

Approved: 2/1/96
Date

MINUTES OF THE SENATE COMMITTEE ON ELECTIONS, CONGRESSIONAL & LEGISLATIVE
APPORTIONMENT AND GOVERNMENTAL STANDARDS.

The meeting was called to order by Chairperson Janice Hardenburger at 1:40 p.m. on January 29, 1996 in Room 529-S of the Capitol.

All members were present except:

Committee staff present: Dennis Hodgins, Legislative Research Department
Gordon Self, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Senator Anthony Hensley, 19th District
Dale Brunton, Director of Accounts and Reporting
Brad Bryant, Deputy Assistant Secretary of State
Senator Janice Hardenburger, 21st District

Others attending: See attached list

SB 451 **an act relating to elections; concerning presidential preference
primary elections**

Senator Hardenburger opened hearings on the bill and Senator Hensley appeared before the committee to explain the history of the bill.

Dale Brunton provided information on money related issues of the federal Cash Management Improvement Act of 1990 relating to the transfer of monies between federal agencies and the states (Attachment 1).

Senator Hardenburger closed the hearings on **SB 451**.

SB 543 **an act relating to elections; concerning the presidential primary
election; making and concerning appropriations for the fiscal years
ending June 30, 1996, and June 30, 1997**

Senator Hardenburger testified as a proponent of the bill detailing disbursement of the money saved by repealing the presidential preference primary (Attachment 2).

Brad Bryant appeared before the committee to provide information on what needs to be done if the bill passes and what would happen if the bill passes (Attachment 3). He stated that his office opposes this bill, but if it passes, it must be done very soon to avoid unnecessary expenditures.

Senator Hardenburger closed the hearings on **SB 453**.

Senator Clark moved to pass SB 543. Senator Ranson seconded the motion. The motion passed.

The meeting adjourned at 2:27 p.m.

The next meeting is scheduled for February 1, 1996.

**SENATE ELECTIONS, CONGRESSIONAL &
LEGISLATIVE APPORTIONMENT AND
GOVERNMENTAL STANDARDS COMMITTEE GUEST
LIST**

DATE: 1/29/96

NAME	REPRESENTING
Edward Rowe	LEAGUE OF WOMAN VOTERS
Cala Brunton	Dept. of Administration
Carol Kuper	Dept of Administration
Elizabeth Kusky	Co. Clerk Assn.
Steve Zick	AP
Hanna Bethune	Page) Stan Clark
Kita Schoopner	(Page) Stan Clark
Brad Bryant	Sec. of state
Hattie Hill	Page
Carol Williams	KCBS
Charlie Smithson	KCBS
Keren Meyer	WJ-TV
John Shoemaker	Senate President's Office

**TESTIMONY REGARDING SENATE BILL 451
SENATE ELECTIONS, CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT
AND GOVERNMENTAL STANDARDS COMMITTEE
January 29, 1996, 1:30 p.m., Room 529-S**

Presented by Dale Brunton
Deputy Director of Accounts and Reports

Madam Chairman, Members of the Committee:

The purpose of the federal Cash Management Improvement Act of 1990 (The Act) is to promote equity in the transfer of monies between federal agencies and the states so that neither gains by "floating" the other's funds. States are required to minimize the time between the draw and distribution of funds for federal programs. Federal agencies are required to minimize the time between a state's request for funds and the transfer of such funds to the state. To the extent that the states and the federal agencies do not fulfill the requirements for the exchange of funds, interest is owed to the other entity for the use of its funds. The interest rate used to determine the amount owed by either party is the auction average investment rate of 13-week Treasury bills for the applicable state fiscal year.

K.S.A. 75-3082 established the Federal Cash Management Fund within the Department of Administration "for the purposes of providing for the payment of interest due to the federal government...". A separate fund was created to provide a means to segregate interest related to The Act. K.S.A. 75-3083 directs the Director of Accounts and Reports to transfer interest earned on federal moneys in "amounts necessary to make interest payments." Current procedure is to transfer interest monies on federal funds to the Federal Cash Management Fund that will build a balance sufficient to pay the estimated accumulated CMIA liability, with a minimal allowance for audit findings. The Division of Accounts and Reports is allowed to charge certain administrative expenditures to this fund as well. The Federal Cash Management Fund does not retain interest on its balance. The interest earnings remain in the State General Fund. Each year the CMIA report period ends June 30, with the CMIA report due December 31 and the actual payment to the federal Treasury due March 1.

Thank you for the opportunity to appear before the Committee today. I would be happy to answer any questions the Committee may have.

SENATE ELECTIONS
1-29-96
ATTACHMENT 1

JANICE L. HARDENBURGER

SENATOR, 21ST DISTRICT
 CLAY, CLOUD, MARSHALL
 NEMAHA, WASHINGTON, RILEY
 AND A PORTION OF
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 HADDAM, KANSAS 66944
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 TOPEKA, KS 66612-1504
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS, CONGRESSIONAL AND
 LEGISLATIVE APPORTIONMENT, AND
 GOVERNMENTAL STANDARDS

MEMBER: ENERGY AND NATURAL RESOURCES
 PUBLIC HEALTH AND WELFARE
 ASSESSMENT AND TAXATION
 JOINT COMMITTEE ON ADMINISTRATIVE
 RULES & REGULATIONS

IMMEDIATE RELEASE:

January 23, 1996

Senator Janice Hardenburger (R, Dist. 21), Haddam, announced today that she will introduce legislation to permanently repeal the presidential preference primary, effective January 1, 1996. The Senator also proposes that a majority of the budgeted funds, \$1,400,000, earmarked for the primary, be directed to the funding of the implementation of the National Voter Registration Act (NVRA).

Senator Hardenburger recommends that \$900,000 be allocated to the counties on a proportional basis determined by the number of registered voters within each county. The remaining \$500,000 would remain in the general fund.

The Senator, who is the Chairman of the Senate Elections, Congressional and Legislative Apportionment, and Governmental Standards Committee, has been active in challenging the federal government on its right to force Kansas to comply with the NVRA. On Monday, the U.S. Supreme Court denied California's appeal to hear their case against the federal government.

Senator Hardenburger addressed her concerns, "The federal government continues to wield its heavy hand on ordering the states to comply with their mandates. I have to admit we feel at mercy when the feds dictate their orders down to us. However, I will continue to support the Tenth Amendment, and the rights of the states and their counties to determine their local needs."

SENATE ELECTIONS
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 ATTACHMENT 2

Ron Thornburgh
Secretary of State



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STATE OF KANSAS

Senate Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards

Testimony on SB 543

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January 29, 1996

Madam Chair and Members of the Committee:

Thank you for the opportunity to present our office's views on SB 543.

This bill would cancel the 1996 presidential preference primary, lapse the funds appropriated for the statewide conduct of the primary, and require the Secretary of State to refund candidates' filing fees. The bill would also take part of those funds and distribute them to counties to help offset the first-year costs of implementing the National Voter Registration Act of 1993 (NVRA).

We believe Kansas should conduct a presidential preference primary because the primary is a more open system than party caucuses. A primary allows registered voters who are members of a party to tell party leaders whom they support for the office of President of the United States.

This issue was debated last year when the Governor asked the Legislature to cancel the primary to save money. A decision was made not to cancel it, and preparations have begun at the state and county levels to conduct it.

We understand the need to establish budget priorities for the state, and if those priorities lead the Legislature to the conclusion that the presidential primary should not be funded this year, we support using some of the money for implementation of the NVRA.

We have advocated for the past two years appropriating money for counties' first year costs for implementing the NVRA. We are being forced as a state to comply with the NVRA, and much of the administrative and financial

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SENATE ELECTIONS
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ATTACHMENT 3

burden falls on county election officers. Along with the funding, we would recommend the Committee also consider passage of HB 2079 in its original form.

If you cancel the presidential primary for fiscal reasons, we would encourage you to:

- make the decision very soon to avoid unnecessary expenditures,
- consider resuming it in the year 2000 and thereafter,
- consider in the future having our state participate in a regional primary held earlier in the presidential primary season.

The need to decide quickly is due in part to the following:

- Within a week paper will be ordered for ballots, and printing will begin immediately after the February 12 candidate filing deadline. Money will be spent that cannot be fully recovered.

- Voters are already applying for advance ballots; the application period began January 1.

- The statutory deadline for county election officers to mail federal service ballots to voters who have requested them is February 16.

- Some local governmental entities have scheduled elections in conjunction with the presidential primary. If there is no presidential primary, many local governments will consider postponing their elections to save money. The later it is, the more difficult it is to postpone.

Thank you.