

Approved: 3-23-98
Date

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairman Janice Hardenburger at 1:30 p.m. on March 18, 1998 in Room 529-S of the Capitol.

All members were present except: Senator Praeger

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

Conferee appearing before the committee: Representative Shari Weber
Kenneth Wetzel, City of Abilene

Others attending: See attached list

Chairman Hardenburger opened the hearing on HB 2838 concerning cemetery districts; relating to the creation thereof.

Representative Weber, sponsor of the bill explained it to the Committee and introduced Kenneth Wetzel, City of Abilene. (Attachment #1)

Kenneth Wetzel, City of Abilene presented testimony in support of this bill. (Attachment #2)

The permanent maintenance fund was discussed by the Committee.

Chairman Hardenburger closed the hearing on HB 2838.

Senator Vidricksen moved that HB 2838 be passed out favorably, seconded by Senator Steineger. Motion carried.

Senator Hardenburger opened the hearing on HB 2662 concerning state governmental ethics laws and campaign finance act.

Senator Hardenburger explained to the Committee that this bill would change some definitions to meet the Constitutional requirements of Buckley vs Valejo. The bill also would change names of political action committees so you will know who the political action committee is representing and it also will require identification on brochures and flyers and require disclosure reports by persons who expressly advocate the nomination, election or defeat of a clearly identified candidate. (Attachment #3)

The Committee discussed the changes in the campaign finance act and the governmental ethics laws.

Chairman Hardenburger advised the Committee that the hearing on HB 2662 would be resumed tomorrow March 19.

Meeting was adjourned at 2:30 p.m.

Next meeting will be at 1:30 p.m. March 19, 1998.

ELECTIONS & LOCAL GOVERNMENT COMMITTEE GUEST LIST

DATE: MARCH 18, 1998

NAME	REPRESENTING
Kyle Ingram	Norther Valley
Bruce Dimmitt	Kansans for Life
Justin Speer	Northern Valley
Martin J. Birkel	Northern Valley
Erik Wentz	Northern Valley
Justin Borden	Northern Valley
Rhonda Meese	Northern Valley
Melissa Bowman	Northern Valley
Gavin Anderson	Northern Valley
Jennie Donaldson	Northern Valley
Wendy Brown	NORTHERN VALLEY
Mathew Van Ratten	Northern Valley
Joshua L. Hansen	Northern Valley
Randy Ann Brown	Yes Group Consulting
Jacqueline Cole	Int'l Sen. Lynn
Harriet Lange	KAB
Charlie Smithson	RCGS
Brad Bryant	Sec. of state
Carl Willard	KCGS

The Kansas House

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Representative
Shari Weber

COMMITTEE ASSIGNMENTS

- APPROPRIATIONS
- SUB-COMMITTEE ON CORRECTIONS AND PUBLIC SAFETY
- SELECT COMMITTEE ON HIGHER EDUCATION
- JOINT COMMITTEE ON PENSIONS, INVESTMENTS AND BENEFITS

DURING SESSION
LEGISLATIVE HOTLINE
1-800-432-3924

INTERNET E-MAIL rep_shari_weber@mail.ksleg.state.ks.us

Testimony for Senate Elections and Local Government

Re: HB # 2838

Hearing: March 18, 1998

Thank you, Madame Chairman Hardenburger, and members of the committee, for the opportunity to appear before the committee today. I am pleased to present you with some background regarding this bill and to make introduction of Mr. Kenneth Wetzels of Abilene, who will present you with the bulk of testimony supporting this bill.

I was contacted by the City Manager of Abilene, Mark Arbuthnot, who requested my help with legislation to empower the city of Abilene to take on the responsibility of an existing cemetery. Current law provides for several ways to address the creation of a cemetery district, but the most common practice is geared toward rural township areas whose population is small in comparison to the City of Abilene. The voter signature requirement placed a burden on the city's willingness to accept responsibility for this cemetery which has been in existence since 1910.

With those facts in mind, I introduced HB# 2838 which is an additional way to form a cemetery district. This creates a simplified process whereby the county commission would hold a hearing, adopt a resolution to create a cemetery district, publish notice, and allow the public opportunity to respond and protest if desired.

The House Governmental Organization and Elections Committee added an amendment that placed language in the bill requiring a cemetery association located within the district to convey all property, including any money in its permanent maintenance fund, to the cemetery district created under this act. I believe this amendment made the bill better.

I thank you for your time and consideration to HB # 2838. I advocate for your favorable consideration and I would be pleased to answer any questions.

Thank you,

A handwritten signature in blue ink that reads "Shari Weber".

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Date: 3-18-98

Attachment: #1

HOUSE BILL No. 2838

By Representative Weber

AN ACT concerning cemetery districts: relating to the creation thereof.

Testimony by Kenneth Wetzel of the Abilene Cemetery Association, Inc.
Abilene, Kansas

Mr. Chairman, Members of the committee. I speak to you today urging you to support the passage of House Bill No. 2838.

In support of this action, I state that in the fall of 1996 the Abilene Cemetery Association, Inc. was found to be near financial insolvency. The available cash was projected not to be sufficient to cover immediately due bills.

The Abilene Cemetery Association, Inc., is a private, not for profit corporation, organized in the year 1910 to operate a cemetery to serve the City of Abilene, Kansas and surrounding community. The Association is made up of persons owning burial spaces in the then existing cemetery and is governed by a board of directors, made up of seven persons without compensation.

The primary sources of income being interest from an investment pool required by the State of Kansas, sale of burial spaces, fees for opening and closing graves, and gifts from individuals. The income from the investment pool has over the years decreased due to the lower interest rates being paid on bond investments, and the expense of operating the pool. Some decrease has also been seen in the number of services held each year, and thus a decrease in the sale of lots and fees for services.

At the same time, general costs of operating the cemetery have increased. Labor and repairs to equipment being a large portion of the expense.

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Attachment: #2

The cemetery had attempted to hold in reserve some funds which were received as a bequest of a deceased board member. Such funds were earmarked to be used for larger one-time expenses which might be incurred.

In the fall of 1996, when the cash flow problem presented itself, we made a review of income and expenses for the five year period of 1991 to 1995. Said review showed that the five year average cost of operating the cemetery was about \$57,000 annually, with an average shortfall of \$3,590.00. The highest shortfall being \$9,136.37, and the lowest \$730.96. This included \$6,000 per year the City of Abilene was presently providing.

The cemetery also identified long-range capital needs over the next five years in the sum of \$54,000.00.

Numerous meetings were held between the Abilene City Commission and Board of Directors of the Abilene Cemetery Association. It became obvious that the solution to the problem was to form a public cemetery district. A review of the statutes relating to the organization of a cemetery district would require the following:

Presentation of a petition in legal form to the Board of County Commissioners, containing the signatures of not less than 51% of the electors of the proposed district at the most recent general election.

With the assistance of the county election officer (County Clerk), it was determined that said petition would have to contain the signatures of at least 2,000 registered voters. Many of said voters would be elderly persons, who we doubted would be willing to sign a petition which would increase their property taxes. It would also take a great deal of time and effort to circulate the petitions to form a district to benefit the public as a whole.

We have asked Representative Shari Weber to introduce House Bill No. 2838, to create a simplified process to organize a cemetery district. A process which would give the public notice and an opportunity to respond and protest if desired. A process which we believe to be fair and equitable to all persons affected.

Thank you.
Kenneth Wetzel

HOUSE BILL 2662

Section 1:

Changes the name of the Kansas Commission on Governmental Standards and Conduct to the Governmental Ethics Commission.

Section 2:

As a result of Section 1, the Governmental Ethics Commission ~~fee~~ fund is created— and the Governmental Standards and Conduct fee fund is abolished.

Section 3:

Reconciles K.S.A. 25-4119f to allow deposit of filing fee funds to be deposited into the newly-named fee fund.

Section 4: Definitions in section of Campaign Finance Act:

(a) (3) --removal of purpose of influencing due to redundancy

(c) add "clearly identified candidate" definition to mean a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) reconciling Commission name change.

(e) (A) Contribution definition changed in effort to comply with Buckley vs. Valejo decision: Contribution means : Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of

--remove "influencing the nomination or election of any individual"

-- replace with "expressly advocating the nomination, election or defeat of a clearly identified candidate."

(e) (E) Contribution definition changed in effort to comply with Buckley vs Valejo decision: (Contribution means:) a mailing of materials designed to

--remove "influence the nomination or election"

--replace with "expressly advocate the nomination, election or defeat of a clearly identified"

(g) (1) Expenditure definition changed in (A)

Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of

--remove "influencing the nomination or election of any individual to

--replace with "expressly advocating the nomination, election or defeat of a clearly identified candidate

In the section Expenditures do not include:

(g) (2) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to

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Attachment: # 3

--remove "influence the nomination or election"
--replace with "expressly advocate the nomination, election or defeat of a clearly identified candidate."

(h) Definition of "Expressly advocate the nomination, election or defeat of a clearly identified candidate" added:

- ← (1) Any communication which uses phrases including, but not limited to:
(2) Any communication of campaign slogans or individual words, which in context have no other reasonable meaning than to support or oppose the nomination, election or defeat of one or more clearly identified candidates, including, but not limited to, poster, bumper stickers and advertisements which state:

(k) Definition of Political Committee changed:

"Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to

--remove "support or oppose any (candidate)"
--replace with "expressly advocate the nomination, election or defeat of a clearly identified (candidate)"

Section 5: Requires the name of each party and political committee to reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with an organization, the name should reflect the trade, profession or primary interest.

Section 6: Removal of a treasurer of a candidate, party or political committee.

Clarifying definition "the major purpose of which is to support or oppose" by replacing with "receiving contributions or making expenditures for" throughout the section/.

(c) Requires the appointment of a chairperson and treasurer of a party or political committee before each may receive contributions or make expenditures.

Section 7: Duties of the treasurer and reporting

(d) remove redundant language

(f) reconcile with Section 5 on name of party or political committee.

Section 8:

Requires reporting of a county candidate to be filed in the county in which the candidate is running rather than their resident county (county attorneys and county treasurers)

Definitions reconciled

Section 9: Reporting requirements:

Definitions reconciled

Section 11:

Regarding Corrupt political advertising:

(b) (1) Corrupt political advertising of a state or local office.

(A) Reconcile definition "change " designed or tends to aid, injure or defeat any candidate for nomination or election" to "expressly advocates the nomination, election or defeat of a clearly identified candidate for"

(B) same as (A)

(C) Added: publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (C) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(3) severability clause.

Section 12:

Extends legitimate campaign purposes to:

(a)(4) any membership dues or donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate;

(5) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or

(6) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

All other sections are reconciled on definitions and technical changes

Section