

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 25, 2002 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds, Excused  
Representative Joann Freeborn, Excused  
Representative Bill Mason, Excused  
Representative Joe McClelland, Excused  
Representative Tony Powell, Excused  
Representative Dan Williams, Excused  
Representative R. J. Wilson, Excused

Committee staff present: Russell Mills, Legislative Research Analyst  
Shelia Pearman, Committee Secretary

Conferees appearing before the Committee: Diane Gjerstad, Wichita Public Schools  
Kim Gulley, Kansas League of Municipalities  
Luke Harkin, State Lodge Fraternal Order of Police Counsel  
Eric Haskin, Kansas State Troopers Association  
Ron Hein, Prairie Band Pottawatomie Nation  
Mark Tallman, Kansas Association of School Boards  
Mike Taylor, City of Wichita

Others attending: See attached list

**Without objection, bill was introduced as requested by Representative Lightner a resolution will identical language to HCR 5046 regarding ultrasound equipment. [HR 6013]**

Chairman Mays opened the hearing on HB 2825 - Resolution of impasses in public employer-employee disputes. Mr. Haskin informed the committee this legislation is a result of contract negotiations and fact finding which occurred last fall. Written testimony included the highlights of Dr. Ron Iacovetta's sixty page report including the fact that Kansas Highway Patrol salaries are virtually dead last compared to large police departments in Kansas and highway patrols in neighboring states. He also stated the competitive bidding process has been replaced with a "Make a Wish" list of unfilled positions. (Attachment #1)

Mr. Harkin represents the Kansas State Trooper Association in the administrative remedies suit before the Public Employee Review Board regarding the unilateral closing of negotiations by the KHP. He discussed the lack of cooperative resolution despite the neutral fact finder report. He explained that **HB 2825** clarifies existing law with respect to fact finding by spelling out what is to take place in the event that the parties do not reach an agreement after the fact finder's report has been issued. He stated if **HB 2825** is enacted, a hole that exists in the public bargaining law would be closed. Ultimately, in cases when the parties are unable to reach an agreement, this Bill would allow for an agreement to be put in place that is fair to both sides. (Attachment #2)

Ms. Gjerstad stated **HB 2825** would permit the decisions of unelected fact finders be binding. Because it would usurp the authority of the elected Board of Education while saddling it with a potentially negative economic decision, she urged the committee to oppose this legislation. (Attachment #3)

Mr. Tallman stated the Kansas Association of School Board Delegate Assembly is opposed to binding arbitration of contract terms between public employers and employees resulting almost certainly as an unfunded mandate. Due to limited funding, he urged the committee to reject **HB 2825**. (Attachment #4)

Mr. Taylor stated the City of Wichita has long recognized public employee unions and collective bargaining, but believes the decision should be left to local governing bodies and should not be a Legislative mandate. Because of the proposed deviation from Home Rule and local control granted by the Kansas Constitution, he urged the committee to oppose **HB 2825**. (Attachment #5)

Ms. Gulley stated **HB 2825** removes the locally elected officials from the process. Additionally, the proposed legislation may actually encourage parties to not resolve situations of impasse thus unilaterally imposing the recommendations of the fact finder. She stated the current statute permitting a public

hearing is consistent with the intent of the act to promote cooperative relationships rather than mandates imposed by a non-elected fact finder. (Attachment #6)

Written testimony in opposition was submitted by the Deputy Secretary of Administration citing fiscal impact on the State and covered local units of government as a concern. Additionally, it notes the inconsistency with the concept of representative government. (Attachment #7) Also, Kansas Association of Counties submitted testimony citing the adverse fiscal impact on counties. (Attachment #8)  
The hearing on HB 2825 was closed.

**Representative Peterson made a motion to adopt an amend HB 2825 to cover state employees only. Representative Burroughs seconded the motion. The amendment was adopted.**

**Representative Peterson made a motion to recommend HB 2825 favorable for passage as amended. Representative Burroughs seconded the motion. The amendment was carried.**

Chairman Mays opened the hearing on HB 3004 - Battery of law enforcement officer; tribal law enforcement officers and SB 383 - Interlocal agreements with Native American Indian tribes  
Mr. Hein supported **SB 383**, a result of the Joint Committee on State-Tribal Relations, adding Native American Indian Tribes to Interlocal Cooperation Act permitting various political subdivisions to enter agreements regarding joint projects. He noted it passed overwhelmingly (Attachment #9) He rose in support of **HB 3004** as a step in an ongoing effort to have better intergovernmental cooperation between the Indian Tribes in Kansas and other units of government in Kansas. He stated an amendment would be needed on line 41 so that Tribal Enforcement Officers would be subject to a severity level 5, person felony. Also discussed was the difference between only those tribes entered into a gaming compact with the State instead of State recognized tribes. (Attachment #10)

Ms. Beadles addressed the committee's questions regarding Tribal Officers are currently covered by the Bureau of Indian Affairs under contract allowed in 25 USC 450h and 25 USC 2804a and 18 USC 111 provides a more severe penalty fine ranging from a \$5,000-\$10,000 and/or 3-10 years in federal facility. (Attachment #11)

Chairman Mays closed the hearing on HB 3004 and SB 383.

The meeting adjourned at 2:58 p.m. The next scheduled meeting is March 26, 2002.