

Approved: 3-17-98
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 16, 1998, in Room 521-S of the Capitol.

All members were present except: Representative David Haley, Excused
Representative Jonathan Wells, 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: Representative Shari Weber
Mr. Pete McGill, Pete McGill & Associates
Mr. Bruce Dimmitt, Independent Lobbyist (written only)
Mr. Randall G. Holm, Chairman of Salina's Building Codes
Ms. Judy Moler, General Counsel and Legislative Services
Director for the Kansas Association of Counties
Mr. James Alford, Sedgwick County Clerk
Advisory & Appeals Board
Ms. Willie Martin, Sedgwick County Commission (written only)

Others attending: See attached list

Representative Sharp made a motion to approve the minutes of March 11, 1998, and March 12, 1998, and Representative Gilbert seconded. Motion passed.

Chairman Glasscock called the Committee's attention to the following fiscal notes: HB 2991 and HB 2810. The Chair announced that the Committee would be hearing the following bills: HCR 5020 and SB 397.

Chairman Glasscock opened the Public Hearing on HCR 5020.

HCR 5020 - A proposition to amend Section 1 of Article 2 of the Constitution of the State of Kansas; relating to Senators and Representatives

The Chair welcomed Representative Shari Weber back to the Committee. Representative Weber presented testimony in favor of HCR 5020. Her testimony recapped the following main components of HCR 5020: 1) Lengthens the terms of State Representatives from two to four years and for State Senators from four to six years; 2) Limits terms of legislators to three 4-year terms for Representative and two 6-year terms for Senators; 3) Staggers the terms of House and Senate members by electing one-half of the House and one-third of the Senate every two years; 4) Begins staggered terms for Representative in 2000 by electing even-numbered districts for 2-year terms and odd-numbered districts to 4-year terms; 5) Provides for the election of Leadership in both Chambers every two years; 6) Expands the Senate from 40 to 41 members in 2002; and 7) If the Resolution passes both chambers with a two-thirds majority vote, an election will be required of the people on the ballot of the state-wide election in 1998. (Attachment 1.)

Representative Huff mentioned that last year he talked about the possibility of the Lt. Governor serving as a potential tie breaker, but Representative Weber responded that she felt that there is a large enough populace to have another Senator, thereby enabling the people to elect rather than using the Lt. Governor to break the tie vote. She reminded the Committee that at the present time if there is a tie, it fails due to lack of a majority.

Mr. Pete McGill clarified the question about the use of the Lt. Governor by stating that it has been more than 20 years since the Lt. Governor was involved in the Legislative process.

Representative Sharp commented that it was hard to get a general consensus of her constituents because they liked parts of the Resolution and disliked other parts. She said most do not seem to object to lengthening the House to 4 years, but are hesitant to support the increase in the Senate to 6 years. However, Representative

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 16, 1998.

Weber reminded the Committee that the people will still get a vote on whatever would be passed, so the final say would rest with the voters.

Vice Chairman Powers welcomed Mr. Pete McGill, Pete McGill & Associates, who spoke as being mildly opposed to only a portion of the House Concurrent Resolution 5020. He gave a summary of the history of Resolutions concerning term limitations which have been introduced nearly every year. He said that he was appearing before the Committee because he has an abiding interest in the legislature as an institution and will continue to offer his suggestions and register his concerns about legislation that may improve or harm the process. He said that he believed that the voters are doing an excellent job of controlling term limits without any new legislation. His testimony included a list of all the House and Senate members and their longevity in the Kansas Legislature. Mr. McGill said that at the end of the 1998 session, the average time served by a Kansas Senator will be 6.375 years, with the median time served being 6 years and the mode 2 years. He further stated that 7 senators will have served 12 or more years, 5 Republicans and 2 Democrats. He also pointed out that 15 senators will have been here 2 years or less at the end of the 1998 session, and a full 45% of the Senate will have served for 4 years or less (18 of 40.) In the House, the average time a member has served is 5.97 years, with the median service being 6 years. At the end of the 1998 session, 14 members will have served for at least 12 years, 8 Republicans and 6 Democrats. He said that 27 members (21.6%) were found to have served 2 years, with the same number finishing their fourth year, and that 48.8% of the members have served no more than 4 years. (Attachment 2.)

Representative Horst questioned the fact that Mr. McGill had not addressed the suggested staggering of terms. Mr. McGill said that he felt this was the only way it should be done and that he was also an advocate of doing away with lobbyists' contributions to campaigns. Representative Horst also wanted to know if he felt that staggering the election years would solve some the problems of experience in the both the House and the Senate. Mr. McGill again stated that term limits in Kansas is not a problem and cited the statistics in his testimony. He said that the Kansas Legislature is one of the best in the United States and that legislation should be constructed to strengthen, but not to destroy. He complimented the current Legislature and said that he realized the Chair supported this legislation and that he respected the Chairman and thought he was one of the state's best legislators.

Representative Powers commented that a Representative does not have the opportunity to run for Governor while serving in the House, but that a Senator is able to run and still retain the Senate seat. It was noted that under this suggested legislation, half of the representatives would be able to run for Governor without giving up their seat, but the other half would not because their election year would be the same as the Governor's.

The Chair called the Committee's attention to the written testimony of Mr. Bruce Dimmitt, Independent Lobbyist, and Mr. Randall G. Holm, Chairman of Salina's Building Codes Advisory & Appeals Board. (Attachments 3 and 4.)

Chairman Glasscock closed the Public Hearing on HCR 5020.

Chairman Glasscock opened the Public Hearing for SB 397.

SB 397 - County clerk; duties upon end of county treasurer's term of office

The Chair welcomed Ms. Judy Moler, General Counsel and Legislative Services Director for the Kansas Association of Counties, who spoke as a proponent of SB 397. Ms. Moler said that during the 1997 interim session, the Kansas Association of Counties, along with Sedgwick County, asked for the introduction of SB 397 as part of a group of bills to "clean up" obsolete statutes. She said that SB 397 would repeal K.S.A. 19-319 which is an obsolete statute last amended in 1923. The statute requires the County Clerk to close the treasurer's office for one week when a new treasurer takes office. And during that time no taxes can be received. (Attachment 5.)

Chairman Glasscock recognized Mr. James Alford, County Clerk in Sedgwick County, who spoke as a proponent for SB 397. He stated in his testimony that there was no useful purpose for K.S.A. 19-319 which is an archaic statute requiring the County Clerk to produce useless information on the County Treasurer at the close of the term of office of any County Treasurer. (Attachment 6.)

Representative Campbell wanted to know if there was any beneficial audit performed in the statute that would not be performed if K.S.A. 19-319 was repealed. Mr. Alford responded that there was virtually no reason for this statute because accountability was daily. He also said the audit was perfunctory rather than something that needed to be done.

The Chair called the Committee's attention to the written testimony of Ms. Willie Martin, representing the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 16, 1998.

Sedgwick County Commission, supporting SB 397 and saying that the requirement of the County Clerk to produce a hand-written spread sheet or report at the close of the term of office of a County Treasurer was archaic. Her testimony said that the required report covers unpaid taxes only and is available in digital format. (Attachment 7).

The Chair closed the Public Hearing on SB 397.

Chairman Glasscock asked for the Committee's pleasure on SB 397.

Representative Welshimer made a motion to pass SB 397 out marked favorable for passage and being of a non-controversial nature that it be placed on the Consent Calendar. Representative Tomlinson seconded, and motion passed.

Before adjourning, Representative Powers provided an ice cream treat for members of the Committee and guests.

The Chair announced that final action would be taken on SB 561 on Tuesday, March 17, 1998.

The meeting adjourned at 9:45 a.m.

The next meeting is scheduled for March 17, 1998.

The Kansas House

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Representative
Shari Weber

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Testimony for House Governmental Organization & Elections

Re: HCR 5020

Hearing: March 9, 1998

Thank you, Chairman Glasscock and members of the committee, for the opportunity to appear before the committee today. I am pleased to share with you information about HCR 5020 and the impact I feel it will have upon the citizens of Kansas.

The amendment which I propose to you to change the length of Kansas Legislators' terms, has been "in the works" for about two years. After having the proposal drafted, I have presented the concept to hundreds of voters across the district that I represent. Upon hearing the idea, voters have expressed to me very little negative concern over the proposal. Rather, I have had much positive input from voters about changing legislators' terms. Although this is an unscientific poll of the constituents in the 68th district, I do value their input and my legislative actions are governed by their input.

One of the topics over which voters have expressed concern, involves the short length of time between state office elections and the political games played during an election year. Therefore, I have, along with a number of our colleagues, introduced this House Concurrent Resolution to amend our state constitution with regard to legislators' terms of state elected office.

HCR 5020 changes the time representatives serve from the current two-year term to a four-year term. It changes senators' terms from the current four to six years. The resolution has a provision to elect approximately 1/2 of the House members every two years and approximately 1/3 of the Senate members every two years - therefore reducing the inability of the legislative bodies to "get things done". As you well know, this climate is often caused by members' concern with election games and distorted votes, which keep legislative bodies from completing tasks. Under this arrangement, 1/2 of the House would not be

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Attachment 1

up for election as well as 2/3 of the Senate in any election year. There would never be a sweeping election of all members of both Houses in an election year.

The staggering of terms would begin with the elections in the year 2000. The bill also requires the reorganization and election of leadership of both houses every two years and sets the amount of time that can be served in either the Kansas House or Senate at twelve years. That is, three 4-year representative terms and two 6-year senator terms. It expands the members of the Senate from 40 to 41 to avoid tie votes.

I believe this amendment to the Kansas Constitution, if passed, will make a more efficient and trustworthy citizen legislature. It is difficult, at best, to run a campaign for office every other year and give sufficient time to the vast amount of information and issues before the state legislature. I believe it will cut in half the amount of dollars needed to finance a House campaign by having legislators run every four years instead of every two years, as well as making an impact, over time, on the total dollars needed to finance a Senate campaign. That provision alone addresses the ethics concern of "how much" and "who finances" state legislative campaigns. I strongly believe that this change in our state constitution would win back some of the trust that citizens have lost in their state government.

I would remind you, that because this is a constitutional amendment, it will require a 2/3 majority vote in both chambers and an election of the people, on the ballot of the state-wide election in the fall of 1998.

This year, as in years past, there are many proposals aimed at ethics for legislators. Proposals are directed at campaign finance, disclosure of donations, gifts from lobbyists, and of course, legislative pay.

This committee knows well the concerns of voters with regard to this issue and the difficulty that we as a legislative body have in addressing campaign finance and ethics legislation. The strength of this proposal lies with this one vein of common sense. **I believe that this amendment will do more to address the campaign finance issue than any other proposal you have laid before you, by cutting in half the amount of money needed to finance a state legislator's campaign.** In addition, by staggering the terms of legislators, our legislative bodies will be more productive in completing the business of the people EVERY legislative session, rather than the

election year non-productive behavior we display under our current term system.

I thank you for your time and consideration to this House Concurrent Resolution. I advocate for your favorable consideration of all the components of this piece of legislation. I would be pleased to answer any questions.

Thank You,



House Concurrent Resolution 5020

- * Lengthen the terms of State Representatives from two to four years and for State Senators from four to six years
- * Limit terms of legislators to three 4-year terms for Representatives and two 6-year terms for Senators
- * Stagger the terms of House and Senate members by electing one-half of the House and one-third of the Senate every two years
- * Start staggered terms for Representatives in 2000 by electing even numbered districts for 2-year terms and odd numbered districts to 4-year terms
- * Start staggered terms for Senators in 2000 by electing one-third of the Senators to 2-year terms, one-third to 4-year terms and one-third to 6-year terms
- * Provide for the election of Leadership in both Chambers every two years
- * Expand the Senate from 40 to 41 members in 2002
- * If passes both chambers with a two-thirds majority vote, will require an election of the people on the ballot of the state-wide election in 1998

TERM LIMITS
for
STATE ELECTED OFFICIALS



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February 1998

Summary and Citations of State Term Limit Laws

18 states limit the terms of *state* lawmakers. These limits are summarized below. The constitutional (C) or statutory (S) locations of these limits are parenthetically cited. Click linked citations and full text will appear. State Supreme Courts have voided term limit provisions in Massachusetts, Nebraska and Washington.

Arizona: Limits state lawmakers to four consecutive two-year terms and members of the executive branch to two consecutive four-year terms. ([C - Article IV, Part 2, Section 21](#))

Arkansas: Restricts statewide elected officials to two four-year terms, state representatives to three two-year terms and state senators to two four-year terms. ([C - Amendment 73](#))

California: Limits state lawmakers to three two-year terms in the Assembly and two four-year terms in the Senate. Constitutional officers are limited to two four-year terms. ([C - Article IV, Section 2](#))

Colorado: Limits state lawmakers to four consecutive two-year terms in the House and two consecutive four-year terms in the Senate. ([C - Article V, Section 3](#))

Florida: Restricts an individual from running for re-election to the Legislature, executive branch or U.S. Congress if by the end of their current term they have served for eight consecutive years. ([C - Article VI, Section 4](#))

Idaho: State legislators and statewide-elected officials are limited to eight years in a 15 year period. ([S - ID ST 34-907](#))

Louisiana: Limits members of the House and Senate to three consecutive four-year terms. ([C - Article III, Section 4-E](#))

Term limits are here and now. For 52 of the nation's 2,615 state legislators subject to term limits, the end of their terms arrived in 1996. In Maine, 26 of 151 members of the House and four of 35 members of the Senate were ineligible to run for re-election in 1996. In California, 22 of the Assembly's 80 members could not run for re-election.

The tempo will increase dramatically in 1998 when time runs out for another 216 members in the California, Missouri and Montana Senates, the Colorado House and Senate, and the Arkansas, Michigan and Oregon House chambers.

The 1998 term limit casualty list hits hardest in the Arkansas and Michigan Houses. Half of Arkansas' 100 House members, 67 of Michigan's 110 members are serving their final terms. The Oregon House will lose 22 of its 60 members in 1998. In California, the numbers are 16 of 80 in the Assembly and 11 of 40 in the Senate. Colorado's House will lose 18 of its 65 legislators, the Senate nine of 35 members. In Maine, 11 House members, and one senator, cannot run in 1998. One of Missouri's 34 senators will not be eligible to run in 1998 because of an earlier special election. In the Montana Senate, 10 of 50 members are precluded from running for re-election in 1998.

States With Lifetime Limit and Consecutive Years of Service

Limit in Years	Consecutive	Lifetime Ban
6 House/8 Senate	CO, MT	CA, MI, OR
7 House/7 Senate	AZ, FL, ME, OH, SD	MO
6 House/12 Senate	ID	AR
12 Total		OK
12 House/12 Senate	LA, UT, WY	NV

Source: National Conference of State Legislatures

Last Update: 2/20/98

Effects of Term Limits in 1998 Election

This year, 216 members of 11 legislative chambers will be ineligible to run for re-election. Here's where they are:

Michigan House	67 of 110 members
Arkansas House	50 of 100 members
Oregon House	22 of 60 members
Montana Senate	10 of 50 members
Colorado House	18 of 65 members
California Assembly	16 of 80 members
Maine House	11 of 151 members
California Senate	11 of 40 members
Colorado Senate	9 of 35 members
Maine Senate	1 of 35 members
Missouri Senate	1 of 34 members

Maine: Restricts state legislators and constitutional officers to four consecutive two-year terms in each body. The state auditor is limited to two consecutive four-year terms. Restrictions on state lawmakers become effective with the 1996 elections and apply to individuals currently holding office. Applies to time served by senators and representatives beginning January 1, 1995. (S - ME ST T. 21-A, Section 553)

Massachusetts: Limits governor, lt. governor, secretary, treasurer, auditor or attorney general to two consecutive terms within an 11-year period. Limits state senators and representatives to four consecutive terms in nine years. (S - MGLA Chapter 53, Section 48) Note: A 1997 decision by the Massachusetts Supreme Court invalidated that state's term limit statute.

Michigan: Limits state representatives to three terms, state senators and members of the executive branch may serve only two terms. (C - Article IV, Section 54)

Missouri: Restricts state lawmakers to eight years in the same house and 16 years total of legislative service. (C - Article 3, Section 8)

Montana: Restricts state senators, state representatives and state officials to eight years in a 16-year period. (C - Article IV, Section 8)

Nebraska: Had limited state legislators to two consecutive terms in office (C - Article III, Section 8). Nebraska Supreme Court in February 1996 voided the provisions.

Nevada: Limits members of the Assembly to serving 12 years or six terms and members of the Senate to three terms or 12 years. Secretary of state, state treasurer, state comptroller and attorney general are limited to eight years or two terms. Governor is already limited to two consecutive terms. (C - Article 4, Sections 3 and 4; Article 5, Section 19; Article 15, Section 3)

Ohio: Limits state senators to two consecutive terms and state representatives to four consecutive terms. Limits members of the executive branch to two consecutive terms. Terms are considered consecutive unless there is a break of four years. (C - Article II, Section 2)

Oklahoma: Restricts state lawmakers are limited to 12 years of legislative service. (C - Article 5, Section 17-A)

Oregon: Holds state lawmakers to six years in the House and eight years in the Senate or no more than 12 years of legislative service. Statewide officeholders are limited to eight years. (C - Article II, Section 19)

South Dakota: Limits state lawmakers to four consecutive two-year terms in each house and statewide officers to two consecutive terms. (C - Article III, Section 6)

Utah: Prohibits state officers and members of the House and Senate from placing their names on the ballot if they have served more than 12 consecutive years in office. (S - UCA 20A-10-201)

Washington: Limits state senators to eight out of 14 years, representatives to six out of 12 years, and the governor and lt. governor to eight out of 14 years. Terms served before November 1992 will not count toward limits. (S - RC WA Section 44.04.015) Note: Washington Supreme Court in January 1998 voided the provisions.

Wyoming: Limits state senators to three terms in any 24-year period, representatives to six terms in any 24-year period, and constitutional officers to two terms in any 16-year period. (S - WSA Section 22-5-103)

Note: The foregoing descriptions *do not* include the term limits approved by some of these and other states on US Senators and US Representatives which were ruled unconstitutional by the US Supreme Court in May of 1995 in the *Thornton* decision.



Michigan Term Limits Upheld



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The federal District Court in Michigan ruled on February 5 that the 1992 term limits amendment to the Michigan Constitution does not violate the U.S. Constitution. The amendment sets lifetime limits of two four-year terms for the offices of governor, secretary of state, attorney general, and members of the Senate, and three two-year terms for members of the House. The term limits will affect 64 members of the House this election year. State senators and statewide elected officers won't be affected by the limits until 2002.

The court concluded that while term limits do slightly narrow the field of candidates, they do not prevent voters from electing candidates who share their views. Nor do term limits discriminate against minority or inner-city voters, since they apply to officeholders in every district. The ruling cited a U.S. Court of Appeals decision which upheld an Ohio ban on elected judges over the age of 70, as well as a decision of the 11th Circuit Court of Appeals in California concluding that a state ballot initiative may be overturned only if ballot language worked "a patent and fundamental unfairness" on voters. The Michigan term limits amendment, the court said, "imposes an insubstantial, content neutral and nondiscriminatory burden on the voting rights of plaintiffs."

The group Citizens for Legislative Choice plans to file an appeal with the U.S. 6th Circuit Court of Appeals.

For more information on the case, contact [Tim Storey](#), at NCSL's Denver office.

On-line Documents

General Information - [Term Limits for State Elected Officials](#)

NEW 1/30/98 [Colorado "Scarlet Letter" Provision Found Unconstitutional](#)

1/9/98 [Washington State Term Limits Found Unconstitutional](#)

12/19/97 [Federal Appeals Court Reversal Upholds California Term Limits](#)

10/16/97 - [U.S. Supreme Court Rejects Term Limits Appeal](#)

10/07/97 - [California Term Limit Initiative Flawed says U.S. Court](#)

4/97 Summary - [Summary of April, 1997, Decision on CA Term Limits](#)

4/97 Full decision - [BATES v JONES](#), Secretary of State of the State of California--U.S. District Court Opinion, 4/23/97





Missouri "Scarlet Letter" Provision Found Unconstitutional

Updated 2/27/98



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A federal judge ruled on February 18 that Missouri's term limits amendment is unconstitutional. The amendment approved by 58% of Missouri voters in 1996 is similar to measures approved in other states, including the Colorado "Scarlet Letter" provision which was overturned by the Colorado Supreme Court last month.

The Missouri amendment required ballots to list Congressional candidates' stands on term limits. Incumbent candidates who failed to support Congressional term limits would have the words "disregarded voters' instructions on term limits" printed next to their names. "Declined to pledge to support term limits" would appear next to the names of non-incumbent candidates who refused to take a term limits pledge.

In his ruling, U.S. District Judge D. Brook Bartlett stated that the amendment imposes unconstitutional qualifications on candidates, violates the First Amendment right to free speech, and wrongly shifts legislative powers from Congress and state lawmakers to citizens.

Missouri's attorney general filed an appeal with the 8th U.S. Circuit Court of Appeals, hoping to reverse the ruling in time for the term limits amendment to take effect when the candidate filing period began at 8 a.m. February 24. The full court decided February 23rd against hearing the case, which left candidates free to file for office without stating their view on term limits.

For more information on the case, contact [Jennie Drage](#) , at NCSL's Denver office.

On-line Documents

General Information - [Term Limits for State Elected Officials](#)

NEW 2/20/98 [Michigan Term Limits Upheld](#)

1/30/98 [Colorado "Scarlet Letter" Provision Found Unconstitutional](#)

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Term Limited States

By Year Enacted and Year of Impact

(The year of impact represents the first year in which incumbents serving when the term limits measure passed will no longer be eligible for reelection.)

State	Year Enacted	House		Senate		% Voted Yes
		Limit	Year of Impact	Limit	Year of Impact	
MAINE	1993	8	1996	8	1996	67.6
* CALIFORNIA	1990	6	1996	8	1998	52.2
COLORADO	1990	8	1998	8	2000	71
ARKANSAS	1992	6	1998	8	2002	59.9
MICHIGAN	1992	6	1998	8	2002	58.8
OREGON	1992	6	1998	8	2002	69.6
FLORIDA	1992	8	2000	8	2000	76.8
** MISSOURI	1992	8	2002	8	2002	75
OHIO	1992	8	2000	8	2000	68.4
SOUTH DAKOTA	1992	8	2000	8	2000	63.5
MONTANA	1992	8	2000	8	1998	67
ARIZONA	1992	8	2000	8	2000	74.2
IDAHO	1994	8	2004	8	2004	59.4
OKLAHOMA	1990	12	2004	12	2004	67.3
NEVADA	1994	12	2008	12	2008	70.4
UTAH	1994	12	2006	12	2006	leg. passed
WYOMING	1992	12	2006	12	2006	77.2
LOUISIANA	1995	12	2007	12	2007	76

Contact for More Information

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Total Number of Legislators, Terms, Seats Up

State	Senate Total	Senate Term	House Total	House Term	1998 Senate	1998 House	1999 Senate	1999 House
Alabama	35	4	105	4	35	105	0	0
Alaska	20	4	40	2	10	40	0	0
Arizona	30	2	60	2	30	60	0	0
Arkansas	35	4	100	2	18	100	0	0
California	40	4	80	2	20	80	0	0
Colorado	35	4	65	2	16	65	0	0
Connecticut	36	2	151	2	36	151	0	0
Delaware	21	4	41	2	10	41	0	0
Florida	40	4	120	2	20	120	0	0
Georgia	56	2	180	2	56	180	0	0
Hawaii	25	4	51	2	12	51	0	0
Idaho	35	2	70	2	35	70	0	0
Illinois	59	4	118	2	40	118	0	0
Indiana	50	4	100	2	25	100	0	0
Iowa	50	4	100	2	25	100	0	0
Kansas	40	4	125	2	0	125	0	0
Kentucky	38	4	100	2	19	100	0	0
Louisiana	39	4	105	4	0	0	39	105
Maine	35	2	151	2	35	151	0	0
Maryland	47	4	141	4	47	141	0	0
Massachusetts	40	2	160	2	40	160	0	0
Michigan	38	4	110	2	38	110	0	0
Minnesota	67	4	134	2	0	134	0	0
Mississippi	52	4	122	4	0	0	52	122
Missouri	34	4	163	2	17	163	0	0
Montana	50	4	100	2	25	100	0	0
Nebraska	49	4	NA	NA	24	NA	0	0
Nevada	21	4	42	2	11	42	0	0
New Hampshire	24	2	400	2	24	400	0	0
New Jersey	40	4	80	2	0	0	0	80
New Mexico	42	4	70	2	0	70	0	0
New York	61	2	150	2	61	150	0	0
North Carolina	50	2	120	2	50	120	0	0
North Dakota	49	4	98	2	25	98	0	0
Ohio	33	4	99	2	17	99	0	0
Oklahoma	48	4	101	2	24	101	0	0
Oregon	30	4	60	2	15	60	0	0
Pennsylvania	50	4	203	2	25	203	0	0
Rhode Island	50	2	100	2	50	100	0	0
South Carolina	46	4	124	2	0	124	0	0
South Dakota	35	4	70	2	35	70	0	0
Tennessee	33	4	99	2	17	99	0	0
Texas	31	4	150	2	16	150	0	0
Utah	29	4	75	2	15	75	0	0
Vermont	30	2	150	2	30	150	0	0
Virginia	40	4	100	2	0	0	40	100
Washington	49	4	98	2	24	98	0	0
West Virginia	34	4	100	2	17	100	0	0
Wisconsin	33	4	99	2	17	99	0	0
Wyoming	30	4	60	2	15	60	0	0
Total	1984		5440		1136	5033	131	407

Source: National Conference of State Legislatures, 1998.

TESTIMONY PRESENTED

TO THE

**HOUSE GOVERNMENTAL
ORGANIZATION AND ELECTIONS
COMMITTEE**

BY

PETE MCGILL

OF

PETE MCGILL & ASSOCIATES

ON

HCR 5020

FEBRUARY 18, 1998

Mr. Chairman and Members of the Committee:

Each year for the past several years there has been a resolution introduced that would provide for term limits in the Kansas legislature. Each of those resolutions has provided for differences in the length and number of terms.

This year is no different and again you are debating term limits. Is this something you really want to do or should do? Make no mistakes about it, I have no clients who have any interest in such a proposal. The only reason I appear here today is because I have an abiding interest in the legislature as an institution and will continue to offer my suggestions and register my concerns about legislation that may improve or harm the process.

In my judgment, the people, the voters, are doing an excellent job of controlling term limits. Probably better right now under the existing laws than anything new you could recommend.

I have attached to my comments, which have been distributed to you, some very interesting statistics. You will note that 45% of the Senators have been here four years or less. Only seven in the entire Senate have been here 12 years or more. When you look at those 12, could you point to one that dominates the process to the extent they should have been retired? Quite the contrary, in my judgment, the experiences of each one makes a significant contribution to the legislative activities.

Then take a look at the House. The average House member has been here slightly less than six years. 14 out of 125 members have been here 12 years or longer. When you look at that list, how many of those 12 would you say have been here so long that they dominate the process or should have been retired long ago? Not many.

As for me, I feel a lot more comfortable with someone like Shallenburger as Speaker or Tom Sawyer as Minority leader than I would with any one being in that position who has only one or two terms in the legislature. Make no mistake about it -- I don't always agree with Tom or Tim, but they have the experience necessary to determine what is best for their party or the process.

Please forgive me while I share with you a personal experience that assists me in being somewhat qualified to address this subject. Several years ago, after I had been in the House for four years, a group of older Republican legislators met in the old Jayhawk Hotel and determined that I should be Speaker the next year. Everything was greased, I had no opposition for Speaker, but that was the year of reapportionment and I forgot to get elected at home-- I lost by 96 votes. Two years later, I ran for the House and after I had been in for six more years, a petition was circulated in the House asking me to run for Speaker again.

I was elected without opposition, but I had ten years experience. I hadn't been

in that position very long before I realized that it would have been a complete disaster had I been elected Speaker after only two terms in the House. Perhaps I am not as bright as some and perhaps I am a slow learner, but I am here to tell you, twenty years later, I am learning something new every session about the legislative process.

Every two years you elect a class of new legislators and in each freshman class there are always a few that dominate the discussion and come to Topeka with the idea they are going to reform the system. Fortunately, you have always had a few experienced legislators who keep havoc from prevailing.

You are debating term limits today because it is the politically popular thing to do. Every newspaper editor in the state has written more than one editorial supporting term limits, but there is a lot of difference between term limits at the national level and those of state government. None of them have taken time to look at the numbers that I have provided you.

I support term limits at the national level for a number of reasons that I won't go into here today. I have a number of very good friends who support the resolution you are debating -- I think your Chairman is one -- and I believe Governor Graves has endorsed term limits as have a number of others. As for me, I think the voters are doing an adequate job of controlling legislative terms and I think it would be a grave mistake to approve this resolution.

Make no mistake, once it got on the ballot, the voters would approve it by a wide margin and even though they would oppose term limits for their own legislator, they certainly won't for the rest of you. The public contempt for the legislative process is very real and they think most of you are bad and this is one device they think would eliminate some of you.

I respectfully suggest you let this resolution die a respectful death and that we all join together in making the necessary changes in the process that would be meaningful and beneficial.

LONGEVITY IN THE KANSAS LEGISLATURE

SENATE DISTRICT	NAME	# YEARS AT END OF SESSION	ELECTED	OTHER POSITIONS
1	Ed Pugh	1.5	Appt 1997	Y (H)
2	Sandy Praeger	6	1992	Y (H)
3	Donald Biggs	2	1996	Y (SB)
4	Sherman Jones	6	1992	Y (H)
5	Mark Gilstrap	2	1996	N
6	Chris Steineger	2	1996	N
7	Audrey Langworthy	14	1984	Y (CiCom)
8	Dick Bond	12	Appt 1986	N
9	Rich Becker	2	1996	Y (H)
10	Nick Jordan	3	Appt 1995	N
11	Keith Schraad	2	1996	N
12	Robert Tyson	2	1996	N
13	Jim Barone	2	1996	N
14	Dwayne Umbarger	2	1996	Y (SB)
15	Tim Emert	6	1992	Y (St SB)
16	Dave Corbin	6	1992	Y (H)
17	Jerry Karr	18	1980	N
18	Marge Petty	10	1988	Y (CiCom)
19	Anthony Hensley	6	1992	Y (H)
20	Alicia Salisbury	14	1984	N (Adv. Bd)
21	Janice Hardenburger	6	1992	N (Adv. Bd)
22	Lana Oleen	10	1988	N (Adv. Bd)
23	Karin Brownlee	2	1996	N
24	Ben Vidricksen	19	Appt 1979	N
25	Pat Ranson	6	1992	N (Adv. Bd)
26	Nancey Harrington	4	Appt 1994	N
27	Les Donovan	1.5	Appt 1997	Y (H)
28	Paul Feleciano, Jr.	22	1976	Y (H)
29	U. L. "Rip" Gooch	6	1992	Y (CiCom)
30	Barbara Lawrence	6	1992	Y (H)
31	Christine Downey	6	1992	N
32	Greta Goodwin	2	1996	Y (H)
33	Laurie Bleeker	2	1996	Y (SB)
34	Dave Kerr	14	1984	N
35	Don Steffes	6	1992	N
36	Janis Lee	10	1988	Y (SB)
37	Larry Salmans	2	1996	Y (SB)
38	Tim Huelkamp	2	1996	N
39	Stephen Morris	6	1992	Y (SB)
40	Stan Clark	4	Appt 1994	N

At the end of the 1998 session, the average time served by a Kansas Senator will be 6.375 years, with the median time served being 6 years and the mode 2 years. Further, 7 senators will have served 12 or more years, 5 Republicans and 2 Democrats.

Paul Feleciano	22 years
Ben Vidricksen	19
Jerry Karr	18
Audrey Langworthy	14
Alicia Salisbury	14
David Kerr	14
Dick Bond	12

Worth noting, however, is that 15 senators will have been here two years or less at the end of this session. A full 45% of the Senate will have served for 4 years or less (18 of 40).

HOUSE DISTRICT	NAME	# YEARS AT END OF SESSION	ELECTED	OTHER POSITIONS
1	Tim Shallenburger	12	1996	N
2	Bob Grant	2	1996	Y (H)
3	Ed McKechnie	8	1990	N
4	Andrew Howell	4	1994	N
5	Bill Feuerborn	4	1994	Y (SB)
6	Jene Vickrey	6	1992	N
7	Vernon Correll	8	Appt 1991	Y (SB)
8	Richard Reinhardt	10	1988	Y (SB)
9	Stanley Dreher	2	1996	N
10	Ralph Tanner.	4	1994	N
11	Jim Garner	8	1990	N
12	Cindy Empson	12	1986	Y (SB)
13	Mary Compton	3	Appt 1995	N
14	Kay O'Connor	6	1992	N
15	John Toplikar	6	1992	Y (CiCom)
16	Tim Carmody	8	1990	N
17	Lisa Benlon	8	1990	Y (CiCom)
18	Phill Kline	6	1992	N
19	Phil Kline	16	1982	N
20	Gerry Ray	2	1996	N
21	Barbara Allen	11	Appt 1987	N
22	Sue Storm	2	1996	N
23	Cliff Franklin	4	1994	N
24	Bob Tomlinson	6	1992	Y (CiCom)
25	Al Lane	10	1988	Y (CiCom)
26	Larry Campbell	2	1996	Y (CiCom)
27	Phyllis Gilmore	4	1994	N
28	David Adkins	6	1992	N
29	Dennis Wilson	4	1994	N
30	David Huff	2	1996	Y (CiCom)
31	Bonnie Sharp	2	1996	N
32	Herman Dillon	22	1976	N
33	Tom Burroughs	2	1996	N
34	David Haley	4	1994	N
35	Broderick Henderson	4	1994	N
36	Doug Spangler	4	1994	N
37	Bill Reardon	24	1974	N
38	Long	1	Appt 1998	N
39	Ray Cox	6	1992	Y (SB)
40	Candy Ruff	6	1992	N
41	Marti Crow	2	1996	Y (SB)
42	Kenny Wilk	6	1992	N

43	John Ballou	4	1994	N
44	Barbara Ballard	6	1992	Y (SB)
45	Tom Sloan	4	1994	N
46	Troy Findley	4	1994	N
47	Joann Flower	10	1988	N
48	Gerald Henry	6	1992	Y (Mayor)
49	Galen Weiland	8	1990	N
50	Becky Hutchins	4	1994	N
51	Greg Packer	6	1992	N
52	Vince Cook	1	Appt 1997	Y (CiCom)
53	Dixie Toelkes	4	1994	N
54	Doug Mays	6	1992	N
55	Annie Kuether	2	1996	N
56	Nancy Kirk	4	1994	N
57	Vaughn Flora	4	1994	N
58	Rocky Nichols	6	1992	N
59	Joe Humerickhouse	4	1994	Y (CiCom)
60	Lloyd Stone	2	1996	N
61	Verlyn Osborne	1.5	Appt 1997	N
62	Kent Glasscock	8	1990	Y (Mayor)
63	Bruce Larkin	12	1986	Y (SB)
64	Steve Lloyd	8	1990	Y (CiCom)
65	Gerald Geringer	4	1994	N
66	Jeff Peterson	2	1996	N
67	Joe Kejr	6	1992	N
68	Shari Weber	4	1994	N
69	Deena Horst	4	1994	N
70	Donald Dahl	2	1996	N
71	Carol Edward Beggs	4	1994	Y (CiCom)
72	Garry Boston	8	1990	N
73	Clark Schultz	2	1996	Y (SB)
74	Ellen Samuelson	10	1988	N
75	Bill Mason	6	1992	N
76	Peggy Long	2	1996	N
77	Peggy Palmer	2	1996	N
78	Judy Showalter	2	1996	Y (Mayor)
79	Joe Shriver	2	1996	Y (H)
80	Bill McCreary	2	1996	N
81	Ted Powers	6	1992	N
82	Don Myers	6	1992	N
83	Jo Ann Pottorf	14	1984	Y (SB)
84	Jonathan Wells	6	1992	N
85	Tony Powell	4	1994	N
86	Henry Helgerson	16	1982	N
87	Michael Farmer	5	Appt 1993	N
88	Gwen Welshimer	8	1990	N

89	Ruby Gilbert	7	Appt 1991	N
90	Billie Vining	2	1996	N
91	Brenda Landwehr	4	1994	N
92	Doug Johnston	2	1996	N
93	Daniel Thimesch	4	1994	N
94	David Gregory	1.5	Appt 1997	??
95	Tom Sawyer	12	1986	N
96	George Dean	20	1978	N
97	Dale Swenson	4	1994	N
98	Geraldine Flaharty	3	Appt 1995	N
99	Susan Wagle	8	1990	N
100	Carlos Mayans	6	1992	N
101	Robert Krehbiel	10	1988	N
102	Janice Pauls	7	Appt 1991	Y (Judge)
103	Thomas Klein	2	1996	N
104	Michael O'Neal	14	1984	N
105	Richard Alldritt	6	1992	N
106	Sharon Schwartz	2	1996	N
107	Joann Freeborn	6	1992	N
108	Dennis McKinney	6	1992	Y (CoCom)
109	Clay Aurand	4	1994	N
110	Dan Johnson	2	1996	Y (h20)
111	Eber Phelps	2	1996	Y (CiCom)
112	John Edmonds	4	1994	N
113	Jack Wempe	8	1990	N
114	Melvin Minor	8	1990	Y (SB)
115	Melvin Neufeld	8	1990	Y (H)
116	Ethel Peterson	2	1996	N
117	Robin Jennison	8	1990	N
118	Gayle Mollenkamp	14	1984	Y (CoCom)
119	Laura McClure	6	1992	N
120	John Faber	2	1996	Y (SB)
121	Jim Morrison	6	1992	N
122	Gary Hayzlett	8	1990	Y (CoCom)
123	Terry Presta	3	Appt1995	N
124	Gene Shore	14	1984	N
125	Carl Holmes	14	1984	Y (Mayor)

The average time a member of the Kansas House of Representatives has served is 5.97 years, with the median service being six years. At the end of the 1998 session, 14 members will have served for at least 12 years, 8 Republicans and 6 Democrats. These are as follows:

Bill Reardon	24
Herman Dillon	22
George Dean	20
Henry Helgerson	16
Phil Kline	16
Carl Holmes	14
Gayle Mollenkamp	14
Michael O'Neal	14
Jo Ann Pottorf	14
Gene Shore	14
Cindy Empson	12
Bruce Larkin	12
Tom Sawyer	12
Tim Shallenburger	12

Twenty-seven members (21.6%) were found to have served two years, with the same number finishing their fourth year. All told, 48.8% of members have served no more than four years.

STATEMENT OF BRUCE DIMMITT
TO HOUSE GOVERNMENTAL ORGANIZATION
AND ELECTIONS COMMITTEE
SUBCOMMITTEE ON ELECTIONS/LOCAL
GOVERNMENT

REGARDING
HCR 5020 - TERM OF OFFICE FOR
LEGISLATORS

January 29, 1998

Mr. Chairman and members of the Sub-Committee, I am pleased to have the opportunity to speak to you concerning the above matter. I am registered as an independent lobbyist and speak to you today on that basis. I represent myself and those that are like minded (not a small number). I am a populist for more freedoms and less government.

When our nation was founded, the founding fathers envisioned that legislators would be citizen legislators - not people that make a career out of being a legislator. They were opposed to having a political, ruling class. President Washington personalized that idea when he decided not to run for a third time. We are told that a majority of citizens today favor having term limits for legislators, including state legislators. Based on having run for office myself, my contacts with voters bears that out.

When President Eisenhower finished as President, he warned that a military/industrial complex had formed and that that complex had too much power to shape the country's economy and governmental policies.

I say today, those who get elected and their supporters, (especially those with deep pockets who help legislators continue in power so that they can have access to legislators and/or a sympathetic ear concerning legislation or taxes that affect them, their business, their union, their professional or other association) wield a proportionately higher amount of influence than members

of the general electorate, the majority of the electorate. Incumbents with name recognition tend to get reelected and stay in power and they in turn tend to remember who contributed substantially to their campaign. They also, in my opinion, tend to vote to further their political career rather than in the public interest.

It is difficult to unseat an incumbent because the incumbent is in a better position to get publicity, has name recognition, it is considered an advantage to have experience in office, and an incumbent may have acquired a legislative leadership position through seniority.

But the longer an incumbent stays in office, the more he represents himself or his contributors than he does the citizens, the more he forgets the common voter and tends to distance himself from the people. The advantage of leadership loses its value if it is more in the interest of the legislator than the interest of the voter. Perhaps legislative leadership should go to those who have less time in office and more recent and more extensive grassroots elections.

So I definitely support term limits.

I also like the idea of staggered terms in the senate so that the senate will be more reflective of the mood and wishes of the voters at any given time. I believe that that is more important than having stability for a four year period as is now the case.

But the proposed resolution would permit legislators to serve for up to twelve years. **I think that is too long.** The constitution of the US provides that the President of the country has term limits of eight years. That is long enough. Twelve years is the length of time it takes for a child to go from the first grade through graduation from high school. That is like a generation. World Wars don't last that long. Twelve years is too long. Eight years is long enough. I would not be averse to a legislator coming back to office after an interim period out of office after a maximum of eight years in office.

I believe the present two year terms in the house and four year terms in the senate are long enough. I recognize that the quid pro quo is that extending senate terms of six years and house terms to four years is offered so that candidates won't have to run so often and won't have to raise campaign money so often.

But the greater value is to give the voters more frequent chances to decide if a person should be maintained in office.

Also, I believe, the better way to cut down on the necessity for raising so much money is for candidates to personally, or through surrogates, to be more involved in grassroots contacts with the people. This requires less money than television or mass mailings and advertisements and it would involve more contact with the people. That would make the contract between the official and his constituents deeper and more genuine.

That is essential to restore the confidence of the people. The rate of voter participation in elections is embarrassingly low, especially in primaries. The rate of voter participation in newer, emerging democracies in the world, is much greater than in the USA. More grassroots activity and less maximum successive time in office should increase voter participation.

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8444 GRANT AVE
OVERLAND PARK, KS 66212

2-27-97

Chairperson: Representative Deena Horst
House Government Organization & Elections Sub Committee
on Elections/Local Government
Office 182W
State Capitol Building
Topeka, Ks. 66612

Dear Representative Horst,

I am contacting you in reference to HCR 5020 as it addresses an issue that I have held very important for a number of years, TERM LIMITATIONS! I am sending you fifteen extra copies of this letter for delivery to the House Governmental Organization & Elections Sub Committee as my written testimony to your group because I fear that I may not be able to be in Topeka on Thursday for the Hearing. I am currently serving as the Chairman of Salina's "Building Codes Advisory & Appeals Board" and our monthly meeting is that afternoon. My belief in Term Limits was strongly reinforced when I ran for the 69th District House of Representative's position 4 terms ago. During that campaign I became aware of the fact that a strong majority of the voters in the 69th District and Kansas in it's entirety feel that term limits would be beneficial to our political process. Regrettably HCR 5020 also contributes to what I and many others feel is the main reason for the need for TERM LIMITATIONS. That problem being the added isolation of Legislators from the voters by extending the time of those terms by 100% for Representatives and 50% for Senators.

Most of the individuals I am aware of that are in favor of TERM LIMITS wanted to limit the term for both the House and the Senate to a maximum of 4-6 years. Regrettably in HCR 5020 newly elected individuals to both offices would be guaranteed in his or her first term what most of us feel should be the maximum uninterrupted term for said offices. Most of us feel the need for Term Limits because we feel we need to limit the creation of Professional Politicians and their building of power bases that are extremely difficult to impossible to defeat at election time. .

Most of the people I have talked with about the extended terms have indicated that they feel that HCR 5020 would not be a progressive or positive move for Kansas. I also personally feel that all State Offices should have to be reaffirmed by a Majority vote every 2 years so as to make our elected officials much more rapidly impacted by their decisions while in office. Pat Roberts commented on these issues about 6 years ago to me by stating that the running for office every 2 years was inconvenient and expensive for him as a House Member; but that he felt if it was not for that mandated direct contact with the voters many more Legislators would lose touch with the real reasons why the people elected them in the first place. I do not remember his exact words so I do not mean this as a direct quote, but I feel it definitely relates the essence of his statement to me.

If you have any questions please feel free to write or call me at 785-825-1807. That is my office number, but it calls forward to my home and my answering machine when I'm not at the office. The best time to reach me personally is using that number late evening or first thing in the morning.

Sincerely yours,



Randall G. Holm
848 Custer
Salina, Ks. 67401

House GO and E
3.16.98
Attachment 4



KANSAS
ASSOCIATION OF
COUNTIES

TESTIMONY ON SB 397
before the House Committee on Governmental Organization & Elections

Thank you for allowing me to speak to you regarding SB 397. I am Judy Moler, General Counsel and Legislative Services Director for the Kansas Association of Counties. During the 1997 interim session the Kansas Association of Counties along with Sedgwick County asked for the introduction of SB 397 as part of a group of bills to "clean up" obsolete statutes.

This bill would repeal K.S.A. 19-319, an obsolete statute last amended in 1923. The current law would require the County Clerk to close the treasurer's office for one week when a new treasurer takes office. During that time no taxes are to be received. Obviously, this law was written in a time before digitalization and before motor vehicle taxes were paid. In fact, when I surveyed some of the Treasurers and Clerks across the state, they had no idea this law was even on the books. I have attached testimony from the Kansas County Treasurer's Association in support of this bill.

The Kansas Association of Counties requests your support in the repeal of K.S.A. 19-319. I would be glad to answer any questions.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services as well as a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to the KAC by calling (785) 233-2271.

700 SW Jackson
Suite 805
Topeka KS 66603
785•233•2271
Fax 785•233•4830
email kac@ink.org

House GO and E
3.16.98
Attachment 5

**KANSAS COUNTY TREASURERS' ASSOCIATION**1998
OFFICERS:EILEEN KING
RILEY COUNTY
PresidentLARRY TUCKER
RENO COUNTY
Vice PresidentKATHY TREMONT
GEARY COUNTY
SecretaryDENA McDANIEL
ANDERSON COUNTY
Treasurer

To: The Honorable Kent Glasscock, Chairperson,
House Government Organization and Elections Committee

From: *Eileen King*
Eileen King, President Kansas County Treasurer's Association

Date: March 13, 1998

Re: Senate Bill 397

As President of the Kansas County Treasurer's Association, Judy Moler has asked me to review SB397. K.S.A. 19-319 is an obsolete statute. Not collecting taxes for one week, is not good customer relations, good cash management practices nor good business practices. With today's technology, there are many ways for an auditor to come in and prove the amount of taxes, paid and unpaid, at any point in time without shutting down the collection system. This is a statute that very few treasurers and clerks realized was on the books.

Our association is in full support of SB397 which repeals K.S.A. 19-319. If you have any questions, please feel free to call.



SEDGWICK COUNTY, KANSAS

OFFICE OF THE COUNTY CLERK

JAMES ALFORD
COUNTY CLERK

PAUL F. ROSELL
CHIEF DEPUTY

COUNTY COURTHOUSE • SUITE 211 • 525 NORTH MAIN • WICHITA, KANSAS 67203-3791 • TELEPHONE: (316) 383-7666 • FAX: (316) 383-7961

October 2, 1997

Janice Hardenburger, Chair
Special Committee on Government Organization

re: repeal of K.S.A. 19-319

Madam Chair and members of the Committee;

As County Clerk in Sedgwick County I can find no useful purpose for K.S.A. 19-319. This archaic statute requires the County Clerk to produce useless information on the County Treasurer at the close of the term of office of any County Treasurer.

The procedure described in the statute covers only unpaid taxes. The report that the Clerk is required to produce as a result of this procedure is of no value to anyone. This statute was written prior to computerization of this data. There is no need to produce such a paper spread sheet or report, since this information is already available, in digital format, for anyone who wishes to compile such a list of unpaid taxes.

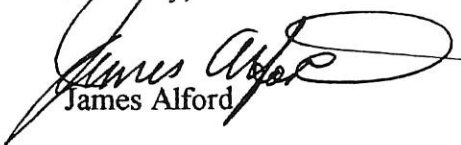
Finally, we see no possible way to comply with the clause, “---and for such purpose said tax roll shall be delivered to the county clerk for one week, and no taxes shall be received in the meantime.”

I am making every effort to comply with K.S.A. 19-319, but I don't see the point in this unreasonable requirement. I can't imagine telling a delinquent taxpayer that I can't take his money, if he comes in to write a check! After all, there are other statutes which require elected officials such as the Clerk and the Treasurer to assist in the *collection* of these very same taxes.

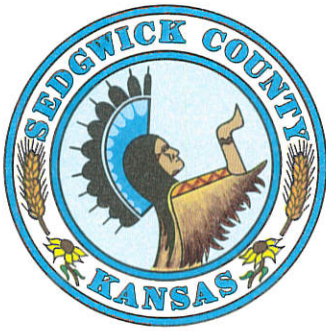
We are considering a segregated account of some type, separate from the tax roll, that would be “rolled” to the regular tax roll after one week. Why should we waste our valuable time and resources on such nonsense if it doesn't accomplish anything?

Our County Legal Department has gone so far as to suggest seeking injunctive relief in this matter. In my opinion, K.S.A. 19-319 should be revised or repealed in its entirety.

Sincerely;


James Alford

House GO and E
3.16.98
Attachment 6



SEDGWICK COUNTY, KANSAS

INTERGOVERNMENTAL RELATIONS

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

To: House Governmental Organization and Elections
From: Willie Martin
Re: Senate Bill 397
Date: March 16, 1998

Chairman Glasscock and members of the Committee, thank you for the opportunity to speak in support of Senate Bill 397. I am Willie Martin, representing the Sedgwick County Commission.

Senate Bill 397 would repeal K.S.A. 19-319, an archaic statute adopted in 1868 and last amended in 1923. It requires the County Clerk to produce a hand written spread sheet or report at the close of the term of office of a County Treasurer. The required report covers unpaid taxes only and is available in digital format.

In addition it also requires that during compilation of the report . . . "said tax role shall be delivered to the county clerk for one week, and no taxes shall be received in the meantime." It is very difficult, if not impossible, to comply with this requirement. If a taxpayer comes into make payment on a delinquent tax, it seems unacceptable to refuse that payment. It is also in conflict with other statutes requiring elected officials such as the Clerk and Treasurer to assist in the collection of these very same taxes.

We respectfully request your support for the repeal of K.S.A. 19-319.

House GO and E
3-16-98
Attachment 7