

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by the Chair, Carol Dawson, at 9:00 a.m. on February 21, 1995 in Room 521-S of the Capitol.

All members were present except: Rep. Herman Dillon, Excused

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, legislative Research Department
Arden Ensley, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Rep. Melvin Neufeld
Rep. Jan Pauls
Jamie Clover-Adams
Rep. John Toplikar
Don Moler, KS League of Municipalities
Pete McGill, McGill and Associates
Rep. Troy Findley
Debra Leib, Common Cause

Others attending: See attached list

Chairman Dawson opened the public hearing on HB 2462 regarding the Joint Committee on Rules and Regulations.

Rep. Neufeld was recognized by the Chairman as the sponsor of the bill. He testified that this legislation was intended to give the legislature more input to state agencies making rules and regulations when implementing a new statute. It would change the number of days from 30 to 60 days that the Joint Committee had to review the proposed rules and to take public comment. It would also supply the Joint Committee with copies of the rules and regulations.

Chairman Dawson recognized Rep. Pauls as a sponsor of the bill. Rep. Pauls testified that this bill is a bi-partisan bill that would reduce the number of regulations passed and to allow the Rules and Regulations Joint Committee to have input before necessary regulations are passed. Currently, notices of proposed regulations are not mailed to the Joint Committee or the Secretary of State. This legislation would require that to happen. See Attachment 1.

Jamie Clover-Adams was recognized by the Chairman as a proponent. Ms. Clover-Adams testified that currently, by the time a proposed rule is discovered by affected agencies, it is almost too late to assess it and respond coherently because of the short timeframe. See Attachment 2.

Rep. Dawson closed the hearing on HB 2462.

The Chairman opened the public hearing on HB 2411 which would prohibit the expenditure of public funds by political and taxing subdivisions for such purposes.

Chairman Dawson recognized Rep. Toplikar as the sponsor of this bill. He testified that this legislation would stop the government from influencing elections with taxpayer money, yet it does not prevent local elected officials from communicating with their representatives or senators. See Attachment 3.

Don Moler was recognized by the Chairman as an opponent of the bill. Mr. Moler testified that an amendment be considered indicating that public moneys may be used to educate the public on matters coming before the electorate. He also testified that this legislation would hurt the cities that cannot afford a full-time staff person who has the duty of communicating with the legislature as part of their job responsibility. See Attachment 4.

The Chairman recognized Pete McGill who spoke to the bill. He testified that this legislation could create enforcement problems with the IRS code. It would also create problems between the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on February 21, 1995.

definitions of what is "monitoring" and what is "lobbying".

Chairman Dawson closed the public hearing on HB 2411.

The Chairman opened the hearing on HB 2373 concerning reports of treasurers and contributors.

Rep. Findley was recognized by Chairman Dawson as the sponsor of the bill. He testified that the bill is intended to create greater accountability to political campaigns in order to reduce the public's skeptical and cynical perception. See Attachment 5.

Debra Leib was recognized by the Chairman as a proponent of the bill. She testified that Common Cause has advocated full disclosure in every aspect of the political process including the reporting of contributions by contributors. This legislation ensures the public will receive the information regarding campaign contributions. See Attachment 6.

Chairman Dawson closed the hearing on HB 2373.

The Chairman brought the Committee's attention to HB 2267 regarding out of state travel expenses for representatives. The legislation would take away a flat amount of reimbursement to representatives and would require a receipt. Rep. Chronister made a motion to recommend favorable passage of the bill. It was seconded by Rep. Yoh. The motion carried.

Chairman Dawson brought the Committee's attention to HB 2020 regarding the authorization to give campaign funds to a political party. Rep. O'Connor made a motion to recommend favorable passage of the bill. It was seconded by Rep. Haley. The motion carried.

The Chairman adjourned the meeting at 10:45 a.m.

The next meeting is scheduled for Wednesday, February 22, 1995, at 9:00 a.m. in Room 521-S of the Capitol.

GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE GUEST LIST

DATE: February 21, 1995

NAME	REPRESENTING
Jamie Clover Adams	KS Grain & Food Assn / KS Part 90 (see below)
Greg Krusick	KS Dept of Ag
Andrew DeLorenzo	KS Department of Dept
Connie Stewart	KS Dept of Ag
John Badger	KS
Charlie Smithson	KCGSC
John P. Ross	Division 102
Paul W. Nelson	KCGSC
Don Melon	League of KS Mun
DEBRA WEIB	COMMON CAUSE
Jennifer Graham	State Treasurer
Brenda Bennett	Sec of state
Benny Brummett	KS Dept of Ag
G. H. M. Lewis	Oil, Natural Gas

JANICE L. PAULS
REPRESENTATIVE, DISTRICT 102
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TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER:
BUSINESS, COMMERCE AND LABOR
JOINT SENATE & HOUSE COMMITTEE
ON ADMINISTRATIVE RULES AND
REGULATIONS
MEMBER:
JUDICIARY
TRANSPORTATION
WORKERS COMPENSATION FUND
OVERSIGHT COMMITTEE

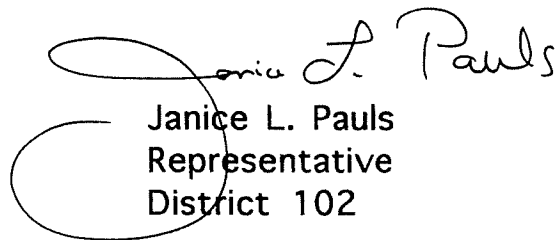
Testimony Before The
Governmental Organizations and Elections Committee
Regarding
House Bill 2462
on
February 21, 1995

House Bill 2462 was introduced by the Joint Committee on Administrative Rules and Regulations. The whole committee was concerned that too many regulations are unnecessarily issued by different agencies. This bill will require agencies to mail notices of proposed regulations to the chairperson of the Rules and Regulations Committee as well as to the Secretary of State. The notice to the Secretary of State would have to include a copy of the proposed rules and regulations as well as an economic impact statement. (These are not sent with the notice now.) The agency would have to give 60 days notice under the new bill as

opposed to 30 days. The Rules and Regulations Committee would review all proposed rules within this 60 day public comment period. At times the agencies agree with the Joint Committee that regulations were issued unnecessarily--but the sole remedy is to then go through the whole process again to repeal.

House Bill 2462 would further allow the Rules and Regulations Committee to annually examine all forms, and any type of rules and regulations filed by any agency.

This bill is a bi-partisan affect to reduce the number of regulations passed and to have input before even necessary regulations are passed.



Janice L. Pauls
Representative
District 102

JP/cc

Madam Chair and Members of the Committee, I am Jamie Clover Adams here today representing both the Kansas Grain and Feed Association (KGFA) and the Kansas Fertilizer and Chemical Association (KFCA). While the two associations share staff, they have distinct memberships, separate boards of directors and association programs. KGFA's 1200 members include country elevators -- both independent and cooperative -- subterminal and terminal elevators, feed manufacturers, grain merchandisers and others who serve the industry. KFCA's nearly 500 members are primarily plant nutrient and crop protection retail dealers, but also include manufacturer's representatives, distribution firms, and equipment manufacturers. We appreciate this opportunity to appear in support of H.B. 2462.

The bulk of our members are small businesses who feel the ever growing burden of regulatory compliance firsthand. They are governed by a plethora of regulations promulgated by numerous agencies. These regulations include clean air, stormwater, emergency planning and community right-to-know, spill prevention control and countermeasure, pesticide and fertilizer containment, pesticide business licenses, commercial feeding stuffs requirements, anhydrous ammonia safety, commercial driver's licenses, hazardous materials transportation and motor carrier requirements. Each one impacts business operations and should be exposed to "full public scrutiny." Interested parties must have an opportunity to study, analyze, and respond to agency proposals.

This is accomplished through effective participation in the rulemaking process. H.B. 2462 does two very important things to expand participation in the rulemaking process. First, it extends the standard comment period from 30 to 60 days and second, it involves the Joint Administrative Rules and Regulations Committee in the proposal stage rather than after the fact.

KGFA and KFCA believe participation is the watchword in regulatory decisionmaking. Extending the comment period to 60 days enhances the existing system by giving the public more time to study and analyze agency proposals and more time to gather pertinent information. For example, in the recent Title V Clean Air Act Operating Permit rulemaking -- of vital interest to grain elevators across the state -- the industry did not discover regulations were being proposed until about three weeks prior to the end of the comment period. Time to gather information, digest it and put it into a form for agency use takes time. Kansas businesses and citizens have jobs and businesses to run. In many cases by the time a proposed rule is discovered, it's almost too late to assess it and respond in a coherent and meaningful way. This is not to say the agencies do not attempt to involve stakeholders in proposal development. It's just that they may only focus on those they consider to be the major players when the regulation may be very important to others they consider insignificant.

Involving the Joint Administrative Rules and Regulations Committee at the front end of the process instead of the back end makes sense. It's just another opportunity to involve people in the process. Perhaps members of the committee know experts in their districts who could add critical information to the process or can alert other stakeholders the agency may not have considered.

In closing, KGFA and KFCA support H.B. 2462 because it enhances the underlying principle of the rulemaking process -- participation. Expanding the comment period to 60 days allows interested parties to learn about the rulemaking, analyze the agency proposal, contact experts and consolidate the information into coherent, helpful comments. I thank you for this opportunity to discuss our views and would stand for any questions.

STATE OF KANSAS

JOHN M. TOPLIKAR

REPRESENTATIVE, 15TH DISTRICT

507 E. SPRUCE
OLATHE, KS 66061



HOUSE OF REPRESENTATIVES

OFFICE: 155 EAST
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February 21, 1995
Testimony on HB-2411

Madam Chairman and members of the Committee

The first part of this bill is an attempt to stop government from influencing elections. Too many times employees of cities, counties, or school districts use, with or without authorization, copy machines, paper, telephones, or informational lists that are owned by the political or taxing subdivision to promote the adoption or defeat of a question in an election. This practice should be made illegal because it allows instances where taxpayer dollars and equipment can be covertly used against the taxpayers' interests. For example, a bond issue may be promoted with taxpayer dollars for the purposes of expanding government against the majority of the citizens' wishes.

Whatever the case may be, whether it's a question of authorizing the building of a community center, adopting a charter ordinance, or electing local candidates, it should be absolutely wrong to allow government interference in an election.

Sec. 1 (a) of the bill bans this use of governmental property. The second part of the bill bans the practice of government lobbying government.

Not until recent years did local levels of government begin contracting persons to lobby on behalf of their own governments. It has been said that the average taxpayer has enough trouble as it is now competing for lawmakers' attention with privately paid lobbyists. Now, local governments have decided to play the lobbying game to further crowd out the average taxpayer. This not only sets up another possibility of government lobbying against the wishes of the majority, but it is also a practice that brings insult to a "representative" form of government.

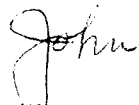
GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 21, 1995
Attachment 3-1

City, county and school board officials are elected to represent the people living in their wards and districts. If communication with the state is needed, it is their duty to make contact with their elected state official.

All a local official has to do is pick up the phone and call a representative or senator. In my city alone, there are six state representatives and two state senators. Surely the local government official should be able to get into contact with one of those eight state legislators without wasting the people's money to employ a lobbyist to do so.

Taxpayers' money should not be used to further the expansion of bureaucracy and that is exactly what governmental lobbyists do. They use taxpayer money to lobby for more taxpayer money.

Please support this bill. Thank you.

A handwritten signature in cursive script that reads "John".

Rep. John Toplikar



League of Kansas Municipalities

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL/112 WEST SEVENTH ST., TOPEKA, KANSAS 66603/AREA 913-354-9565

LEGISLATIVE TESTIMONY

TO: House Governmental Organization and Elections Committee

FROM: Don Moler, General Counsel

RE: Opposition to HB2411

DATE: February 21, 1995

First I would like to thank the members of the committee for allowing the League to appear before you today in opposition to HB 2411. The first section of the bill makes it unlawful to use any public moneys or resources of a political or taxing subdivision of the state for the purposes of promoting the adoption or defeat of any question or proposition submitted to election in such political or taxing subdivision. We have no real problem with this language as we believe it simply restates the current interpretation of the law. We would suggest, however, that if the committee feels it is necessary to include this language, that a simple statement indicating that public moneys may be used to educate the public on matters coming before the electorate also be included. This would restate the current interpretation of the law, but may be necessary given the specific, restrictive provisions of Section 1 (a) of HB 2411.

The League has several concerns about the language in Section 1 (b) even though it appears not to apply to the League itself. Specifically, this subsection would make it unlawful for any officer or employee of a political or taxing subdivision to authorize the expenditure of funds to pay the cost of employing or contracting for the services of any person whose primary duties and responsibility is lobbying on behalf of the political or taxing subdivision.

We believe that this provision would effectively eliminate from the legislative process those cities which cannot afford to hire a full-time staff person who has as part of their duties communicating with the legislature. We believe that it would tend to inhibit the free flow of information from some cities and other local units to the legislature. Furthermore, it may eliminate some city attorneys from being able to lobby on behalf of their cities. We believe that putting local governments at a disadvantage before the legislature simply provides more opportunities for monied private interests to unduly influence legislation and does not serve a public purpose. We believe that for the legislature to make an informed choice on matters which will impact the citizens of Kansas, all sides must be heard, whether they are from a city employee or a lobbyist hired by the city.

GOVERNMENTAL ORGANIZATION
AND ELECTIONS
February 21, 1995
Attachment 4-1

TO: The Committee on Governmental Organization & Elections
FROM: Rep. Troy Findley
SUBJECT: HB 2373
DATE: February, 21, 1995

Madame Chair, Members of the Committee. I am appearing before you this morning as a sponsor of House Bill 2373, an act relating to election campaign finance reporting.

The purpose of House Bill 2373 is intended to help bring about greater accountability to political campaigns in the area of campaign finance. The public has become extremely skeptical and cynical about the election process not only in Kansas, but across the nation. A major catalyst for the skepticism and cynicism is the enormous amounts of money that is involved in the election process.

HB 2373 does not address the large sums of money spent in political campaigns. However, it is intended to provide the general public with a greater accounting of who is contributing to political candidates, and where candidates are spending money within the current system.

HB 2373, if enacted, would change the reporting of campaign contributions and expenditures, by candidates for public office in three significant ways.

First, HB 2373 would require candidates for public office to report ALL contributions received. Presently, if contributions are less than \$50 candidates are not required to report those contributions when filing campaign finance reports with the Kansas Commission on Governmental Standards and Conduct.

Second, candidates would be required to report ALL expenditures made by a candidates campaign. Presently, if expenditures are less than \$50 candidates are not required to report those expenditures when filing campaign finance reports with the Kansas Commission on Governmental Standards and Conduct.

Third, reporting procedures regarding occupation for a specific contributor would also be changed by HB 2373. Currently, the contributor occupation information does not have to be reported unless the contribution is over \$150. HB 2373 would require occupation to be reported if the contribution is over \$50.

HB 2373 is not a "cure-all" for the problems we face with current campaign finance law. However, until the Legislature undertakes a major effort to reform the way we finance political campaigns in Kansas, HB 2373 will help lead us towards greater accountability within the existing system.

I thank the chair for scheduling this hearing. I urge the committee to give full consideration to HB2373.

**UNITEMIZED CONTRIBUTIONS
ELECTIONS FOR THE KANSAS HOUSE OF REPRESENTATIVES
1982-1992**

(Source: Kansas Commission on Governmental Standards & Conduct)

<u>YEAR</u>	<u>TOTAL CONTRIBUTIONS</u>	<u>UNITEMIZED CONTRIBUTIONS</u>	<u>UNITEMIZED % OF TOTAL</u>
1982	\$1,246,359	\$159,606	12.8%
1984	\$1,346,282	\$106,065	7.9%
1986	\$1,722,650	\$125,800	7.3%
1988	\$2,203,282	\$190,511	8.7%
1990	\$2,756,291	\$302,848	11.0%
1992	\$2,608,837	\$242,893	9.3%
1994*	----	\$196,462	----

* The Kansas Commission on Governmental Standards and Conduct has not yet completed its compilation of 1994 figures.

**Committee on Governmental Organization and Elections
Kansas House of Representatives**

Testimony on H.B. 2373

Debra R. Leib, Executive Director
Kansas Common Cause

February 21, 1995

Madam Chair and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2373 which requires the reporting of every campaign contribution received by a candidate or candidate committee.

Common Cause has long advocated full disclosure in every aspect of the political process. Campaign finance disclosure plays a vital role in enabling the public to trace candidate contributions to their sources and in revealing the potential influence of donors.

The reporting requirements of H.B. 2373 parallel the recordkeeping responsibilities already required by Kansas law. Under the Campaign Finance Act, treasurers must record each contributor by name, address, date of contribution, description of contribution and amount. In most cases the occupation of individual contributors is already required. Similar documentation is currently required for each campaign expenditure. H.B. 2373 simply ensures this information be made available to the public.

While we fully support the changes in reporting requirements in H.B. 2373, one problem in current reporting requirements not addressed in the proposed bill pertains to contributions received in the 12 days preceding the primary and general elections. These contributions are not made available to the public until the next reporting period following the election. Common Cause would encourage this committee to amend H.B. 2373 to include a provision requiring that any contribution over \$250 to candidates for the state legislature and \$500 to candidates for statewide offices be reported within 24 hours to the Secretary of State and/or the county election officer in the candidate's home county. This reporting requirement would prevent contributions from controversial or influential sources from being deliberately delayed to avoid just such disclosure.

Full public disclosure of the electoral process is crucial to protecting and strengthening public confidence in government. We encourage this committee to recommend H.B. 2373 be passed.

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February 21, 1995
Attachment 6