

Approved: 3/6/97
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE.

The meeting was called to order by Chairperson Janice Hardenburger at 7:00 a.m. on February 24, 1997 in Room 529-S of the Capitol.

All members were present except: Senator Vidricksen, excused

Committee staff present: Mike Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Bonnie Fritts, Committee Secretary

Conferees appearing before the committee: Melissa Wangemann, Legal Counsel, Deputy Assistant Secretary of State
Laurie Bleeker, State Senator, District 33
Scott Hill, Member, State Board of Education, District 6
John Ballou, State Representative, District 43

Others attending: See attached list

Chairperson Hardenburger opened the hearing on SB 267.

SB 267 **Concerning publication of documents in Kansas register; relating to duties of secretary of state**

Melissa Wangemann, appeared before the committee asking to amend the current statute that requires documents delivered to the Secretary of State for publication in the Register be maintained permanently in original form or on microfilm in the Secretary of State's office. This information is published and contained in the Kansas Register, which is also saved and microfilmed on a permanent basis. The Secretary of State requests that K.S.A. 75-431 be amended to allow the Secretary of State to destroy the original document after 6 months retention. She testified this amendment will reduce paper and unnecessary record keeping (Attachment 1).

Chairperson Hardenburger held the hearings open for further discussion. Hearings were opened on SB 314.

SB 314 **Concerning campaign finance; relating to the use of public funds**

Senator Bleeker testified in support of the bill. She stated there is a gap in legislation not covered by Kansas statute. This bill states that it is illegal to utilize public money, property, or compensated time for the purpose of endorsing a political candidate or influencing that candidate's race. The existing statute exempts school districts having less than 35,000 pupils from this law. This bill would include those school districts as well, making the law the same for all districts (Attachment 2). Senator Bleeker submitted an amendment that was prepared for the bill replacing Section 1 (a) (Attachment 3).

Scott Hill appeared in support of the bill stating this legislation has the opportunity to increase the fairness and impartiality of the election process by creating the same guidelines for all school districts throughout the state regardless of their size. He submitted two documents that are representative of what was circulated through school mailboxes, E-mail, and telefacsimile machines (Attachment 4).

Representative Ballou testified in support of the bill. He stated he has received many complaints from constituents regarding schools being involved in elections. He recommended an addition to the bill that would also include any election dealing with school, county and city issues (Attachment 5).

Chairperson Hardenburger closed the hearing on the bill.

Senator Lawrence made a motion to amend the bill to include issues. Senator Huelskamp seconded the motion. Discussion. The motion and the second to the motion were withdrawn.

Senator Huelskamp made a motion to amend the bill by striking the words, "having less than 35,000

pupils enrolled in the preceding school year” from new Section 1 of the bill. Senator Steineger seconded the motion. The motion carried.

Senator Praeger moved to pass the bill as amended. Senator Huelskamp seconded the motion. The motion carried.

Chairperson Hardenburger opened the hearing on **SB 268**.

SB 268 **Concerning sheriffs; relating to uniforms**

Staff gave an overview of the bill stating that presently, the Attorney General has the responsibility to designate the color and style of the uniform. This bill would allow the sheriff to make that decision.

Chairperson Hardenburger held the hearings open for further discussion.

The meeting was adjourned at 8:00 a.m.

The next meeting is scheduled for 1:30 p.m., February 24, 1997.

Ron Thornburgh
Secretary of State



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STATE OF KANSAS
TESTIMONY TO SENATE ELECTIONS AND
LOCAL GOVERNMENT COMMITTEE ON SB 267
FEBRUARY 24, 1997

Madam Chairperson and Members of the Committee:

SB 267 would amend K.S.A. 75-431 concerning the duties of the Secretary of State in publishing the Kansas Register. The Kansas Register is the official state paper published by the Secretary of State. The Register contains all information required by law to be published in the Register, including acts of the legislature, executive orders by the governor, summaries of attorney general opinions, notices of hearings and public comment periods for administrative regulations, the Supreme Court and Court of Appeals dockets, and notices of bond sales and bond redemptions.

K.S.A. 75-431 requires that the documents delivered to the Secretary of State for publication in the Register be maintained permanently in original form or on microfilm in the Secretary of State's office. This information is published and contained in the Kansas Register, which is also saved and microfilmed on a permanent basis. The Secretary of State requests that K.S.A. 75-431 be amended to allow the Secretary of State to destroy the original document after 6 months retention. The information will not be lost or destroyed, as it is contained in the Kansas Register, which is a public record retained and made available for public inspection. The information can also be requested in its original form from the submitting agency.


This amendment will reduce paper and unnecessary record keeping. Our office is in the process of microfilming or storing 65,000 pages of paper to comply with the law. Allowing us to

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recycle this paperwork instead would reduce our costs of microfilming or storing the documents and would alleviate the paperwork that will need to be moved when we move out of the Capitol.

This provision will not apply to the original submission of rules and regulations that are published in the Register as they need to be kept permanently pursuant to the Kansas statutes on rules and regulations. Therefore, subsection (b) of SB 267, which was amended in error, should be returned to the original language of the statute.

I appreciate the opportunity to appear before you today on SB 267.



Melissa A. Wangemann, Legal Counsel
Deputy Assistant Secretary of State

EDUCATION

FEDERAL & STATE AFFAIRS

JOINT COMMITTEE ON ARTS
& CULTURAL RESOURCES

PUBLIC HEALTH AND WELFARE



TOPEKA

SENATE CHAMBER

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Testimony Before the Committee on Elections and Local Government
 February 24, 1997

Re: Senate Bill 314

Submitted by:
 Sen. Laurie Bleeker

Thank you for the opportunity to appear before you and present the case in support of Senate Bill 314. The purpose of SB314 is to address a gap in legislation not covered by Kansas statute. Currently, it is illegal to utilize public money, property, or compensated time for the purpose of endorsing a political candidate or influencing that candidate's race. Existing statute K.S.A. 25-4169a speaks to this issue with the exception that school districts having less than 35,000 pupils are exempted from this campaign law. So the part of this statute addressing school districts 35,000 and larger applies only to the Wichita school district where it has been illegal to campaign through the schools.

SB314 simply sets out language that makes this kind of unethical campaign activity unlawful in school districts having less than 35,000 students as well. There is no valid reason to allow in the smaller school districts campaign practices that have not been tolerated in larger public schools and other public places. The use of taxpayer dollars to support candidates for elected office assumes every taxpayer agrees with the government entity who would be promoting a given candidate, which negates the fairness and accuracy of the electoral process. For that reason this kind of questionable practice has been rejected at every other level of government and should be rejected in our smaller school districts as well.

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M E M O

REVISOR OF STATUTES OFFICE

TO: Senator Bleeker
FROM: Theresa Kiernan
RE: SB 314
DATE: February 20, 1997

Senate Bill 314 was requested with the intent of subjecting all school districts to certain current statutory campaign finance provisions applying to the Wichita school district. As originally drafted, it appears that is what Senate Bill 314 does. However, to accomplish your intent, I would recommend that a new section applying to the smaller school districts be drafted which parallels K.S.A. 25-4169a.

Article 9 of Chapter 25 applies to elections in cities of the second and third class, unified school districts having less than 35,000 students enrolled in the preceding school year, community colleges and townships.

The balloon prepared for Senate Bill 314 would:

- (1) apply to school district with enrollments under 35,000 pupils;
- (2) prohibit use of public funds, vehicles, machinery, equipment, supplies or other property of the school district for campaign purpose (except as provided in (4));
- (3) prohibit use of the time of a school district officer or employee, for which such officer or employee is compensated by the school district for campaign purposes;
- (4) allow the use of school facilities for public debate or forums if all candidates are invited; and
- (5) provide that any violation is a class C misdemeanor.

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SENATE BILL No. 314

By Senators Bleeker, Kerr, Bond, Brownlee, Clark, Corbin, Emert, Gilstrap, Hardenburger, Harrington, Harris, Huelskamp, Jordan, Lawrence, Oleen, Praeger, Salisbury, Sallee, Salmans, Schraad, Stefes, Steineger, Tyson, Umbarger and Vidricksen

2-13

12 AN ACT concerning campaign finance; relating to the use of public funds;
13 amending K.S.A. 25-4169a and repealing the existing section.

14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 25-4169a is hereby amended to read as follows: 25-

17 4169a. (a) No officer or employee of the state of Kansas, any county, any
18 unified school district having 35,000 or more pupils regularly enrolled,
19 any city of the first class or the board of public utilities of the city of
20 Kansas City, Kansas, shall use or authorize the use of public funds or
21 public vehicles, machinery, equipment or supplies of any such govern-
22 mental agency or the time of any officer or employee of any such gov-
23 ernmental agency, for which the officer or employee is compensated by
24 such governmental agency, for the purpose of influencing the nomination
25 or election of any candidate to state office or local office. The provisions
26 of this section prohibiting the use of time of any officer or employee for
27 such purposes shall not apply to an incumbent officer campaigning for
28 nomination or reelection to a succeeding term to such office or to mem-
29 bers of the personal staff of any elected officer.

30 (b) Any person violating the provisions of this section shall be guilty
31 of a class C misdemeanor.

32 Sec. 2. K.S.A. 25-4169a is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.

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New Section 1. (a) No officer or employee of any unified school district, having less than 35,000 pupils enrolled in the preceding school year, shall use or authorize the use of public funds or public vehicles, machinery, equipment, supplies or other property of such district or the time of any officer or employee of any such district, for which the officer or employee is compensated by such district, for the purpose of influencing the nomination or election of any candidate to a school district office or other local office or state office. The provisions of this section prohibiting the use of school property shall not apply to the use of school facilities for the holding of public forums or debates at which all opposing candidates for an office are invited.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Senator Janice Hardenburger and members of the Elections and Local Government Committee:

Thank you for the opportunity to address your committee. I believe strongly in the representative form of government we have in Kansas. Your oversight of elections, which are the lifeblood of our system, are essential and I respect each one of you for serving on this committee.

Senate Bill 314 deals with an issue that I personally have an interest in. I'm testifying in support of SB 314, because this legislation has the opportunity to increase the fairness and impartiality of the election process. My personal experiences is the last election might be of significance to your decision on this bill.

I have attached to this testimony two documents that are representative of what was circulated through school mailboxes, E-mail, and fax machines. It is interesting to note that these campaign pieces were totally incorrect in their statements that I was supported and prescribed to the philosophies of an organization called Kew - Net. Below I have itemized some reasons that I believe this is a good piece of legislation and should be adopted:

- 1) Access, although theoretically equal to all candidates, is in practice tipped in the favor of candidates with an educational background.
- 2) Government funded institutions need to remain neutral in political races to avoid a conflict of interests.
- 3) Equal and fair representation of all segments of our society is essential for our form of government to be wholly successful.
- 4) School districts should be under the same guidelines regardless of their size.
- 5) The credibility of schools suffers when they are the instrument to circulate defamatory rhetoric.
- 6) The necessity of public education to work with elected officials dictates that they maintain an attitude of neutrality in political races.

Thank you again for the opportunity to speak on this issue. I urge you to support this change for the improvement of our election process.

Scott Hill, member State Board of Education, Dist. 6

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Why We Recommend Eloise Lynch for Kansas State Board of Education:

1. Eloise Lynch supports a strong system of public education for all students.
2. Eloise Lynch believes "the basics" go beyond reading, writing, and arithmetic, to include learning about science, social studies, the arts, problem-solving, and teamwork.
3. Eloise Lynch believes human sexuality and AIDS education should be part of a district's curriculum.
4. Eloise Lynch supports the use of federal dollars to enhance state funding of education.
5. Eloise Lynch believes public tax dollars should be spent on public schools.
6. Eloise Lynch wants a system of schools that prepares students to live in the 21st Century.
7. Eloise Lynch believes Kansas schools are working well, and she believes they can continue to improve.

Eloise Lynch's opponent is supported by Kansas Education Watch Network (KEW-NET), which wants to:

- take public tax money to support private and home schools
- control health education by eliminating sex education and drug education
- refuse federal funds (including special education, school lunch, Chapter/Title 1, and Goals 2000)
- limit and control the curriculum
- ban the teaching of values and multicultural education
- let every individual parent restrict what is taught in each classroom
- reduce spending on public schools
- mandate prayer in the classroom

Please help keep Kansas Public schools open for all Kansas children!
Learn about the candidates and vote for those who
support public education for all children.

1996 STATE BOARD ELECTIONS

Five (5) seats will be decided on Tuesday, November 5. If we are serious about preserving public education in Kansas, we must get our members, our friends, our neighbors involved in these elections. Why? Because KEW-NET (Kansas Education Watch Network - Jim McDavitt's organization) was successful in electing EVERY ONE of their endorsed candidates in the primary. If these people are elected in November, there will be six (6) members on the State Board who support, and were elected by, a group that supports a super-conservative agenda.

In each of the races, the Republican candidate is KEW-NET supported:

District 2: R - Linda Holloway, Shawnee
D - (no candidate filed)
* I - Richard Spears

This district is Senate Districts 7, 8, 10, 11 (Langworthy, Bond, Jordan, Vancrum) and UniServ Districts **Shawnee Mission and Three Trails**.

District 4: R - Rene Armbruster, Topeka
* D - William O. "Bill" Wagon, Topeka

This district is Senate Districts 1, 17, 18, 20 (Sallee, Karr, Petty, Salisbury) and UniServ Districts **Capital, Konza, Sunflower, Pony Express, and Walnut Valley**.

District 6: R - Scott Hill, Abilene
* D - Eloise Lynch, Salina

This district is Senate Districts 21, 22, 24, 36 (Hardenburger, Oleen, Vldricksen, and Lee) and UniServ Districts **114, Post Rock, and Santa Fe**.

District 8: R - Mary Douglass Brown, Wichita
* D - Michael Gragert, Wichita (incumbent)

This district is Senate Districts 25, 28, 29, 30 (Ranson, Feleciano, Gooch, B. Lawrence) and UniServ Districts **Wichita and South Central**.

District 10: R - Steve Abrams, Wichita (incumbent)
* D - Carlyn Strand, Winfield

This district is Senate Districts 16, 26, 27, 32 (Corbin, Harrington, Harris, and Rock) and UniServ Districts **Walnut Valley and South Central**.

THIS IS IT, FOLKS - IT'S NOW OR NEVER - FOR OUR MEMBERS AND FOR PUBLIC EDUCATION!!!!!!!!!!!!!!

JOHN BALLOU

REPRESENTATIVE, FORTY-THIRD DISTRICT
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STATE OF KANSAS



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENT
VICE-CHAIR: AGRICULTURE
MEMBER: EDUCATION
FEDERAL AND STATE AFFAIRS
ADMINISTRATIVE RULES
AND REGULATIONS

February 24, 1997

To: Elections & Local Government

I am in support of SB 314. I have had numerous complaints from people about schools being involved in elections - mainly, bond and LOBs. For that reason, I would like to recommend an addition to the bill that would also include any election dealing with school, county and city issues; or at least, give the opponents the same opportunity to distribute flyers to the school children as the schools have.

Thank you,

A handwritten signature in blue ink that reads "John Ballou". The signature is written in a cursive, flowing style.

Rep. John Ballou

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