to meet three days during the FY 2011 interim. Representative Davis seconded the motion. The motion carried. President Morris moved that the remainder of the committee meeting days recommended by him and Speaker O'Neal for FY 2011 be approved. Senator Schmidt seconded the motion. The Motion carried.

5. Mr. Conroy distributed proposed general instructions for preparation of the FY 2011 (revised) and FY 2012 (requested) budgets of the legislature and legislative staff agencies. Consistent with the governor's direction to executive branch agencies, no step movement or base salary increase would be included in the budget request for employees. The budget request would include longevity bonus increases for eligible employees and fringe benefit rate adjustments. Legislator compensation would be budgeted at the current rate. Nonsession expense amounts would be budgeted at the current rate unless a different rate is certified by the federal government on October 1, 2010. The budgets of the legislature, Legislative Coordinating Council and Legislative Research Department would include appropriate funding in their FY 2012 budgets for work associated with the 2012 redistricting. Also included would be necessary funding for the legislative computerization project. President Morris moved that the proposed general instructions

be approved. Representative Siegfroid seconded the motion. The motion carried.

6. Mary Torrence, Revisor of Statutes, briefed the Council on the notice of claim of alleged violations of Article 6 of the Kansas Constitution which was filed June 17, 2010, pursuant to K.S.A. 2009 Supp. 72-64b02. Ms. Torrence stated that she believes the Council could designate the Revisor of Statutes as legislative counsel for the purpose of investigation of the alleged violations. President Morris moved that the Revisor of Statutes be designated to investigate the alleged violations and be directed to review and analyze the exhibits accompanying the claim, identify rebutting exhibits, research the question of whether the Legislature has standing to intervene when an action is filed and make a status report to the L.C.C. at its next meeting. Representative Merrick seconded the motion. The motion carried.
7. Ms. Torrence distributed information on the holidays designated by the governor for executive branch personnel for calendar year 2011, including one discretionary day. President Morris moved to approve those holidays, including the discretionary day, as holidays for legislative personnel. Representative Merrick seconded the motion. The motion carried.
8. Jeff Russell, Director of Legislative Administrative Services, reviewed his memorandum recommending that the price for the document mailing packet service (calendars, journals, bills and supplemental notes) and the free distribution levels for the 2011 legislative session remain the same they were as for the 2010 session. He noted however that the price will reflect an increase in the state sales tax rate which went into effect July 1, 2010. Representative Siegfroid moved to approve the recommendation. President Morris seconded the motion. The motion carried.
9. Mr. Russell reviewed his memorandum making recommendations regarding the 2011 session employee assignment and pay policy for temporary legislative employees, including longevity and multiple-legislator assignment bonuses. The recommended salary plan for 2011 reflects no increase over 2010, with new employees brought in at a lower pay level than those with one session of experience. President Morris moved to approve the policy as recommended by Mr. Russell. Representative Siegfroid seconded the motion. The motion carried.

10. Ms. Torrence distributed a proposed amendment to L.L.C. Policy 23, relating to legislators' attendance at interim committee meetings. The proposed amendment would be as follows:

Policy 23. Full-day committees; limitations on pay for short attendance; chairperson's responsibility. (a) Committee meetings shall be scheduled for full days of work. Legislators who fail to attend at least one-half of the committee meeting on any particular day should not claim compensation or expenses for that day.

(b) A committee chairperson shall not approve a voucher for compensation or expenses, or both, for a legislator's attendance at a committee meeting on a particular day if the legislator fails to attend at least one-half of the committee meeting on that day.

(Adopted May 4, 1976; **amended July 15, 2010.**)

Representative Merrick moved to amend the policy as proposed. President Morris seconded the motion. The motion carried.

11. Mr. Russell raised the issue of payment for attendance of members of the Advisory Committee on Uniform State Laws at meetings of subcommittees of the National Conference of Commissioners on Uniform State Laws. No action was taken.


Members of the Council also received a Policy 20 meeting authorization by Speaker O'Neal; Policy 4 reports from the Kansas Legislative Research Department, the Office of Revisor of Statutes and the Legislative Division of Post Audit concerning out-of-state travel by staff in FY 2010; and a court cases update memorandum prepared by Renae Jefferies, Assistant Revisor of Statutes.

On motion, the meeting was adjourned.

Prepared by

Mary Ann Torrence,
Revisor of Statutes,
as Secretary

Approved by



Speaker Michael O'Neal, Chairperson