

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 18, 1998, in Room 521-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Senator Janis Lee

Others attending: See attached list

Representative Cox made a motion to approve the minutes of March 17, 1998, and Representative Sharp seconded. Motion passed.

Chairman Glasscock announced that the Committee would be having hearings on the following: SB 556 and SB 657. The Chair also said that after the hearings, the Committee would work on HCR 5020.

Chairman Glasscock opened the Public Hearing for SB 556.

**SB 556 - Official county newspaper; designation**

The Chair welcomed Senator Janis Lee who spoke as a proponent for SB 556. Senator Lee did not present any formal testimony, but told the Committee that this issue was brought to her attention by her constituents that there are no regulations for official school newspapers--only regulations for cities and counties. She said that this legislation simply requires that official school newspapers be published in Kansas, but deletes a requirement that the paper be printed in Kansas. Senator Lee said that the amendment was brought to her by newspaper constituents and Mr. Chris McKenzie of the Kansas League of Municipalities.

Representative Cox asked Senator Lee if she would be upset if the Senate amendment was removed, and she said that she would not.

Representative Horst wanted to know if the official newspaper was referring to a regular circulated newspaper that is published or if it referred to a school newspaper. Senator Lee said that the number of years of publication were changed from 5 years to 1 year and that it referred to regular newspapers that are published at least 50 times a year. This would probably apply to only legal publications that school districts are required to make.

Representative Welshimer asked Senator Lee if this applied only to cities of the first class, and Senator Lee replied, "Yes." Representative Welshimer also asked for clarification between publishing and printing. Senator Lee responded that the word "printed" was stricken and replaced by the word "published."

There being no additional testimony, Chairman Glasscock closed the Public Hearing on SB 556.

Chairman Glasscock opened the Public Hearing on SB 657.

**SB 657 - Township roads; maintenance and construction by county**

Since there were no conferees present, the Chair closed the Public Hearing on SB 657.

Representative Cox made a motion to eliminate the Senate amendment beginning on page 1, line 37 continuing through page 2, line 22. Representative Wells seconded. Discussion followed.

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Representative Benlon asked if anyone knew what Senator Steineger's rationale was for his amendment. Representative Cox said that it probably came from the suggestion of a small newspaper that might want to syndicate.

Representative Campbell inquired if the new consolidated government was a city of the first class, and if this amendment was stripped, would they still fall under this. The answer was "yes."

Representative Horst asked if there was anything that would keep a group of newspapers from syndicating and publishing as a group. She was told that this is allowed under the existing law, so that it is really not necessary.

Representative Dillon expressed concern about striking this section without getting some of the apparent questions answered, especially if this would allow them not to go through the bidding process.

Representative Cox commented that any public entity has to be responsible to the public. He also stated that the lowest possible bid does not always mean the best bid, and that he was especially concerned that the amendment reduces the flexibility.

Representative Dillon said that without Senator Steineger's amendment, it would allow newspaper publishers to award contracts to anyone irregardless of the low bid.

After a lengthy discussion on Representative Cox's motion, seconded by Representative Wells, to delete the amendment in SB 556, the vote was taken, and the motion passed.

The Chair announced that the Committee was back on the amended SB 556.

Representative Benlon made a motion to pass out SB 556 as amended marked favorable for passage, and Representative Ray seconded.

Representative Dillon made a substitute motion to table the amended SB 556 and Representative Welshimer seconded. Motion failed.

Chairman Glasscock said the Committee was back on Representative Benlon's motion. Discussion followed.

Representative Powers commented that he was not so sure that it might be best to do what Representative Dillon suggested rather than bringing a split to the floor.

Representative Ray referred to page 2, line 10 and the reference made to paid circulation. She asked about the qualification if the newspaper has paid subscriptions but people receive the paper whether they subscribe or not. The Revisor, Theresa Kiernan, said that the statute requires that it is to be for paid subscriptions, but with home rule, they can opt out.

Representative Haley said that he was going to have to oppose the motion because in his district this is a major issue that should require open bidding. He said he felt it should be thought out more carefully.

Representative Campbell expressed concern over some of the statements of the Steineger amendment, and he encouraged the Committee to support the motion because he believed the underlying bill to be good as well as needed.

Representative Wilk commented that everyone is sympathetic to the challenges of Wyandotte County, but that this also applies to the other 104 counties in Kansas.

Representative Cox added that if the amendment was left in, it would be non uniform, and they could opt out anyway.

The vote was taken on Representative Benlon's motion to pass out the amended SB 556 marked favorable for passage, seconded by Ray, and the motion passed.

Chairman Glasscock directed the Committee's attention to HCR 5020, Representative Weber's constitutional amendment relating to senators and representatives.

Representative Welshimer expressed concern about taking this to the floor where it could be amended over and over and where anything could happen.

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Representative Sharp said that this is all part of the process and that the debate should flourish and the amendments should fly. She said the process allows whatever may happen to happen and that she personally was not afraid of the process. She said that she, in fact, loved the process.

Representative Campbell said that there are parts that he liked a lot, but did not like term limits and 6 years on senators.

Representative Wilk complimented Representative Weber on all her hard work and said that this was a significant enough issue that needed to be debated. He, too, said that he would like to see the democratic process work.

Representative Powers commented that he cherishes the knowledge of the older, experienced legislators, so is opposed to term limits.

Representative Benlon asked Representative Weber how committed she was to the term limits portion of the bill. Representative Weber responded that she was tight on everything, but certainly would support it regardless of what is removed. Representative Benlon also said that when David Heinemann left, he took with him much knowledge and history and that she, too, felt that a person doesn't become less valuable but often becomes more valuable after twelve years of service.

Representative Haley commented that he liked the fact that the terms were staggered because it would allow legislators to look at some other offices, but he expressed concern that there might be just a handful of experienced people in a body after 12 years.

Representative Dillon asked Representative Weber what the results were of the polling, and she said that she would rather not say because she did not get everyone polled. She added that the great thing about this legislation is that it would go before the people since it would require a change in the constitution.

Representative Wells asked if Representative Weber did not think the constituents would dictate term limits, and Representative Weber said that term limits were a trade off and that one can argue either way.

Several on the Committee mentioned that the term limits could give lobbyists and staff more power than maybe the lawmakers are willing to let them have.

Representative Benlon made a motion to strike the words "term limits" in HCR 5020, and Representative Cox seconded. Discussion followed.

Representative Tomlinson said that he was in favor of term limits and opposed the motion. However, he was concerned about the staggering because he did not think that it was fair. He said in his district someone is going to have to run quickly twice and that gaining seniority would be difficult. He pointed out that he believed the Resolution should be left intact because separating things out caused it not to work. He asked the Committee to keep it together or not at all.

Representative Horst echoed what Representative Tomlinson said and added that voters should be able to speak to term limits. She said the voters should be allowed to listen to all the arguments on both sides and to make a decision; therefore, she said she opposed the motion.

The Chair called for a vote on Representative Benlon's motion to strike the words "term limits" in HCR 5020, seconded by Representative Cox, and the motion passed. The following requested that their "no" vote be recorded: Representatives Tomlinson, Wilk, Horst, Glasscock, Haley, and Sharp.

The Chair directed the Committee's attention back on the bill. He stated that the Revisor had informed him that there might be a redistricting problem because of the date. Theresa Kiernan said that a change is needed to increase the years by 2.

Representative Benlon made a conceptual motion to correct any redistricting problems in HCR 5020, and Representative Wilk seconded. Discussion followed.

Representative Tomlinson again said that there were parts he did not like, but that he liked it even less with term limits being stricken. He reminded the Committee that without the term limits, the other parts of the bill will not stand well.

Representative Powers said that he simply resisted the whole thing.

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Representative Ray wanted to know the justification for adding a senator. The Chair responded that prior to 1974, the Lt. Governor could break the tie, but since that time there has been no tie breaker. Representative Weber said that with reapportionment every 10 years for census purposes, the mechanism would already be in place.

Representative Campbell asked if there were any other states that had 6 year terms for senators, and there was a consensus that there probably are none.

Representative Benlon made a motion to change the year from 2000 to 2002, and Representative Wilk seconded. Motion passed.

Representative Wilk made a motion to pass out HCR 5020 as amended marked favorable for passage, and Representative Horst seconded. Discussion followed.

Representative Tomlinson reminded the Committee that if HCR 5020 was passed, they should understand that there will be a recorded vote of term limits on the floor. Someone commented that term limits had been removed, but Representative Tomlinson said that it could be expected to come back.

Representative Wells made a substitute motion to table HCR 5020, and Representative Powers seconded. Motion failed.

The Chair called for a vote on Representative Wilk's motion to pass out HCR 5020 as amended marked favorable for passage, seconded by Horst, and motion passed. The following requested their "no" vote be recorded: Representatives Tomlinson, Powers, and Wells.

The meeting adjourned at 10:25 a.m.

The next meeting is scheduled for March 19, 1998.

