

Approved: 3-24-97  
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on March 21, 1997, in Room 521-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department  
Mike Heim, Legislative Research Department  
Dennis Hodgins, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Trish Pfannenstiel, Senior Auditor, Legislative Division of Post Audit  
Jim Cain, Superintendent, West Franklin USD 287, Pomona, Kansas (written only)  
Rebecca E. Floyd, Counsel to Kansas Development Finance Authority (K DFA)  
Lt. Governor Gary Sherrer, (written only)  
Karen K. Hartenbower, Lyon County Clerk  
Randy Duncan, Chairman Saline County G.O.P. (written only)  
Senator Janice Hardenburger  
Senator Ben E. Vidricksen

Others attending: See attached list

Chairperson Glasscock called the Committee's attention to the distributed minutes for meetings held March 18, 1997 and March 19, 1997. Fiscal notes were also distributed for **SB 116**, **SB 13**, and **SB 58**.

Representative Larry Campbell moved that the minutes for March 18, 1997, and March 19, 1997, be approved, and Representative Lisa Benlon seconded. Motion passed.

The Chair opened the Public Hearing for **SB 13**.

**SB 13 -School districts, restrictions on lease and lease-purchase agreements for real property.**

Chairperson Glasscock welcomed Trish Pfannenstiel, Senior Auditor of Legislative Division of Post Audit, who spoke as a proponent of **SB 13**. Ms. Pfannenstiel said that **SB 13** addresses lease-purchase agreements made by school districts to acquire land or buildings. The new law would require a public notice which would allow the public an opportunity to protest the lease-purchase agreement and force a vote on the issue. (Attachment 1.)

The Chair called the Committee's attention to the written testimony of Jim Cain, Superintendent, West Franklin USD 287, Pomona, Kansas, who actually was a proponent for part of **SB 13** and an opponent for part of the bill. (Attachment 2.)

The Chair summarized this bill as a limiting and clarifying bill. The Post Audit Committee directed that this bill be drafted to cover agreement with total payments of more than \$100,000 over the term of the agreement.

Since there was no additional testimony, the Chair closed the Public Hearing on **SB 13**.

Chairperson Glasscock opened the Public Hearing on **SB 58**.

**SB 58 - Kansas development finance authority; board of directors.**

The Chair recognized Rebecca E. Floyd, Counsel to K DFA, who said that she was testifying in behalf of the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 21, 1997.

Authority and KDFA president, Bill Caton. She reported that the KDFA is seeking through **SB 58** to amend its enabling act (K.S.A. 1996 Supp 74-8903b) to eliminate the requirement that the Secretary of Commerce and Housing serve on the KDFA board of directors as a statutory member. She said that this change is being requested because KDFA and the Kansas Department of Commerce and Housing are involved in separate aspects of certain housing programs. (Attachment 3.)

Ms. Floyd also called attention to the submitted written testimony of Lt. Governor Gary Sherrer who was unable to testify in person. Lt. Governor Sherrer supports **SB 58**. (Attachment 4.)

Since there was no additional testimony, the Chair closed the Public Hearing on **SB 58**.

Chairperson Glasscock asked for the Committee's pleasure on **SB 13**.

Representative Gwen Welshimer made a motion to pass out SB 13 marked favorable for passage, and Representative Ted Powers seconded.

Discussion followed. Representative Gerry Ray asked if all committee members had a chance to read the written testimony of Jim Cain, Superintendent of USD 287, because she felt that he mentioned some valid points to consider.

Representative Deena Horst said that she had requested the audit because this was an issue that concerned taxpayers. She said that she felt **SB 13** addressed those concerns.

Representative Larry Campbell said that he concurred with Representative Horst and that local control actually means the will of the local people.

Representative Gerry Ray commented that Superintendent Cain supports the notification, but not the limitations.

The Revisor clarified that the bill would not prohibit, but would make it subject to protest.

The Chair called for the question on **SB 13**. Motion passed.

Chairperson Glasscock asked for the Committee's pleasure on **SB 58**.

Representative Herman Dillon moved that SB 58 be passed out favorably and being of a noncontroversial nature, be placed on the Consent Calendar. Representative Ruby Gilbert seconded. Motion passed.

The Chair opened the Public Hearing on **SB 323**.

**SB 323 - County election officers; election commissioners; qualifications for office.**

Since Senators Vidricksen and Hardenburger were still in the Senate Chambers, the Chair recognized Karen K. Hartenbower, Lyon County Clerk, who spoke as an opponent to **SB 323**. She stated that she was specifically opposed to the part in the bill that says, "no person holding the office of county clerk shall hold any official position in a political party." She wanted this part stricken from the bill. (Attachment 5.)

The Chair called the Committee's attention to the written testimony of Randy Duncan, Chairman, Saline County G.O.P. who opposed **SB 323**. (Attachment 6.)

Chairperson Glasscock welcomed Senator Janice Hardenburger who presented testimony in favor of **SB 323**. Senator Hardenburger had a copy of the book entitled, How To Draw the Line, which she recommended as professional reading. She also provided a copy of an editorial she had published in the Salina newspaper which stated that she feels **SB 323** is an ethics bill which deals with a problem of fairness. In seeking an Attorney General's opinion, she said she discovered "there was no law against county chief election officers serving as campaign chairmen for their "boss." (Attachment 7.)

Representative Ted Powers asked Senator Hardenburger if she had referred to this as a mini Hatch Act, and she replied, "Yes."

Representative Gwen Welshimer inquired if this would not apply to the deputy since the county clerk is the elected official, and Senator Hardenburger said that the bill did not include the deputy, only the county clerk.

The Chair thanked Senator Hardenburger, and then Senator Hardenburger said she wanted to thank the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 21, 1997.

Committee for all its good work.

Chairperson Glasscock welcomed Senator Ben Vidricksen who spoke as a proponent for **SB 323**. Senator Vidricksen's testimony was a copy of his letter to the editor in a reply to the paper's article and editorial entitled "The Wrath of Ben." He said that he felt there was a definite conflict of interest when the chief election officer of a county chairs or serves in a position in a political campaign. He said he felt at least this could cause a perception that this was a conflict of interest, and that the Secretary of State agreed that perhaps this should have some attention. **SB 323** was drafted and introduced by a committee, and hearings were held in the Elections Committee along with more than 20 other ethics bills. He said there was no opposition to this bill in the committee, and it was supported unanimously. He also stated that in floor debate it was amended to "grandfather" those who currently serve in any of the capacities covered by the bill to allow them to fill out their terms. (Attachment 8.)

There being no further questions of Senator Vidricksen, the Chair closed the Public Hearing on **SB 323**.

The Chair announced that on Monday the Committee would be hearing **HB 2488**, the smoke detector bill, and would be working **SB 323**.

The meeting adjourned at 8:50 a.m.

The next meeting is scheduled for March 24, 1997.



**TESTIMONY BEFORE THE HOUSE  
GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE  
SENATE BILL No. 13**

**Legislative Division of Post Audit**

**Trish Pfannenstiel, Senior Auditor  
March 24, 1997**

Senate Bill No. 13, introduced by the Legislative Post Audit Committee, addresses lease-purchase agreements made by school districts to acquire land or buildings. The Legislative Post Audit Committee requested that this bill be drafted in response to the 100-hour performance audit conducted by our office entitled, *Assessing Selected School Districts' Use of General Fund Moneys and Lease-Purchase Arrangements for Capital Improvement Projects*. That audit identified two issues requiring legislative attention.

The first issue dealt with a concern that school districts were using lease-purchase agreements to acquire land or buildings without involving the district's voters in that decision, particularly if the voters had turned down a related bond issue. In fact, we found five such cases. The 1996 Legislature had taken action to address this issue requiring public notice of a school district's intent to enter into a lease-purchase agreement with "annual payments which in the aggregate exceed \$100,000." This public notice would allow the public an opportunity to protest the lease-purchase agreement and force a vote on the issue.

Officials at the Department of Education told us they thought the intent of the legislation was to cover those agreements with total payments over the life of the agreement of more than \$100,000. However, representatives of one school district told us that the language could be interpreted to cover only those agreements with annual payments of more than \$100,000. For example, if a school district were considering a lease-purchase agreement for \$270,000 covering three years with annual payments of \$90,000, the Department of Education's interpretation would require public notice, while the other interpretation of the same language would not because the payments wouldn't exceed \$100,000 in any one year. In proposing a clarification, the Legislative Post Audit Committee directed that this bill be drafted to cover agreements with total payments of more than \$100,000 over the term of the agreement. That was amended by the Senate Education Committee to cover agreements with total payments of more than \$1 million over the term of the agreement.

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The second issue dealt with State limits on the period of time covered by a school district's lease-purchase agreement. We found that State limits weren't always consistent with each other. Currently, one State law limits the agreements to 10 years for school districts in counties with populations of 300,000 or less, and 20 years in counties with populations of more than 300,000. Another State law allows an agreement of up to 50 years if the agreement is with a public building commission. Given the inconsistency, school districts considering a lease-purchase agreement with a public building commission can't be certain which law applies. In proposing a consistent treatment, the Legislative Post Audit Committee directed that this bill be drafted to limit all lease-purchase agreements by school districts to a period not to exceed 10 years. The Senate Education Committee concurred with this limit.

The attachment from our report shows the lease-purchase agreements that school districts had during fiscal year 1996. As shown, only one agreement was for more than 10 years and that was handled through a public building commission.

### Lease-Purchase Agreements Using General Fund Moneys Only

<u>Number</u>	<u>District Name</u>	<u>Property Being Purchased</u>	<u>Agreement Terms In Years</u>	<u>Total Payment FY 96</u>
205	Bluestem	3 mobile classrooms	3	\$ 34,149
240	Twin Valley	building addition—classrooms	10	67,485
247	Cherokee	building addition—classrooms and gym	9	150,000
327	Ellsworth	auditorium	20	130,217
329	Mill Creek Valley	mobile classrooms	4	26,422
336	Holton	building addition—classrooms	8	86,424
341	Oskaloosa	middle school	5	256,136
366	Yates Center	rebuilt 1/3 of the high school	7	162,307
366	Yates Center	high school gym	10	97,433
394	Rose Hill	metal building—offices, 2 gyms, cafeteria	8	104,945
406	Wathena	building addition—classrooms, library, & offices	10	127,486
408	Marion	reconditioned historical school building	3	36,244
408	Marion	metal building—offices, special-ed coop	5	45,500
429	Troy	building addition—vo-tech, industrial arts	3	109,174
451	B and B	building addition—gym and offices	7	44,339
455	Hillcrest	mobile classrooms	4	<u>12,579</u>
			<b>Total</b>	<b>\$ 1,490,840</b>

### Lease-Purchase Agreements Using Supplemental General Fund Moneys Only

<u>Number</u>	<u>District Name</u>	<u>Property Being Purchased</u>	<u>Agreement Terms In Years</u>	<u>Total Payment FY 96</u>
243	Lebo-Waverly	building additions to two elementary schools	4	\$ 341,455
329	Mill Creek Valley	building addition—classrooms	4	153,839
337	Royal Valley	building addition—library and classrooms	4	129,809
487	Herington	middle school	4	<u>215,000</u>
			<b>Total</b>	<b>\$ 840,103</b>

### Lease-Purchase Agreements Using Capital Outlay Fund Moneys Only

<u>District Number</u>	<u>District Name</u>	<u>Property Being Purchased</u>	<u>Agreement Terms In Years</u>	<u>Total Payment FY 96</u>
221	North Central	mobile building—offices, conference room	3	29,695
333	Concordia	land for elementary school	5	14,365
337	Royal Valley	building addition—gym	10	43,716
342	McLouth	addition to library and remodel kitchen	3	150,105
358	Oxford	2 mobile classrooms	3	27,929
402	Augusta	land for new school	8	20,312
454	Burlingame	building addition—library & handicap restrooms	8	56,369
457	Garden City	alternative high school building	5	35,780
463	Udall	mobile classroom	5	23,959
465	Winfield	2 mobile classrooms	3	36,490
487	Herington	remodel downtown building—offices	10	4,469
490	El Dorado	mobile classrooms	1	<u>6,000</u>
			<b>Total</b>	<b>\$ 449,189</b>

### Lease-Purchase Agreements Using Combination or Other Fund Moneys

<u>District Number</u>	<u>District Name</u>	<u>Property Being Purchased</u>	<u>Agreement Terms In Years</u>	<u>Total Payment FY 96</u>
209 (a)	Moscow	middle school including district offices	10	\$ 186,681
235 (b)	Uniontown	mobile classrooms	3	11,233
287 (c)	West Franklin	building additions to 4 schools—classrooms	4	478,447
341 (d)	Oskaloosa	building addition to elementary & high school	3	641,127
368 (e)	Paola	building in city's industrial park—classrooms	10	30,394
500 (f)	Kansas City	special education center	10	<u>242,451</u>
			<b>Total</b>	<b>\$ 1,590,333</b>

- (a) Capital Outlay Fund—75% and General Fund—25%
- (b) Title One Fund
- (c) Supplemental General Fund—95% and General Fund—5%
- (d) Supplemental General Fund—75% and General Fund—25%
- (e) Adult Education Fund
- (f) Special Education Fund



March 21, 1997

To: HOUSE GOVERNMENTAL ORGANIZATION & ELECTIONS

Subject: SB 13 - SCHOOL DISTRICTS; RESTRICTIONS ON LEASE-PURCHASE AGREEMENTS FOR REAL PROPERTY

From: JIM CAIN, SUPERINTENDENT  
WEST FRANKLIN USD 287, POMONA, KANSAS

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on this bill. I am Jim Cain and I am Superintendent of West Franklin USD 287 in Pomona, Kansas. Our district is one that has used lease-purchase agreements for several building projects and for one land acquisition. Additionally, I do consulting work with school districts all over Kansas assisting in the design, construction, and financing of school facilities. In such a capacity, I have learned that it makes good business sense to use a lease-purchase under certain circumstances and under other circumstances, bonds are the better choice.

I have no problem with the provisions of Senate Bill 13 that deal with public disclosure, and I advocate for that in every district that considers a lease. However, it seems this does exactly the opposite of what federal and state lawmakers are currently promoting - that is local control. Does it truly make sense that a School Board could spend \$325,000 on technology in one expenditure, as mine did in 1990, without a public vote and not be able to spend \$100,000 on the building to house that technology unless approved by the voters? It seems the intent of Senate Bill 13 is to place a restriction on a School Board for buildings and land that is not a restriction for any other purpose. I would urge you to carefully consider the wisdom of that arrangement.

In talking to individual Legislators, I am convinced that you believe that a lease-purchase is only used as a way to circumvent a bond issue and consequently the bond election. I have never talked to a Legislator that thought a lease-purchase was a better business arrangement than a bond. Hopefully, that statement doesn't apply to anyone in this room as it is absolutely false.

Let me share a real life situation with you. I am currently consulting with a school district that needs a small building addition that will cost approximately \$800,000. They have that much money in their capital outlay fund but they are reluctant to spend it all on this project. I meet with them tonight and I have gathered pertinent data for their consideration in

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planning their building project. I have a lease-purchase proposal and a bond proposal from the respective largest firms in each field in Kansas. In both cases, the proposal is built on the assumption the project will cost \$800,000 and the district will spend \$400,000 of capital outlay money, financing the other \$400,000, with repayment over five years. A firm proposal for the lease-purchase quotes an interest rate of 5.99%. A best guess proposal for a bond issue is 4.6471%. We naturally assume the bond is the better option. However, bond counsel, printing, election costs, advisor fees, agent fees, and other miscellaneous costs will be approximately \$15,000 for this issue. This estimate is provided by the bond advisory firm. With all costs considered this project will cost the district a total of \$468,802.40 for a \$400,000 lease and \$490,824.58 for a \$400,000 bond. The lease saves \$22,022.18. However, this district gets 29% state aid with a bond. Therefore I will recommend a bond to them because the cost to the district will be \$348,485.45, and will save the district \$120,316.95 because the state will pay \$142,339.13 toward the bonds and nothing toward the lease.

If you have been able to follow this financial outline, the common sense approach is to help the district save Kansas taxpayers money by financial assistance for a lease just like a bond. I submit that a lease should be able to be used when the total project cost is less for a lease and it should be subject to the same provisions as a bond. It would then be subject to an election, which adds expense, and to state aid.

Lease-purchase agreements have another advantage when properly constructed. There are two types of leases. One is based on Certificates of Participation and the other is Direct Placement. My opinion is that Direct Placement leases are the best because Direct Placement offers more flexibility. With Direct Placement leases you are given an amortization table that permits paying the lease in full at anytime during the lease without penalty. Although Certificates of Participation and bonds frequently have call provisions, they never have the complete control of the school district as does Direct Placement. In terms of business sense, that control is an advantage over bonds, as the district's financial condition may unexpectedly permit debt payment beyond the scheduled payments.

There are those in Kansas that believe a lease-purchase is bad business and I know from experience that it is frequently the best business. In fact, my experience tells me that almost all projects under \$1,000,000 are best handled with a lease-purchase and almost all projects over \$2,000,000 are best handled with a bond. Between the two figures becomes dependent on a lot of other circumstances.

I would encourage you to give careful consideration to this bill as your action will set a course that will not be reversed easily. Lease-purchase agreements have worked to the benefit of many school districts and their taxpayers, and I would encourage you to protect lease-purchase as an option for Kansas School Boards and Kansas taxpayers.



# KANSAS

KANSAS DEVELOPMENT FINANCE AUTHORITY

Bill Graves  
Governor

Wm. F. Caton  
President

Testimony on Senate Bill 58  
Prepared by Rebecca E. Floyd  
Counsel to KDFFA  
March 21, 1997

Mr. Chairman, members of the committee, thank you for providing KDFFA with the opportunity to present testimony on Senate Bill 58 (SB58). I am here on behalf of the Authority and KDFFA president, Bill Caton.

KDFFA seeks through SB58 to amend its enabling act, specifically, K.S.A. 1996 supp. 74-8903(b), to eliminate the requirement that the secretary of commerce and housing serve on the KDFFA board of directors as a statutory member.

KDFFA requests this change with the concurrence and direction of the entire KDFFA board.

The change is sought primarily because KDFFA and the Kansas Department of Commerce and Housing ("KDOCH") are involved in separate aspects of certain housing programs.

KDFFA and KDOCH feel it is desirable that each entity retain a degree of independence from the other in evaluating the merits of these projects and the proposed financings.

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Both KDFA and KDOCH feel that the potential for conflict exists in certain instances.

Additionally, the bill seeks to clarify that the board shall be comprised of not less than three *voting* members representative of the general public, and that not more than three *voting* members shall be members of the same political party. This is intended to make irrelevant the president of KDFA's party affiliation for purposes of the board, since this person serves as an *ex officio* nonvoting member.

Again, thank you for your attention and consideration of this bill.

# KANSAS

DEPARTMENT OF COMMERCE & HOUSING

March 21, 1997



The Honorable Kent Glasscock, Chair  
House Governmental Organization  
and Elections  
Room 183W, Statehouse  
Topeka, KS 66612

Bill Graves, Governor  
Gary Sherrer, Lt. Governor / Secretary

Dear Representative Glasscock;

I regret that my schedule would not permit me to appear today in support of Senate Bill 58. I have been concerned from the outset of my appointment as Secretary of Commerce and Housing that the potential for conflict exists between that position and the role of Board member of the Kansas Development Finance Authority.

This situation does not pose the opportunity for a conflict of interest that could benefit me personally, but it does require the Secretary of Commerce and Housing to act in dual capacities. The potential for conflicting policy goals and the need to ensure an appropriate balance and integrity of purpose on the KDFA Board make this bill one that should be considered.

I ask that you convey to your Committee members my support of this bill.

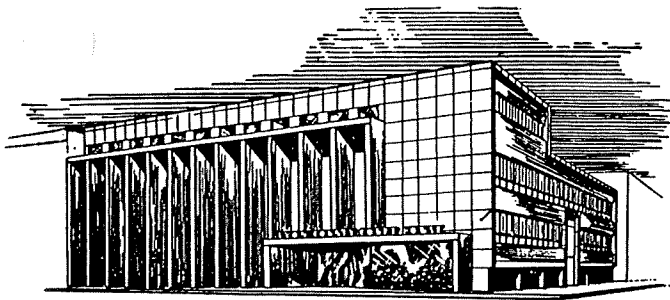
Sincerely,

A handwritten signature in black ink, appearing to read "Gary Sherrer".

Gary Sherrer  
Lt. Governor/Secretary

GS:JR:jg

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# LYON COUNTY CLERK

KAREN K. HARTENBOWER

LYON COUNTY COURTHOUSE  
402 COMMERCIAL  
EMPORIA, KANSAS 66801-4000  
(316) 342-4950, Ext. 245

## GOVERNMENTAL ORGANIZATION AND ELECTIONS COMMITTEE

MARCH 21, 1997

Thank you for letting me speak to you today in opposition of a portion of Senate Bill 323.

Before I get started I would remind you that Rosalie Seemann a Democrat and President of the County Clerk's Association, spoke to you on Tuesday morning and included in her written statement her position on this bill. Ms. Seemann is from Thomas County and could not attend today.

The section I am opposed to is "no person holding the office of county clerk shall hold any official position in a political party". I have been very active in the Republican Party the last 4½ years and before. I was President of the Lyon County Republican Women the first 2 years of my term and Precinct Committee Woman. I am currently Secretary of the First District East Republican Women and I am Leadership Chair for the State Federation.

In no way has this been a problem with my job. My politics stop at the Courthouse doors. I do not favor anyone from one party or the other when they come into our office. I make a point to be helpful to everyone who comes into our office.

County clerks are very professional. We carry out the duties of our office with the utmost integrity. We know our job is not to favor a party. Being an officer in my party does not make me unethical.

I cannot understand why I should be singled out as someone unable to perform their job if they are an officer in their party. I feel this is very unfair to county clerks.

Politics should stop after the election. You know as well as I do that we must get down to business and put the politics behind us. This is what I have done and I was re-elected November of 1996.

This would be a hardship in smaller counties. Many county clerks are Precinct Committee Women and hold official positions in their party.

I want to continue to work in my party. Please strike this portion of Senate Bill 323.

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# Saline County Republican Party



P.O. Box 2296  
Salina, Kansas 67402-2296  
(913) 825-8859

Randy Duncan, Chairman .....(913) 825-8859  
June Constable, Vice Chairman .....(913) 827-5505  
Candise Leonard-Schmidling, Secretary ... (913) 823-0599  
Dee Quade, Treasurer .....(913) 827-1090

March 13, 1997

MAR 14 1997

Rep. Deena Horst  
The State Capitol  
Room #182-W  
Topeka, KS 66612-1504

Dear Deena:

Just a note to ask you NOT to support SB#323 which limits the political involvement of our County Clerks of Kansas in political campaigns. County Clerks are natural contacts for candidates and can be a great campaign resource when one seeks public office!

County Clerks were helpful to me in my race for State Treasurer in 1994! Public office holders participate in political campaigns all the time and take sides in primary & general elections.

If County Clerks and the Secretary of State are not allowed to become involved in political campaigns, where does this finally stop? Do you then pass a bill to limit the political involvement of all county elected officials? Do you then expand it to limit the political activity of State Senators and State Representatives?

I do hope you will give careful consideration to this bill and work to defeat it in the House! I think the bill was poorly thought out and is fatally flawed!

Sincerely,

A handwritten signature in blue ink that reads "Randy Duncan". The signature is stylized and cursive.

Randy Duncan, Chairman  
SALINE COUNTY G.O.P.

P.S. Please submit this letter as official written testimony regarding S.B.#323 and any attached bills from the House.

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# LETTERS TO THE JOURNAL

SJLetters@saljournal.com

P.O. Box 740, Salina, KS 67402

## It is an ethics bill, not a vendetta

I am writing in response to your March 8 opinion titled "The wrath of Ben," regarding Senate Bill 323.

Introduced by the Senate Federal and State Affairs, the bill prohibits certain political activity by county and state election officers. SB 323 is clearly an ethics bill, and in passing ethics legislation, one must consider three objectives: How does the public, or press, perceive an action? Is the action fair to other individuals? and, What responsibility does one have to the institution?

County clerks, election commissioners and the secretary of state are the chief election officers for their jurisdictions. They are the custodians of the registration lists and the administrators of the election process. K.S.A. 25-1223 states that the secretary of state may utilize the services of such election officials and county officers for such purposes and to such extent as he may deem appropriate in the exercise of his powers and duties under this act and it shall be the duty of such election officials and county officers to furnish the secretary of state such services as he may require, and within the time which the secretary of state shall prescribe.

The situation exists in the state that many of the county clerks have served as chairmen for the secretary of state's campaign. This bill originated on the perception that a conflict of interest exists in this circumstance. No particular person's integrity was challenged; however, the percep-

tion that the chief election officer of a county could be actively involved in a partisan campaign seems to be irregular.

Second, is the direct involvement of a county election officer in a campaign, or as an officer in a political party, fair and impartial to the opponent? And, third, don't we, as policy makers, have a responsibility to the institution (the chief election office, in this case) to safeguard its integrity?

I think we have an obligation to establish policy to prevent conflicts of interest, and I believe this bill is an appropriate approach.

This bill was no personal vendetta against any particular person. I raised the question in 1986, when I ran for secretary of state in the primary, and discovered that many of the Republican county clerks were chairing my opponent's campaign, who was the assistant secretary of state/elections.

I requested the attorney general's opinion on the legality of the situation. Having worked in the federal government under strict Hatch Act provisions, I presumed a conflict of interest existed. However, I discovered there was no law against county chief election officers serving as campaign chairmen for their "boss."

I think this presents a problem of fairness, and I believe Senate Bill 323 is a solution.

— JANICE HARDENBURGER  
Topeka

• *State Sen. Janice Hardenburger, R-Haddam, is chairman of the Senate Elections and Local Government Committee.*

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BEN E. VIDRICKSEN  
SENATOR, DISTRICT 24  
SALINE, OTTAWA  
PART OF DICKINSON COUNTIES  
1427 W. REPUBLIC  
SALINA, KANSAS 67401  
(913) 827-9546  
STATE CAPITOL  
TOPEKA, KANSAS 66612-1565  
(913) 296-7390  
CAPITOL FAX 913 368-7119  
HOME FAX 913 827-2518

TOPEKA  
SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
CHAIRMAN TRANSPORTATION AND TOURISM  
JOINT COMMITTEE ON STATE  
BUILDING CONSTRUCTION  
VICE CHAIRMAN KANSAS TURNPIKE AUTHORITY  
MEMBER COMMERCE  
FEDERAL AND STATE AFFAIRS  
INTERSTATE COOPERATION  
ORGANIZATION, CALENDAR AND RULES  
CONFIRMATIONS OVERSIGHT COMMITTEE  
COUNCIL OF STATE GOVERNMENTS  
GOVERNOR'S COMMISSION ON TRAVEL  
AND TOURISM  
NATIONAL CONFERENCE OF STATE  
LEGISLATURES  
LEGISLATIVE CONSULTANT TO KANSAS  
FILM COMMISSION

## Assistant Majority Leader

EDITOR:

March 13, 1997

I read your article and the editorial "The Wrath of Ben" and I feel compelled to reply. The editorial was a personal attack on me and I take issue with your remarks regarding "Vindictiveness and Arrogance." George, you're a good one to talk about "vindictiveness and arrogance." You have assumed that this was the case and your assumption was wrong!

Your newspaper article prior to this editorial was very blatant regarding what was left out of the news story. Now I'll give you the "rest of the story."

During the last campaign, I was asked several times if it was a conflict of interest for the chief election officer of a county to chair or serve in a position in a political campaign. I asked the Attorney General's office and the Secretary of State if statutes or regulations prohibited this action. There was no law or regulation regarding this activity. One letter was sent direct to the Secretary of State's office. I spoke to several of my colleagues also. They thought this could cause a perception that this was a conflict of interest.. The Secretary of State agreed that perhaps we should look at this. The bill was drafted and introduced by a committee and hearings were held in the Elections Committee along with more than 20 other ethics bills in that Committee.

The bill was debated and amended to include the Secretary of State under the same provisions due to the fact he is the Chief Elections Officer of the State. There was no opposition in the committee and it was supported unanimously. In floor debate it was also amended to "grandfather" those who currently serve in any of the capacities covered by the bill to allow them to fill out their terms. The bill was supported by the minority leader in the Senate also. It was a bi-partisan vote.

The article in the Journal left out all the pertinent information I have stated. You quoted not one of those I gave the name of to get the information as to the disposition of this bill. You only quoted those who made disparaging remarks as per the Saline County election officer and the candidate for whom she chaired. You also quoted the Saline County Republican Chairman who used these election officers in his last campaign.

This is a state wide bill and will affect 101 county election officers and four election commissioners, plus the Secretary of State. There was no way this was targeted to Saline County and was in no way vindictive or an arrogant move on my part.

Do you truly think it is okay for the person who is in charge of elections in any county to chair the election of a candidate for office or serve on the committee of a candidate in that city or county? I believe I am on the side of right and I stand by that decision. I would appreciate your getting the whole story and not using the headlines for news; i.e. "COUNTY CLERK TARGETED." I might add that I liked the "nice" things you said about me in the editorial.

... One must become involved in the accomplishments of his time, lest he be judged not to have lived.

House GO and E  
Attachment 8  
3.28.97  
