

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 Thursday, March 12, 1998, in Room 521-S of the Capitol.

All members were present except: Representative David Haley, Excused
Representative Ray Cox, Excused
Representative Lisa Benlon, Excused
Representative Larry Campbell, Excused
Representative Bob Tomlinson, Excused

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: Minority Leader Tom Sawyer
Representative Kenny Wilk
Mr. James W. Clark, Immediate Past President, Kansas Society of Association Executives
Mr. Jim Edwards, Director, Chamber & Association Relations, Kansas Chamber of Commerce and Industry
Mr. Pete McGill, McGill and Associates
Mr. Ron Smith, Kansas Bar Association

Others attending: See attached list

Representative Sharp made a motion to approve the minutes of March 10, 1998, and Representative Gilbert seconded. Motion passed.

Chairman Glasscock opened the Public Hearing on HB 3000.

HB 3000 - An act concerning elections; establishing a bipartisan commission on campaign practices

The Chair welcomed Representative Tom Sawyer, Minority Leader, who spoke briefly in support of HB 3000. Minority Leader Sawyer suggested that the Committee might like to include the charge of looking at a pay proposal for legislators while the Commission is looking at campaign finance issues. He said that having an independent group look at salaries would, in his opinion, be a good idea.

Representative Powers asked Minority Leader Sawyer if looking at salary proposals could be a part of this bill or if he thought it should be separate. Minority Leader Sawyer said that he definitely thought it could be a part of HB 3000, and that he actually liked that concept.

Representative Long inquired as to how the Commission would be funded, and Representative Wilk responded that it would be part of an appropriations bill and would come out of the legislative budget.

Representative Horst asked for an explanation as to why there were two members from the AFL-CIO and if there were not other organizations that could have been selected. Minority Leader Sawyer said that HB 3000 was not his bill, and that actually this question would probably be addressed later in the hearing.

Chairman Glasscock recognized Representative Wilk who presented testimony in favor of HB 3000. Representative Wilk explained that HB 3000 is the new improved version of the bipartisan commission on campaign practices. He said that the difference between the 1997 and 1998 versions is in the procedure for appointment to the commission. He specifically addressed the fact that HB 3000 does not delegate any legislative responsibilities, but rather provides an avenue for legislators to seek outside assistance. He said that this bill is an attempt to depoliticize the process to get something done. (Attachment 1.)

Representative Powers wanted to know if it would be a viable option to incorporate salaries, and

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MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 12, 1998.

Representative Wilk said that it would not be unrealistic to ask some outside people to take a look at salaries and then the legislature could either vote up or down.

Representative Wells wondered if anyone has seen this type of legislation in use in any other state. The answer was "no," but Representative Wilk said that at the national level a similar type commission was put into place to accomplish the base closings. Representative Wilk also said that something similar was used for the Kansas hospital closings, too.

Representative Wells questioned the constitutionality of not being able to amend the bill on the Floor and wondered why the legislature would want to debate something if they could not make changes. Representative Wilk responded by saying that lots of bills that are amended are not debated and that it is not actually necessary to debate.

Representative Dillon had a question on page 3 about the two-thirds vote and was told that it would require 63 votes in the House to pass.

Representative Horst asked for an explanation on Representative Wilk's philosophical reason as to the makeup of the Commission. Representative Wilk stated that the types of organizations that influence public policy was used as a criteria. Representative Horst said that she had no particular problem with any of the groups, but was concerned about whether there would be individuals that do not belong to any of these groups who would feel like they had been left out of the process. Representative Wilk said that the line had to be drawn somewhere and that the number 9 was selected because he felt that the bigger the group, the less productive it might be. He also said that he was certainly open to creative suggestions on the makeup of the Commission.

Representative Wells questioned why it was suggested that two members be from each organization. He said that he thought it might be better to have one member from each organization which would allow for participation from more groups. Representative Wilk said that he would be open to that type of change.

The Chair welcomed Mr. James W. Clark, Immediate Past President, Kansas Society of Association Executives, who spoke as a proponent for HB 3000. His testimony also mentioned the federal base closing which involved an independent commission. Mr. Clark said that HB 3000 creates only a suggestion to the Legislature and would require the Legislature's action before having any effect on current practices. (Attachment 2.)

Representative Powers said that he knew Mr. Clark was in the Committee room when Representative Sawyer made his comment about including salary increases, and he wanted his personal opinion. Mr. Clark said that to have the salary issue on the bill might be more than one bill could handle.

Chairman Glasscock welcomed Mr. Jim Edwards, Director, Chamber & Association Relations, Kansas Chamber of Commerce and Industry, who spoke as a proponent for HB 3000. Mr. Edwards said that the KCCI believes that business must play an important role in government. He said that to retain, and in some cases regain, confidence in the campaign and election process, a diverse and impartial group must play a role in developing a feasible process. (Attachment 3.)

The Chair recognized Ms. Connie Stewart, Kansas AFL-CIO, who spoke in support of HB 3000. Ms. Stewart said that the public distrust of the current political system demands that significant changes be made. She said that the AFL-CIO believes that the time has come for a bipartisan commission to be appointed to study campaign finance laws and to make recommendations on legislative changes. (Attachment 4.)

The Chair recognized Mr. Pete McGill, McGill and Associates, who said he had a few brief remarks to make opposing HB 3000. Mr. McGill said that the Legislature has been down this road many times where its authority is delegated and that it is an exercise in futility. He said that it looks good at election time, but he referred back to the last time this was suggested during then Governor Bennett's term. He suggested that the Committee might like to get a copy from the staff, and that he wanted to stress not delegating the Legislature's authority. He also said the Committee has a lot of good legislation that is not making it out of the Committee, and that he wished the Committee would concentrate on other matters.

Representative Wilk defended his legislation by saying that it was not his intent to make this an election year issue. He asked Mr. McGill if he had ever seen a bill defeated like this that mandates that it go to the Floor. Mr. McGill said that he was not aware that he had, and that this was a unique process, but he did not think that it would pass the constitutional test. Representative Wilk also said that he felt assured that this bill was not unconstitutional and that it was not unconstitutional to not allow amendments on the Floor. Mr. McGill said that there was not any person in the room more committed to reform than he.

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Mr. McGill continued to explain how in 1974 they accomplished the current campaign reform act. He said the committee was made up of the President of the Senate, Speaker of the House, both minority leaders, and a member of Common Cause who was in the Research Department. He said that with the four leaders representing both parties, they were able to get the legislation through both chambers along with the Governor's signature.

Representative Wilk asked Mr. Ron Smith, Kansas Bar Association, to address the constitutional concerns of Mr. McGill. Mr. Smith said that the Kansas Bar Association did not have a position on this, but he would try to address the question. He said that in his judgment some of the case law that is around the country on other areas and how one passes a bill is that the legislative power is the Legislature's and that nobody can take that away. He said that the question is whether the legislature's oversight of this bill constitutes legislative power. Mr. Smith said that he thinks it does. He said the parts of the constitution that tell lawmakers how to write a bill with the title and tell how to pass a bill with majority votes are the parts that the constitution sets out minimum ways for passing a bill. The rules can be amended any way one wants because they are the internal ways one does the processing of legislation. If one wants to ignore the rules in order to pass a bill, but otherwise comply with the constitutional provisions, the bill will probably be upheld as constitutional if it ever gets challenged. He said that Section 5 is trying to make sure that the bill passed is constitutional, but the rules can be suspended to get there. Mr. Smith said that if the bill gets to that particular part of the journey, it would probably be just like the base closing commission because the base closing commission did not take any power away from the Congress. The Congress could have disapproved of what the base closing commission did, which would get into the whole area of the legislative vetoing process. In the case of HB 3000, the House would have to pass it, the Senate would have to pass it, and then the Governor would have to sign it for HB 3000 to become law. In summary, Mr. Smith said that none of the constitutional aspects appears to be a problem with this particular bill. He said that the question is, as he recalled from serving on the Legislative staff in 1974, that new material could not be injected into a conference committee. Mr. Smith stated that he thinks HB 3000 is a valid bill that can withstand constitutional scrutiny.

The Chair thanked Mr. Smith for his input and announced that there was no other business before the Committee. Chairman Glasscock closed the Public Hearing on HB 3000.

The meeting adjourned at 9:50 a.m.

The next meeting is scheduled for March 16, 1998.

State of Kansas

KENNY A. WILK
REPRESENTATIVE, 42ND DISTRICT
LEAVENWORTH COUNTY
701 S. DeSOTO RD.
LANSING, KANSAS 66043
(913) 727-2453
ROOM 174-W, CAPITOL BLDG.
TOPEKA, KANSAS 66612-1504
(785) 296-7655



TOPEKA

House of Representatives

COMMITTEE ASSIGNMENTS
MEMBER: GOVERNMENTAL ORGANIZATION
AND ELECTIONS
JUDICIARY
TOURISM

Testimony HB 3000
March 12, 1998

Mr. Chairman and members of the committee. Thank you for your consideration of HB 3000. HB 3000 is the new improved version of the bipartisan commission on campaign practices. The difference between the '97' and '98' versions are in the procedures for appointment to the commission. First, I will briefly explain the bill and then share my thoughts on why I have proposed this legislation.

HB 3000 establishes a nine member commission for a defined period of time with a define set of objectives. The bipartisan commission would be appointed in the following manner:

- two members appointed by Kansas State Associations of Executives
- two members appointed by Kansas AFL-CIO
- two members appointed by the Kansas Chamber of Commerce and Industry
- two members appointed by the Commission on Governmental Standards & Conduct
- one member appointed by State Board of Education

The commission could have its first meeting 30 days following the appointment of all members and submit any recommendations and or findings to the Governor and the Legislature no later than February 2, 1999. The commission would cease to exist on May 8, 1999.

Section four of the bill lays out the objectives of the commission. There are four primary objectives dealing with campaign finance and ethics. Section five deals with the results of the commission. Any proposals / recommendations that receives six or more votes of the nine member commission would be submitted to the committee of the whole for debate and role call vote. The joint rules of the legislature would be suspended and no amendments would be allowed. All proposals / recommendations would require a yes or no vote from the Legislature. If the bills passed the House the same procedure would be followed in the Senate.

Some may ask why make this type of proposal, why delegate our responsibilities? Let me first say that I respect the work this committee has done over the last two years. In my six years in the legislature I have witness several individual legislators do outstanding work on campaign finance and ethics reform. Yet collectively, as a whole, the Legislature has

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accomplished little in the way of true reform. The school is still out on the 1998 performance, but in most years the Legislature has sufficiently confused activity with accomplishment when it comes to this issue. I believe there are two primary reasons the Legislature has not been successful in the past. First, the issue is very political and secondly, there is no issue that directly impacts the collective legislative body more than campaign finance and ethics reform. All the issues we vote on impact the voters of Kansas to a greater or lesser extent. But in most if not all cases the impact is outside the Topeka dome. With campaign / ethics reform the direct impact is under the dome. Expecting the Legislature to write and pass meaningful campaign / ethics reform is the equivalent of asking large and small livestock producers to resolve the confined feeding issue, or having trial attorneys and prosecutors define and agree on wrongful death statutes, or Dentist and Hygienist to resolve the teeth cleaning regulations. The list goes on and on. I believe we need to take politics out of the process and work for meaningful long lasting reform.

HB 3000 does not delegate our legislative responsibilities, but rather provides an avenue for us to seek outside assistance. The bill then prevents us from intentionally or unintentionally submarining the end results. HB 3000 offers an alternative that I believe can really work. I respectfully ask for your support.



March 12, 1998

TO: House Government Organization and Elections Committee

FROM: James W. Clark, Immediate Past President, Kansas Society of Association Executives

RE: HB 3000

First, I want to make it understood that I appear today in support of HB 3000 in my capacity as a member of the Kansas Society of Association Executives; and not as executive director of the Kansas County and District Attorneys Association.

Second, since my day job is with an association of county government employees, whose members receive an average salary of slightly more than \$30,000 a year, whose elections are rarely contested (and most are not in major media markets), and which has no PAC, I want to emphasize that I and my regular employer have no personal stake in this bill.

Third, I appear in support of the bill based on a knowledge of human nature gained through having spent my legal career in criminal law: we don't let drug addicts write the laws on drug possession and sale, and we don't let rowdy bar patrons write the ordinances on bar closing hours. To let those whose political existence is increasingly dependent on large campaign contributions should not be acceptable either.

Fourth, if you are following my arguments so far, you have made a significant step. For further guidance, I would urge you to observe the operations of the federal base closing commission. Congress recognized that the issue of closing military installations was as volatile as campaign finance and created an independent commission to make the decisions. HB 3000 attempts a similar independence, although on a smaller scale; however further study of the federal law and practice seems appropriate for this bill and the larger issue of election reform. There is on significant difference between this bill and the federal procedure. The federal commission makes the decision, and it requires an specific action by Congress to overturn it. In effect, it creates a presumption of the validity of the commission's decision; whereas, HB 3000 creates only a suggestion to the Legislature, and requiring further, even drastic action, before having any effect on current practices.

Finally, I commend the Committee for hearing the bill, and especially commend the sponsors of the bill, even though since it is a committee bill, they remain anonymous. Thank you for your consideration and attention.

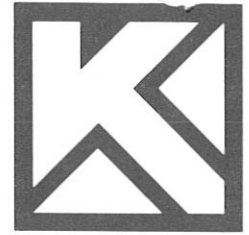
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Attachment 2

KANSAS SOCIETY OF ASSOCIATION EXECUTIVES

4301 Huntoon, Suite 9 • Topeka, Kansas 66604 • (785) 272-0083

LEGISLATIVE TESTIMONY

Kansas Chamber of Commerce and Industry



835 SW Topeka Blvd. Topeka, KS 66612-1671 (785) 357-6321 FAX (785) 357-4732 e-mail: kcci@kspress.com
HB 3000

March 12, 1998

KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

House Governmental Organization and Elections Committee

by

Jim Edwards

Director, Chamber & Association Relations

Chairman Glasscock and members of the Committee:

I thank you for the opportunity to appear before you today to express KCCI's support for HB 3000, a measure which would establish a bipartisan commission on state campaign practices. This commission would then be responsible for the review of existing campaign finance laws and possible formulation of campaign legislation for consideration by the Legislature.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

KCCI believes that business must play an important role in government through their own active support and election of candidates for public office through the party of their choice. KCCI also believes that to retain, and in some cases regain, confidence in the campaign and election process, an involved, diverse and impartial group must play a role in developing a feasible process.

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., quite honestly, looking at the success of elections related issues in the Statehouse, it is probably the most expedient also. Unfortunately, you as legislators are perceived as "feathering your own nest" when you pass campaign or elections related items. The establishment of such a group as recommended in HB 3000 should help curb most of this criticism.

We offer our assistance and look forward to working with the other identified groups in this process.

Thank you for the opportunity to appear before you today and I would be happy to stand for questions.



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Executive Secretary
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Wil Leiker
Frank Mueller
Dwayne Peaslee
Emil Ramirez
Craig Rider
Gary Russell
Debbie Snow
Betty Vines*

**Testimony Presented To
House Governmental Organization and Elections Committee
on House Bill 3000
by
Connie Stewart
March 12, 1998**

Mr. Chairman, members of the committee, I thank you for the opportunity to appear before you on House Bill 3000. My name is Connie Stewart and I am here today representing the Kansas AFL-CIO and our members.

My testimony today will be very brief. We support House Bill 3000 because we believe the public distrust of our political system demands that significant changes be made in the system. Over the last twenty years, voters have become increasingly skeptical about the political process and their role in it. Voters are voting with their feet and staying home on election day in ever-increasing numbers because of their growing distrust of the system. We believe that a bi-partisan commission to study our campaign finance laws and make recommendations on legislative changes is a good idea whose time has come, if we are to restore the public trust of our citizens in our political system and we would be happy to serve on such a commission.

Thank you.



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